

Session Title: Selective Persecution and the Mob: Hate and religion online

Date: December 19, 2017

Time: 11.50 am

Session Organizer: Centre for Communication Governance at National Law University Delhi and Association for Progressive Communications

Chair/Moderator: Anriette Esterhuysen

Rapporteur/Notetaker:

- Smitha Krishna Prasad (Centre for Communication Governance at National Law University Delhi)
- Deborah Brown (Association for Progressive Communications)

List of Speakers and their institutional affiliations:

- David Kaye, UN Special Rapporteur on Freedom the promotion and protection of the right to freedom of opinion and expression
- Gayathry Venkatiswaran, Association for Progressive Communications
- Chinmayi Arun, Centre for Communication Governance at National Law University Delhi
- Carlos Affonso de Souza, Institute for Technology and Society of Rio De Janeiro
- Grace Githaiga, Kenya ICT Action Network (KICTANet)
- Susan Benesch, Dangerous Speech Project
- Wolfgang Schultz, Hans-Bredow-Institut

Key Issues raised (1 sentence per issue):

The session addressed the following issues:

- What are the current and imminent threats relating to hate speech online?
- What are the ways in which hate speech laws are used to target vulnerable speakers?
- Is protected expression touching on religion under threat? If so, from whom and how do we tackle it?
- Are hate speech and religion specific expression laws effective or acceptable when applied to online spaces?
- How can we engage with the Rabat Action Plan and the Istanbul process to incorporate online and gender related challenges?
- Are there opportunities to work out better ways in which online platforms can deal with hate speech, political censorship and other forms of intimidation of speakers online? Specifically, how can online platforms engage better with these issues in the Global South?

If there were presentations during the session, please provide a 1-paragraph summary for each presentation: NA

Please describe the Discussions that took place during the workshop session (3 paragraphs):

- The speakers discussed issues of how freedom of expression and religion as well as legitimate attempts to express critical views on religion, have become politicised leading to attacks and threats both online and offline, especially in the global South. Elections campaigns often target on religious / ethnic groupings, leading to increased instances of hate / dangerous speech, and even fake news that leads to hate speech.
- Many countries do not have specific hate speech / blasphemy laws, but draw upon offences from the more general penal codes, laws regulating the internet (including intermediary liability laws), laws relating to sedition and laws that deal with national security and terrorism. Very often in these countries, there are also procedural laws that do not necessarily deal with speech, but facilitate the regulation / restriction of speech.
- Diversity of language and cultures results in hate speech often being a local issue, making it difficult to establish standards of hate speech. This is especially a problem when it comes to identifying the manner in which internet intermediaries / platforms can regulate / are asked to regulate hate speech. Participants brought up examples of various issues that are faced in different jurisdictions – India, Bangladesh, Pakistan, Indonesia, Brazil, Kenya and Germany to provide context to the discussions.

Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways (3 paragraphs):

- The panellists discussed the different efforts and recommendations that are being made in jurisdictions across the world to identify the standards for content regulation by / on various internet platforms. Some of the key takeaways were that (i) there is a need to establish standards of harm when it comes to hate speech, especially given the localised nature of its consequences (ii) law enforcement needs to take online threats and hate speech as seriously at least, as offline threats, (iii) we need more transparency regarding the kinds of content that online platforms are dealing with, in order to enable conversations with platforms and governments to identify means of regulation and (iv) we need to rethink the composition of the institutions that enforcement hate speech law, to ensure that the laws are not enforced selectively against marginalised groups.

Gender Reporting

Estimate the overall number of the participants present at the session: 40-50

Estimate the overall number of women present at the session: 20-30

To what extent did the session discuss gender equality and/or women's empowerment?

- The panel itself was diverse and ensured adequate representation of women. The issues that were discussed did not specifically deal with gender equality / women's empowerment. The panellists did discuss issues of religious and ethnic diversity, and how stereotypes about women within these diverse communities also contribute to hate speech.

If the session addressed issues related to gender equality and/or women's empowerment, please provide a brief summary of the discussion: NA