

Special Report: Hate Speech and Incitement in Southeast Asia

As highlighted in the UN's 2019 Strategy and Plan of Action on Hate Speech, hate speech is on the rise globally and is a major contributor of neo-Nazi movements, anti-Muslim sentiment, homophobia, and the persecution of various minorities.ⁱ The Southeast Asian region is no different and social media has played a significant role in belittling and ostracising minority and majority groups alike, either ethnic, racial, religious or political. Hate speech via social media has been a tool used against the Rohingya by the Myanmar government, and is noted by the UN's fact-finding mission as a contributor to this minority's genocide.ⁱⁱ

Hate speech and its incitement is being addressed in varying ways in varying parts of the globe. The EU is seen to be the most advanced and has introduced widespread legislation to counter this growing problem. Various countries within the EU are also advancing legislation in an attempt to curb online racist and homophobia content; this is not to suggest all nations within the EU are equitable in their attempts to curb this problem. Similarly, the EU and other European institutions and governments are investing large-scale funds to both stop online hate speech, and to understand the ever-changing environment in which it is being promulgated.

Southeast Asia lags in many aspects in attempting to curb online content that may lead to incitement and violence. Governments across the region may have proposed hate speech legislation in both civic and penal codes, but legislation directly dealing with hate speech still awaits becoming Acts. For example, in The Philippines, House Bill No. 6963: proposed Hate Speech Act remains stifled by parliament and not enacted. Similarly, in 2017 Myanmar proposed both a Hate Speech Prevention Bill and the Interfaith Harmonious Coexistence Bill that incorporated hate speech, and both have been politically sidelined. What does exist in the region is legislation that speaks indirectly to hate speech; religious freedom Acts and electronic media Acts are examples of laws that vaguely address the topic but never extend so far as to curb hateful content.

In many Southeast Asian countries this lack of law is due to governmental caution, possibly apathy, realising that legislation that curbs online content might hinder their own political propaganda and interests. Similarly, societal and cultural restrictors, including a lack of education, are also key stallers. Countries or regions that adhere to various religious laws might find their messages against other religions deemed 'hateful' if content veers towards anti-Christian rhetoric, for example. Given the region's varied belief systems and cultures, and the rise in hard-line and conservative Islam, governments remain tentative to actually enforce rulings over any online content that might encroach on religious freedom or freedom of speech.

As a result, even base definitions of hate speech largely remain opaque, and while NGOs and CSOs actively workshop to educate civil and governmental organisations about hate speech, there is a general reluctance to write into legislation or to transmit via regional education, a solid definition of what is and what is not hateful and dangerous speech. Some backlash is due to the worry about limiting freedom of speech, but for the most the hesitancy signals a government's reluctance to realise this ever-growing phenomena a policy or legislation problem. More so it is seen as a problem that needs be countered by corporations and businesses. The emphasis is then placed on the private sector, and blame for hate speech posts and any ongoing incitement rests with social media's lack of proper policing; or, a lack of proper accountancy and transparency given a company such as Facebook's huge global influence.

Facebook (including its other social media avenues Twitter and Instagram), is one of the main social media companies in Southeast Asia, but is far from the only platform. Others include Sina, Weibo, WeChat, Line and Qzone.ⁱⁱⁱ Some companies (but certainly not all) are taking active measures to

identify hate speech in all forms, from bullying at a classroom level, to propaganda used to incite large-scale mass terror. Regulation by the private sector has come in the form of AI intervention, policy change, and various grants and financial undertakings to help educate civil and governmental organisations. Similarly, interfaces are being constantly updated to remove or alleviate the potency of online content that may be harmful to others.

Yet a private company working in the Southeast Asia region is only obliged to act according to a State's legislation, and therefore while a company such as Facebook might have a moral obligation to stop, report and remove hateful or dangerous speech, it need only abide by legislation on a nation-by-nation case and, as noted above, this legislation remains lacking. It should be noted that over-regulation of social media sites is in fact detrimental to their overall ethos, and it will hinder their business models. If this occurs and sites such as Facebook over-regulate, users will find other sites that allow more freedom to express any form of message.

The Southeast region in general then finds itself at an impasse in which governments and social media will only act to a point, and only then as long as this is not detrimental to either a position of power, or a financial situation. Regulation is best seen in users and this is the target group most CSOs and NGOs aim their education at, knowing that ongoing workshops for users on what hate and danger speech are is the most legible means of de-escalating a problem that is certainly prevalent and powerful in Southeast Asia.

Recommendations

Southeast Asian governments should:

1. Recognize the importance of direct hate speech and danger speech legislation, and implement this legislation in its civil and penal codes.
2. Work with the private sector, including social media sites and internet companies more broadly, to implement a range of generic policy measures across the region, rather than on a state-by-state basis.
3. Adopt the UN's 2019 Strategy and Plan of Action on Hate Speech.
4. Work with CSOs and NGOs at large-scale educational programmes for all ages and all users.

ⁱUN Strategy and Plan of Action on Hate Speech, May, 2019, <https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf>

ⁱⁱ "Myanmar: Events of 2018," Human Rights Watch, <https://www.hrw.org/world-report/2019/country-chapters/burma>

ⁱⁱⁱ Bianca-Rose Mao, "Asian Social Media: 5 Networks You Should Know About," Synthesio, July 3, 2018, <https://www.synthesio.com/blog/asian-social-media/>.