

Fake News and Freedom of Expression in Southeast Asia

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Freedom of Expression (SEA) Project 2019-2021

Over period of 4 years, the project examine the impact of fake news, hate speech, disinformation and propaganda on Freedom of expression in the region

Research - Baseline studies, policy briefs, commentaries
Regional (1) and Country (10)

Activities

1. National seminars
2. Interegional conference
3. International conferences

Fake News and Elections in Asia (10 – 12 Jul. 2019)

Hate Speech in Asia: Challenges and Solutions (8 – 10 Jul. 2020)

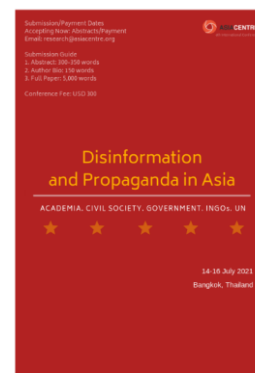
Authoritarian Disinformation and Propaganda in Asia (14 – 16 Jul. 2021)

Freedom of Expression in Asia (13 – 15 Jul, 2022)

Advocacy

Media engagement

Speaking engagement



Challenges of Information Disorder in ASEAN

- Since introduction of internet in Southeast Asia in 1995, incumbent regimes have used legislation to negate the democratic potential of the internet
- Discussions around fake news bills surfaced in Asia after hotly debated voting results in other jurisdictions, notably following the 2016 US elections and the 2016 Brexit vote in the UK
- Since 2017, individual SEA governments have taken legal and/or sponsor non-legal measures to combat “fake news”
- In May 2018 ASEAN ministers responsible for information agreed in a joint statement to collaborate and exchange best practices to combat fake news and mitigate its effects

Global Media and Communication Trends

- Population: 7.676, Internet: 4.388, Social Media: 3.484, Mobile Social Media: 3.256 (**Billion**)
- A transition of media consumption from traditional media towards digital media
- Shift in news consumptions from online to social media platforms
- Facebook, Twitter, YouTube – top platforms
- Content creation immediate, decentralized, diverse not subject to regulations or fixed standards
- Technical and social filters result in filter bubbles and echo chambers



Fake News - Definition



- “Deliberate presentation of false or misleading claims as news, where the claims are misleading *by design*.”
Axel Gelbert (2018)
- It has to be false, intentionally designed to be false.
- It must be disseminated in a volume equivalent to that of news (i.e. attending wide circulation).
- a degree of impact or success in materializing the objective of dissemination and uptake, which serve as a catalyst for further action.

Fake News - Definition

“Deliberate presentation of false or misleading claims as news, where the claims are misleading by design.”

Axel Gelbert (2018)

Fake news conflates three subsets of information disorder:

- Disinformation - Information that is false and deliberately created to harm a person, social group, organization or country
- Misinformation - Information that is false, but not created with the intention of causing harm.
- Malinformation - Information that is based on reality, used to inflict harm on a person, organization or country.

Council of Europe's Information Disorder Report

What is the Debate around Fake News?

Fake according to whom?

Election Dates in Southeast Asia

Countries	Previous elections	Next elections
Cambodia	2018 general election	
Indonesia	2019 presidential election	
Malaysia	2018 general election	
Myanmar	2015 general election	2020 general election
Philippines	2019 mid-term election	
Singapore	2015 general election	2020 general election
Thailand	2019 general election	
Brunei	No Election (Absolute Monarchy)	
Laos	No Election (Communist State)	
Vietnam	No Election (Communist State)	

Fake News and Other Legislations' Punishments by Country

Countries	Regulation	Penalty	Responsible agency
Brunei	Sedition Act – Article 4	3-year imprisonment and/or US\$ 4,500 fines.	Prime Minister's Office
Cambodia	Inter-ministerial Regulation	2-year imprisonment and/or US\$ 1,000 fines.	Ministry of Information, Ministry of Interior, and Ministry of Post and Telecommunication
Indonesia	Revised Criminal Code – Article 309	6-year imprisonment and/or US\$ 3,500 fines.	National Cyber and Encryption Agency
Laos	<ol style="list-style-type: none"> 1. Article 65 of the Criminal Code 2. Decree 327 	<ol style="list-style-type: none"> 1. Up to 5 year imprisonment and a fine of between US\$ 62 - 1,233 2. Not specify 	Ministry of Public Security
Malaysia	Anti-Fake News Act 2018	6-year imprisonment and/or US\$ 123,000 fines.	Ministry of Communications and Multimedia
Myanmar	<ol style="list-style-type: none"> 1. Telecommunication Law – Article 66(d) 2. Penal Code Article 505(b) 	<ol style="list-style-type: none"> 1. 3-year imprisonment 2. 2-year imprisonment 	Ministry of Information Ministry of Transport
Philippines	Anti-False Content Act (proposed)	Up to 20 year imprisonment and a fine of up to US\$20,000	Cybercrime Office, Department of Justice
Singapore	Protection from Online Falsehoods and Manipulation Bill (POFMA)	Failure to comply with 'correction direction' will result to: <ol style="list-style-type: none"> 1. S\$ 20,000 for individuals and/or 1-year imprisonment at maximum 2. S\$ 1,000,000 for service providers 	Ministry of Law and Home Affairs Ministry of Communications and Information
Thailand	<ol style="list-style-type: none"> 1. Computer Crimes Act 2017 (Revised) 2. Cybersecurity Act 	<ol style="list-style-type: none"> 1. 3-year imprisonment and/or US\$ 6,000 fines. 2. Up to 3 year imprisonment and a fine of up to US\$ 3,000 	Ministry of Digital Economy and Society Army Cyber Center Technology Crime Suppression Division – Royal Thai Police
Vietnam	<ol style="list-style-type: none"> 1. Criminal Code – Article 117 (Revised) 2. Cybersecurity Law 	<ol style="list-style-type: none"> 1. 12-year imprisonment 2. Not specified yet 	Ministry of Information and Communications Ministry of Public Security

Internet and Social Media Penetration in Southeast Asia in 2019

Countries	Population	Internet penetration	Social media penetration	WhatsApp	Facebook	Youtube	IG	FB messenger	Other
Brunei	436,700	94% (410,800)	94% (410,000)	398,476	350,000	N/A	220,000	N/A	Twitter: 84,900
Cambodia	16,360,000	76% (12,500,000)	51% (8,400,000)	N/A	8,300,000	N/A	690,000	N/A	Twitter: 200,000
Indonesia	268,200,000	56% (150,000,000)	56% (150,000,000)	124,500,000	121,500,000	132,000,000	120,000,000	70,500,000	LINE: 88,500,000 Twitter: 78,000,000
Laos PDR	7,010,000	39% (2,700,000)	39% (2,700,000)	N/A	2,700,000	N/A	240,000	N/A	Twitter: 119,900
Malaysia	32,250,000	80% (25,840,000)	78% (25,000,000)	23,514,400	23,514,400	24,031,200	18,088,000	16,537,600	WeChat: 12,144,800 Twitter: 11,369,600
Myanmar	54,100,000	39% (21,000,000)	39% (21,000,000)	N/A	21,000,000	N/A	810,000	N/A	N/A
Philippines	107,300,000	71% (76,000,000)	71% (76,000,000)	20,520,000	73,720,000	72,960,000	48,640,000	67,640,000	Twitter: 41,040,000
Singapore	5,830,000	84% (4,920,000)	79% (4,600,000), -4.2%	4,231,200	4,034,400	4,280,400	2,902,800	2,558,400	Twitter: 1,672,800 WeChat: 1,623,600
Thailand	69,240,000	82% (57,000,000)	74% (51,000,000)	14,250,000	53,010,000	51,870,000	37,050,000	41,040,000	LINE: 47,880,000 Twitter: 29,640,000
Vietnam	96,960,000	66% (64,000,000)	64% (62,000,000)	19,392,000	92,112,000	93,081,600	49,449,600	76,598,400	Twitter: 35,875,200 Zalo: 71,750,400

Internet and Social Media Penetration in Southeast Asia in 2019 (cont'd)

Countries	Population	Average daily Internet use (hrs.)	Average daily social media use (hrs.)	Active mobile internet user	Total number of social media user accessing via mobile/ (% increase year on year)
Brunei	436,700	N/A	N/A	83% (360,700)	82% (360,000), +2.9%
Cambodia	16,360,000	N/A	N/A	74% (12,050,000)	49% (8,100,000), +29%
Indonesia	268,200,000	8 hours 36 minutes	3 hours 26 minutes	53% (142,800,000)	48% (130,000,000), +8.3%
Laos PDR	7,010,000	N/A	N/A	37% (2,600,000)	37% (2,600,000), +18%
Malaysia	32,250,000	8 hours 05 minutes	2 hours 58 minutes	77% (24,890,000)	74% (24,000,000), +9.1%
Myanmar	54,100,000	N/A	N/A	38% (20,790,000)	39% (21,000,000), +31%
Philippines	107,300,000	10 hours 02 minutes	4 hours 12 minutes	67% (71,440,000)	67% (72,000,000), +16%
Singapore	5,830,000	7 hours 02 minutes	2 hours 08 minutes	79% (4,580,000)	72% (4,200,000), -2.3%
Thailand	69,240,000	9 hours 11 minutes	3 hours 11 minutes	79% (55,010,000)	71% (49,000,000), +6.5%
Vietnam	96,960,000	6 hours 42 minutes	2 hours 32 minutes	64% (62,400,000)	60% (58,000,000), +16%

Average Time spent on Traditional Media

Countries	Linear TV	Broadcast Radio	Print Press	Games Consoles
Indonesia	2 hours 23 minutes	43 minutes	42 minutes	1 hour 14 minutes
Malaysia	2 hours 4 minutes	1 hour 3 minutes	43 minutes	1 hour 9 minutes
Philippines	2 hours 30 minutes	57 minutes	41 minutes	1 hour 34 minutes
Singapore	1 hour 33 minutes	53 minutes	34 minutes	33 minutes
Thailand	2 hours 26 minutes	56 minutes	1 hour 2 minutes	1 hour 36 minutes
Vietnam	1 hour 26 minutes	29 minutes	45 minutes	52 minutes

Source: Global Web Index (2017), Digital vs. Traditional Media Consumption (2017)

Average Time spent on Media Consumption (Digital vs. Traditional Media)

Countries	Digital	Traditional	Digital media time (%)
Indonesia	8 hours 35 minutes	5 hours 3 minutes	63%
Malaysia	8 hours 33 minutes	5 hours 1 minute	63%
Philippines	8 hours 40 minutes	5 hours 43 minutes	60%
Singapore	6 hours 41 minutes	3 hours 35 minutes	65%
Thailand	8 hours 33 minutes	6 hours 2 minutes	59%
Vietnam	6 hours 50 minutes	3 hours 33 minutes	66%

Source: Global Web Index (2017), Digital vs. Traditional Media Consumption (2017)

Types of Legislation Proposes/ Used

- Governments have:
 - Revised existing law
 - Drafted new laws
 - Use existing law to deal with Fake News
- What is illegal?
 - That which causes hatred, ill-will, riots and social unrests
 - That which causes reputational harm to government and its institutions
 - Foreign influence on domestic politics



From left) Google's News Lab lead for Asia-Pacific Irene Jay Liu, Twitter's director for public policy and philanthropy in Asia-Pacific Kathleen Mary Helen Reen, Twitter's global lead for government and elections Philip Chua Jin Wen, Facebook's head of public policy in South-east Asia Alvin Tan, Facebook's vicepresident of public policy for Asia-Pacific Simon Milner, and Asia Internet Coalition managing director Jeff Payne. PHOTO: GOVSG



Types of Legislation Proposes/ Used

- Types of legislation proposes
 - Anti-fake news law (M'SIA, SG)
 - Cybersecurity law (INDO, TH, VN)
- Types of existing laws use
 - Criminal defamation (CAM, MM)
 - Computer Crime Act (TH, MM)
 - Sedition Act (BRU, M'SIA)
 - Propaganda against the state (LAOS, VN)
- Penalties:
 - 1 - 20 year imprisonment
 - Fines from US\$62 to US\$ 724,000



Non-Legal Developments in Southeast Asia

- Governments have established task forces/agencies to monitor online discourses
- Governments and CSOs (with support from donors and tech companies) have established fact-checking platforms or websites to correct false information on social media
- Governments as well as universities and CSOs (with support from donors and technology companies) and technology companies are running media literacy programmes
- Journalists/Media organisations (skills) and tech companies (priority search/feed) promote quality journalism

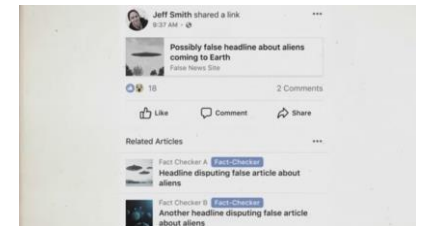
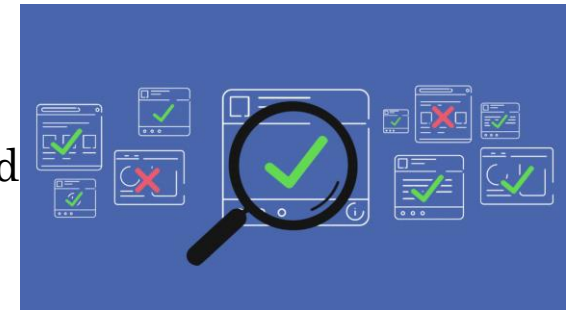


Role of Technology Companies

Technology companies take steps to combat fake news

Facebook:

- admitted that it was ‘not doing enough to help prevent our platform from being used to foment division and incite offline violence in Myanmar’
- hired 100 local Myanmar speakers to review content, closing down pages and accounts associated with key figures in the Myanmar Armed Force
- increasingly uses local media outlets and NGOs as third party fact-checkers
- introduced initiatives to increase oversight of political ads and limits political ad from foreign sources during elections



Whatsapp:

- drastically limited forwarding message from 250 people to 20 people globally, and to only 5 in India

Role of Technology Companies (cont'd)

Google:

- fights fake news by elevating quality journalism on their platforms. They rank news query results by relevance and authoritativeness.

Twitter:

- suspended thousands of fake, automated accounts in Southeast Asia

Line:

- sponsors media literacy programmes

But is this enough?



Challenges of Legal Measures

Legal Measures

- Most of them are vaguely-worded laws leading to overcriminalization
 - complaint filed between individuals/politicians
 - complaints filed by government agencies
- Does not necessarily detoxify the post-truth ecosystem, but monopolize coercive action
- Change in government's policy
 - Malaysia's repeal of anti-fake news law
 - Philippines' fake news legislation



Challenges of Non-legal Measures

Non-legal Measure

- Fact checkers themselves can be unreliable sources for what's true or not.
 1. fact checkers sometime check opinions, rather than factual claims
 2. occurrence of political bias of fact checkers/organisations
 3. fact checking unable to match the speed of fake news
- Quality Journalism
 1. in Southeast Asia, there is a trust deficit in traditional journalism or mainstream media in many countries due to government control
 2. drop in the consumption and volume of traditional media
 3. unable to match viral power of fake news over online platforms

Challenges of Non-legal Measures (cont'd)

Media Literacy is offered and perceived as a 'one-size-fits-all' solution, while the more fundamental problem is lurking behind: lower trust in public institutions.

1. Epistemology concern: a large grey area between absolute truth and absolute falsehood. There's a danger of assuming that what we are dealing with a rational process, or at least, by pedagogical means, be made rational.
2. Individualistic solution: judging what's true or false depends, to certain extent, on the knowledge of *content* as well as *form*, understanding the topics' *context* rather than how they are presented.
3. Reach of media literacy programmes and who funds the programme and what is deemed as truth.

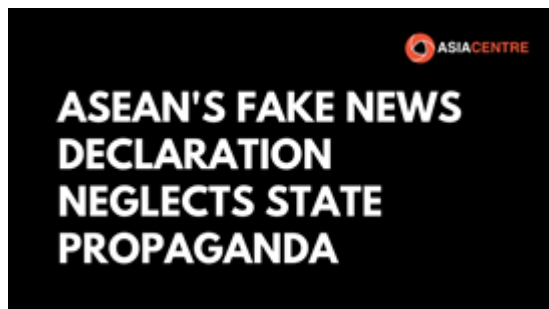
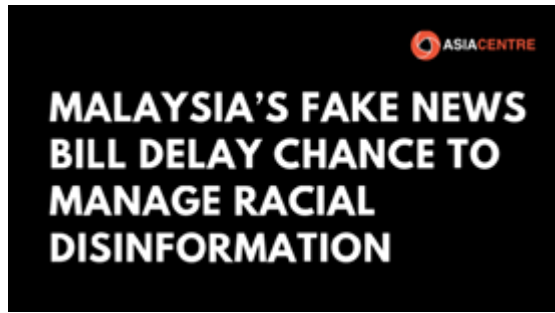
Challenges of Technology Companies

Technology Companies' response

- Are the mechanisms in place really addressing the problem, or they are there just to manage the PR situation?
 1. Tech companies' support is weak and offer little transparency to their partners on what works and what doesn't work.
 2. Lack of a proper mechanism for emergency escalation.
 3. Refusal to remove content, opt for demote it in the news feed so long as it does not violate its community standards.

Asia Centre's Ongoing Work on Fake News and Freedom of Expression

Research



Activities



Contact Details

For collaborations

Contact:

contact@asiacentre.org