

WORLD PRESS FREEDOM DAY

'Freedom of expression online in the Mekong region: improving self-regulation'

3 May 2018, Foreign Correspondents Club of Thailand

Concept note and programme

Under the global World Press Freedom Day (WPF) theme of 'Keeping Power in Check: Media, Justice and the Rule of Law', the WPF celebration 2018 in Bangkok will encourage discussion on the contemporary challenges of freedom of expression online in the Mekong region (Cambodia, Lao PDR, Myanmar, Thailand, Vietnam, Singapore) and will examine self-regulatory norms for online expression and privacy while keeping in check regulatory measures that could impact the guarantee of fundamental freedoms online.

The panel discussion will address the issue from the following perspectives:

- What are the challenges of freedom of expression online in the Mekong region?
- How do the Internet companies and Governments address these challenges?
- How to protect individuals' freedom of expression and privacy?
- Does online speech need regulation or self-regulation?
- What does effective self-regulation look like in the context of the Mekong region?

The public panel discussion will be followed by a training course for selected artists, communicators, and digital art creators to develop their artistic expression of UNESCO's Internet Universality concept and its associated R.O.A.M principles. Their works will be displayed and launched for the International Day for Universal Access to Information (28 September).

The WPF takes place in the context of the 2030 Agenda for Sustainable Development which includes 17 goals. Among the goals, Sustainable Development Goal (SDG) 16 focuses on promoting just, peaceful and strong institutions which allow for good governance as well as other sustainable development efforts to thrive.

BACKGROUND

In the digital age, online data has become the new currency of communications, journalism, advertising, policymaking and diplomacy.

The open nature of Internet is a benefit to freedom of expression and access to information, but it does have challenges. Hate speech, harassment and the leaking of personal information are dangerous hazards that can potentially affect every Internet user. Journalists and media

workers particularly need to circumnavigate these risks when working online, especially when it relates to source confidentiality. The Internet has been portrayed as a platform for violent extremists to diffuse their propaganda, which disproportionate consequences for expression and privacy rights, even though there is a lack of definitive evidence of a direct link between social media and actual radicalization towards violence.

National security concerns have been cited by many States to enact measures that present a clear challenge to freedom of expression online, raising issues of necessity and proportionality. Across all regions, a rise has been observed in the filtering of content, blocking of websites, and blanket Internet shutdowns, and often without well-defined legal basis, as highlighted in the *World Trends in Freedom of Expression and Media Development: Global Report 2017/18*.

FREEDOM OF EXPRESSION ONLINE IN THE MEKONG REGION

The 2014 Internews baseline study entitled *Freedom of expression and right to information in ASEAN countries* describes that ‘new laws and enforcement of existing regulations specifically controlling online activity are being used across the region to target journalists and human rights defenders who post news and information deemed critical of government.’¹

Freedom House also indicates in its Freedom of the Net Report that the degree of Internet freedom has declined in the Mekong region since 2014. In 2017 most countries are described as either ‘not free’ (Myanmar, Thailand, Vietnam) or only ‘partly free’ (Cambodia) based on challenges and restrictions in access, content and user rights². Online freedom in Lao PDR is also described as limited with a cybercrime law adopted by the Government in 2014³. In Thailand, a large number of freedom of expression online advocates, including media organizations, bloggers, human rights lawyers as well as business and civil society groups from across Thai society, monitor the situation of Internet freedom since 2014.

The organization Article 19 highlights the similar trend across the Asia-Pacific region where ‘threats to free expression, particularly online expression, are on the increase’. They note that ‘Laws criminalizing defamation, prohibiting criticism of the monarchy or state, and restricting media freedom are continually used against members of the public, journalists and human rights defenders. As Internet access has spread across the region, so too have efforts to restrict people’s use of the Internet as a platform for expression and discussion of ideas.’⁴

THE NEED FOR IMPROVING SELF-REGULATION AND THE IMPORTANCE OF R.O.A.M. PRINCIPLES

¹https://www.internews.org/sites/default/files/resources/InternewsEU_ASEAN_FoE_and_RTI_Study_2014.pdf

² <https://freedomhouse.org/report-types/freedom-net>

³ <https://freedomhouse.org/report/freedom-press/2015/laos>

⁴ <https://www.article19.org/regional-office/asia-pacific/>

A recent UNESCO study signals the lack of evidence thus far in research, and of a clear link between social media and violent radicalization process for young people, highlighting the need to avoid policy based on assumptions that can lead to disproportionate limits on freedom of expression online⁵.

In addressing these issues, the challenge for governments and all stakeholders is therefore how to respond to online hazards through social programmes as well as legal frameworks that respect the vision, represented in UNESCO's concept of Internet Universality and associated R.O.A.M. principles. The R.O.A.M. principles embrace the vision of an Internet that works for all and based upon human Rights, Openness, Accessibility and Multi-stakeholder participation.

Large Internet companies play an increasing role in shaping users' freedom of expression and access to information. However despite improvements in transparency in reporting about requests for content removal and access to user data, the terms of services of Internet intermediaries globally often lack sufficient protections for individual's freedom of expression, privacy and due process. These weaknesses and under-resourcing of self-regulatory systems by Internet intermediaries have fuelled the growth of legislation and regulation. In many cases, from a free expression point of view, much law and regulation in practices has proved to be more problematic than a lack of regulation. Many laws fail to distinguish the liability difference between media institutions that publish or broadcast content online, and the Internet platform that mainly host content produced by third party. An effect of this is to increase the tendency of platforms to take the simplest and cheapest route of removing any contested content, and handling over user data to other actors without due process. In the process, much legitimate expression falls victim to what is in effect a privatisation of censorship.

The focus of the panel discussion at the occasion of the regional celebration of the World Press Freedom Day in Bangkok, Thailand, will address the issue from the following perspectives:

- What are the challenges of freedom of expression online in the Mekong region?
- How do the Internet companies and Governments address these challenges?
- How to protect individuals' freedom of expression and privacy?
- Does online speech need regulation or self-regulation?
- What does effective self-regulation look like in the context of the Mekong region?

In this context, improving self-regulation is key to protecting online freedom of expression. The guarantee of fundamental freedoms online requires a multi-stakeholder approach. This is part of UNESCO's endeavour to promote Internet Universality and related indicators for measuring its R.O.A.M principles.

EXPECTED OUTCOMES

⁵ Alava, Frau-Meigs, and Hassan 2017, cited in *World Trends in Freedom of Expression and Media Development: Global Report 2017/18*

- Raising public awareness on the challenges of freedom of expression online in the Mekong region, including measures implemented by Governments and Internet companies to address those challenges
- Raising public awareness on the importance of protecting individuals' freedom of expression and privacy, including on the need to create an enabling environment for freedom of expression online that respects the vision of Internet Universality and associated ROAM principles
- Enhanced capacity of artists, communicators and digital art creators UNESCO's Internet Universality concept and its associated R.O.A.M principles, as well as of human rights and arts freedom organizations to advocate for the protection of the right of artists to imagine and create in the digital age, and to share their creative work online

DRAFT PROGRAMME

8.30-9.00	<p style="text-align: center;">Registration</p> <p style="text-align: center;">Venue: Foreign Correspondents Club of Thailand (FCCT)</p>
9.00-9.20	<p style="text-align: center;">Opening session</p> <ul style="list-style-type: none"> • Opening address by H.E.M. Staffan Herrström, Ambassador of Sweden to Thailand, Myanmar and Lao PDR • Welcoming remarks by Ms Misako Ito, Regional Adviser for Communication and Information, UNESCO Bangkok
9.20-9.50	<p style="text-align: center;">Joint launch of the UNESCO Reports</p> <ul style="list-style-type: none"> • World Trends Report in Freedom of Expression and Media Development, Dr. Golam Rahman, Member of the Advisory Group for the UNESCO Global Report on World Trends in Freedom of Expression and Media Development • Global Report "Re Shaping Cultural Policies", Ms Duong Bich Hanh, Programme Specialist and Chief of Culture Unit, UNESCO Bangkok
9.50-11.20	<p style="text-align: center;">Panel discussion and Q&A: 'Freedom of expression online in the Mekong region: improving self-regulation'</p> <ul style="list-style-type: none"> • Ms Yin Yadanar Thein, Co-founder, Free Expression Myanmar • Mr Yingcheep Atchanont, Program Manager iLaw, Thailand • Ms Sheen Handoo, Public Policy Manager for Asia-Pacific, Facebook Singapore • Ms Vicheika Kann, Reporter, Voice of America's Khmer Service, Cambodia

	Moderator: Ms. Anisa Widyasari, Advocacy Officer, Southeast-Asia Press Alliance (SEAPA)
11.20-12.20	<p style="text-align: center;">Way forward: Sharing Good Practices and Recommendations</p> <ul style="list-style-type: none"> • Internet Universality and ROAM principles by Ms Misako Ito, Regional Adviser for Communication and Information, UNESCO Bangkok • Journalism Trust Initiative by Mr. Cedric Alviani, Director of Reporters Without Borders Bureau for East-Asia • What would effective self-regulation look like in the context of the Mekong region? by Dr. Pirongrong Ramasoota, Chulalongkorn University <p>Moderator: Mr. Laurent Meillan, Deputy Head Office, Regional Office of the United Nations High Commissioner for Human Rights (OHCHR), Bangkok</p>
12.20	End of the programme and reception