

FREEDOM OF EXPRESSION UNDER THREAT

PERSPECTIVES FROM MEDIA AND
HUMAN RIGHTS DEFENDERS IN ASIA



FORUM-ASIA

Asian Forum for Human Rights and Development

FREEDOM OF EXPRESSION UNDER THREAT

**PERSPECTIVES FROM MEDIA AND
HUMAN RIGHTS DEFENDERS IN ASIA**



Copyright © Asian Forum for Human Rights and Development (FORUM-ASIA) 2019
This publication is written for the benefit of media, human rights defenders and civil society organisations and may be quoted from or copied so long as the source and authors are acknowledged.

Supported by the Ford Foundation



profile of the
EDITORS

Marte Hellema

is the Communication and Media Programme Manager for the Asian Forum for Human Rights and Development (FORUM-ASIA), based in Bangkok, Thailand. Formerly, she was the Regional Coordinator Asia Pacific and Programme Manager Public Outreach at the Global Secretariat of the Global Partnership for the Prevention of Armed Conflict (GPPAC).

Chou Yi-Lan

is the Communication and Media Programme Officer for FORUM-ASIA, based in Bangkok, Thailand. Formerly, she was the Strategic Engagement Advisor at ActionAid Myanmar based in Yangon, Myanmar.

Osama Motiwala

is the Communication and Media Programme Associate for FORUM-ASIA, based in Bangkok, Thailand.

Panu Boonpiputtanapong

Graphic designer based in Bangkok, Thailand.

ISBN: 978-616-7733-21-0

Published by:
Asian Forum for Human Rights and
Development (FORUM-ASIA)

SPD Building, 3rd Floor
79/2 Krungthonburi Road
Khlong Ton Sai, Khlong San
Bangkok, 10600, Thailand
Tel: +66 (0) 2 108 26 43 - 45
Fax: +66(0) 2 108 26 46

info@forum-asia.org
www.forum-asia.org

Original cover photo by FORUM-ASIA,
and by Kieren Michael Ngalia McGovern
and Lorenzo Urbinati

Panu Boonpiputtanapong
panueddie@gmail.com

table of

CONTENTS

Foreword	5 - 6
Introduction	7 - 8
Trends of Killings and Disappearances in Asia by Osama Motiwala	9 - 16
Doxing, Persecution, and Violence Threatening Journalists in Indonesia by Joni Aswira Putra, Abdul Manan, Sasmito Madrim, and Hesthi Murthi	17 - 22
Press Freedom in South Asia and Repressive Laws: the Maldives by Mohamed Junayd Saleem	23 - 26
Journalists at Risk and Human Rights Defenders: The Blurring of Lines by Tess Bacalla	27 - 34
Living in a Hate Culture: Hatred Conquers India's Civic Space by Basudev Mahapatra	35 - 44

Hate Speech on Social Media and Marginalised Groups by Michelle Soe Moe	45 - 50
The Trouble with Fake News in Asia by Marte Hellema	51 - 58
Women in the Digital Age by Chou Yi-Lan	59 - 66
Cyber Martial Law Targets Journalists and Critics in the Philippines by Niza Concepcion	67 - 72
Online Censorship, Bots and Hate Speech: Trends in Pakistan by Marvi Mumtaz	73 - 80
Ownership and Independent Media by Bulgan Ochirsukh and Munkhjin Tsevlee	81 - 86

FOREWORD

As our times are changing, so is the context in which media and human rights defenders operate. We face many similar challenges, more should be done to stand together, particularly when it comes to defending our democracies and human rights in Asia.

Technological advancements and the explosion of social media have changed the involvement of citizens in the political system. This includes the profound effects they have had on traditional media, and the way reporters conduct their work. It has changed the way reporters get stories, write pieces, publish their content, and, most importantly, the response from their audiences. Unfortunately, scepticism about the media is at an all-time low.

This situation is further exacerbated by the drying up of funds and other economic challenges. The increased commercialisation of the media has meant there is growing influence of the market and businesses on their reporting.

Shrinking budgets mean that media are increasingly dependent on advertisement, which makes reporters vulnerable to pressure from owners and sponsors on what they do or do not write. It has led to an undermining of the independence of media across Asia and around the world. Newspapers nowadays have become marketing tools, and independent journalists have difficulty finding a job, as their work is constrained by businesses.

All of the above has shaken and undermined the media. However, we also find ourselves in a time where the media, just as human rights defenders, are more crucial than ever.

Civic space is shrinking in almost all countries in Asia. This has constrained fundamental freedoms across the region, and led to increasing threats against all speaking out on human rights. Threats, harassment and other challenges have particularly affected the work of the media and human rights defenders. Such threats come from both state and non-state actors. Threatening and violent backlash to free expression is also more worrisome than it used to be.

We cannot have democracy without freedom of expression. And both media and human rights defenders are crucial to maintain, promote and stimulate freedom of expression in our societies.

That is why, as the Asian Forum for Human Rights and Development (FORUM-ASIA) we seek to bring media and human rights defenders closer together. To start a dialogue on how we each view the challenges we face with freedom of expression in Asia. To bring together different, maybe at times even opposing, ideas about the reality of media and human rights defenders in our region today. Because if we understand each other, we can stand together.

More than ever, we need to work together to protect, promote and respect human rights, democracy and development, and to organise ourselves to fight back against those who attempt to take our rights away from us.

John Samuel

Executive Director of FORUM-ASIA

INTRODUCTION

As freedom of expression is being curtailed and civic space is shrinking across Asia, few groups are as much under pressure as the media and human rights defenders. Both are facing harassment, incarceration and even being killed in countries across the region. However, in most instances the two do not manage to overcome their differences to become allies in their common struggle for freedom of expression. In part this stems from mistrust and misunderstanding, but also the reality that the media and human rights defenders have very different mandates and purposes.

To address these and other questions, the Asian Forum for Human Rights and Development (FORUM-ASIA) organised a gathering in December 2018 in Bangkok, Thailand. The meeting brought together media and human rights defenders from nine different countries, being: Cambodia; India; Indonesia; the Maldives; Mongolia; Myanmar; Pakistan; the Philippines; and Thailand.

During the discussions different issues were tackled, ranging from the relationship between media and human rights defenders, to key threats and challenges faced by both in Asia today, such as: killings and disappearances; judicial harassment; and online attacks and censorship. Participants also highlighted key areas that urgently need to be addressed for both media and human rights defenders, including: hate speech; holistic security and psycho-social well-being; digital security; and questions around ownership and independence. More practically, participants agreed to the need to continue to dialogue and come together as media and human rights defenders. Therefore, FORUM-ASIA hopes to organise a follow-up event in 2019.

However, the most important conclusion of the event was the need to raise more awareness about the threats and challenges faced by media and human rights defenders in the current restrictive and repressive environment in many countries in Asia. More awareness about what is going on, and more awareness about what could or should be done.

To contribute to this, participants and organisers decided to initiate the publication you have in your hands now. It is a compilation of chapters written by participants of the meeting on the topics discussed. By no means does it represent an all-encompassing overview of the issues at hand, rather it highlights certain areas of concern that came up repeatedly. This publication is a collection of different ideas, experiences and opinions. Contributors were encouraged to reflect their own truth, background and view point. This has meant that different authors at times use different definitions, terminology or language, determined by their own understanding and ideas. FORUM-ASIA believes this diversity shows the richness and complexity of the debate needed to address challenges with freedom of expression in Asia.

We hope the publication will contribute to discussions on the importance of freedom of expression and civic space in Asia and beyond, specifically for media and human rights defenders. Freedom of expression and freedom of the press are crucial elements of democracy. Media and human rights defenders are at the forefront of defending and utilising those rights. In Asia we cannot afford to have their voices be silenced.

Marte Hellema
Chou Yi-Lan
Osama Motiwala

Trends of Killings and Disappearances in Asia

By Osama Motiwala¹

One of the most troubling political tools used to suppress dissent is the nefarious use of killings and disappearances of human rights defenders and journalists. The heinous practice, which has spread all over the world in recent years, is not a new phenomenon though. In Asia, it is increasingly becoming a worrying trend, where Governments, state authorities, and non-state actors abuse their powers, in most cases with impunity, to intimidate and vilify the messengers of any opinion or dissent that goes against the status quo. Criticism will not be tolerated.

Under international human rights law, an enforced disappearance is when a person is secretly abducted or imprisoned by a state or political organisation or non-state actors, usually with the authorisation, support, or permission of a state or political organisation. Often there is refusal to acknowledge the person's fate and whereabouts.²

In cases of disappearances, the victims are sometimes brutally murdered, and their bodies hidden. In some instances, the disappearances and killings remain a mystery and no perpetrators are brought to justice. While their families hope that their loved ones might still return home someday.

A lot of times, in addition to the killings themselves being a serious violation of human rights, they are conducted extra-judicially, meaning without any warrant or authority from the court of law. Under international human rights law, it is illegal to bypass the legal process in such a manner. In doing so, it becomes another layer to ensure there is no justice for dissidents who say anything against the status quo.

Pakistan

On 13 January 2018, Naqeebullah Mehsud, a 28-year old businessman and aspiring model, was murdered in a fake encounter by the notorious police officer Rao Anwar.³

¹ Osama Motiwala is Communication and Media Programme Associate at Asian Forum for Human Rights and Development (FORUM-ASIA), based in Bangkok, Thailand

² Jean-Marie Henckaerts; Louise Doswald-Beck; International Committee of the Red Cross (2005). Customary International Humanitarian Law: Rules. Cambridge University Press. p. 342. ISBN 978-0-521-80899-6

³ <https://www.dawn.com/news/1457338>

The incident sparked a number of protests across Pakistan against police brutality, enforced disappearances and extrajudicial killings.⁴

The Pashtun Tahafuz Movement, a social group, began a justice movement for Nageebullah. Their demands to the Government of Pakistan and the military establishment included producing missing persons, who were abducted through the years, in court⁵ and the formation of a 'truth and reconciliation commission' on extrajudicial killings and enforced disappearances.⁶

In a different case, Saleem Shahzad, a well-known journalist went missing two days after publishing a story alleging that the Pakistan Military and Al-Qaeda were negotiating a deal, and when it failed, they attacked a Pakistan Naval base in Karachi. His body was found two days later and showed signs of torture. Pakistan's intelligence agencies were blamed, but no one has been held accountable.⁷

Since 1992, 61 journalists have been killed in Pakistan, with 31 of those murdered with impunity.⁸ While the Commission of Inquiry on Enforced Disappearances (CIED), has 2,181 unresolved cases as of May 2019.⁹

India

On 5 September 2017, the human rights defender and journalist Gauri Lankesh was shot dead outside her home in Bangalore. She was a vocal critic of the right-wing Hindu ideology, caste system politics, and also promoted freedom of expression and the press in her columns.¹⁰

According to reports, India is among the most dangerous countries for human rights defenders, especially those who work on land and environmental rights.¹¹

In India, the Armed Forces Special Powers Act (AFSPA) grants special powers to law enforcement agencies, paving way for misuse and abuse. It has been enforced in some areas of Punjab in the past, and is still imposed in North East India and Jammu

⁴ <https://dailytimes.com.pk/184166/protests-continue-naqeebullah-mehsuds-murder-karachi/>

⁵ <https://www.dawn.com/news/1404737>

⁶ <https://www.dawn.com/news/1403305/ptm-seeks-formation-of-commission-on-extrajudicial-killings>

⁷ <https://www.theguardian.com/world/2011/may/31/missing-pakistan-journalist-found-dead>

⁸ <https://cpj.org/asia/pakistan/>

⁹ <https://newslinemagazine.com/magazine/the-empire-strikes-back/>

¹⁰ <https://indianexpress.com/article/who-is/gauri-lankesh-senior-journalist-bengaluru-lankesh-patrike-4830415/>

¹¹ <https://amnesty.org.in/news-update/human-rights-defenders-serious-risk-india-across-globe/>

and Kashmir. In Manipur, the numbers are not quite as high as could be expected, which suggests that enforced disappearances and killings have reduced or are not reported. In Kashmir, however, around 8,000 enforced disappearances have been reported between 1989 and 2012.¹²

Since 1992, 50 journalists have been killed in India, with 32 of those murdered with impunity.¹³

Shujaat Bukhari, the founding editor of Rising Kashmir, was assassinated in June 2018 outside his office, after having survived a few unsuccessful attempts on his life.¹⁴ Two of his bodyguards, provided by the local police, were also killed.

Valmiki Yadav, a Right to Information (RTI) activist was killed in the State of Bihar in July 2018 together with a friend, Dharmandra Yadav. The pair were beaten and then shot dead by assailants. Their bodies were then desecrated by rocks.¹⁵

Myanmar

On 13 December 2016, Soe Moe Tun, a journalist working for Eleven Media Group was found dead in Monywa. Tun was an investigative journalist working on a story on illegal logging and wood smuggling. Earlier he reported on illegal karaoke lounges which were being used for prostitution.¹⁶ The police believed that the murder was premeditated. A few suspects were arrested in relation to his murder, but no one was sentenced. The case remains unsolved.¹⁷

In Myanmar, authorities also abuse laws like the newly enacted Law Protecting the Privacy and Security of Citizens or commonly known as Privacy Law, which in principle is intended to protect privacy, but is often used against critics of the ruling Government. A citizen was sued by an official from Mon State, for posting a video clip of the Mon State Chief Minister with negative comments.¹⁸

¹² Report of International Peoples Tribunal on Human Rights and Justice in Indian-Administered Kashmir and the Association of Parents of Disappeared Persons

¹³ <https://cpj.org/asia/india/>

¹⁴ <https://www.news18.com/news/india/survival-is-the-first-challenge-for-journalism-in-kashmir-shujaat-bukhari-wrote-3-months-ago-1779021.html>

¹⁵ <https://hrdmemorial.org/hrdrecord/valmiki-yadav/>

¹⁶ www.mmtimes.com/index.php/national-news/24189-police-suspect-murder-after-eleven-media-reporter-found-dead.html

¹⁷ <https://elevenmyanmar.com/crime/7035>

¹⁸ <https://www.irrawaddy.com/news/burma/netizen-sued-criticizing-mon-state-chief-minister-facebook.html>

Since 1992, five journalists have been killed in Myanmar, with two of those murdered with impunity.¹⁹

The Maldives

Ahmed Rilwan, a journalist working for former Minivan News, now called Maldives Independent, was last heard from by his family and friends on 8 August 2014.²⁰ Later that night, neighbours saw a man being forced into a red car on knife-point by two men outside Rilwan's apartment, but could not identify him as it was very dark.²¹ It has been five years since his disappearance and no one has been held accountable. Two people were arrested on charges of abducting Rilwan, but later released by the court for lack of evidence.²²

In 2017, Yameen Rasheed, a blogger who wrote a satirical blog²³ and tweeted on the use of religious rhetoric in politics in the Maldives, was stabbed to death outside his apartment in Male. He was also the coordinator of the campaign to find Ahmed Rilwan.²⁴ Despite receiving several death threats, which he openly spoke about,²⁵ the Government did not provide him protection. No one has been arrested for his murder till now.

Thailand

On 12 March 2004, human rights defender and Thai-Muslim lawyer Somchai Neelapaijit was abducted by four men in Bangkok. He has been missing since. Neelapaijit represented Muslims in the South of Thailand who were accused of attacking a military base in Narathiwat in January 2004, which resulted in imposing martial law at the time. Five policemen were arrested in April 2004 for their alleged role in his abduction. Four of them were acquitted, and one policeman later disappeared under mysterious circumstances.²⁶

¹⁹<https://cpj.org/asia/myanmar/>

²⁰ Defending In Numbers 2013-2014: Mounting Echoes of Muffled Dissent <https://www.forum-asia.org/uploads/wp/2015/06/FINAL-Defending-in-Numbers-HRD-Publication.pdf>

²¹ <https://minivannewsarchive.com/politics/mdn-investigation-implicates-radicalized-gangs-in-rilwans-disappearance-90216>

²² <https://www.nytimes.com/2018/08/02/world/asia/maldives-ahmed-rilwan-abdulla-disappearance.html>

²³ <http://thedailypanic.com/>

²⁴ Defending in Numbers - Resistance in the Face of Repression 2017-2018 <https://www.forum-asia.org/uploads/wp/2019/05/DEFENDING-IN-NUMBERS-2019-FINAL-ONLINE.pdf>

²⁵ <https://twitter.com/hsuood/status/856056821848485888>

²⁶ <https://www.bangkokpost.com/news/local/398345/somchai-case-unresolved-10-years-on>

Numerous such cases have haunted Thailand for decades. Since 1992, ten journalists have been killed in Thailand, with six of those murdered with impunity.²⁷ In cases related to lese-majeste or the restoration of democracy, a lot of human rights defenders have faced the wrath of the State, and even at times that of non-state actors.

Chai Bunthonglek, a land rights activist and member of the Southern Peasant's Federation of Thailand (SPFT) from Khlong Sai Pattana community in Surat Thani, was shot dead on 11 February 2015. Bunthonglek was the fourth member of SPFT to be assassinated in just a few years.²⁸ In 2016, a Court dismissed the charges against a man accused of the murder due to insufficient evidence.²⁹

On 17 March 2017, law enforcement agents in Chiang Dao District in Chiang Mai Province killed Chaiyapoom Pasae, a 17-year-old member of the Lahu ethnic minority and a human rights defender.³⁰ He worked on promoting and demanding equal rights for ethnic minorities in Northern Thailand. Law enforcement agencies claimed he was linked to drug trafficking and that they fired in self-defence.³¹ None of the charges against him have been proven in Court, and no officer involved in the murder has been charged formally.

The Philippines

Since President Rodrigo Duterte took office in June 2016, the Philippines has attracted a lot of attention for its so-called 'war on drugs.' The President even urged the people of the country to '(..) if you know of any addicts, go ahead and kill them yourself as getting their parents to do it would be too painful.'³²

It is bizarre to see a President of a country calling for people to take the law into their own hands, but it is not uncommon in the Philippines. The Philippines has been categorised as one of the most dangerous countries for human rights defenders and journalists to work in. Since 1992, 80 journalists have been killed in the Philippines, with 66 of those murdered with impunity.³³

²⁷ <https://cpj.org/asia/thailand/> ²⁸ <https://www.forum-asia.org/?p=18503>

²⁸ <https://www.forum-asia.org/?p=18503>

²⁹ <https://prachatai.com/english/node/5940>

³⁰ <https://prachatai.com/english/node/7013>

³¹ <https://www.bangkokpost.com/archive/soldier-fired-in-self-defence-in-lahu-death/1218309>

³² <https://www.theguardian.com/world/2016/jul/01/philippines-president-rodrigo-duterte-urges-people-to-kill-drug-addicts>

³³ <https://cpj.org/asia/philippines/>

In 2018, the authorities filed a petition in Court to declare a list of 600 people 'terrorists.' The list named a lot of human rights defenders, who do legitimate work. Victoria Tauli-Corpuz, the UN Special Rapporteur on the rights of indigenous peoples, was also listed as a member of a rebel group.³⁴

In the past, during Ferdinand Marcos' Presidency, from 1965 until 1986, these acts were committed on a significant scale. While he was in power, a reported 3,257 extrajudicial killings and 35,000 torture cases were committed. His reign was overthrown by a people's power revolution. He was never brought to justice.³⁵

Between 2017 and 2018 48 per cent of killings of human rights defenders in Asia recorded by FORUM-ASIA took place in the Philippines.³⁶

On 15 February 2017, lawyer and famous environmental, women and children's rights defender, Mia Manuelita Mascariñas-Green, was shot dead in Tagbilaran City, Bohol. She was on her way home with her children when she was shot by four gunmen. Reports suggest that a business owner was responsible for her murder over a legal dispute.³⁷

Bangladesh

In January 2013, Asif Mohiuddin, an atheist blogger was stabbed near his office in Dhaka, but luckily survived the attack. Mohiuddin wrote on religion, a sensitive topic in Bangladesh, a Muslim majority country, where people can face serious backlash for expressing dissenting religious views.

Between 2013 and 2016, Bangladesh has seen a surge in attacks against liberal bloggers, with more than two dozen cases of human rights defenders, writers and journalists having been targeted.

According to local human rights organisation, Ain O Salish Kendra (ASK), 466 extrajudicial killings were reported in 2018 alone.³⁸ Compared to 2017, when 162

³⁴ <https://news.abs-cbn.com/news/03/10/18/un-special-rapporteur-tagged-terrorist-in-ph-worried-for-her-safety>

³⁵ <http://www.hartford-hwp.com/archives/54a/062.html>

³⁶ Defending in Numbers - Resistance in the Face of Repression 2017-2018 <https://www.forum-asia.org/uploads/wp/2019/05/DEFENDING-IN-NUMBERS-2019-FINAL-ONLINE.pdf>

³⁷ <https://www.frontlinedefenders.org/en/statement-report/philippines-spate-killings-human-rights-defenders3>

³⁸ <https://www.thedailystar.net/country/highest-ever-extrajudicial-killings-in-bangladesh-in-2018-ask-1685563>

killings were reported, the count has increased drastically. Cases in Bangladesh are usually politically motivated. The ruling party has been deemed responsible for many of the cases, as reported by different human rights organisation and media houses in the past. Multiple cases of opposition leaders being disappeared seem to confirm this suspicion.

In February 2017, Abdul Hakim Shimul, a journalist and human rights defender working for Odhikar, a local human rights organisation, was shot dead.³⁹ Shimul was covering clashes between two political parties, when he was shot. He later succumbed to his injuries. The Mayor of Shahjampur, Halimul Haque Miru was arrested for the murder of Shimul, but he claimed that he had only acted in self-defence and had resorted to aerial firing.⁴⁰

Since 1992, 21 journalists have been killed in Bangladesh, with 15 of those murdered with impunity.⁴¹

Vietnam

In the country notorious for its lack of independent media, it is getting increasingly difficult for human rights defenders and journalists to work. In April 2019, three Facebook users were abducted. Later it was revealed that they were in police custody for posting about human rights abuses in the country on social media.⁴² It is common in the country to arrest dissidents under the law, unlike in other countries where they are generally picked up arbitrarily. Vietnamese bloggers face harassment and are often arrested for questioning by the Government.

Famous blogger ‘Mother Mushroom’ was sentenced to ten years in prison for criticising the Government over human rights violation, including questioning civilian deaths in police custody.

All these heart-breaking stories from the region are testament to the fact that the situation is very bleak. Human rights defenders and journalists cannot continue their work without being targeted. Countries in Asia come under heavy scrutiny from international human rights organisations, other Governments and the United Nations

³⁹ <https://www.frontlinedefenders.org/en/case/abdul-hakim-shimul-killed>

⁴⁰ <https://bdnews24.com/bangladesh/2017/02/05/shahzadpur-mayor-miru-arrested-in-dhaka-over-killing-of-journalist-shimul>

⁴¹ <https://cpj.org/asia/bangladesh/>

⁴² <https://www.vietnamhumanrightsdefenders.net/2019/05/06/vietnam-human-rights-defenders-weekly-report-for-april-29-may-5-2019-blogger-anh-ba-sam-completes-his-5-year-imprisonment/>

for their lack of commitment to the values of human rights, especially civic and political rights, including the freedom of expression, association and assembly.

It is vital that journalists and human rights defenders are allowed to work in a safe environment, to be able to critique and criticise the Government and other state and non-state institutions, like religious groups, which helps shape the opinion of the majority of the people of a country. Without free press a democracy is no different than autarchic rule.

Way forward

Countries in the region who have not signed the International Covenant on Civil and Political Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, the United Nations Convention against Torture, and the Rome Statutes need to become party to these mechanisms immediately, if they are serious about their duty to protect human rights.

Governments should: repeal all repressive laws and legal provisions that criminalise and restrict the work of human rights defenders; immediately release all arbitrarily and unlawfully detained human rights defenders and provide access to justice for them all; ensure that state, in particular law enforcement agencies, and non-state actors are held fully accountable for human rights violations and abuses committed individually or in cooperation with one another; and assure that victims of violence have access to redress and justice.

Governments should also: see to it that judicial processes remain just, open, and transparent through judicial reform or policy reform; and make certain that the judiciary implements international human rights standards in conducting their work.⁴³

⁴³ 8th Asian Regional Human Rights Defenders Forum Bali Declaration, <https://www.forum-asia.org/?p=27747>

Doxing, Persecution, and Violence Threatening Journalists in Indonesia

By Joni Aswira Putra, Abdul Manan, Sasmito Madrim, and Hesthi Murthi⁴⁴

A number of important events happened in 2018, as Indonesia approached the politically significant year, 2019, when it will have both presidential and legislative elections on 17 April 2019. The Alliance of Independent Journalists (AJI) noted many improvements in media and journalism practices in 2018. However, the overall situation—especially concerning press freedom and professionalism—was not satisfying.

Indonesia ranked 124 out of 180 countries in the Reporters Sans Frontières (RSF) Press Freedom Index in 2018.⁴⁵ RSF is a non-governmental organisation based in Paris, France, which advocates for freedom of the press and information. Indonesia ranked the same place the year before, much closer to the bottom than the top, indicating the country's poor press freedom situation. Indonesia's position was better than its neighbouring countries, with the Philippines in 133, Myanmar in 137, Cambodia in 142, Malaysia in 145, Singapore in 151, Brunei in 153, Laos in 170, and Vietnam in 175. However, Indonesia was far behind Timor-Leste at number 95.

The Press Freedom Index is a snapshot of the media freedom situation based on an evaluation of pluralism, independence of the media, quality of legislative framework and safety of journalists in each country that highlights cases of violence against journalists and media.

Violence against journalists

According to data collected by AJI's Advocacy Division, at least 64 violence cases against journalists occurred in 2018. There was physical and non-physical violence, expulsion, reporting restrictions, as well as the criminalisation of journalists. The number of cases increased from 2017, when AJI counted 60, already quite a high number. In 2016, however, AJI noted the highest number of violent incidents, amounting to 81. The lowest was in 2009 with 39 cases.

Physical violence, such as beating, hitting, and other similar abuse, happened most frequently in 2018. AJI's data showed that from January to December 2018 as many

⁴⁴ Joni Aswira Putra is from the advocacy department of AJI Indonesia and is assignment editor for Indonesian TV, Abdul Manan is General Chairman of AJI Indonesia and senior editor of Tempo Media, Sasmito Madrim is coordinator of the advocacy department of AJI Indonesia and senior editor of VOA Indonesia, and Hesthi Murthi is Executive Director of AJI Indonesia.

⁴⁵ https://rsf.org/en/ranking_table

as 12 physical violence cases occurred. Other kinds of violence that also happened repeatedly were expulsion and reporting restrictions, as well as threats or terrors, 11 cases each. Other violence was the damaging of journalists' equipment and data, such as cameras, videos or photos, in ten cases, and the criminalisation of their work, in eight cases.

The high number of physical violence cases was also a trend back in 2016 and 2017. In 2017, from a total of 60 cases, half of them were physical violence. While in 2016, 35 out of 81 cases were physical violence.

Doxing

In 2018, however, we noted a new kind of violence, which is cause for concern for the future. The violence was in the form of 'doxing' or online persecution. Doxing is the practice of researching or tracking and publishing the identity or private information of a person online—in this case, of a journalist whose coverage or comments were deemed irksome by certain parties or groups, usually on social media sites and applications.

In 2018, online persecution happened to three journalists from Kumparan.com and Detik.com. A journalist from Kumparan.com was persecuted because she did not write 'Habib'—a title that has been bestowed on Muslims who have been able to trace their roots back to the prophet Muhammad—when addressing the Islamic Defenders Front's (FPI) leader Rizieq Shihab. While a journalist from Detik.com was abused because of a story that included a statement from the Brotherhood of Alumni 212's spokesperson, and also FPI member, Novel Bamukmin. Another Detik.com journalist was harassed when he covered a rally called 'Aksi Bela Tauhid' (or Rally to Defend the Islamic Beliefs) on 2 November 2018.

Kumparan.com journalist Kartika Prabarini received threats on her Instagram account after her media published an exclusive, covering FPI's Rizieq Shihab, called 'Menjinakkan Rizieq or Taming Rizieq'. Ms. Prabarini was one of the reporters who wrote the special report that reviewed several legal cases faced by Rizieq Shihab. The leader's supporters accused Kumparan.com of being disrespectful, because, among other reasons, the media did not put the Habib title before his name.

A supporter of Rizieq Shihab, who went by @mastermeme.id online, revealed Ms. Prabarini's identity on social media, which turned it into a case of doxing. The followers of @mastermeme.id also threatened and harassed Ms. Prabarini. They left many harsh and inappropriate comments regarding her gender and the way she looked. A team called Lawyers of Activists and Islamic Scholars threatened to report Ms. Prabarini, as well as her media, Kumparan.com to the Police. The intimidation and doxing ended only after Kumparan.com issued an editorial apology.

Gibran Maulana, a journalist with Detik.com, was persecuted after he wrote an article which included a quote from the Brotherhood of Alumni 212's spokesperson, Novel Bamukmin. In his statement, Mr. Bamukmin told a group of mothers to vote for Prabowo Subianto and Sandiaga Uno, presidential and vice presidential candidates, who will challenge incumbent President Joko Widodo in the 2019 election, if they wanted to be rewarded with heaven in the afterlife. The quote, as published by Detik.com, went: 'Ma'am, you want to go to heaven? Ask Allah, ask His Prophet, ask Prabowo, ask Sandiaga Uno. Correct? Takbir. God willing, you will go to heaven.'

Mr. Bamukmin protested and claimed that he did not say 'ask' but 'love.' However, Detik.com insisted—as clearly heard in the interview tape—that Mr. Bamukmin did say 'ask.' Mr. Bamukmin then requested the right to give reply, but doxing and persecution still happened to Mr. Maulana.

Another Detik.com journalist also had to deal with persecution after covering a rally called 'Aksi Bela Tauhid' on 2 November 2018. The photojournalist was intimidated when he took some photos of garbage in the rally area. He was bullied and videoed by the rally participants. The video was heavily shared on social media. It showed one of the rally participants asking him in a high tone, 'Why do you take photos of the trash?' Another participant chimed in and sounded angry, 'Check his name-tag. Detik? Let us see your identity [card]. Please take a photo of his card.'

The video was shared accompanied with a text that said: 'Detik's journalist was caught red-handed wanted to paint a bad picture of Aksi Bela Tauhid by photographing the trash.' The video went viral on social media, such as YouTube, Instagram, Facebook and the messaging application WhatsApp. Users on Instagram and Facebook even broadcasted snapshots of the photojournalist's identity card (KTP) and press card. Users also threatened the journalist online.

These were not the first doxing cases that happened to Indonesian journalists, and the number of incidents is increasing. In 2017 it happened to journalist Zulfikar Akbar, who worked for the sports publication TopSkor. He was persecuted because of a tweet. On his personal Twitter account, Mr. Akbar tweeted about conservative cleric Abdul Somad, a hot topic at the time. The cleric was denied entry by the Hong Kong's authorities. Mr. Akbar's tweet was perceived as insulting, and sparked the anger of Mr. Somad's supporters. The cleric's supporters threatened Mr. Akbar online. They said they would come to Mr. Akbar's house and office. Because of the threats, TopSkor decided to fire Mr. Akbar.

AJI closely monitored doxing practices against journalists, and noticed that they usually resulted in persecution. In the past years, doxing and online abuse mostly happened to civilians or members of the public. AJI and other non-profit organisations joined the Anti-Persecution Coalition in 2017 in an attempt to stop the trend. Tweets

or other posts on social media must be regarded as forms of freedom of speech and expression, and anyone with a different opinion must not overreact or threaten others in a way that could provoke persecution, abuse or criminalisation.

Criminalisation

Besides doxing, three criminalisation cases also occurred in 2018. They happened to Editor-in-Chief of Serat.id, Zakki Amali, Tirta.id journalist, Mawa Kresna, and one of the initiators of IndonesiaLeaks.id, Abdul Manan.

Mr. Amali was reported to the Central Java Police by the Rector of the Semarang State University (UNNES) on 21 July 2018. The Rector accused Mr. Amali of having violated the 2008 Electronic Information and Transactions Law (UU ITE) Article 27 paragraph 3, which states that 'any person who knowingly and without authority distributes and/or transmits and/or causes to be accessible Electronic Information and/or Electronic Documents with contents of affronts and/or defamation.' The report was triggered by Serat.id's investigative series on plagiarism allegations against the Rector. The Central Java Police went on to proceed the case, and summoned Mr. Amali for the second time on 13 November 2018.

The same law was also used to try to criminalise Mawa Kresna, a Tirta.id journalist, who wrote an in-depth report about a syndicate that helped people buy or sell university certificates and fake university programmes. Staff of the Minister of Research, Technology and Higher Education, Abdul Wahid Maktub threatened to file a report with the Police against Mr. Kresna. Mr. Maktub appointed a lawyer from the Law Firm Sholeh, Adnan & Associates (SA&A) to follow up on the case.

Abdul Manan, IndonesiaLeaks.id co-founder and AJI president, was reported to the Jakarta Police on 23 October 2018, for a criminal case and to the South Jakarta District Court for a civil lawsuit on 24 October 2018. The reports were related to an investigative piece published by five media outlets in collaboration with IndonesiaLeaks, a whistle-blower platform. The report, called 'The Red Book Scandal,' exposed the spoliation of evidence which proved significant money transfers from Indonesia's Anti-Graft Agency investigators, which used to serve in the Police Corps, to Police elite. Abdul Manan and friends were reported by a lawyer, Elvan Gomez, to the Jakarta Police under the Criminal Code (KUHP) Article 317 on charges of false complaints. The Police have yet to take further action. While Mr. Gomez, on 26 October, decided to withdraw the civil case.

Violence and intimidation

For violence and intimidation against media and journalists, AJI noted two cases: one related to the Radar Bogor Daily, and one with Tempo Magazine.

Around a hundred supporters of the Indonesian Democratic Party of Struggle (PDI-P) came to the Radar Bogor office in Jalan KH. R. Abdullah bin Muhammad Nuh, Tanah Sereal, Bogor. Several people hit a staff, who was on duty, and broke properties in the office.

The PDI-P supporters protested against a Radar Bogor story, published on 30 May 2018, 'Idling Around, Getting Paid Rp112 million.' The story talked about PDI-P's Chairperson, Megawati Soekarno Putri, who was appointed by President Joko Widodo to be Chief Advisor of the Agency for the Implementation of the State Ideology of Pancasila. The PDI-P supporters argued that the story was attacking their party leader.

On 16 March 2018, hundreds of FPI members went to the Tempo office. Leaders of the group stood on top of a car, and demanded an apology from Tempo. When Tempo's Editor-in-Chief, Arief Zulkifli and several other editorial team members met with the representatives of the mob inside the office, instead of having a constructive dialogue, FPI members were threatening and intimidating. FPI members denounced Tempo's choice of word in addressing Rizieq Shihab, claiming that 'Bapak' or 'Pak' (Sir) was disrespectful. They argued that Tempo should have addressed him with the title 'Habib'.

Laws and regulations

Besides the violence cases, laws and regulations that could be used to imprison members of the press were also a concern. The media and press community have known that there are at least two regulations that could be used to charge journalists in Indonesia: the Criminal Code and the Electronic Information and Transaction Law. In 2018, AJI recorded two other worrisome judicial moves done by the Government and lawmakers: the revision of the MD3 (Legislative Bodies) Bill that was passed as law through a plenary session on 12 February 2018, and the ongoing revision of the Criminal Code.

There are several problematic articles in the MD3 Law. One of them indicates that criticising lawmakers is a punishable act. It is reiterated in Article 122 letter (k), which regulates the duties of the Parliament's ethics council (MKD). The article says, 'The MKD is tasked with taking legal action and/or other actions against a person, a group of people or a legal entity that disrespects the dignity of the House and its members.' AJI had criticised the article, as it could be used in any given situations and against any kind of criticism. The articles show that the Parliament is anti-criticism. The definitions of criticising and insulting are vaguely formulated, and can therefore be easily manipulated to criminalise journalists and media companies.

Indonesian press, however, was hopeful when the Parliament said it was going to revise the Criminal Code, as it was based on the Penal Code issued by the Dutch during colonial times, and many articles could be used to imprison journalists. However, so far, both the Government and lawmakers seem to want to keep the articles that could hamper press freedom, including an article on defamation. Both the executive and legislative branch of the Government have also said they intend to reintroduce an article on insults against the President, which was nullified by the Constitutional Court in 2006.

Lawmakers have said that the revisions will also include a new article on contempt of Court. It is drafted in Article 329 letter (d), which refers to 'Publicizing or allowing the publication of anything that may affect the impartial nature of the judge in the court.' The article in the draft states that violators could be punished with up to five years imprisonment. The article is of a sensitive nature for the press, because judges or individuals could claim that media have influenced judges, for instance.

AJI also raised concern over Article 309 paragraph (1) on fake news. The article in the draft says, 'Any person who broadcasts fake news or hoaxes resulting in a riot or disturbance shall be punished with a maximum imprisonment of six years or a maximum fine of Category III.' The phrase 'resulting in a riot' in the article could be interpreted in many ways, and could therefore be used to criminalise journalists.

Another possible threat in the revision draft is Article 494 on the revelation of secrets. The article says, 'Any person who with deliberate intent reveals a secret that he by reason of either his present or earlier office or profession is obliged to keep secret shall be punished with a maximum imprisonment of two years or a maximum fine of Category III.'

AJI predicts press violence and intimidation will continue, especially in 2019 related to overall politics and the presidential elections in particular. Media companies must develop standards on how to handle such cases and take preventive measures.

Press Freedom in South Asia and Repressive Laws: The Maldives

By Mohamed Junayd Saleem⁴⁶

One of the trends that is common across Asia is the use of restrictive laws and legislation, including those that lead to financial clampdown on media outlets or human rights defenders. Whether in the form of defamation laws, sedition acts, or foreign funding restrictions, archaic or vaguely formulated laws are used to silence expression.

In 2016, the Maldives enacted a draconian anti-defamation law that aimed to silence critical reporting of the ruling party. Despite severe criticism from the United Nations Human Rights Council and international human rights organisations, the law sought to re-criminalise defamation, imposing hefty fines against news outlets and journalists. The act also imposed jail time on journalists in situations where the fines went unpaid.

The law criminalised speech that was deemed to be defamatory, comments against 'any tenet of Islam,' speech that 'threatens national security' or speech that 'contradicts general social norms.' Those committing an offence under the Bill could face fines, and failure to pay the fine would result in a jail sentence of three to six months.

Slandorous speech is defined as direct and indirect remarks, content, gestures, sounds or drawings that are perceived to defame individuals. The law also criminalises speech that breaches social norms, threatens national security and breaks Islamic tenets.

For members of the public, a fine of MVR25,000 (US\$1,621) to MVR2million (US\$130,000) is set for content or speech that is defamatory or threatens national security.

Content or speech that breaches social norms could mean penalties between MVR25,000 to MVR1million (US\$64,850).

Journalists found guilty are required to pay between MVR50,000 (US\$3,242) and MVR150,000 (US\$9,727), while media offices are required to pay between MVR50,000 and MVR2million.

⁴⁶ Mohamed Junayd Saleem is a journalist for the Maldives Independent based in Male. He is also the Maldives Correspondent for RSF. Junayd is a vocal human rights advocate in addition to his professional line of work.

Failure to pay the fine can lead to a jail term of up to six months and the closure of newspapers and media offices. The verdicts can only be appealed after the fine is paid.

The law also places the burden of proof on journalists, asking journalists to reveal their sources and not allowing 'confidentiality' as a defence, in direct violation of journalistic privilege guaranteed in the Constitution.

Meanwhile, newspapers and radio and TV stations are required to suspend live coverage of any event if any individual claims they have been slandered.

The United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, at the time warned that the law 'limits the right to freedom of expression to such a degree that the right itself is in jeopardy.'⁴⁷

'The broad grounds for restrictions in the Bill contradict not only international human rights standards recognised by the Maldives, such as the International Covenant on Civil and Political Rights, but also the Maldives Constitution, which protects the right to freedom of expression. The Bill will have a strong chilling effect on media and civil society, making reporting and criticism truly risky,' Kaye said.

In defiance of strong criticism from international partners and human rights organisations and a campaign calling on the Government to protect free speech, the Government enacted the law.

The effects of the law on the media landscape was chilling with some journalists describing the Government's move as a deliberate and direct attempt to muzzle press freedom.

Days after the law was enacted, journalists and editors found themselves in a fix. Could they identify a missing person without being fined for defamation? Could they investigate and expose corruption?

The vagueness of the law spurred further doubts. What does 'speech that contradicts general social norms' mean? Can societal norms somehow be quantified and categorised?

Maumoon Hameed, a prominent lawyer in the Maldives, filed a suit asking the Supreme Court to strike down 24 provisions of the new law on grounds that they violated constitutionally guaranteed rights, like the freedom of speech, expression and the media.

⁴⁷<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20359&LangID=E>

Hameed described the law as ‘a weapon of mass destruction against fundamental rights.’ Hameed’s lawsuit, filed in September 2016, was never heard by the Supreme Court.

The most popular daily in the country, Mihaaru, resorted to omitting key details from news reports, adding a disclaimer that detailed information could not be shared due to the implications of the anti-defamation law.

VTV, a private broadcaster aligned with the opposition, put on a disclaimer during its news broadcasts, and generally, newsroom staff across the country started resorting to self-censorship to protect themselves from the punitive actions outlined in the law.

Despite their efforts, opposition-aligned private broadcaster, RaajjeTV, felt the brunt of the exorbitant fines provided by the law. As the most popular broadcaster in the country, RaajjeTV, with its critical reporting, maintained that they were the target of the anti-defamation law.

In March 2017, RaajjeTV was fined the equivalent of US\$13,000 for defaming a social worker over the reporting of a rape case. In April, the day the broadcaster paid the first fine, they got slapped with a US\$64,700 fine for airing an opposition rally speech, which was deemed defamatory towards the President. The broadcaster was fined twice later in 2018 for a total of US\$162,100.

RaajjeTV, forced to either pay the fines or concede its licence to broadcast, send their journalists out on the street for several fundraising campaigns to raise the money needed to pay off the fines.

Journalists said that one of the key aims of the Government was to distract the public and journalists by imposing the heavy fines.

‘Of course, it has an impact on the work we do. We have journalists out on the streets during work hours raising funds to pay off these fines. Journalists who should actually be out there trying to find stories and covering critical issues. This is what they [Government] want. Distract us from covering the news, from bringing the critical coverage that we bring,’ RaajjeTV’s Chief Operations Officer, Hussain Fiyaz said.⁴⁸

Due to its popularity and support from the opposition, RaajjeTV was able to continue reporting in spite of the crippling fines.

For smaller, independent outlets— if faced with fines under the anti-defamation law— this might not have been the case. But fortunately for publishers and editorial staff of print and online mediums, the Maldives Broadcasting Commission, stacked with

⁴⁸ <https://samsn.ifj.org/raajje-tv-fines-fundraising-lawsuits/>

ruling party loyalists, did not have regulatory power over those mediums.

The Maldives Media Council, a self-regulatory body on paper, was elected by representatives of media houses and refrained from imposing any fines under the anti-defamation law despite attempts by the Government to coerce the Council.

'We faced a lot of pressure. But some of the members of the Council, particularly those who came from the media refused to budge,' a former member of the Council said.

The Anti-Defamation Act was repealed by the new administration in the Maldives in 2018.

Other laws that complimented the reversal of fundamental rights, include the 2016 amendment to the Freedom of Assembly Act, which essentially prohibited protests in the Capital.

The Constitution guarantees the right to protest without prior permission, but the 2013 Freedom of Assembly Act was revised to restrict protests and gatherings in the Capital to areas designated by the Home Ministry, which later picked a 13,000-square meter enclosure in Malé's eastern waterfront. This remains the only area in the only urban centre in the country where protesting is allowed.

Despite the ban on protesting, throughout 2017 and 2018 the then opposition continued to protest on the streets of the Capital, with the police obstructing marches and protests, using force to disperse protesters and arresting scores of protesters for using their constitutionally guaranteed right to dissent.

Political opposition, human rights defenders and international non-governmental organisations, like Amnesty International, criticised the amendment that limited the right to protest, noting that the Act was used to restrict the right to assembly rather than to regulate it.

The amendment also restricted press activities during a protest, forcing journalists to stay in the protesting area and giving authorities permission to regulate content during a live broadcast of a protest.

Despite the legal challenge to freely protest in the Capital, the opposition continued protesting on the streets of Malé, leading to several injuries to protesters due to use of excessive force by the police, according to Amnesty International. Journalists who covered protests were also violently attacked by police, resulting in several injuries, according to Reporters Without Borders.

Journalists at Risk and Human Rights Defenders: The Blurring of Lines

By Tess Bacalla⁴⁹

Today's socio-political, economic and cultural milieu in many parts of the world has made it extremely difficult for journalists and human rights defenders alike to do their work.

The challenges have never been more daunting for them. Both often find themselves in the crosshairs of Governments who think nothing of cracking down on the media when it reports on sensitive issues and treads dangerous ground, where uncovering shenanigans, including by those comfortably ensconced within the confines of public governance, could be akin to digging one's own grave.

The same state attitude extends to civil rights activists, whose work, is an equally, or perhaps more, dangerous pursuit. Even non-state actors with vested interests to protect are not beyond inflicting harm on human rights advocates.

Mention groups highly vulnerable to attacks for exposing various forms of malfeasance, or worse, and journalists at risk and advocates of human rights come to mind, almost instantly.

According to the UK-based non-profit organisation Article 19, the risks both face run the gamut of 'threats, surveillance, attacks, arbitrary arrest and detention, and, in the most grave cases, enforced disappearance or killings.'⁵⁰

This is a regional and global reality – one that, regrettably, is expected to take a turn for the worse at the rate both have been confronted with escalating harassment, intimidation, and attacks.

Journalists who cover challenging beats, including conflict zones, and who expose ills engendered by powerful individuals or groups find themselves at risk of attacks. A December 2018 report by Article 19 said journalists face more danger than at any other time in the past decade.⁵¹

⁴⁹ Tess Bacalla is the Executive Director of the Southeast Asian Press Alliance (SEAPA).

⁵⁰ <https://www.article19.org/issue/safety-of-journalists-and-human-rights-defenders/>

⁵¹ https://www.article19.org/wp-content/uploads/2018/12/XPA-Report_A19.pdf

The 2018 Global Impunity Index of the US-based Committee to Protect Journalists said 324 journalists have been murdered worldwide in the past decade. In '85 percent of these cases no perpetrators have been convicted,' it said.⁵²

Consider the plight of environmental journalists, there is a growing number of them that are bearing the brunt of violent reprisals. It has never been a worse time to cover the environment today, said a 2015 report by Reporters Without Borders (RSF).⁵³ 'The level of violence to which they are exposed has never been so high,' said the Paris-based non-profit advocate of freedom of information and expression.

As media freedom and right to freedom of expression is on a steady decline, and authoritarianism is gaining greater foothold, threats and attacks on journalists are understandably rising.

All across the globe, defenders, too, are increasingly vulnerable to attacks as States lean on the legal crutch to prevent the former from exercising some of the very rights they are championing: freedom of assembly and association; and freedom of expression. These come on top of physical aggression, and all manner of retribution, intimidation, and harassment directed at human rights fighters.

These advocates' work is often fraught with danger, with defenders facing murder, disappearances, torture, arbitrary imprisonment and other attempts to silence them, said Secretary-General António Guterres during the commemoration of the anniversaries of the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and the Declaration on Human Rights Defenders, in December last year.⁵⁴

In 2018, almost 300 human rights defenders were reported killed, according to the United Nations.⁵⁵

Southeast Asia often figures prominently in international reports examining the risks faced by journalists and defenders alike amid growing backlash against their work. Even civilians found to have provided information for United Nations experts, as has been the case in Myanmar, are subjected to punitive actions by the State. And being labelled terrorists has never been so easy when defenders incur the ire of government officials for their reports, while independent and critical media reportage is conveniently labelled 'fake news' if it goes against the grain of state narratives.

⁵² <https://cpj.org/reports/2018/10/impunity-index-getting-away-with-murder-killed-justice.php>

⁵³ https://rsf.org/sites/default/files/rapport_environnement_en.pdf

⁵⁴ <http://webtv.un.org/watch/ant%C3%B3nio-guterres-united-nations-secretary-general-70th-anniversary-of-the-universal-declaration-of-human-rights-udhr/5977750784001/>

⁵⁵ <https://www.un.org/press/en/2018/ga12109.doc.htm>

Worse, journalists responsible for such reports are tagged as ‘terrorists’, ‘traitors’, or ‘unpatriotic’, increasing their vulnerability to punitive actions.

Like endangered species, journalists and human rights defenders are the object of incessant calls by concerned sectors, including international agencies, for Governments, as the principal duty bearer, to protect them, and for concrete actions to arrest the attacks against them.

Often times, a call for the protection of human rights defenders is also a call to protect journalists at risk.

‘Human rights defenders (HRDs), including journalists, lawyers, and anti-corruption campaigners are invaluable in safeguarding human rights and the rule of law around the world,’ said the Investor Alliance for Human Rights, a platform engaging the business sector on human rights.⁵⁶

Clearly – or at least in this case – the line between human rights defenders and journalists has blurred.

In the same boat?

Indeed there are similarities in their plight, but does this warrant lumping journalists together with human rights defenders as though their work is one and the same? Ignoring the essential difference between the two could engender false expectations or misunderstanding, raising the spectre of enmity between them, when there ought to be none, because their individual mandates are markedly different. This, even as they both must wield the lasso of truth.

It is a different issue altogether when adversarial relationships arise as reporters misquote statements from human rights advocates, do not provide enough background or context so readers understand why indigenous communities, for instance, are being tagged as a training ground for rebels, or when ‘ethnic cleansing’ morphs into a lazy media cliché.

What is even worse is when the media become party to the stigmatisation or vilification of human rights workers.

Media, after all, are not beyond becoming state tools to undermine the work of human rights advocates, such as by being veritable government mouthpieces, accusing the latter of being beholden to foreign funders or traitors to their own countries.

⁵⁶ <https://investorsforhumanrights.org/issues/human-rights-defenders>

The flip side is media advancing the cause of human rights protection through its reportage and raising awareness of a range of important human rights issues that can shape policy and force Governments into action. By simply turning the spotlight on such issues, media play a crucial role in protecting the work of human rights defenders.

Indeed an important, yet little explored, aspect of the discourse on the nexus between human rights advocacy and journalists is whether journalists who risk their lives covering human rights stories are necessarily human rights defenders too. Journalists and human rights defenders as allies? This sounds innocuous enough until one tries to untangle what it implies – that media should stand in solidarity with those engaged in human rights work.

Media is in solidarity with the truth – and nothing else – regardless of who gets hurt. Journalists write about human rights issues – as well they should – but they do not march on the streets, hold placards – denouncing alleged or known perpetrators or violators of human rights, or policies that breach international norms – or call on target public officials to resign. They do not openly censure States that allow impunity to reign while an increasing number of journalists and human rights activists are targeted by powerful actors with an axe to grind.

Defenders advocate. Journalists do not, at least not while they wield their virtual pens. Admittedly, this is still the subject of debate, given the varying views on the role that journalists must play in society with some adhering to the view that media, by the very nature of their work, are expected to hold power to account and must play an activist role.

On the occasion of the 20th anniversary of the Declaration of Human Rights Defenders last year, the United Nations Human Rights Office of the High Commissioner (OHCHR), outlined the human rights defenders' role:

'Human rights defenders work to ensure peace, justice, equality, fairness and dignity for everyone. They help Governments implement their obligations. They disseminate human rights education and champion the rights of vulnerable and disadvantaged individuals and groups.'

'They expose violations by state and non-state Actors. They help to hold perpetrators to account and to deliver justice to victims. And they contribute to sustainable and inclusive development and a better future for all.'⁵⁷

⁵⁷ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23980&LangID=E>

The Declaration, a landmark document, defined their work thus: to 'promote and (...) strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.'⁵⁸

It is easy enough to ascribe these same noble tasks to journalists, many of whom risk their lives or well-being reporting stories that powerful forces would rather keep a tight lid on.

Journalists are in the business of informing, not advocating for causes, including the 'protection and realization of human rights.' Their work does not require them to be activists for a cause – it precludes them, in fact, from doing so.

Their stories, carefully researched and compellingly told, have value for human rights advocacy. They give voice to the voiceless, as journalists love to say, and hold power to account. But does this mean they advocate for something?

'We supply credible information anyone can cite in pursuit of their own aims,' said Bill Keller, former New York Times editor, who is now editor-in-chief of the Marshall Project, a non-partisan and non-profit news organisation focusing on the U.S. criminal justice system. 'But we don't prescribe, we don't endorse, we want to provide people with the information to make up their own mind,' he was quoted as saying in a feature piece published by Nieman Storyboard in August last year.⁵⁹

'Where does journalism end and activism begin?' goes the title of that feature article in the Nieman Foundation for Journalism's publication at Harvard. It is an apt description of the dilemma many journalists face.

For some journalists, the challenge lies in finding a balance between advocacy and objectivity. It is indeed a tricky balance.

There is no lack of adherents of journalism as a form of activism.

'Any good journalist is an activist for truth, in favor of transparency, on the behalf of accountability. It is our literal job is to pressure powerful people and institutions via our questions,' Wesley Lowery of The Washington Post was quoted as saying in an article published on CNN's website in March 2018, titled 'Is Journalism an Activism?'⁶⁰

⁵⁸ <https://www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx>

⁵⁹ <https://niemanreports.org/articles/where-does-journalism-end-and-activism-begin/>

⁶⁰ <https://money.cnn.com/2018/03/27/media/journalism-activism-reliable-sources/index.html>

Yet journalism is not activism, writes Robert Showah in an article published last year in Quillette,⁶¹ an online publication that promotes free thought. He draws the essential difference between activism and journalism:

‘Journalism is a means-driven profession. The quality of a journalist’s final copy is determined by the integrity and care with which it is produced. This includes an adherence to a set of ethics and fairness guidelines and a drive to thoroughly research claims and accurately articulate a subject’s experiences and worldview,’ he explains.

Activism, on the other hand, is ends-centric. ‘Activists pursue a particular political objective and desired outcome,’ he said. Elevating ‘the voices of the oppressed,’ he said, quoting a high school newspaper editor, is not the purpose of journalism.

‘However, if journalists do their jobs fairly there is a high probability those voices will be a feature of any journalism worth its salt.’

‘Journalism is self-sacrificing. You’re sacrificing your own narrative so that your readers can come to a conclusion based on the facts you give them,’ said Dana Loesch, a former writer and editor before she became the spokesperson of the National Rifle Association, weighing in on this contentious topic in the same CNN article referred to above.⁶²

In the era of social media that has spawned a deeply polarised society, where people are stuck in their own echo chambers, ‘the distinction between activism and journalism becomes dangerously blurred,’ says John Harries, writing for The Guardian, in his article, ‘If journalists take sides, who will speak truth to power?’⁶³

Put another way, if journalists put on a mantle of activism, be it for human rights or some other worthy causes, where does this leave their profession that values impartiality?

‘The very notion of activist-journalist poses threat to professional journalism,’ penned Deepak Adhikari in his 2017 opinion piece for Aljazeera.⁶⁴

‘Creating an informed debate is at the heart of journalistic endeavour, whereas an activist’s aim is to influence the debate.’

⁶¹ <https://quillette.com/author/robert-showah/>

⁶² <https://money.cnn.com/2018/03/27/media/journalism-activism-reliable-sources/index.html>

⁶³ <https://www.theguardian.com/commentisfree/2017/oct/06/journalists-takes-sides-truth-to-power-activists>

⁶⁴ <https://www.aljazeera.com/indepth/opinion/2017/03/case-journalists-activists-170327135341852.html>

This essential distinction seems lacking even among today's crop of human rights and media institutions. Yet a few have demonstrated this nuanced understanding such as the Government of Brazil, which recently extended its protective mechanism for human rights defenders to journalists in danger.⁶⁵

This is a step in the right direction.

⁶⁵ <https://rsf.org/en/news/brazils-protection-human-rights-defenders-extended-journalists-0>

Living in a Hate Culture: Hatred Conquers India's Civic Space

By Basudev Mahapatra⁶⁶

Known to be a single nation despite diversity in almost all spheres, India's spirit of 'unity in diversity' is under threat because of the hate culture that has grown to gargantuan proportions over the years and spread across the country. Expressed in many forms and forums, words of hate, generally called hate speech, have not only spread hatred and incited violence across the length and breadth of India, but also are severely endangering the very fabric and ethos of Indian society.

In a more dangerous trend, hatred is aggressively conquering the civic space of the country, restricting free speech and the fundamental rights granted by the Constitution to every citizen of India.

Hate speech and hate crime - definitions

Under European Union (EU) law,⁶⁷ hate speech and hate crimes are considered forms of offenses involving certain manifestations of racism and xenophobia. It defines hate speech as 'public incitement to violence or hatred directed to groups or individuals on the basis of certain characteristics, including race, colour, religion, descent and national or ethnic origin.' In regard to hate crime, 'In all cases, racist or xenophobic motivation shall be considered to be an aggravating circumstance or, alternatively, the courts must be empowered to take such motivation into consideration when determining the penalties to be applied,' the EU law explains.

In India, hate speech has not been defined in any law, according to Law Commission reports. 'However, legal provisions in certain legislations prohibit select forms of speech as an exception to freedom of speech,' the Commission said in its March 2017 report on Hate Speech.⁶⁸

Taking into consideration definitions available in different countries and regions of the globe, the Law Commission of India report defines hate speech as 'an incitement to hatred primarily against a group of persons defined in terms of race, ethnicity, gender, sexual orientation, religious belief and the like.'

Any word written or spoken, signs, visible representations within the hearing or sight

⁶⁶ Basudev Mahapatra is a Bhubaneswar (Odisha), India, based journalist committed to defend the rights of the deprived and uphold the spirit of democracy.

⁶⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:I33178>

⁶⁸ <http://lawcommissionofindia.nic.in/reports/Report267.pdf>

of a person with the intention to cause fear or alarm, or incitement to violence is a form of hate speech, the report clarifies while passing an alert that ‘hate speech poses complex challenges to freedom of speech and expression.’

Political manoeuvre

Intended for polarisation of voters or to make political gain in other forms, many incidents of hate speech in India involve politicians.⁶⁹

Hate speech by Yogi Adityanath on 27 January 2007, who was then Parliamentarian for the Hindu nationalist Bharatiya Janata Party (BJP) from Gorakhpur constituency of Uttar Pradesh, targeting a minority community incited several incidents of violence in Gorakhpur.

According to the Indian Express, ‘Following his speech, communal riots broke out. Several trains, buses, mosques, and homes were burnt down. At least 10 people had lost their lives in the incident as well.’⁷⁰

In September 2014, in order to polarise the Hindu population against a minority community, he ascribed the rise in riots in Western Uttar Pradesh to the population growth of the latter. As quoted in several reports, he said, ‘In places where there are 10 to 20 percent minorities, stray communal incidents take place. Where there are 20 to 35 percent of them, serious communal riots take place and where they are more than 35 percent, there is no place for non-Muslims.’ In November 2015, he compared a noted film personality of India, who was from a minority community, as equal to a terrorist based in Pakistan.

BJP rose to power in Uttar Pradesh in 2017 assembly polls and, maybe, as dividend for the hate speech he made as a Parliamentarian to fetch political benefits for his party, Yogi Adityanath was appointed to lead the BJP Government in the State as the Chief Minister.

Another BJP Parliamentarian, Anant Kumar Hegde, from the State of Karnataka publicly said in March 2016, ‘As long as we have Islam in the world, there will be no end to terrorism. If we are unable to end Islam, we won’t be able to end terrorism.’⁷¹ After making seven such hate speeches since 2014, he was promoted to Union Minister of Skill Development and Entrepreneurship in September 2017.

⁶⁹ <https://www.firstpost.com/india/hate-speech-in-india-medias-rabble-rousing-doesnt-help-cause-proves-counter-productive-to-free-speech-5182231.html>

⁷⁰ <https://indianexpress.com/article/what-is/what-is-the-yogi-adityanath-hate-speech-case-of-2007/>

⁷¹ <https://indianexpress.com/article/india/india-news-india/hate-speech-booked-hegde-sticks-to-his-remarks/>

Other than BJP leaders, Akbaruddin Owaisi, a leader from a minority community, the All India Majlis-e-Ittehadul Muslimeen issued, in December 2012, a violent threat against Hindus.⁷² During a speech he said, 'Remove the police for 15 minutes, we will finish off 100 crore Hindus.' He was a member of the Andhra Pradesh Legislative Assembly at the time.

According to analysis of data by India's leading news broadcaster NDTV,⁷³ use of hateful and divisive language by high-ranking politicians increased by almost 500 percent in the past four years.⁷⁴

'The premise of the exercise was simple: it seems not a day, or a week goes by without some senior politician – a Member of Parliament (MP), Minister, Member of Legislative Assembly (MLA) or even Chief Minister – making a hateful comment, be it in the language of bigotry or calling for violence,' the NDTV report said, 'The rise in use of social media by politicians has only amplified this disturbing trend.'

Based on the findings of analysis, from May 2014 to April 2018, there were 124 instances of VIP hate speech by 45 politicians, compared to 21 instances under United Progressive Alliance (UPA) 2, an increase of 490 percent. '90 percent of all hateful comments made during the current term of National Democracy Alliance (NDA) are by BJP politicians,' the report said.

With total of 58 current MPs and MLAs with declared cases of hate speech against them, 27 are from the BJP, according to an Association of Democratic Reforms (ADR) report released in April 2018.⁷⁵

As per data gathered by Hate Crime Watch on reported hate crimes,⁷⁶ 2018 saw 93 attacks as of 26 December, the highest number of hate crimes in a decade, motivated by religious bias in India.⁷⁷

Since BJP came to power in 2014, the number of hate crimes reported by media increased steadily year by year, making 2018 the year with the highest number of

⁷² <https://www.ndtv.com/india-news/under-narendra-modi-government-vip-hate-speech-skyrockets-by-500-1838925>

⁷³ <https://www.ndtv.com/india-news/under-narendra-modi-government-vip-hate-speech-skyrockets-by-500-1838925>

⁷⁴ <https://html2-f.scribdassets.com/4s2k9zk14w6cy1ks/images/1-dcff0bca56.jpg>

⁷⁵ <https://adrindia.org/content/58-mps-and-mlas-have-declared-cases-related-hate-speech-analysis-mpsmlas-declared-cases>

⁷⁶ <https://p.factchecker.in/>

⁷⁷ <https://factchecker.in/2018-saw-most-religious-hate-crime-most-deaths-in-decade/>

incidents, data shows.

The number of hate crimes, as reported by English language media operating in the country, was eight in 2010, after which it came down to one each in 2011 and 2012. In 2013, as India was moving towards the general polls in 2014, the number surged to nine and steadily went upward to 18 in 2014, 30 in 2015, 41 in 2016, 74 in 2017, and touched the record number of 93 in 2018.⁷⁸ The rise of numbers in 2013 and the steady increase over the years till 2018, can largely be attributed to BJP's manoeuvre to come to power by polarising Hindus, the country's majority religious community, and destabilising the very fabric of the society, to ensure its continuation in power in India by winning the 2019 general elections.

Mob Lynching culture

Most of the hate crimes are related to religion and cows, considered sacred animal in Hindu religion. The number of hate crime cases involving cow vigilantes has increased manifold during the BJP-led NDA Government.

According to facts checked by IndiaSpend, a data journalism initiative, there have been 124 incidents of cow-related violence or hate crimes in India between 2012 to date.⁷⁹ At least 296 people were victim of these violent crimes in which 46 deaths were recorded. Of the total victims, 56 percent were from the Muslim minority community, and ten percent belonged to the Dalit communities.

Over 98 percent of cow-related hate crimes, recorded over nine years since 2010, took place after 2014, when the BJP Government, led by Prime Minister Narendra Modi, took charge.⁸⁰

Instead of curbing perpetrators, in many of the lynching cases, members of either the Hindu nationalist BJP or its right-wing affiliates incited or organised the mobs. The killers were praised for their acts, many a times.

Of the incidents that occurred in 2018, 60 percent involved Muslim victims and 14 percent Christians. A Sikh was the victim in one incident. This means that minorities were victims in 75 percent of all incidents in 2018.

Speaking to The Washington Post, Harsh Mander, Director of New Delhi-based

⁷⁸ https://www.washingtonpost.com/graphics/2018/world/reports-of-hate-crime-cases-have-spiked-in-india/?noredirect=on&utm_term=.173e4eba7d19

⁷⁹ <https://lynch.factchecker.in/>

⁸⁰ <https://m.dailyhunt.in/news/india/english/fact-checker-epaper-factch/2018+fewer+but+deadlier+cow+related+hate+crimes+in+india+than+previous+year-newsid-104945351>

Centre for Equity Studies, said that the perpetrators film these lynchings and post the videos online to communicate a threatening message to the victims, who are often minorities or from lower-caste communities.⁸¹

However, 'These are just the tip of the iceberg, what we have encountered on the ground are a much larger number of cases—many reported in the local papers—many not reported at all. But no doubt there has been an extraordinary rise in the number hate crimes across the country in recent years,' Mander told IndiaSpend in an interview.⁸²

'There seems to be a kind of permissive environment for people to engage in hate speech and to act out on hate,' Mander said, 'This plays out in terms of lynching, individual hate attacks, attacks on places of worship—especially Christian places of worship on priests and nuns—and attacks on Dalits (which has been going on for much longer). Particularly, against Muslims, we see a marked rise in the number of attacks and their viciousness.'

Attacks based on race, religion, caste or ethnicity in India often occur when the attackers believe they have political cover to safeguard them from state retribution, noted IndiaSpend based upon views of experts in criminal law and human rights.⁸³

'In a string of incidents, BJP members have been accused of supporting or even inciting violence against Muslims, leaving many in the country's Muslim community of 172 million — the third largest in the world — fearful, The Washington Post observed.

'The political dispensation under which these crimes take place must be held accountable,' criminal law and human rights experts urged.⁸⁴

Media – the hate speech carrier

This is where the role of media comes in to highlight the hate speech issue, pressurise the Government to deal with it strongly, to stop the spread of hatred, and curb hate crimes. Media also play a role in holding the ruling political dispensation accountable. But, ironically, media as a whole, mainstream as well as a number of social media platforms, has rather become the vehicle of hate speech and hatred.

⁸¹ https://www.washingtonpost.com/graphics/2018/world/reports-of-hate-crime-cases-have-spiked-in-india/?utm_term=.3c75cf75eed1

⁸² <https://www.facebook.com/IndiaSpend/videos/1537234193026281/>

⁸³ <https://www.indiaspend.com/2017-the-year-of-hate-crime-10632/>

⁸⁴ <https://www.indiaspend.com/2017-the-year-of-hate-crime-10632/>

According to Devika Agarwal, a researcher at National Law University, Delhi, 'Common discourse on social media, its impact on mainstream media and the way people communicate with one another and disseminate information has come under a lot of analysis recently, especially due to the lack of discretion.'⁸⁵

Talking about hate speech and how media rabble-rousing proved counter-productive to free speech, Agarwal pointed out in her article,⁸⁶ how a popular TV news anchor created a stir when he named the activists and lawyers in connection with the Bhima Koregaon raids 'Urban Naxals' and 'Maoists' on his prime time show.⁸⁷

While human rights activists had proposed that the channel should be sued for hate speech on grounds of instigating communities and threatening national security, a filmmaker hinted that it was the use of the term, Naxalite, for Sudha Bharadwaj (one of the five activists arrested for the Bhima Koregaon violence) by the same anchor, which led to her arrest.

'When prominent journalists start branding human rights activists as Maoists and anti-nationals, it becomes hate speech because of its potential to incite members of the public to commit acts of violence/hatred against the activists based on the views held by them. This appears to be true in case of the attacks on Umar Khalid and perhaps, even in case of the activists arrested in relation to the Bhima Koregaon incident,' she viewed.

In the context of the attack on Umar Khalid, a student of Jawaharlal Nehru University (JNU), in August 2018, former Jammu and Kashmir Chief Minister Omar Abdullah condemned the attack as a hate campaign using social and mainstream media.⁸⁸ According to an article published in The Indian Express, Khalid was termed 'more dangerous to this country than Maoist terrorists' and 'anti-national' on news channel Times Now by its anchor.⁸⁹

⁸⁵ <https://www.firstpost.com/india/hate-speech-in-india-medias-rabble-rousing-doesnt-help-cause-proves-counter-productive-to-free-speech-5182231.html>

⁸⁶ <https://www.firstpost.com/india/hate-speech-in-india-medias-rabble-rousing-doesnt-help-cause-proves-counter-productive-to-free-speech-5182231.html>

⁸⁷ https://www.huffingtonpost.in/2018/08/31/bhima-koregaon-raids-why-activists-want-arnab-goswamis-republic-to-be-sued-for-hate-speech_a_23512295/

⁸⁸ <https://timesofindia.indiatimes.com/india/attack-on-umar-khalid-due-to-relentless-hate-campaign-against-him-omar-abdullah/articleshow/65390080.cms>

⁸⁹ <https://indianexpress.com/article/india/india-news-india/jnu-row-umar-khalid-kanahiya-kumar-anti-nationalism-tv-debates/>

'The media has a greater responsibility to not indulge in hate speech merely because of the views held by an individual. Hate speech can amount to trial by media which results in further harassment of those individuals and has a chilling effect on free speech,' Agarwal noted.

Fake news spreading hatred

In a roundtable organised by the Centre for Internet and Society on identifying and limiting hate speech and harassment online, it was highlighted that social media platforms, with their increasing popularity, are being considered the most open and easiest mediums to post and share rumours and twisted information.⁹⁰

Sundeep Khanna of the LiveMint observes, '(...) the rapidity of transmission and the ease of seeding on these platforms make any volatile messages, particularly videos and pictures, lethal in consequence.'⁹¹ An academic study titled 'Fanning the Flames of Hate: Social Media and Hate Crime' by Karsten Muller and Carlo Schwarz of the University of Warwick in the UK concludes that there is a direct correlation between social media posts and hate crimes, which happen as consequence of the former.⁹²

According to BBC research, widespread sharing of false rumours or fake information on social media platforms like WhatsApp has led to a wave of violence in India.⁹³ The research found that facts were less important to some than the emotional desire to bolster national identity.

'Social media analysis suggested that right-wing networks are much more organised than on the left, pushing nationalistic fake stories further,' the research found. People are 'gullible enough' to believe anything that sounds 'close to the truth,' says a Press Trust of India (PTI) report quoting views of Mumbai-based psychologist Dr Harish Shetty.⁹⁴

But who are the people who start such rumours? And why do they do so? 'Perhaps, to hurt someone's reputation,' Sevanti Ninan, founder of the media watchdog portal

⁹⁰ <https://cis-india.org/internet-governance/news/roundtable-identifying-and-limiting-hate-speech-and-harassment-online>

⁹¹ <https://www.livemint.com/Opinion/aXA6ApGBkW0QOy8ow1Kgul/Hate-crimes-fake-news-WhatsApp-is-guilty-so-are-we.html>

⁹² https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3082972

⁹³ <https://www.bbc.com/news/world-46146877>

⁹⁴ <https://www.financialexpress.com/industry/technology/fake-news-in-the-time-of-the-internet/689738/>

The Hoot, said in the report. However, Pratik Sinha of Alt News — a website that more often exposes fake news — said that such rumours are mostly driven by political propaganda, where unrelated videos are given a ‘local twist’ to incite hatred or violence.

In the view of Shetty, people who cook up such misleading texts or videos are often fuelled by a desire to experience a certain ‘thrill.’ They want to cause trouble, stand there, watch, and have fun. With the deeper penetration of technology, particularly with mobile data getting cheaper, all it takes to start a rumour is a message on social media.

‘There are no direct provisions against people spreading fake news under the IT Act,’ said Pavan Duggal, cyber law expert and Supreme Court lawyer, ‘It is time India wakes up to regulating fake news in a priority manner. Fake news doesn’t come under the Press Council of India. A national ombudsman can be a one point contact for all these instances.’⁹⁵

‘The credibility of the media is at rock bottom today. It is a good enough reason for journalists to come together to do something about fake news,’ said Ammu Joseph, independent journalist, author and a core member of the Network of Women in Media. In a report, she also opined that organisations should even use it to leverage themselves as being ones who do not share fake, false or misleading news.⁹⁶

As per observations of Anoo Bhuyan of The Wire, ‘Today the situation is such that external watchdogs have to keep the media accountable. But this accountability can only be extended to – and demanded of – formal news organisations. None of these rules apply to the explosion of dispersed sources of news and information that we now have through social media.’⁹⁷

‘Journalists should not drop their basic hygiene practices,’ Aayush Soni, a Delhi-based social media consultant, suggested while speaking to The Wire, ‘Rumour has basically attained a social media platform. Take what you get on social media, just as you would with any other tip off, lead or leak. But even if this might be the source of one’s story, it doesn’t mean the information doesn’t need to be verified as would be the case with any non-social media tip off as well.’

⁹⁵ <https://www.financialexpress.com/industry/technology/fake-news-in-the-time-of-the-internet/689738/>

⁹⁶ <https://thewire.in/culture/fake-news-social-media-2>

⁹⁷ <https://thewire.in/culture/fake-news-social-media-2>

Fear of a hateful future

'Hate crimes are hurting India's children,' observed Amiti Varma and Arijit Sen in their article, 'In the face of violence: children and hate crimes in India, it's time to protect future generations and break the cycle of violence.'⁹⁸

To explain how children of this country are exposed to hate culture, hatred and hate crimes, the authors narrated the story of Junaid who was stabbed to death while on his way to shop for the Eid festival.

On 22 June 2017, 15-year-old Junaid, a Muslim boy, boarded a train at the Sadar Bazar railway station in North Delhi. Junaid, his brother Hashim, and two others had gone to Delhi to shop for the Eid festival and were returning home to Haryana, just a few stops away. This would be his last journey.⁹⁹ He was stabbed to death on the train by a mob when an alleged argument over a seat turned into an attack based on religious identity.¹⁰⁰ Religious slurs were hurled at Junaid and his companions, they were derided for eating beef, their skullcaps thrown away, their beards pulled, and they were slapped and kicked. Junaid, Hashim and their brother Sakir, who boarded the train to rescue his brothers, were repeatedly stabbed. Junaid's body and his two injured brothers were then thrown on to the railway station platform.

Asked about possible reasons for the death of his son, Jalaluddin, Junaid's father, said that 'deep-rooted communal hatred against the community' was behind the murder.

Children being the future of the country, it is highly concerning to come across the fact that children or minors are getting exposed to the growing hate culture and are also the victims of hate crimes. As pointed out by Varma and Sen, 'In incidents across India, children from marginalised communities have been targeted because of their Dalit, Adivasi or Muslim identity.'¹⁰¹

So, as children are being forced to grow up in a culture of hate, where is India heading? It certainly rings an alarm for immediate action from the Government and all quarters of society.

⁹⁸ <https://www.aljazeera.com/indepth/opinion/face-violence-children-hate-crimes-india-180406092438358.html>

⁹⁹ <https://www.amnesty.org/en/latest/news/2017/06/india-hate-crimes-against-muslims-and-rising-islamophobia-must-be-condemned/>

¹⁰⁰ <https://indianexpress.com/article/india/faridabad-lynching-train-beef-ban-a-boy-called-junaid-4731198/>

¹⁰¹ <https://www.aljazeera.com/indepth/opinion/face-violence-children-hate-crimes-india-180406092438358.html>

Hate Speech on Social Media and Marginalised Groups

By Michelle Soe Moe¹⁰²

Over the last few decades, the development of information technology has helped bring all corners of the globe closer together. A key role in this process has been played by the rapid emergence and development of social media. Social media apps, such as Facebook and Twitter, are easily accessible on mobile phones, computers, and tablets, and have an unprecedented reach. Because of this, they have been used by all types of actors to attempt to influence the public.

However, unfortunately this has also led to a new phenomenon, online hate speech. Many do not take it very seriously just yet, which has arguably made it the most overlooked case of hate crime. The prevalence of hate speech has been further facilitated by the lack of regulations and attention of social media platforms, who seem to want to pretend it is not a serious enough issue to prioritise.

Hate speech on social media

Social media has become an integral part of our daily lives, enabling communication and the dissemination of views and opinions worldwide. With these views and opinions also come prejudices and stereotypes, which are expressed through inhuman and threatening speech and comments against groups and individuals that are perceived to be different in areas such as race, religion, sexual orientation, or gender.

Social media offers a great platform for trolls and people who want to incite hate speech to spread their message and manipulate the public. Around the world, the pervasiveness of hate speech can instigate hatred against marginalised groups and individuals. This has been an ongoing issue in Asia, which has not been taken seriously by Governments and leaders.

While things might initially only be said online, the hate could very well transcend into the real world. According to Rita Izsák -Ndiaye, the former United Nations Special Rapporteur on minority issues, the consequences of hate speech, if left unaddressed by authorities, can reinforce the perceived inferiority of marginalised minorities, making them vulnerable to attacks, and fuelling the hatred of majority groups. Hate

¹⁰²Michelle Soe Moe is currently doing her Master's degree in Human Rights and Democratisation at Mahidol University, Thailand. She previously interned with FORUM-ASIA's Communication and Media Programme.

speech on social media has already intensified tensions among communities, including increasing physical violence.¹⁰³

Defining hate speech

The core characteristics of hate speech include: dehumanising individuals who belong to 'other' groups, and to fortify the boundaries of the in-group against the other groups by attacking them.¹⁰⁴ There are two types of hate speech: directed and generalised. The former is aimed at an individual whilst the latter is targeted towards a group of people.

Recent times has seen particularly infamous examples of the devastating consequences of hate speech involving hatred directed at religious groups. Online hate speech is particularly prevalent on social media platforms. With the use of hashtags helping to disseminate such speech.¹⁰⁵

Similarly, real-life events are often the reason behind already existing, simmering hate being ignited and leading to an explosion of vulgar hate speech online. The refugee crisis in Europe and the Rohingya crisis in Myanmar are both examples where Islamophobia intensified due to real events resulting in the online abuse of Muslims.

Hate speech is a complex issue. It is more complicated when it intertwines with questions related to freedom of expression. According to Article 19 of the Universal Declaration of Human Rights (UDHR): 'everyone shall have the right to hold opinions without interference (...) and everyone shall have the right to freedom of expression.'¹⁰⁶ This right is often used to defend any form of speech regardless of how it might be received or experienced by others.

However, the International Covenant on Civil and Political Rights (ICCPR) clarifies that the exercise of rights, including the freedom of expression carries 'special duties and responsibilities' and may 'therefore be subject to certain restrictions' when necessary 'for respect of the rights or reputation of others' or 'for the protection of national security or of public order (order public), or of public health or morals.'¹⁰⁷ Some people therefore argue that the freedom of expression is not absolute, and has its limitations in cases such as libel, slander, incitement, and also hate speech.

¹⁰³ <https://www.unglobalpulse.org/sites/default/files/The%20effects%20of%20extremist%20violence%20on%20hateful%20speech%20online.pdf>

¹⁰⁴ <https://ijoc.org/index.php/ijoc/article/viewFile/5843/1965>

¹⁰⁵ <https://arxiv.org/pdf/1804.04257.pdf>

¹⁰⁶ <http://www.un.org/en/universal-declaration-human-rights/india-180406092438358.html>

¹⁰⁷ <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Both the right itself, and more importantly the limitations on it, are to some extent open to interpretation. For hate speech this has meant that both those expressing hate speech, and those trying to counter it have relied heavily on the UDHR and the ICCPR to defend their actions.

While expressing opinions that intervene with the rights of minorities is controversial, in many places it is not considered a crime as this type of hate speech is largely protected as free speech. Nevertheless, if those opinions were utilised to promote prejudice and discrimination and to entice the public to adopt such opinions, then it should be banned, according to Article 4 of the International Convention on Elimination of All Forms of Racial Discrimination.¹⁰⁸

Hate speech in Asia

In Asia, online-generalised hate speech against religious groups has become a serious matter. While hate speech has existed for a very long time, the use of online platforms has fuelled further conflicts and distrusting among people of all walks of life.

One example is the rampant hate speech directed at various minorities in Myanmar, generated online by nationalists Buddhist and the Military. One investigative report found over 1,000 posts, comments, and pornographic images attacking the Rohingya minority on Facebook.¹⁰⁹ And those were just from one research attempt, making it likely that many more are out there.

‘Kalar,’ a pejorative term for South Asians, has been used to refer to the Rohingya along with other degrading words, such as pigs, dogs, maggots, and rapists. Examples of the usage of these terms in comments included: ‘These non-human kalar dogs, the Bengalis, are killing and destroying our land, our water and our ethnic people’ and ‘May these terrorist dog kalars fall fast and die.’

There are genuine keyboard warriors – an anonymous person who aggressively attacks people on the Internet – who spread these hate messages online. Additionally, there is a rise in automated bots that are responsible for sending out hate emails and comments through multiple fake accounts. Part of the hate campaign has been to send hateful and threatening tweets on Twitter and comments on Facebook posts that voiced opinions against human rights abuses in Myanmar.

Another example of online-generalised hate speech is gender-based violence. In India, right-wing Hindu nationalists have waged hatred at women by aggressive

¹⁰⁸ <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>

¹⁰⁹ <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>

attacks and shaming. They target female journalists, academics, social activists, and even movie actresses on Twitter and Facebook. They send verbal abusive tweets and comments related to issues such as vaginas, illicit sex, and prostitution.¹¹⁰

In South Korea, 84 percent of women have experienced sexist hate speech online in their lifetime. Online sexual harassment against sexual minorities constituted the largest form of online hate speech in the country according to a survey conducted in 2017. This was followed by people with disabilities, women, and immigrants. One of the cases of hate speech transferred into the real world, when a man, who held grudges against women, killed a woman in a busy district in Gangnam, Seoul.¹¹¹

In Japan, online hate speech against ethnic South Koreans, who have been residing in the country for generations, is not uncommon. Nationalist groups circulating a video from a demonstration where they chanted racist remarks against the Korean minority, is just one example of how it manifests itself. Similarly, a third-generation ethnic Korean woman received threats and defaming messages from nationalists on her social media account after she appeared in the media telling about her activist works against racism in the country.¹¹²

The role of social media platforms

While hate speech happens across the Internet, it is particularly prevalent on social media. This raises questions on why social media platforms allow this to happen. To begin with, social media platforms operate based on a presumption of laissez faire. The idea being that the platform is just that, a platform, which is free to be used by all as they please. The sentiment being that it is a space where control and scrutiny of content should be limited, and left to crowd or peer review. Many will shudder at the thought that the companies behind the platforms will start policing what people say.

Moreover, social media platforms often play a role in being a gateway for sharing of information and expression, particularly for those coming from places where the rights to freedom of expression and assembly are severely restricted. Human rights defenders operating under restrictive and authoritarian regimes often use social media platforms to inform, communicate and raise awareness about serious human rights violations.

While social media platforms do have guidelines on what content is or is not allowed, they rely heavily on their users to flag when content is out of line. In practice this has

¹¹⁰ <https://ijoc.org/index.php/ijoc/article/viewFile/5843/1965>

¹¹¹ <http://www.theasian.asia/archives/98225>

¹¹² <http://www.asahi.com/ajw/articles/AJ201805250047.html>

meant that pornographic or sexually explicit posts, as well as graphic videos showing violence, are regulated to some degree, while hate speech is less frequently deemed inappropriate.

Social media companies often lack clear definitions of what constitutes hate speech. On top of that, there is great inconsistency between different companies in how they deal with hate speech. Certain content might be taken down on one platform, but be allowed somewhere else.

A well-known example of a social media platform allowing hate to carry on is the extensive hate campaign conducted against the Rohingya on Facebook. It relied heavily on the Myanmar Military, who turned the country's most used social media application into an instrument to facilitate ethnic cleansing based on the intensification of already existing hatred towards the Rohingya.¹¹³

Military officials created troll accounts and news pages on Facebook, and timed their posts and comments to be uploaded in peak hours. The campaign was conducted over a period of years. Once the story broke, resulting into an outcry and serious criticism by both international media and the international community at large, it still took months for Facebook to respond.¹¹⁴ This lacklustre and slow response allowed the hate campaign to further spread with all its devastating consequences, making Facebook and other social media platforms implicitly responsible for the crimes against humanity committed to the Rohingya.

However, this is not the only case where hate speech on social media has had serious repercussions for minorities and marginalised people. Other current examples include: the hatred against refugees; alt-right or white pride; and incels.

With the rise of extremism and the increase in hate-related attacks around the world, hate speech continues to flourish on social media, despite companies promising to have stricter regulations. While they obviously do not bear sole responsibility for the spread of hate speech online, they should act much more proactively to minimise it.

¹¹³ <https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html>

¹¹⁴ Ibid.

The Trouble with Fake News in Asia

By Marte Hellema¹¹⁵

In May 2018, Kalu Ram was walking the streets of Bangalore looking for a job, when he encountered a group of locals. They mistakenly believed he was a child kidnapper. The locals were spurred on by a doctored video supposedly showing kidnappings of children, which had gone viral through WhatsApp. Sensationalised reporting by regional television had further stimulated these false rumours. They tied his arms and legs, beat him, and dragged him through the streets. He died on his way to the hospital.¹¹⁶

The last few years have seen the term fake news taking over the world. A phenomenon that has existed for centuries, has exploded in the multi-media age of the 21st century and taken on a whole new dimension. While it is clear across the globe how impactful the consequences of the spread of fake news can be, in many countries in Asia, with weak democracies, frail rule of law, and low media literacy, they can be particularly devastating.

Human rights defenders and reporters have been specifically targeted by intentional smear campaigns. Disinformation is purposely spread to tarnish their reputation, their voice, and their credibility. At times, such falsehoods have resulted in people being attacked, harassed and physically assaulted. It is another tactic for those trying to undermine fundamental freedoms and human rights, such as the freedom of expression and freedom of the press.

Fake news in an information age

While there is a lot of debate and varying opinions on the exact definition of fake news, common elements in the understanding of the term include: the deliberate spread of disinformation or false information through traditional or online media often with the intent of destabilising a situation for political or economic gains.¹¹⁷ However,

¹¹⁵ Marte Hellema is Programme Manager Communication and Media at the Asian Forum for Human Rights and Development (FORUM-ASIA), based in Bangkok, Thailand.

¹¹⁶ <https://www.thenewsminute.com/article/kalu-ram-s-lynching-over-child-abduction-b-luru-police-clueless-form-probe-team-83005>, <https://www.bbc.com/news/world-asia-india-44678674>

¹¹⁷ <https://dictionary.cambridge.org/dictionary/english/fake-news>, <https://whatis.techtarget.com/definition/fake-news>, <https://www.collinsdictionary.com/dictionary/english/fake-news>, <http://oxfordre.com/communication/view/10.1093/acrefore/9780190228613.001.0001/acrefore-9780190228613-e-809>

as the term has gained notoriety, it is being used for a much broader spectrum of content, ranging from satirical TV shows, like the Daily Show with Jon Stewart or Trevor Noah, to information which is unfavourable or inconvenient for a particular person. At times, labelling something fake news has become a knee-jerk reaction to any message or news item that we do not like. Because of this, some people have advocated for abandoning the term altogether.

More important than the definition though is how fake news has become an integral part of our daily lives. The circulation of fake news has exploded in our information age, particularly with the rapid developments of online and social media. While we arguably consume more news nowadays than a few decades ago, the length of time we spend reading or viewing a story has become significantly less.¹¹⁸ We have also become more selective in what we do or do not read, skipping over those headlines that do not grab our attention.

On top of that, because we are getting more of our news from social media, our news consumption has become a personalised experience, catered specifically to our opinions and fears. Algorithms of our social media applications assure that we are offered and see news that aligns with and confirms our worldviews. Our confirmation bias, a tendency to search for, interpret, favour, and recall information that asserts our pre-existing beliefs or hypotheses, further colours what news we believe.¹¹⁹ Fabricators of fake news play on these biases, which makes us more susceptible to fake news, as we do not question or fact-check information that reinforces with our prejudices.¹²⁰

On 17 September 2017, an art event was being held at the Legal Aid Institute building in Jakarta, Indonesia.¹²¹ The event was in part a protest against the shutdown of a seminar which had been planned for the day before to discuss the mass-killings of 1965-1966. Towards the end of the event, a mob started to form outside the building. Initially starting with some 50 protesters, it grew to an angry and violent crowd of around a 1,000. The protesters had been mobilised through false information, or hoaxes as they are often referred to in Indonesia, spread on social media, which claimed the event was an attempt to revive the outlawed Indonesian

¹¹⁸ <https://www.forbes.com/sites/nicolemartin/2018/11/30/how-social-media-has-changed-how-we-consume-news/#5787fc923c3c>

¹¹⁹ <https://www.psychologytoday.com/intl/blog/science-choice/201504/what-is-confirmation-bias>

¹²⁰ <https://www.psychologytoday.com/us/blog/contemporary-psychoanalysis-in-action/201612/fake-news-why-we-fall-it>

¹²¹ For more on this case, see also FORUM-ASIA's new publication, 'Defending in Numbers - Resistance in the Face of Repression 2017-2019

Communist Party (PKI). After the protesters turned violent, including throwing stones and bottles at the Police, the mob was dispersed through tear gas and water cannons.¹²²

A key factor in what we do or do not believe is determined by the level of trust we have in formal institutions, such as the Government, businesses, non-governmental organisations and the media. Lack of trust in one or all of these institutions reflects a lessening of a sense of security, and can affect the stability of our societies. In 2018, contrary to the years before, there was a marginal increase in trust globally in these institutions. However, trust in both the Government and media remains low. Additionally, a huge gap was seen between the more-trusting informed public and the far-more-sceptical general population. In spite of this, across the board there is a feeling that the system does not work for us. Only one in five people believes the system is working for them, while nearly half of the mass population believes the system is failing them.¹²³ Such lack of trust in the system makes people increasingly susceptible to alternative news sites, fringe reports, and conspiracy theories.

These developments have contributed not only to the spread of fake news, but also the influence and impact it has across the globe. Producers of fake news play on our biases and distrust to enhance the likelihood we will read, believe and share their content. Among the vast amount of posts, articles, tweets, videos and other forms of content we see each day, there is a whole lot of false information. And the more we hear a story, the more likely we are to believe it. Research has shown that for every five fake news stories people see, they will believe one.¹²⁴

In Myanmar fake news has played a key role in the propaganda campaign against the Rohingya and other minority groups. An unrelenting stream of false information has fuelled ethnic tensions and strengthened an ethno-religious national identity, which has normalised the violent hatred of various ethnic and religious minorities, in particular the Rohingya. Ranging from the use of trolls; fake accounts; purposely creating false news and celebrity pages; staged photoshoots; and even the misleading use of photos stemming from other places in the world altogether: no

¹²² https://www.vice.com/en_asia/article/9k3yvd/everything-we-know-about-last-nights-anti-communist-protests, <https://www.thejakartapost.com/news/2017/09/18/fake-pki-news-behind-anti-communist-chaos-lbh-ylbhi.html>

¹²³ https://www.edelman.com/sites/g/files/aatuss191/files/2019-02/2019_Edelman_Trust_Barometer_Global_Report_2.pdf?utm_source=website&utm_medium=global_report&utm_campaign=downloads

¹²⁴ <http://time.com/5362183/the-real-fake-news-crisis/>

efforts have been spared to influence public opinion in the country. Particularly the role of the Military and ultranationalist Monks has been troublesome.¹²⁵

The spread of hatred and stirring of conflict

Social media algorithms are designed to cater information to us that it expects we will like or share. The more we interact on these online platforms, the more they will know about our beliefs, fears and interests. This phenomenon is further enhanced by our contacts, whose information we like, share or comment on. As these tend to be friends or colleagues, many whom will share a similar belief system to our own, we become encapsulated by our echo chambers of truth. These bubbles will primarily filter through information which resonates with our already held worldviews.¹²⁶

In our societies, which are becoming increasingly polarised, this further widens the existing divides. People may live in the same country or city, but can still be part of completely different universes where they are only fed information that fits their beliefs. In these settings the other side looks increasingly crazy or even dangerous. Combined with the intentional spread of fake news to stir up conflict and friction, it has already proven to lead to growing violence and attacks.

In March 2018, rumours started to circulate on Facebook and other social media platforms in Sri Lanka that Muslims were attempting to sterilise Sinhalese through pills. A lump of flour in a dish mistaken for a pill led to a worker being beaten up, the shop being destroyed, and a local Mosque set on fire. But the story did not end there. A video of the incident spread online, leading to further violence across the country resulting in at least one death, and many more homes, shops and Mosques destroyed. The rumours played into old grievances from the war, ethno-religious nationalism and divisive politics. Fake news did not create these, but the speed with which blatantly false information was shared across the country did take these conflicts to a new level. So much so that the Government decided to temporary shutdown Facebook.¹²⁷

¹²⁵ <https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html>, <https://www.rfa.org/english/news/myanmar/myanmar-press-council-turns-attention-to-exposing-fake-news-11202018155956.html>

¹²⁶ <https://www.forbes.com/sites/quora/2018/02/28/are-you-in-a-social-media-echo-chamber-how-to-take-an-objective-look/#7198101761f9>

¹²⁷ <https://www.theguardian.com/commentisfree/2018/may/05/facebook-anti-muslim-violence-sri-lanka>, <https://www.theguardian.com/commentisfree/2018/may/06/sri-lanka-facebook-lives-tech-giant-poor-countries>

Another consequence has been the speed with which false information spreads online. When information seems to confirm an already held belief, people tend to share it without verifying the truthfulness of the information. Those creating fake news take advantage of this tendency by honing in on our fears and expectations. This manipulation of people's emotions has already led to instances of mass-hysteria and mob mobilisation.¹²⁸

On 27 September 2016, the then Governor of Jakarta, Basuki Tjahaja Purnama, also known as Ahok, while on a campaign stop argued that his opponents were using the Quran to discourage people from voting for him, a non-Muslim. A video of his comments was edited to suggest he was insulting Islam, and shared online. It triggered wide spread angry protests. A march on 4 November 2016 brought out an estimated 50,000 to 200,000 people, it remained non-violent. However, in the aftermath of the march, groups of protesters provoked riots, clashed with the Police, and set vehicles on fire. One elderly man died, and around 200 people were injured, including protestors and Police. More protests, both against and in support of Ahok, followed.¹²⁹

Online the spread of false information both against and in support of Ahok was vicious, and seemingly often paid. He was sentenced to two years in jail for blasphemy. While he was released early for good behaviour and was very popular during his time as Governor of Jakarta, his political career is likely over. The man who edited the video, Buni Yani, was sentenced to one-and-a-half years in prison for spreading hate speech.¹³⁰

Similar hate campaigns and the intentional spread of disinformation have been used to blemish human rights defenders and media across Asia. They have resulted in harassment, violent attacks, gender-based violence, and abuse. Particularly in situations where human rights defenders and media attempt to speak out for human rights and hold people in power to account, they have been faced with targeted attacks used to discredit, discourage, and silence them.

Not only does this have devastating effects on individuals, it has serious long-term consequences. The growing polarisation and widening divides in our societies; the crumbling of trust in our systems; the build-up of emotions, hatred and violence: all break down the cohesiveness of our societal texture and undermine democracy.

¹²⁸ <http://time.com/5362183/the-real-fake-news-crisis/>

¹²⁹ <https://www.theguardian.com/world/2016/dec/02/jakarta-protests-muslims-against-christian-governor-ahok>

¹³⁰ <https://www.theguardian.com/world/2018/jul/23/indonesias-fake-twitter-account-factories-jakarta-politic>,
<https://www.straitstimes.com/asia/se-asia/indonesian-police-uncover-fake-news-factory>

They open the door to populism, and pick apart our ability to listen or empathise with those that hold other opinions than our own.

Few countries showcase this as clearly as the Philippines. Rodrigo Duterte, who was elected President in 2016, stands at the heart of this divide. While his supporters see him as a straight-talking go-getter, who has broken the dominance of elitist politicians to tackle corruption, crime and poverty, others, including many human rights defenders and reporters, see him as a misogynist bully symbolised by his war on drugs, which has already cost the lives of thousands of people. The battle for the true Philippines is being fought online, and particularly on social media. While fake news has been circulated on both sides, the pro-Duterte camp, has taken it to extremes, and has manipulated information and attacked, harassed and trolled all who criticise the President.¹³¹

What can be done?

So what can be done? As we are witnessing the impact fake news can have on our societies, what steps can be taken to counter it? To begin with, we will have to recognise there are no easy or quick fixes, and that it is unlikely we can get rid of false information being spread altogether. But there are some strategies that can help alleviate their impact.

First of all, there are technical responses, particularly from websites and social media platforms, which attempt to limit the circulation or take down of fake content. Sites like Facebook and Google are endeavouring to improve the means through which users can flag fake or false content, and adjust what happens with such content. However, they will be the first to tell you how difficult it is. The relentless technological advancements of those creating and spreading fake news means they are constantly lagging behind.

The more critical among us will say these platforms are not doing enough by far. When content is flagged as false, there is often no or only a very slow response. And if there is a response, it is frequently to say that content was deemed in line with company regulations. In some instances, the regulations for content are arbitrary or vaguely worded. While in others, there is no transparency on how content is monitored at all.

¹³¹ <https://www.csmonitor.com/World/Asia-Pacific/2018/0406/The-Duterte-dissonance-One-leader-two-Philippines>, <https://www.csmonitor.com/World/Asia-Pacific/2018/0409/In-the-Philippines-divided-politics-feed-and-feed-on-a-divided-web>, https://www.ssoar.info/ssoar/bitstream/handle/document/57960/ssoar-2018-sombatpoonsiri-Manipulating_Civic_Space_Cyber_Trolling.pdf?sequence=1

Then there are the various efforts around the globe of fact-checkers and fact-checking sites. Sites which main objective is to verify the truthfulness of content claimed as factual. Some media outlets, such as Rappler in the Philippines, are collaborating with social media platforms, such as Facebook, to check whether stories that are circulating online are factually correct.

However, such efforts are not without challenges either. To begin with there is the sheer amount of false content in circulation. A constant stream of fake news, which makes the task to verify and counter it, ginormous. More so, many involved with fact-checking have become victims of trolling, harassment and attacks.¹³²

On a more practical level, there are questions on the effectiveness of fact-checking efforts. While average readers might be dissuaded by verification of information, those on the more extreme will likely never be reached. Or if they are, they might not trust the fact-checking sites or sources, and deem those fake news.

Recognising the impact of fake news, many countries around the globe are experimenting with laws and regulations to make the fabrication and spread of fake news illegal, particularly within the context of elections. However, this raises many questions related to the rights to freedom of expression and freedom of the press. More so, in various instances the political interests of those introducing the laws or legislation have been dubious at best.

In Malaysia in April 2018, the Government of then Prime Minister Najib Razak introduced the Anti-Fake News Bill. It was the last piece of legislation passed before the elections of May 2018. The law made it an offence to create, publish or disseminate any fake news or any publication containing fake news. People found guilty of breaking the law would be able to face up to six years in prison and a fine of up to 500,000 ringgit (\$128,000). It was generally seen as a political move to stifle dissent, as Najib was facing various allegations of abuse of power and corruption. The law was considered highly controversial, as it was deemed it could be easily and arbitrarily used to stifle dissent. In the subsequent elections, Najib, however, was ousted.¹³³

With each of these strategies there are questions on who decides what news is fake? The Government, the judiciary, website and social media owners, or their users? In instances where the content is blatantly false, this might not be so contentious, but there are many shades of truth. Information can be taken out of context, manipulated or exaggerated. In such cases, who labels a story as fake news, might be just as significant as the story itself.

¹³² <https://www.nytimes.com/2018/10/09/business/facebook-philippines-rappler-fake-news.html>

In the end, the most crucial strategies are awareness raising and increasing media literacy. While by now many people around the globe are aware of the term and the existence of fake news, many more still fall prey on a daily basis to misinformation. Efforts to increase people's awareness of the existence of the concept of fake news, need to be combined with teaching people how to recognise it. To constantly question whatever information we receive and digest. And means to verify or check content need to be taught, particularly before we spread and circulate the information further.

In many places this means that the ability to verify information needs to be encouraged and facilitated. In various countries in Asia, for example, Facebook allows for free use of its platform on mobile phones. This has increased the notion for many that the Internet is Facebook and Facebook is the Internet. More importantly, it has meant that people's entire news consumption is on the social media platform without the option to verify news stories through other sources, as accessing those costs money. In different places, including Myanmar and Sri Lanka, this has contributed to the spread of fake news and resulting violence.¹³⁴

Fake news seems to have been everywhere in the last few years. And regardless of your feelings about the term itself, as a phenomenon it is not going anywhere. Smear campaigns, propaganda, hoaxes or misinformation will continue to impact our lives. While in many instances this might be comical, more often than not, it will have serious effects on our societies and democracies. In Asia, we cannot afford to not take it seriously.

¹³³ <https://www.poynter.org/fact-checking/2019/a-guide-to-anti-misinformation-actions-around-the-world/>,
<https://asia.nikkei.com/Politics/Malaysia-in-transition/Malaysia-scrap-controversial-fake-news-law>

¹³⁴ <https://www.theguardian.com/commentisfree/2018/may/06/sri-lanka-facebook-lives-tech-giant-poor-countries>

Women in the Digital Age

By Chou Yi-Lan¹³⁵

The Internet has provided a free space for all to exercise our freedom of opinion and expression. For many women across the world, who may not be able or even forbidden to do so offline due to restrictions related to social and cultural norms and gender stereotypes, this has changed their lives fundamentally. More so, certain topics, like sexuality and abortion, are easier discussed online.¹³⁶ Over the past decades, information and communications technologies (ICTs) have been used by women's rights organisations, activists and feminists to access and share critical information on their rights, and to engage in advocacy.¹³⁷

The advantages of the Internet and digital tools, which are fast-paced, beyond boundaries and cost efficient, are used to make connection with like-minded communities. Women's access to the Internet and their engagement with online communities have at times resulted in movement building. The #MeToo campaign against sexual harassment and assaults, and the #MyStealthyFreedom movement opposed to mandatory headscarves for women, are examples where the Internet and social media are used to challenge the status-quo women struggle with.

Disproportionate online abuse against women

While digital spaces bring about new opportunities, they also create new forms of threats and violence that have a disproportionate impact on women. Globally, it is estimated that women were 27 times more likely to be harassed online.¹³⁸ Women activists' increased engagement in digital spaces has also 'exposed them to further risk of online harassment, smear campaigns, intimidation and violence with clear gender dimensions aimed at delegitimising their work to defend human rights,' said the Women Human Rights Defenders International Coalition in a statement.¹³⁹

¹³⁵ Chou Yi-Lan is Programme Officer Communication and Media at the Asian Forum for Human Rights and Development (FORUM-ASIA).

¹³⁶ <https://www.womankind.org.uk/docs/default-source/default-document-library/breaking-the-silence-policy-briefing.pdf>

¹³⁷ *ibid*

¹³⁸ <https://www.ohchr.org/AR/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23248&LangID=A>

¹³⁹ <https://www.ishr.ch/news/hrc38-online-violence-against-women-activists-continuum-offline-violence>

Politically active women, such as activists, journalists, and Parliamentarians, are directly targeted, and face unique challenges as a result of their gender identity and political participation. Across Asia, online harassment and cyber-attacks against human rights defenders, especially women human rights defenders and minority rights defenders, has become a serious concern.¹⁴⁰ Such online harassment, conducted by both state and non-state actors against politically active women, does not only create distress, but also restrains them from their activism, often leads to self-censorship, and thus reduces their presence online.¹⁴¹

'Ultimately, the online abuse against women journalists and women in the media are a direct attack on women's visibility and full participation in public life,' affirmed Dubravka Šimonović, the United Nations Special Rapporteur on violence against women.¹⁴²

Though men also experience cyber violence, research indicates that comparatively, women are disproportionately targeted by certain forms of cyber violence that is gendered and includes sexist elements. The proportion of women experiencing sexual harassment and cyber stalking was higher than men, and the impacts of these forms of violence were more traumatic for the victims.¹⁴³

Women and men are attacked differently, so is the way they respond. Women and men have different perceptions when it comes to online harassment, and they are affected differently when harassment occurs. According to a research conducted by Pew Research Center in 2017,¹⁴⁴ women tend to feel more upset about the experience than men. The same research pointed out that women often believe offensive content online is frequently excused as not a big deal, while most men say that people take this kind of content too seriously. These differences in perception explain why gender dimensions of online attack against women are often not recognised, and thus not addressed.

A similar pattern applies to women human rights defenders, journalists, and women activists when it comes to cyber violence, which is often sexist and misogynistic.

¹⁴⁰ <https://www.forum-asia.org/?p=27874>

¹⁴¹ <https://xyz.informationactivism.org/en/online-harassment-of-politically-active-women-overview>

¹⁴² Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective, 2018

¹⁴³ <https://eige.europa.eu/publications/cyber-violence-against-women-and-girls#downloads-wrapper>

¹⁴⁴ <https://www.pewresearch.org/fact-tank/2017/07/14/men-women-experience-and-view-online-harassment-differently/>

Recent findings from the International Federation of Journalists (IFJ) revealed that two-thirds of female journalists suffered gender-based online attacks that include sexist insults, humiliation, and rape threats based on their gender and physical appearance. While male journalists do also suffer online abuse, it is not related to their gender and less often sexually tainted.¹⁴⁵

The increase in online attacks against female journalists is more apparent among those who report on sensitive political or cultural issues. It is also evident for female journalists who cover topics that are traditionally covered by men, such as sports, gaming, crimes and politics. For many female journalists, being exposed to gender-based attacks is a daily part of their job, and is exacerbated by social media. This means they face risks both online and in real life.

Manifestations of online abuse against women

Cyber violence against women is often highly personalised, and can be extremely harsh, particularly when women do not conform to societal expectations. The pattern of online abuse against women is very much contextualised depending on religion, political structure and other social and cultural norms of the local environment. In a patriarchal society, women are often attacked for the way they present themselves in addition to the issues they stand for.

In Malaysia, outspoken women, like Nalisa Alia Amin, are not unfamiliar with online attacks. Having high visibility on Twitter, Nalisa has faced online abuse whenever she has spoken out against sexism and homophobia on social media. Being a young plus-sized woman makes her more vulnerable to online abuse, which specifically targets her appearance. Attackers spread pictures of her body along with fat-shaming comments, such as ‘oh your face is small but you’re actually fat.’¹⁴⁶ They even created insulting nicknames for her on Twitter. ‘People who couldn’t stand my views have attacked my appearances, especially my body since I’m on the chubby side,’ said Nalisa in an interview.¹⁴⁷

In Pakistan, many believe the Internet is not for women due to their conservative and religious point of view. This has led to many women feeling unsafe online. Women who are vocal or take part in political discussions are seen as breaking their gender role, which confines them to be at home doing household chores. ‘Young women activists are seen as women who don’t have any values or ethics,’ said Pakistani

¹⁴⁵ <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/ifj-survey-two-thirds-of-women-journalists-suffered-gender-based-online-attacks.html>

¹⁴⁶ https://www.apc.org/sites/default/files/EMPOWER_VVV_FINAL_Web.pdf

¹⁴⁷ <https://www.bbc.com/news/world-asia-40337326>

activist Gulalai Ismail.¹⁴⁸ Gulalai has faced online propaganda campaigns and false accusation of violating the Blasphemy law. A mob was mobilised to attack her, which seriously put her security at risk. In Pakistan, women activists and feminists are seen as ‘unethical western agents.’ The worst trolling is directed at female journalists.¹⁴⁹

In other cases the harassment is systematic and tactical, aimed at silencing dissent and intimidating journalists for doing their work. In the Philippines, Maria Ressa, the founding Chief Executive Officer (CEO) and Executive Editor of online media Rappler, has experienced a massive campaign of online gendered harassment. The harassment included death and rape threats. ‘Anyone who was critical or asked questions about extrajudicial killings was attacked, brutally attacked. The women got it worst,’ said Maria.¹⁵⁰ Maria received an average of 90 hate messages an hour following Rappler report on ‘Propaganda War: weaponizing the Internet.’¹⁵¹

Not only women themselves are affected by gender-based cyber violence, so are their family and friends. For a woman living in a highly patriarchal society, accusations of sexual misconduct can be dangerous and societally detrimental. Such kind of accusations are not only directed at women though.

In India, the female journalist and writer Rana Ayyub was sent a pornographic video with her face photo-shopped on one of the actors. The video was shared online, and it went viral. Her father and friends were sent those images as well. The attack was in response to Rana Ayyub standing up for the Kathua rape victim. Fake Twitter accounts were created to share altered images of her. To make matters worse, her personal phone number and address were also added. ‘Online abusers assume that using threats of a sexual nature against female journalists would shame and subsequently silence them,’ explained Ayyub in an interview.¹⁵²

When online violence goes offline

Online forms of violence against women reflect the violence women face in real life. As affirmed by Dubravka Šimonović, the United Nations Special Rapporteur on violence against women, online violence against women is ‘part of the continuum multiple, recurring and interrelated forms of gender-based violence against women,’ and should be taken seriously.¹⁵³

¹⁴⁸ <https://www.awid.org/news-and-analysis/challenges-young-women-human-rights-defenders-pakistan>

¹⁴⁹ <https://www.amnesty.org/en/latest/campaigns/2016/01/online-harassment-in-pakistan-and-how-women-are-fighting-back/>

¹⁵⁰ <https://unesdoc.unesco.org/ark:/48223/pf0000259399>

¹⁵¹ *ibid*

¹⁵² <https://www.aljazeera.com/indepth/features/perils-journalist-modis-india-180614103115577.html>

¹⁵³ <https://www.ohchr.org/AR/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23248&LangID=A>

Online harassment can go beyond the virtual world and cause physical harm to people targeted, ranging from physical violence to death threats. The murder of Gauri Lankesh, an Indian journalist and activist, who was an outspoken critic of right wings groups and the Government, came after she had received various threats online. Even after her death, many people on social media continued using abusive language against her.

'Now, the reason why I take these Facebook and Twitter threats seriously is because, you know, this is exactly what happened to Gauri. She faced social media threats, and she never used to take it seriously. But the fact is, she was killed,'¹⁵⁴ said Sagarika Ghose, consulting editor for the Times of India, who also received death threats after Gauri was murdered.

In Vietnam, the environmental activist Le My Hanh and blogger Trinh Dinh Hoa were brutally beaten, while they were live streaming about the environmental disaster caused by the Taiwanese Steel Plants on Facebook. A second attack against Le My Hanh was filmed and posted on Facebook.¹⁵⁵

Impact of cyber violence on women and their freedom of expression

The impact women experience as a result of cyber violence and hate speech is not different from what it would be if these attacks had happened offline. All forms of violence against women have serious effects on their physical and psychological well-being. Those effects do not only have immediate and long-term consequences to the targeted individual, but also on the community and society at large.

Research conducted by Amnesty International in 2017 revealed the alarming psychological impact that online abuse has on women and how it changes the way women use online platform, such as Twitter. Among 4,000 women surveyed across eight countries in Europe and the United States, 55 per cent of those who had experienced abuse or harassment online had panic attacks, anxiety or stress; 56 per cent felt less able to focus on everyday tasks; 61 per cent suffered a loss of self-esteem or lowered self-confidence; and 32 per cent said they had stopped posting content that expressed their opinion on certain issue.¹⁵⁶

Cyber violence against women can have long-term effects on women's reputations and damage their livelihood. As women are pushed out of cyber space out of fear of

¹⁵⁴ <https://www.aljazeera.com/programmes/listeningpost/2018/10/trolls-threats-online-harassment-female-journalists-181006101141463.html>

¹⁵⁵ <https://www.frontlinedefenders.org/en/case/beating-environmental-rights-defender-le-my-hanh>

¹⁵⁶ <https://www.amnesty.org/en/latest/news/2017/11/amnesty-reveals-alarming-impact-of-online-abuse-against-women/>

being victimised or retaliation, cyber violence has direct economic costs for women who depend on the Internet for a living. In cases involving gender-based sexual abuse, the victim's employment status can be undermined by privacy attacks and personal information released online. It can cause consequences that demand long-term treatment, individual and public expenditure for medical protection, and judicial and social services.¹⁵⁷

Different forms of harm caused by online abuse have a silencing effect on women. They prevent women from fully expressing their opinion or participating in discussions that they are interested in or need to engage in. This effect is more evident when it comes to women who speak about issues related to political or social change.

71 per cent of women right's activists and feminists surveyed in six countries in Asia and Africa said online violence and abuse affected their participation on social media, including being less willing to participate in public discourse online, and withdrawing from certain conversations on the Internet or social media.¹⁵⁸ One women's rights activist from Nepal responded to the survey by saying 'I tend to self-censor what I say, especially if [sending something] from an organizational aspect. It's kind of draining. I don't find the internet very comfortable now.'

Journalists nowadays rely a lot on online platforms and social media to gather information, disseminate their stories, and interact with their audiences. The disproportionate attacks against female journalists, both on and offline, have direct negative effects on their career development and cause trouble establishing rapport with their sources.

Nearly 30 per cent of female journalists indicated getting out of the profession after receiving threats and attacks. Early-career journalists are nearly twice as likely to have considered getting out of the profession compared to their older colleagues.¹⁵⁹ Seeing violence against other journalists also has a deterrent effect. Even journalists who have never been harassed may be dissuaded from covering sensitive subjects or from posting too often on social networks. Harassers send a message to all journalists, not just their victims.

¹⁵⁷ [http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604979/IPOL_STU\(2018\)604979_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604979/IPOL_STU(2018)604979_EN.pdf)

¹⁵⁸ <https://www.womankind.org.uk/docs/default-source/default-document-library/breaking-the-silence-policy-briefing.pdf>

¹⁵⁹ <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/ifj-survey-two-thirds-of-women-journalists-suffered-gender-based-online-attacks.html>

Make violence against women visible

Despite various forms of online attacks against women and the tremendous impact on women's health, safety, and their fundamental right to freedom of expression, the severity of gender-based online attacks is often underestimated or neglected. Lack of gender-responsive ICT services, laws and policies, means that those who commit or support online attacks against women are often not held accountable.

How others respond affects the way victims react to and handle online threats or harassment in the long term. When a support system is not available, the victims of online violence may keep silent or feel ashamed when they are attacked again; whereas victims are likely to feel more confident and safer to share their experiences and speak up against such violence if they know access to remedies is available.

In addition to the lack of a support system, the effect of online attacks needs to be recognised by relevant authorities and the victims themselves in order to find a solution. For many who work on defending rights of others, it may not be easy to admit they are affected by online violence, as they want to be seen as tough and resilient. A survey conducted in Norway revealed that journalists are not used to seeing themselves as victims, and it is perceived as an admission of failure to say that harassment has affected them.¹⁶⁰

Due to impunity and lack of awareness, online attacks and violence against women are often not recognised, tolerated, normalised or even encouraged. The same happens offline. Online attacks against women are a continuum of violence offline, and reflect patriarchal norms that are rooted in society. They contribute to the reinforcement of the unequal power relationship between women and men. It stems from a reluctance to accept women's agency, and a fear of dishonour to the family and society attached to the mobility and sexuality of women.

Faced with such challenges, it is important to: work with media and social media companies to tackle online hate speech, harassment and attacks against women; establish gender-sensitive monitoring mechanism; organise online support group; and equip those targeted with digital security knowledge to protect themselves.¹⁶¹

Ultimately, the imposed gender roles are something we need to continue to fight back, 'so that both men and women are treated equally as human beings,' said Khin Ohmar, Chairperson of Progressive Voice.¹⁶² Online violence against women cannot

¹⁶⁰ <https://www.osce.org/fom/220411?download=true>

¹⁶¹ <https://www.forum-asia.org/?p=27874>

¹⁶² <https://www.facebook.com/FORUMASIA/photos/a.1880388291976680/1880388501976659/?type=3&heater>

be fully solved unless the social and cultural norms that are at the core of the power struggle which this violence stems from are addressed and challenged. As well explained by British activist and journalist Caroline Criado-Perez, 'We live in a world where successful masculinity has been historically defined as dominance, leadership, and the occupation of the public arena. Until we change the meaning of masculinity so that it no longer hinges on being the dominant sex, we are never going to truly tackle this problem.'¹⁶³

¹⁶³ <https://www.osce.org/fom/220411?download=true>

Cyber Martial Law Targets Journalists and Critics in the Philippines

By Niza Concepcion¹⁶⁴

President Rodrigo Duterte founded his presidency in June 2016 on a bloody platform of extrajudicial killings to combat drug trafficking and addiction. Suspected drug peddlers and users fell where they were shot by police in the streets or in their homes. Bodies, wrapped in black garbage bags and packing tape bearing signs declaring their guilt as drug criminals, were even thrown in front of elementary schools just as students were arriving for their morning classes. The brutal campaign immediately drew protests from human rights groups and the international community. The campaign initiated Duterte's gruesome brand of governance, and eventually landed the country in the sights of the International Criminal Court.

Cyberwar on dissent

Critics of the Government's war on drugs and extrajudicial killings quickly found themselves targets of bashing and trolling, especially on social media. Violence perpetrated by the Police in the poorest districts of Metro Manila was replicated online, in the form of death threats and incitement to violence by the supporters of the President.

In 2017, Duterte threatened to arrest and assault international human rights special rapporteurs and to behead human rights activists critical of the war on drugs. He also ordered the Police to shoot them for 'obstructing justice'. While these attacks seemed to paralyse detractors momentarily, it completely silenced the poverty stricken majority of the population bearing the brunt of the drug war.

In October 2016, online news group Rappler published a shocking report entitled 'Propaganda War: Weaponizing the Internet',¹⁶⁵ which detailed, for the first time, the existence of a massive false information dissemination infrastructure run by combined forces of paid trolls, bots, and fake Facebook accounts. The report said:

¹⁶⁴ Niza Concepcion has been working on gender and human rights advocacy for more than 20 years in the Philippines and in the Asian region. She studied to be a journalist in the University of the Philippines and a human rights educator at the Rene Cassin International Institute in Strassbourg. She currently heads the communications team of the Philippine Alliance of Human Rights Advocates (PAHRA) and the In Defense of Human Rights and Dignity Movement in the Philippines.

¹⁶⁵ <https://www.rappler.com/nation/148007-propaganda-war-weaponizing-internet>

'In the Philippines and around the world, political advocacy pages,¹⁶⁶ made specifically for Facebook, are cleverly positioned and engineered to take over your news feed. That allows these propaganda accounts to create a social movement that is widening the cracks in Philippine society by exploiting economic, regional, and political divides. It unleashed a flood of anger against Duterte critics that has created a chilling effect.'

Criminalisation of free speech

At the same time, the Government launched a systematic demolition of independent media. Attempts to curtail freedom of expression and access to information are not unique to the current administration. In fact, it has been tried numerous times since the end of the Marcos dictatorship. Efforts to amend privacy laws, promote surveillance, sim-card registration, and the criminalisation of libel, have become synonymous with policy measures to curb human rights.

The Cybercrime Prevention Act of 2012 (Republic Act 10175) included cyber libel as punishable for up to twelve years imprisonment, a degree higher than what the Revised Penal Code stipulates for printed libel.¹⁶⁷ Journalists and bloggers said the anti-libel provision of the law has a chilling effect on the exercise of free expression and called for its removal especially as the framers of the law claimed it was not in the original draft submitted to Congress.¹⁶⁸

On 10 January 2019, the Department of Justice decided to revive the charge of cyber libel against Rappler Chief Executive Officer, Maria Ressa and former reporter Reynaldo Santos Jr. for a 2012 news article featuring a businessman linked to drug smuggling and human trafficking. The article was published months before the anti-cybercrime law was enacted. This became the basis for the initial dismissal of the complaint. However, prosecutors decided to reopen the case because of a punctuation edit in said article in 2014, even though the one-year prescriptive period for such a complaint had already lapsed.

On the strength of the cyber-libel charge, the National Bureau of Investigation arrested Ressa on 13 February 2019. She posted bail on 14 February. Santos posted bail on 15 February, although he was not formally charged. The revival of the case follows other attempts to silence the online media group. In January 2018 the Securities and Exchange Commission revoked Rappler's registration for alleged violation of foreign ownership restriction on mass media. The revocation is being

¹⁶⁶ https://www.nytimes.com/2016/08/28/magazine/inside-facebooks-totally-insane-unintentionally-gigantic-hyperpartisan-political-media-machine.html?_r=0

¹⁶⁷ <https://news.abs-cbn.com/-depth/09/19/12/internet-libel-may-lead-12-years-prison>

¹⁶⁸ <http://pcij.org/blog/2014/03/03/online-libel-provision-gives-chilling-effect>

appealed. Tax evasion cases were also filed against Maria Ressa. In February 2018 Rappler reporter Pia Ranada was banned from covering the presidential palace and from covering the President himself.

Rappler continues to report despite these obstacles and has received local and international support.

Amnesty International called the charges an 'absurd legal attack' by a weaponised cyber-crime law that targets dissent and free speech:

'In this instance, the anti-cybercrime law has clearly been weaponized against legitimate dissent and free speech. It is all the more ridiculous given that the National Bureau of Investigation, which first reviewed the complaint, dismissed this claim as baseless last year. This repressive law, must be repealed by the Government and charges dropped against Ressa and Rappler.'¹⁶⁹

Reporters without Borders called it out:

'The judicial harassment used by President Rodrigo Duterte's administration to persecute Rappler's journalists is becoming grotesque, (..) It would be almost laughable if it weren't for the terrible judicial precedent that this decision would set, if upheld. We urge the court that handles this case to show independence and wisdom by dismissing it once and for all.'¹⁷⁰

FORUM-ASIA condemned the indictment:

'This case highlights the ongoing harassment faced by critical journalists and human rights defenders in the country. FORUM-ASIA calls for an immediate dismissal of the charges against Ressa and Santos Jr, and reiterates its call for the repeal of the cybercrime laws and other legal provisions that have been used to further harass journalists and human rights defenders.'¹⁷¹

¹⁶⁹ <https://www.amnestyusa.org/press-releases/yet-another-absurd-legal-attack-against-rappler-and-maria-ressa-in-the-philippines/>

¹⁷⁰ <https://rsf.org/en/news/philippine-website-accused-libel-seven-year-old-article>

¹⁷¹ <https://www.forum-asia.org/?p=28050>

The international diplomatic community, including US, British and Canadian officials, also reiterated deep concern over Ressa's arrest, as did various United Nations Special Rapporteurs, Agnes Callamard (on extrajudicial, summary or arbitrary executions), David Kaye (on the promotion and protection of the right to freedom of opinion and expression), and Michel Forst (on the situation of human rights defenders).

Human rights advocates warned that Ressa's arrest portends of increasing challenges to journalists to do their job independently and accurately. On 16 February, three days after Ressa's arrest, the newspaper Philippine Star took down a 2002 story involving the same complainant who filed the cyber libel charge against Ressa.¹⁷² In their statement, Philstar.com said they had been informed of possible legal action if they did not take it down, and that they were doubtful of the scope and bounds of the law in relation to their story.

National Identification System

Issues of security and privacy hound the newly enacted Philippine Identification System (Republic Act 11055). The law seeks to centralise all personal information of every citizen under one repository. The information accesses and stores current and future records and transactions of all citizens, including medical, educational, professional, tax, travel, banking, loans, purchases, assets, liabilities, for as long as the citizen is alive. It is a two billion peso mega surveillance and monitoring project that especially puts human rights defenders at risk. The Foundation for Media Alternatives warned of the potential abuse of the law:

'(..) it is also worth reiterating how any ID system is one slippery slope away from being used as a systematic and pervasive State surveillance tool against the people. This is because it affords the Government the power to monitor not only transactions, but also other activities and events in a person's life. And it retains all this potential for misuse and abuse, despite the existence of Constitutional and statutory safeguards (i.e., Data Privacy Act).'¹⁷³

¹⁷² <http://cnnphilippines.com/news/2019/02/16/wilfredo-keng-philstar-article-deletion.html>

¹⁷³ <https://www.fma.ph/2017/07/11/cure-worse-disease-national-id-system/>

Recent data breaches of the Commission on Elections¹⁷⁴ and the Department of Foreign Affairs,¹⁷⁵ put serious doubt on the Government's capability to prevent hacks and identity theft. The law also lacks comprehensive consultation with stakeholders, indigenous peoples for example, who do not carry identification cards nor birth certificates so may be vulnerable to immediate marginalisation from the system and may suffer additional discrimination when it comes to access to vital social services.

Additionally, proposals to amend the anti-wiretapping law and the establishment of a sim card registration system, face additional hurdles in low technical capacity as well as an inefficient, costly and corrupt bureaucracy.

The Philippine laws on cyber-libel and the national identification system, as well as proposals to reform the anti-wiretapping law and proposals for a sim card registration, exist under the legal landscape of an ongoing Human Security Act (2007), a reinvigorated declaration of a state of national emergency due to lawless violence (Proclamation 55), martial law in the Mindanao region (Proclamation 216), and a drug war executed largely through extrajudicial killings and gross impunity. Altogether, they are sewn on a bloody quilt of dictatorial rule, which blankets a terrorised population and a sinking economy. And President Duterte is only halfway into his term.

¹⁷⁴ <https://www.philstar.com/headlines/2016/04/08/1570934/comelec-hack-puts-data-55m-registered-voters-risk-security-firm-says>

¹⁷⁵ <https://insidemanila.ph/article/293/heres-what-we-know-so-far-about-the-dfa-data-breach>

Online Censorship, Bots and Hate Speech: Trends in Pakistan

By Marvi Mumtaz¹⁷⁶

The Internet is often termed the information highway. Social media has been lauded as being a catalyst for communication for development, democracy and social justice. It has not only gained higher momentum with the passage of time, but has opened new avenues for the voiceless and unheard segments of society.

However, the increase in the use of social media has given birth to new forms of expression, some of which are having a negative impact on the frontiers of information development and access. Unfortunately, in Pakistan, these issues are very complex, layered and have gone unchecked and unimpeded.

Censorship and hate speech are two such issues that are impeding the free flow of information today. This article will explore both these issues along with other factors that have risen as a consequence.

The rise of censorship

In Pakistan, the existence of online censorship can be traced to instances where the ruling powers were threatened, either as a consequence of hate speech or whenever their actions were questioned. The first and foremost targets of censorship are the spaces and people that question the judiciary, armed forces or other state institutions. Both censorship and hate speech play a role in rising insecurities, the downside of which is restrictions in cyberspace.

Censorship has long been at the core of the rising complexity surrounding the Internet. Looking at it from a broader perspective, it is good to note that the Government is often the one seeking information online about who might be trying to bring them down or who can pose a threat in the long run to their regimes and policies. Instead of letting the Internet be a space for people to express their views, authorities have found censorship a policy tool to tackle dissenting voices. There are various instances wherein authorities have banned or blocked cyberspace in the name of national security or religion, when the real reasons behind such actions were political. Laws, rules, and procedures passed by the authorities are not meant to enable the free flow of information, but to control the cyberspace at a national level as best as possible.

¹⁷⁶Marvi Mumtaz works as a research associate with Bytes for All, Pakistan.

In Pakistan, the covert control model started coming into force roughly in 2006 with the blocking of presumed blasphemous content on different platforms. Since then several other reasons for such blocking and filtering have been added, including national security and porn. An article published in Dawn states that in 2012 the Pakistan Government openly published advertisements calling for proposals to build 'a URL filtration and blocking system' to counter what they called immoral content on the Internet.¹⁷⁷

Censorship cases have been numerous in Pakistan, often without giving any form of justification. In most cases, issues related to political dissidents, religious groups, minorities and other biased factors come into play. For example, Siasat.pk, a website discussing politics, including rampant political developments was blocked by Pakistan Telecommunication Authority (PTA) in 2015. The only reason why it was banned was because it provided a platform for people to discuss their views, even if they were against the Government. However, in this particular case, after great public pressure, created by extensive reporting by Pakistani media, the website block was lifted and the site was restored.¹⁷⁸

Pakistan has various government institutions which actively prevent the free flow of information and contribute to the shrinking of cyberspace. These bodies have done more harm than good to the online spaces of Pakistan. The Pakistan Electronic Media and Regulatory Authority and the PTA are two such bodies that could have worked on challenging the status quo. Instead they have been contributors to attacks on the freedom of expression and citizens' right to information, which are guaranteed under the Constitution of Pakistan. The right to access to information for every citizen has been promised in Article 19A of the Constitution, but given the constant bans and network shutdowns it might as well have been repealed.

Link between hate speech and censorship

Having established the reality of censorship in Pakistan, it is important to examine what factors contribute to the perceived need for such policies. There has been increased awareness of concepts such as cyber armies, bots, and the resulting hate speech online. Cyber armies have been launched in the form of strong network of individuals, who aim to serve a single purpose, undermining free expression. The most disturbing part of these cyber armies is that their main focus is to propagate propaganda and attack dissent. They not only affect cyberspace, their effects are far-reaching, extending to physical spaces offline too.

¹⁷⁷ <https://www.dawn.com/news/1097532>

¹⁷⁸ <https://bytesforall.pk/publication/internet-censorship-pakistan-findings-2014-2017>

The advancements in technology and artificial intelligence (AI) have given birth to bots that play the role of cyber armies. These skilfully controlled bots work as hackers or spread malware online that can capture or even destroy sensitive information. In this new age, both cyber armies and bots have emerged with the main purpose of highlighting negativity. This negative use of technology has created more space for hate speech in the virtual world, and has thereby validated the need for censorship.

Pakistan has seen the rise and use of these technological bots on the political scene during the General Elections 2018 campaigns. Similarly, the prevalence of hate speech against female politicians and journalists garnered greater attention as well.¹⁷⁹

The pervasiveness of cyber armies and bots has resulted in trolling. Trolling is popularly associated with and used for targeted bullying and the promotion of hate speech online. Across the globe, the number of trolls has visibly grown to form a proper chained network that is designed to not only bully, but also to create massive disruption to the work of others, especially human rights defenders.

In an incident in Mexico, after 43 students went missing, human rights groups and journalists attempted to hold protests. However, they were targeted with hate messages and death threats.¹⁸⁰

Besides threatening human rights defenders, the negative content propagated by these cyber armies and bots affects the freedom of expression and the use of censorship policies.

Since the right to free speech allows opposing views to be posted on the Internet, negative content spread by bots sneaks its way onto social media platforms and is at times mistaken for an expression of disagreement. This makes it difficult to tell the difference between genuine concerns, and opinions that are solely intended to spread hate.

This reality has nurtured dangerous mindsets. The upspring of hate messages going viral on the Internet has cultivated further extremist tendencies in people, both among the propagators and the consumers of such content. The widespread accessibility of the Internet has allowed hate speech to transcend all boundaries and travel across geographical locations.

¹⁷⁹ <http://digitalrightsmonitor.pk/investigative-study-finds-custom-made-bot-platforms-contributing-to-trending-political-hashtags-in-pakistan/>

¹⁸⁰ <https://medium.com/amnesty-insights/mexico-s-misinformation-wars-cb748ecb32e9>

Therefore, hate speech is not only used to target ethnic, religious and minority groups, but also to stir unrest over trivial matters.

This misuse of the right to free speech brings censorship into play, making sites and platforms its targets that should not be looked at in that way at all. In Pakistan, for example, YouTube was banned in 2012 for having videos that were said to have blasphemous and anti-Islamic content. The ban was removed three years later in 2016 when a local version of YouTube was launched.¹⁸¹

The victims of hate speech and censorship

Although hate speech and censorship have affected various groups, they have particularly sullied platforms used by human rights defenders, journalists, minorities and others who use the Internet to raise genuine concerns.

According to Amnesty International, in 2016 in as many as 55 countries across the globe people were arrested for posts online, in many cases because their content was wrongfully labelled as inciting violence.¹⁸² Among them were many journalists and media persons, who work in challenging environments.

While online users struggle to find their way through digital spaces to address common concerns, these same platforms are also used to target and harass minority groups. There are many accounts and pages on social media, such as Twitter and Facebook, which have been created for the sole purpose of perpetrating hateful messages against certain segments of society.

A mechanism has yet to be devised that can filter hateful messages that give rise to sectarian violence in countries such as Pakistan, which is already rife with such incidents. In Pakistan, unfortunately people are not always made aware of some news for the same reason as it can cause or instigate hate speech.

Loopholes in the use of censorship policies exist across the globe, which means stories do get out. Where they do, those that speak out often pay a high price for dissenting. In Malaysia, criminal charges over violating multimedia laws were filed against a graphic artist in 2016 for mocking Najib Razak, the then Prime Minister, who was himself facing charges for corruption. This stirred a debate in Malaysia, questioning the charges levelled against the artist for ‘criticizing the Government over its wrongdoings.’¹⁸³

¹⁸¹ <https://www.reuters.com/article/us-pakistan-youtube/pakistan-lifts-ban-on-youtube-after-launch-of-local-version-idUSKCN0UW1ER>

¹⁸² <https://www.amnesty.org/en/latest/news/2017/03/fighting-back-against-cyber-censorship/>

¹⁸³ <https://www.abc.net.au/news/2016-06-06/malaysian-artist-fahmi-reza-charged-for-depicting-pm-as-clown/7482710>

In Myanmar, the authorities are always on guard with their censorship mechanisms to look out for those speaking about the Government or rather specifically about its 'dark side.' In one such instance, a reporter from Myanmar Times, an English language newspaper, was fired for writing on the reported rape of Rohingyas, a minority group in Myanmar. Likewise, five media persons were sentenced to ten-year jail terms in 2014 for disclosing secrets about a chemical weapons factory.¹⁸⁴

Countering censorship and hate speech online

The most accessible tool that almost everyone has access to nowadays is social media. It has been lauded and criticised, but its usefulness has not been questioned. In a world where everything is just a click away, and more so with new technological advancement, the dependence of human beings on the Internet and social media has grown even more. Therefore, the major brunt of both censorship and hate speech cases have been borne on the Internet and social media.

Many that are part of the cyber world are speaking about these and other threats, such as the creation of trolls, cyber armies and bots, and their implications. There have been discussions on whether shutting down social media as a whole would minimise the issue or be counter-productive. But ironically, these discussions are being held on the same social media platforms too.

Unfortunately, in many instances social activism and peaceful change are mere concepts, not taken seriously by the State. In many places around the world, we are still searching for our ideal leaders, who not only work for the benefit of the people, but also understand that citizens and their views are not a threat to their authority. That criticism of policies and institutions is intended towards the betterment of the country, not to overthrow the Government.

Around the world, Internet users have started to feel insecure, mistrust and fear speaking out online due to the lack of protective policies of most platforms. Many, specifically human rights defenders and journalists, have taken to self-censorship to be on the safe side. Self-censorship will discourage journalists and human rights defenders from raising their voice on sensitive matters, such as enforced disappearances, which desperately need to be talked about.

There is a lack of policy initiatives to address such challenges, and practically no Government has ever taken concrete steps to counter online threats. Journalists do have some protective mechanisms under the Geneva Convention; however, States should also provide security and enable online platforms to be used for pro-people development.

¹⁸⁴ <https://www.forbes.com/sites/ralphjennings/2017/05/31/malaysia-to-myanmar-these-5-asian-countries-are-unliking-media-freedom/#326fc69fd549>

Countries, including Pakistan should also be responsible for aligning their internet governance policies with treaties that they have already signed, such as the International Convention on Civil and Political Rights (ICCPR). Especially those, such as the ICCPR that have a mandate linked to the protection of human rights activists and media professionals.

In today's era of hate speech and rising online censorship, journalists, human rights defenders and minorities, who are the most vulnerable, need to balance between expressing themselves and staying safe. This can be achieved in the following ways:

1. A strong community or network needs to be facilitated between different groups. Often times there are discerning views within and between groups, whether it is the media or minorities. Activists must therefore learn to join hands in order to work for the productivity that is needed. When a group is united and supportive, they will realise their strength. A platform committed to solidarity makes sure that work is not impeded, but rather promoted.
2. Activists must engage in meaningful coordination with the Government. The State should provide protective mechanisms and should also support them during crisis situations. A law must be passed for the security of journalists. In instances where a law is not in place, political will and recognition must be created to understand the dangers of being a human rights defenders or media.
3. As an activist, one must always be on the look-out for safety concerns and take care of their own well-being and that of their families. They must always be cautious and take measures to erase any digital footprint and identity online so that they may not be easily traceable. Physically, activists must make sure to be aware of the consequences of the hate speech received online and ensure they work in spaces that are secure for them and their families. Similarly, psychological well-being must always be given priority. The purpose of trolls is to create stress, so to disrupt normality. Psychosocial dynamics must be given preference as well.
4. Security measures must be kept in place. However, security guidelines should not impede work or freedom of expression. The activist and media professionals must therefore learn the skill of speaking out without overstepping the line. They must deliver what they are supposed to, but they should also manage their written and spoken statements proficiently. While this somehow can fall under the umbrella of restriction, it can also help them continue speaking out without compromising their work.

5. The State should be kept abreast of important information regarding the threats they receive because of the work. This means that the State should not wait or be kept in the dark until a killing or abduction has taken place. Online threats are a danger to life and mental and emotional health, and must all be reported to state mechanisms.
6. A technologically assisted mechanism must be in place with the support of efficient IT professionals to counter bots. Similarly, cyber armies must also be discouraged along with proper research conducted about them.
7. Pakistan must assure its policies comply with international treaties, including the protective guidelines encompassed in them, as with the ICCPR.
8. Lastly, hate speech must be countered with more speech rather than through censorship. If the State imposes censorship, the flow of authentic information will be altered. When censorship is imposed, a lot of facts can be construed that can in turn provide a disrupted image of what reality is and can garner more negativity. Therefore, activists must always choose to speak up and counter hate speech rather than abandon their work.

Ownership and Independent media

By Bulgan Ochirsukh and Munkhjin Tsevee¹⁸⁵

Persistent threats to independent media have become a universal issue around the world. It is alarmingly becoming more and more commonplace in Asian countries as well. No matter the political system of a country, there are increasing efforts by those in power and powerful corporations to control the flow of information to their advantage by limiting the freedom of the media.

All of this was evident from the information shared during the two-day Media and Human Rights Defenders Forum organised by the Asian Forum for Human Rights and Development (FORUM-ASIA). Dissecting the information from India, Indonesia, the Maldives, Pakistan, Myanmar, the Philippines, Thailand, Cambodia, and Mongolia showed us that all of these Asian countries are curtailing freedom of the press and media independence to some extent.

In a sense, this is the result of the media sectors and organisations lacking protection mechanisms from external influence. It is a signal to all of us that we must create specific models to help preserve the independence of the press. The fact that in some countries there already have been some options that have been successfully implemented, shows us that it is possible.

Currently, there are vast amounts of private, government-owned, and public media institutions operating around the world. Regardless of whether a media organisation is a television network, a cable channel, or an online platform, they all face the threat of losing their independence or needing to cater to the interests of a small group of people.

Media ownership in Mongolia

The rise of Mongolia's media sector began in the 1990s, after the transition from a socialist to a democratic regime. Ever since Mongolia's transition to democracy, the media market has been booming so significantly that a disparity with its audience is obvious at first sight. For a population of three million people there are close to 500 media outlets.

¹⁸⁵ Bulgan Ochirsukh is a journalist and foreign news editor at Ikon News, Mongolia, and Munkhjin Tsevee is a former journalist and currently media development program manager at the Globe International Center, Mongolia.

Research by the Press Institute of Mongolia found that in early 2016 there were a total of 485 media outlets: 101 newspapers; 69 radio stations; 131 TV stations; and 98 internet news portals. 70 percent of them are private entities, including media owned by special interest organisations, for which financial information on their business operation is not available.¹⁸⁶

Generally, financial information on media businesses is not available to the public. However, given the competition, it seems a safe guess that most of Mongolia's media outlets are unprofitable. In turn, it can be assumed that the owners do not engage in media businesses for profits, but rather as a tool to articulate their political preferences and to protect their economic interests.

Information on political affiliations of media outlets and their owners can only be found through research.

Recent research carried out by Media Ownership Monitor (MOM) in Mongolia shows that 29 out of a total of 39 investigated media outlets have political affiliations through their founders or owners.¹⁸⁷

Only one out of ten Mongolian media outlets was transparent about their ownership. This limits the important role of media to act as an independent watchdog for democracy.

Therefore, media owners and advertisers can directly influence editorial decision making and operations of newsroom. Public agencies and high officials can establish a contract with media outlets to abstain from critical or negative news coverage, which encourages 'paid' journalism.

Meanwhile, it is not easy to find out who 'owns' the media in Mongolia. Transparency obligations for media owners are deficient. Print outlets and online news media do not need to publicly disclose their owners. Only for TV and radio stations, the Government appointed Communications Regulatory Commission (CRC) demands transparency of license owners. But CRC's information is often limited and outdated and the obligation to disclose ownership is not enforced.

MOM research came to the conclusion that the print media market and the online news sector are highly concentrated. The TV and radio markets have a medium concentration level.

¹⁸⁶ <https://mongolianobserver.mn/who-owns-the-media-in-mongolia/>

¹⁸⁷ *ibid*

Consequences of lack of media independence

So why is lack of transparency of ownership of a given media outlet so problematic? To begin with it blurs possible conflicts of interests of the owners and what they do or do not allow a media outlet to report. As such, it jeopardises the independence of the outlet. However, in more dire situations the influence of owners can go much further than that.

In some cases, journalists are faced with the threat of being killed if they refuse to serve the interests of a few powerful individuals. According to the non-governmental organisation, Reporters Without Borders, at least 80 journalists were killed in 2018 alone for their work.¹⁸⁸ These brave journalists were killed for their efforts to protect press independence and the interests of the public. They became victims of efforts by individuals trying to maintain their influence and power through corruption and bribery.

Alarming, such news only goes to further prove that there need to be concrete steps towards building strong press independence. In this sense, it is important to mention that the forum organised by FORUM-ASIA came at the right time.

Technological developments, especially the development of the Internet, have allowed media organisations to receive and distribute information on a large scale much more easily than before. This is important in countering the diminishment of civil society that has been witnessed recently. At a time, when efforts to silence journalists have become even more indiscreet and complex, it is up to journalists to unite against this persistent threat. As such, the following are ideas and solutions that are based on the discussion at the forum.

Protecting media independence

Due to the fact that most government-funded media institutions are not able to maintain their independence, there must be a model for driven and honest journalists to unite to bring positive change.

The Korea Center for Investigative Journalism (KCIJ) is the first non-profit online investigative reporting organisation in South Korea.¹⁸⁹ The center was launched by veteran broadcast journalists, and runs Newstapa, an online news website that

¹⁸⁸ <https://rsf.org/en/news/rsfs-2018-round-deadly-attacks-and-abuses-against-journalists-figures-all-categories>

¹⁸⁹ <https://gijn.org/member/korea-center-for-investigative-journalism-kcij/>

presents watchdog journalism in video form.¹⁹⁰ Their uncovering of political scandals has garnered much public support.

KCIJ was in a tough place financially for the first six months after its inception, much like any new media organisation. They needed to find a sustainable financial model for their organisation. Newstapa's editor-in-chief, Kim Yong Jin said that they had no one to rely on except their readers and viewers. Publishing quality reports and gaining a significant readership helped them get out of their financial struggles.

Currently, Newstapa has a readership of 40,000 and their membership fees help Newstapa operate without any financial worry. The centre does not accept any advertisements or sponsorship from government agencies or foundations, this helps them to remain independent from any type of power. It operates independently and free from any business interests or partisan political influences.

Another media organisation that does not rely on advertisements or sponsorship from any external sources is Prachatai, based in Bangkok, Thailand.¹⁹¹ It is supported by international donor organisations to help maintain its editorial independence. For this purpose, it is also registered as a Thai non-profit foundation, named The Foundation for Community Educational Media (FCEM), one of the projects the foundation implements is Prachatai.

There are many factors in the editorial independence of media organisations, but the biggest and the most difficult factor to overcome is usually funding. This is an important reason why many media organisations lose their independence as owners have a specific political agenda or are forced to abide by set censors. In a landscape where efforts to silence the media have ramped up, the above mentioned examples are solutions to that problem.

The other side of this is the importance of readership's education, and the ability of readers to think critically and differentiate what is false and what is factual. Therefore, there is a need to support media organisations that operate on donations from their readership and value human rights. Going further, there should be a model funded by international donor organisations to help set up similar organisations in all Asian countries. If this is successful, it would help strengthen regional and international networks fighting to maintain freedom and independence of the press.

¹⁹⁰ <https://newstapa.org/>

¹⁹¹ <https://prachatai.com/english/>

In conclusion, in a climate where efforts are to silence human rights and media organisations in the interests of a few, the best way to combat fake news and political propaganda is to support and expand independent media organisations that do not depend on advertisement or sponsorship from outside sources, but only on the donation of their readership. This model has proven to help decrease government pressure and external influence on media outlets. Creating a close and sustainable relationship between a media organisation and its readership will certainly help overcome both current and future obstacles in the media sector.

As freedom of expression is being curtailed and civic space is shrinking across Asia, few groups are as much under pressure as the media and human rights defenders. Both are facing harassment, incarceration and even being killed in countries across the region. However, in most instances the two do not manage to overcome their differences to become allies in their common struggle for freedom of expression. In part this stems from mistrust and misunderstanding, but also the reality that the media and human rights defenders have very different mandates and purposes.

This publication attempts to raise awareness about the threats and challenges faced by media and human rights defenders in the current restrictive and repressive environment in many countries in Asia. More awareness about what is going on, and more awareness about what could or should be done. It is an attempt to start a dialogue on how both media and human rights defenders view the challenges we face with freedom of expression in Asia. To bring together different, maybe at times even opposing, ideas about the reality in our region today. Because if we understand each other, we can stand together.

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a regional human rights group with 81 member organisations in 21 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratisation



Asian Forum for Human Rights and Development