The Asia Pacific Expert Meeting on Disinformation Regulation & the Free Flow of Information

Saturday, 30 September 2023 | **AIAC, Kuala Lumpur** | **9:00 am GMT +8**

Meeting Program

**The Asia Pacific Expert Meeting on Disinformation Regulation
and the Free Flow of Information**

At the Asian International Arbitration Centre, Kuala Lumpur, 30 September 2023

The Human Rights Commission of Malaysia (SUHAKAM), LexisNexis, and the World Justice Project will organise the Asia Pacific Expert Meeting on Disinformation Regulation and the Free Flow of Information at the Asian International Arbitration Centre on 30 September 2023. This meeting will engage experts from governments, the business community, academics, legal professionals, civil society, and individual thought leaders on disinformation regulation and resilience.

This meeting is an effort to develop a multi-stakeholder platform where evidence-based policy solutions are examined and discussed by experts from various professional backgrounds. The meeting is a part of the Asia Pacific Policy Network on Disinformation and the Free Flow of Information, being developed by the World Justice Project and its partners.

The objectives of the meeting are, first, to understand the current state of disinformation regulations in Southeast Asia and to identify key issues relating to disinformation regulation and resilience. Second, the meeting is aimed at developing and promoting principles to guide efforts to tackle disinformation, drawing from international standards, best practices, and experiences from Southeast Asia. Third, the expert meeting seeks to better understand the challenge of disinformation in a specific context, especially in election situations. Fourth, experts will assess the multifaceted aspects of technology and disinformation, including social media platform regulations and the roles of companies in curbing disinformation. Finally, the meeting will examine prospects for non-regulatory approaches to addressing disinformation, including investments in independent media, digital literacy, fact-checking, and the roles of civil society organisations (CSOs).

To ensure a safe and trusted environment for the expert participants, the Chatham House Rule applies at this meeting. That is, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.

The opening session is open to the public and will be live-streamed; the remaining sessions will be open by invitation only. The meeting is organised in a roundtable-style where all expert participants are invited to contribute to the discussion in every session. Each session will be led by a session moderator who will frame the topic and invite initial comments of 3-5 minutes by discussants with diverse perspectives. The majority of the time will be given to moderated discussion among all expert participants on questions identified in the agenda and posed by the moderators.

To ensure a productive and focused expert meeting, we kindly ask all participants to follow these guidelines. We encourage participants to actively engage in these discussions, sharing their insights

and expertise. To make the most of our limited time, we kindly ask participants to refrain from lengthy introductions, speeches, or detailing personal or organizational activities and projects. Instead, we will seek to prioritize discussing the topics at hand and exchanging perspectives that can contribute to meaningful outcomes. Your cooperation in adhering to these guidelines will greatly contribute to the success of our meeting and the valuable insights we aim to achieve. Thank you for your understanding.

The Meeting Programme

8:00 – 8:50   *Registration & Coffee*

9:00 – 10:15   Opening Session

Towards Information Integrity in Asia Pacific: How can societies meet the challenge of disinformation while promoting the free exchange of information and ideas?

   Welcome messages

- *Datuk Hajah Mariati Robert*, Vice-Chair, The Human Rights Commission of Malaysia
- *Greg Dickason*, Managing Director, LexisNexis Asia-Pacific

   Opening remarks and introduction to the Expert Meeting

- *Elizabeth Andersen*, Executive Director, The World Justice Project

   Keynote addresses

- *YAB Dato' Seri Anwar bin Ibrahim,* Prime Minister of Malaysia (recorded video)
- *Irene Khan*, UN Special Rapporteur on Freedom of Opinion and Expression

10:15 – 10:45   *Break & Networking*

10:45 – 12:00   Session 1: Regulating Disinformation in Asia Pacific: Taking stock of experience and empirical research

This session will provide a mapping and assessment of the status of disinformation regulation in ASEAN states. This will include a discussion of the experiences of government officials in the design and implementation of disinformation laws and regulations. The meeting will discuss the scale and scope of disinformation challenges, regulatory design and responses, and the results of regulatory enforcement - positive and negative, intended and unintended.

Among the topics to be illuminated will be the definition of disinformation. There is no uniform legal definition of disinformation. Governments, including ASEAN states, have taken diverse approaches to regulating disinformation under various laws addressing the publication of different types of false information. The definitional uncertainty raises challenges concerning the rule of law principle of legality, which requires clarity, consistency, and non-arbitrariness in the application of the law.

   Discussion Questions:
- *What is the state of law and practice concerning disinformation in ASEAN states?*

- *What are the principal elements of a definition of disinformation that is sufficiently flexible to encompass diverse circumstances yet not so vague or overbroad that it invites arbitrariness, abuse, or other violations of rule of law principles?*
- *What lessons have been learned from designing and enforcing disinformation regulations so far?*

Moderator: *Ragunath Kesavan*, Commissioner, The Human Rights Commission of Malaysia (SUHAKAM)
Discussants:
- Mapping disinformation regulation in Southeast Asia
  Sreeni Narayanan, Managing Partner, K&L Gates Straits Law

12:00 – 13:15   Lunch and Zuhr Prayer

13:15 – 14:30   Session 2: Assessing Diverse Approaches to the Regulation of Disinformation

In the dynamic landscape of Southeast Asia, nations have undertaken diverse approaches to disinformation regulation. These responses include criminal prosecution, civil remedies, content take-down orders, and employment of ombudspersons and civil society mechanisms, such as press councils tasked with monitoring and enforcing ethics standards in journalism. Comprehending the successes and shortcomings of these different approaches is of paramount importance. By analyzing the strategies and measures that have yielded positive outcomes, as well as critically examining those that have fallen short, we can distil principles and good practices in regulating disinformation. Our discussions aim not only to foster a deeper understanding of regional nuances but also to formulate a cohesive framework that can guide future endeavours in tackling the challenges posed by disinformation.

Technology companies too have taken diverse approaches to ensuring compliance with their standards and/or those of the jurisdictions in which they operate. Each approach, shaped by the company's mission, values, and technological capabilities, offers valuable insights and lessons. In our discussion, we will consider these distinct approaches, highlighting their strengths and limitations. By delving into the methods employed by various companies, we aim to extract valuable lessons and discern overarching principles that can guide a more comprehensive and effective response to disinformation.

Discussion Questions
- *Which efforts to regulate disinformation have been effective in curbing abuses? Why? What are the experts' assessments of the various approaches to the design and implementation of disinformation regulations?*
- *What best practices have emerged for monitoring disinformation and securing compliance with regulatory measures? By governments? By social media companies? By civil society?*
- *Who should be held responsible for the harm caused by disinformation? How and by whom?*
- *What remedies should be available in response to disinformation? When are criminal sanctions appropriate?*

Moderator: *Mark Agrast*, Vice President of the World Justice Project

Discussants:
- *Kyung-Sin Park*, Professor, Korea University Law School

- *Premesh Chandran*, Asia Pacific Executive Director, Open Society Foundation
- *Steven Thiru*, Vice President (Australasia), Commonwealth Lawyers Association

14:40 – 15:55   Session 3: Technology and Disinformation: How can technology be part of the solution?

New technologies can facilitate and accelerate the spread of disinformation. They also offer tools to combat it. A principal challenge is to deploy those tools in a manner that addresses the social harms of disinformation while safeguarding free expression. Companies and governments have employed a range of approaches to content moderation, with varying effects on disinformation and free expression.

Governments actions have taken different approaches to regulating social media platforms ranging from exemption from liability to the posting or removal of content take-down regimes. In Asia Pacific, authorities often exercise significant discretion. In addition, the advent of powerful new artificial intelligence has altered the information landscape, presenting new challenges and opportunities for both users and regulators. The session will discuss the role of AI in both propagating disinformation and detecting and countering it.

Efforts to curb disinformation take on special urgency in the context of elections. Disinformation can be used to manipulate public opinion, undermine the democratic process, and erode trust in institutions. The deliberate propagation and dissemination of misleading information can sway election outcomes, distort the information landscape, and foment political unrest.

Discussion Questions
- *How can tech companies contribute to countering disinformation more efficiently? What are some of the key strategic or operational issues in doing so?*
- *What lessons can we learn from the various approaches to corporate responsibility related to disinformation? What are the principles we can draw from experiences in Asia Pacific and elsewhere?*
- *What criteria do companies use to respond to government requests for content takedowns? Have the criteria served their purpose?*
- *How do different business models contribute positively or negatively to the effort to tackle disinformation while protecting free expression? How can algorithms be adapted to contribute to reducing disinformation while respecting free speech?*
- *What lessons can we learn from the various approaches and experiences in handling disinformation in the election context?*
- *How can we better use AI as a tool to reduce disinformation while preventing it from being used to exacerbate the situation?*

Moderator: *Prof Kyung-Sin Park*, Professor, Korea University Law School

Discussants:
- *Adilah Junid,* Director, Legal & Government Affairs, Microsoft Malaysia
- *Dr James Gomez*, Regional Director, Asia Centre
- *Jo-Ann Ding,* Principal (Representative), Asia, Luminate
- *Pavitra Ramanujam*, Asia Pacific Digital Rights Lead, The Association of Progressive Communications

15:55 – 16:15   Break

16:20 – 17:35   Session 4: Building a Healthy Information Ecosystem: A multi-faceted approach to resilience

Effective measures to address disinformation demand a comprehensive and multifaceted approach, involving collaboration among a range of stakeholders, including technology companies, governments, media organizations, fact-checkers, and users. Effective measures may include a range of non-regulatory approaches, including improved algorithms, media literacy education, fact-checking initiatives, transparent content moderation, and responsible platform design to mitigate the spread of disinformation and promote accurate information online.

Continuous exposure to disinformation erodes trust in independent, authoritative media sources and institutions. Such sources are indispensable in ensuring access to trustworthy information, and they must be supported and defended. The rapid pace of information sharing on the internet can lead to a lack of proper fact-checking and verification. Many users share content without confirming its accuracy, leading to the further spread of misinformation and disinformation.

Civil society organisations (CSOs) play an essential role in combating disinformation and building resilience. The meeting will assess how they perform these functions and will consider how they can do so more effectively.

Discussion Questions
- *How can multi-stakeholder approaches help promote a resilient information ecosystem?*
- *How can investment in independent media, promote high-quality journalism and accurate reporting?*
- *How can fact-checking agencies respond to the flood of disinformation more effectively? What role can the government and companies play to maximize their effectiveness?*
- *How can media literacy training encourage resilience?*

Moderator: *Dr Olivia Tan Swee Leng*, Director of Technology Transfer Office & Senior Lecturer, Technology Transfer Office, Multimedia University, Malaysia

Discussants:
- *Aribowo Sastimo*, Co-founder & fact-check specialist, MAFINDO
- *Damar Juniarto*, Executive Director, Southeast Asia Freedom of Expression Network (SAFENet)
- *Wathshlah Naido*, Executive Director, Centre for Independent Journalism

17:40 – 18:00   Closing Remarks – *Elizabeth Andersen*, Executive Director, The World Justice Project