

Internet Rules: Unboxing digital laws in Southeast Asia
Summary notes from Day 4: Content & gender

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

Session was a panel discussion with experts on the issue of content moderation and intermediary liability. Katherine Chen, a member of Facebook's Oversight Board (FBOB), started off the session by explaining the general overview of the Board to the participants. The session continued with a presentation from Victoire Rio, a digital rights activist and researcher focusing on the Myanmar cyberspace. Victoire explained that an understanding of the overall content moderation ecosystem may strengthen the advocacy works of civil societies to influence content moderation practices. Michael Caster, the Asia Digital Programme Manager at ARTICLE 19, then walked the participants through the broad landscape of human rights standards that intersect with intermediary liability. Jeff Paine, the Managing Director of the Asia Internet Coalition (AIC) discussed the practical and technical difficulties faced by social media platforms in adhering to content moderation and intermediary liability laws in Southeast Asia.

Building on the presentation of the four panelists and the materials from the previous days of the workshop, the participants and the panelists had the opportunity to discuss difficult issues on the topic. They spotted criticisms and the areas in which platforms and states have not upheld the human rights standards in governing online content. Some issues mentioned included the gap between the community standards of platforms with the implementation on the ground. There were also flaws in the conduct of self regulation by platforms through human rights impact assessment. Besides that, the authoritarian approach taken by some states in regulating content moderation and social media platforms also might hinder freedom of expression. On the other side, the discussants also noted some improvements made by platforms.

The session concluded with discussions around potential solutions to make platforms and states respect and fulfill the digital rights of societies who massively rely on social media platforms. One of the recurring ideas is to maintain the linkage between consistent global rules with thoughtful attention on local context in conducting content moderation practices.

Session 8: Protecting the vulnerable: Special provisions for gender and marginalized groups

The second session of the day was also a panel discussion moderated by Gayatri Khandhadai with Lisa Garcia (Foundation for Media Alternatives), Siti Mazumah and Nathania Theora (LBH APIK Jakarta), and Biplabi Shresta (ARROW) who shared their knowledge, insights, and

experiences on protecting the vulnerable communities with special provisions for gender and marginalised groups.

Lisa shared a broad picture on laws that has the potential to protect gender-based violence in ICT spaces in the Philippines and the challenges found, such as existing laws which don't really deter the perpetrator from committing the crimes, or other laws which sometimes fail to address the contextuality of the crime or violence faced by gender-specific or marginalised groups, from the concerns of anonymity or the vagueness and broadness of the provisions, and subjective standards of morality in capturing consent and nuance or accounting for other existing legislation in the implementation.

Similar to the situation in the Philippines, Siti and Nathania shared the context on sexual gender-based violence in Indonesia, especially the challenges against the rubber articles of ITE Law Article 27 (1) and 27 (3) and Pornography Bill Article (4) and (9), which could in fact criminalize victims; however, it's the only law that exists currently that could be used to offer limited justice for the victims, especially victims of online gender based violence. Other challenges found are providing witnesses, re-victimizing of the victim as the legal process goes on through implied victim blaming questions and a long process that tires the victim.

Completing the discussion, Biplabi remarked briefly on the situation in the Southeast Asian region that shows the decline in freedom of expression and the rise in populism, fundamentalism, misogyny, sexist and homophobic environments. She emphasized that the use of digital technology and the fulfillment of the right to freedom of expression and right to access information are crucial to advance women's human rights, including the realization of sexual and reproductive health and rights (SRHR), and noted how national laws that restrict content and internet infrastructure and the lack of privacy and data privacy laws affect access to SRHR information. She briefly explained Human Rights instruments that include a gender perspective, including the Yogyakarta Principle 19 and Beijing Platform for Action (BPfA).

The discussion with participants touched upon how consulting the public in the process of law making is often an act of tokenism, specific laws or instrument on accessibilities for PWDs, the concerns in collecting data for Digital ID, ways to protect and offer remedies to the victims or marginalised groups, and whether internet access should become a right.