

Equality Myanmar | Columbia SIPA

Countering Hate Speech in Myanmar

Training Curriculum

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HOW TO USE THIS CURRICULUM & TRAINING SETUP

How to Use the Curriculum:

Activities are designed for approximately 20-25 participants, but can be scaled up or down based on the number of learners. The background notes are intended to guide facilitators through the training. We suggest that the facilitator read the entire section in advance and then reference back as needed.

Total Time:

8 hours 15 minutes (including 1 hour lunch break)

Sample Schedule:

9:00 -9:15 AM: Welcome and introductions

9:15 -10:10 AM: Activity One

10:10 -10:45 AM: Activity Two

10:45 - 11:30 AM: Activity Three

11:30 -12:30 PM: Activity Four Part One

12:30-1:30 PM: Lunch break

1:30 -3:10 PM: Activity Four Part Two

3:10 -4:10 PM: Activity Five

4:10 - 4:55 PM: Activity Six

4:55 - 5:15 PM: Wrap Up

Materials Needed:

- Large pads of paper
- White board
- Different color markers
- Tape
- Bowl or other container for questions (optional)
- Index cards or small pieces of paper
- Projector and screen
- Six sets of different colored sticky notes
- Pens and paper for note-taking for participants
- Handouts for certain activities, specified in the instructions below

Fishbowl for Questions (optional):

When setting up the training area, place a bowl in a corner of the room with small pieces of paper and pens nearby. At the beginning of the training, the facilitator should explain to the learners that they can, at any time, write a question and place it in the bowl. The facilitator will answer or address the question during the course of the training. We recommend building in time to address questions after the lunch break and again during the wrap-up discussion at the end of the training.

This setup allows learners to ask questions they may be embarrassed to share in front of the group.

Alternate Set-up:

Ask learners to write questions on a large piece of paper or post pieces of paper with questions on the wall so that other learners can see and respond to the questions/comments throughout the workshop. The facilitator will also address them periodically throughout the training.

ACTIVITY I: ILLUSTRATING HATE SPEECH IN MYANMAR

Time: 55 minutes

Learning Objectives:

- Identify and analyze the distinction between hate speech and hateful speech: i.e. hate speech that is rude and insulting, but should not be punished by law and hate speech that should be punished by law
- Conduct a situational analysis of hate speech in Myanmar
 - a. Identify and critically discuss causes of hate speech (social, cultural, political, economic, psychological, power dynamics) within the Myanmar context
 - b. Identify key perpetrators and affected persons
 - c. Identify key platforms/methods of communicating hateful speech in Myanmar
 - i. Person to person (religious sermons, community meetings, school and government curricula, parent to child, teacher to student)
 - ii. Broadcast and printed media (TV, newspapers, pamphlets, newsletters, radio)
 - iii. Social media (Facebook, WhatsApp)

Description:

During this activity, participants will be asked to visually represent hate speech in Myanmar, along with its causes and consequences. This activity encourages learners to think about the issues of hate speech and freedom of expression in the context of their own lives. The facilitator will also be able to get a better sense of the participants' knowledge, understanding, and perspective of hate speech issues at the outset of the training. Learners will have an opportunity to discuss the drawings of other participants and the group will also return to this exercise in the final activity of the training.

Through this activity, participants will examine and discuss:

- The complexities of hate speech
- Mechanisms of transmitting hate speech
- The causes of hate speech (economic, social, cultural, political)
- The consequences of hate speech
- Relevant actors
 - Who is affected?
 - Who is contributing? Directly/indirectly?
- The relevant power structures/dynamics in Myanmar
- Other aspects of the contexts in which hate speech occurs in Myanmar

Materials:

Large pads of paper, tape, markers.

Set-up:

Facilitators set up the room by taping several large pieces of paper to the wall. The participants should be given markers and instructed to break up into groups. There should be roughly 4-5 participants per group, regardless of the size of the training.

Part A - Activity:

The facilitator should introduce the exercise and briefly explain that during this activity participants will identify and discuss examples of hate speech in Myanmar and examine both the causes and consequences.

Drawing - The facilitator will then ask participants to take 10 minutes to visually represent or depict in pictures, symbols, and/or words hate speech in Myanmar today—including its causes and consequences, mechanisms of transmission relevant actors and other contextual factors. The facilitator should emphasize that there is no right or wrong way to go about this activity and that there will likely be many different ways in which the groups may choose to represent hate speech—it may be a specific incident or something more general. (10 min)

Potential Modification - This activity can be tailored to different audiences who may be reluctant to draw: during setup, the facilitator will ask participants to map hate speech in Myanmar today, they should use the problem of hate speech as their starting point and identify its causes and consequences.

Facilitator note: When starting the activity, if participants seem unsure what to draw, ask them to consider the social, economic, cultural, and political factors that contribute to hate speech. They may also consider how hate speech is transmitted and the various actors that are involved (perpetrators of hate speech, targets of hate speech, other actors that enable hate speech, etc.)

Part B - Discussion:

The group will reconvene and the facilitator will ask each group to present their picture and explain it to the group. The following questions can be used to prompt discussion: (30 minutes)

- What have you drawn?
- Is the picture drawn in a specific setting?
- If the drawing has people—who are they? How did you decide what each person in the picture would look like?
- Who is engaging in hate speech?
- If the drawing does not have people—who are the relevant actors in this scenario? Who is contributing to hate speech? Who is affected?
- How are you representing the underlying causes of hate speech?
- How is hate speech being spread?
- What have you drawn to represent the consequences of hate speech?
- What, if anything, is happening in the background of the picture? What is happening in the foreground?
- How does your drawing represent those who have power? Those who don't have power?
- Are there different levels of severity associated with the incidents of hate speech you have drawn?

Facilitator note: One of the goals of this activity is to push participants to explore the complex nature of hate speech in Myanmar and how it can reflect underlying power structures. The placement and size of actors in drawings often reflects power relationships. Facilitators can ask questions to encourage learners to consider factors that lead to discrimination and inequality. The facilitator should also note that through other exercises in the training, participants will examine and discuss ways in which these inequalities can be addressed.

To conclude this discussion, the facilitator should open a conversation about the similarities and differences in the drawings. The following questions can be used to prompt discussion:

- Are there common themes each group has drawn? Other similarities among the drawings?
- Are there major differences in the drawings?
- Looking at all these drawings, what observations can you identify about hate speech in Myanmar?

Part C - Discussion: How do you define/understand hate speech?

Facilitator notes: This discussion will introduce the different interpretations and usages of the term “hate speech” and the distinction between hate speech, hateful speech, political dissent, and criticism.

Various definitions of hate speech have been proffered by organizations and individuals, but consensus remains elusive. In its absence, some activists are reluctant to use the term ‘hate speech’ as its most commonly recognized usage is associated with extreme cases. In Myanmar, ‘hate speech’ is also broadly understood as an online phenomenon despite evidence that it occurs offline as well.

Harmful, hateful, insulting, dangerous or fear speech are examples of terms used in lieu of ‘hate speech.’ For the purposes of this curriculum, the term ‘hate speech’ will be qualified by a description of its categorization. For example, “hate speech that must be protected,” “hate speech that may be restricted,” “hate speech that must be restricted.”

Activist efforts to develop common terms for the various types of speech are still ongoing and for the purposes of this training we want to understand the distinction between speech that is rude and insulting, but cannot be punished by law (and arguably should be protected by law) and hate speech that constitutes incitement and can be punished by law.

Speaking notes: In Burmese, the term “hate speech” encompasses a wide range of expression from political dissent, to rude/insulting speech, to actual incitement to violence and hatred. Activists in Myanmar are working to develop a new vocabulary to standardize these terms and capture the distinctions between these types of speech.

Facilitator notes: the facilitator can prompt discussion with the following question:

How would you fill in the blank to this sentence?

Hate speech is speech/expression that _____.

The facilitator can write down answers that the learners suggest on a whiteboard or peice of paper taped to the wall.

ACTIVITY II: INTRODUCING HATE SPEECH

Time: 35 minutes

Learning Objectives:

- Identify ways in which freedom of expression interrelates with other rights, including how speech can both promote and violate other rights
- Critically discuss and analyze differences between problematic speech and hate speech
- Identify and analyze criteria to consider when deciding if speech should or should not be sanctioned

Description:

This activity is intended to solicit early participant input and emphasize that speech exists on a spectrum—some speech must absolutely be protected, while some speech should be absolutely restricted.

Materials:

- Project on screen / hang a physical copy of a simplified version of Article 19's 'Hate Speech Pyramid' representing the spectrum of hate speech.
- Handouts of the six scenarios indicating which color sticky note each scenario corresponds to.
 - Facilitators may decide to use 4 scenarios and color stickies, depending on group.
- Set of six different colored coded sticky notes or stickers for each participant or group of participants.
 - Depending on the group or time constraints, facilitator may choose to use 4 scenarios instead of 6 scenarios.

Setup

1. The facilitator should begin by distributing the handouts and posting the scenarios in front of class, each associated with a different color sticky note or sticker.
 - a. The facilitator then breaks the large group into smaller groups of 4-5 people ideally, 7-8 people maximum. Each group or individual (depending on size of class) receives sticky notes that correspond with scenarios.

Introduction of exercise and explanation of pyramid

Facilitator note: Project Article 19 Pyramid onto screen or present it on whiteboard.

Speaking notes: You have all been given a copy of several scenarios, each of which has a correlated colored sticky note. In front of the room we have a pyramid, which we will use to represent the severity of speech in each scenario.

Speaking notes: At the bottom we have 'problematic' speech that may promote intolerance or hatred, but must be legally protected. In the middle we have speech that may be restricted by law; it may seek to promote violence, discrimination or hatred but exists in a grey area. Lastly at the top we have speech that you believe should absolutely be restricted.

Part A - Small Group Discussion

Speaking notes: Please read through the scenarios and discuss where on the pyramid you think each belongs. After 15-20 minutes, one representative from each group (or single participant) will be asked to come to the front of the room and place their sticky notes on the pyramid.

Facilitator Notes: To facilitate discussion, the facilitator may decide to ask the following questions:

Speaking Notes: While thinking about where to rank these scenarios, consider some elements of the speech; Is the speaker very powerful or influential? Who is the audience? Does violence seem imminent? What elements of the speech make it particularly hateful, and maybe worthy of being legally restricted?

Facilitator notes: The facilitator should then ask each representative to paste the four sticky notes on the pyramid of hate speech and asks each group in turn to explain why they designated each scenario in the way they did.

Part B - Discussion of How Each Group Ranked the Scenarios

Speaking Notes: Thank you for all your contributions. Let's talk through where you all have decided to place your sticky notes.

Speaking Notes: Guiding Questions

- When you all evaluated the severity of each scenario, what elements did you look for?
 - The facilitator can suggest audience, the role/influence of the speaker, platform used, etc., if the group does not respond initially.
- Were there any scenarios that you found particularly difficult to rank? If so, why? What additional information might you want to have in order to make a decision?
- *Question with respect to scenarios near the top of the pyramid:* What makes "X" scenario extremely problematic and absolutely necessary to restrict legally?"
- *Question with respect to scenarios near the middle:*
- *Question with respect to scenarios near the bottom of the pyramid:* What makes "X" scenario a case of speech that must be protected by law?
- *If one or two groups seem to disagree with the majority, facilitator can ask:* "Why did you rank "X" scenario here? What about the scenario made you think it was particularly problematic or not that problematic?"
- "After our discussion, would any of you change your rankings? If so, why?"
- What questions, if any, does this activity raise for you?

Facilitator Notes: Encourage participants to share their thoughts. You may ask the questions above, make your own, and/or address participants' ideas, as they arise.

Part C - Discussion of Forms of Hate Speech

The facilitator should explain that hate speech exists on a spectrum and the terminology and definition is debated and in flux, which makes creating laws and policies around it difficult. The facilitator should

then transition into a closing discussion period where participants discuss the terminology of hate speech, hate versus hateful speech, for example.

Facilitator Notes: Thank participants for their contributions and introduce the idea that hateful speech exists on a spectrum.

Speaking Notes: Thank you for your thoughtful contributions. As you can see, hate speech exists on a spectrum and there is not a definitive right or wrong answer or placement for these scenarios. Complicating the discussion around hate speech is the terminology used for it. For example there is speech that is problematic, fearful, discriminatory, and hateful - all of these exist on the hate speech continuum.

Facilitator Notes: Talk through the scenarios and highlight how there are cases when it is absolutely necessary to restrict speech and cases where speech cannot be restricted, even if it is problematic. Facilitator begins with speech that must not be legally restricted:

Speaking Notes: Some speech that can be considered hateful or problematic must not be restricted. For example, in Scenario #1 and #2 both speakers are engaging in hateful and very emotionally charged speech; however, it seems that most of us agree that this speech should be permitted,. What were some of the main reasons why this conclusion was reached? (For example, because it did not directly incite violence or target a vulnerable community?)

Speaking Notes: Scenario 1 and 2 are cases where speech is ‘increasing intolerance’ and it is certainly very hateful and problematic. However, by most international standards, this speech must be protected by law. We will discuss what elements of the speech make them protected in more detail in one of the following activities. For now, let’s consider some of the possible elements that make this speech permissible by law.

Facilitator Notes: The following questions can be used to facilitate discussion:

Speaking Notes: Possible Questions

- What about the scenario makes this speech/expression not worthy of restriction?
- What might be the risks of prohibiting this kind of speech?
- Are there risks of not prohibiting this speech?
- What about the influence of the speaker?
- Is the speech reaching a wide audience?
- Does violence seem imminent?

Facilitator/Speaking Notes if participants do not rank Scenario #1 or Scenario #2 lower on the pyramid

Speaking Notes: Why did the group decide to rank Scenario 1 and 2 higher on the pyramid? What about the speech and scenario makes you believe that it is very problematic? Are there potential drawbacks to restricting this kind of speech? What do others think?

Facilitator Notes: The facilitator should recognize concerns and input of groups, but lays out argument for why this speech must be protected. Facilitator continues with speech that must be restricted.

Facilitator Notes: the facilitator may juxtapose elements of previously discussed scenarios with Scenario 4, where speech must be legally restricted.

Speaking Notes: However in the case of Scenario #4, where local actors are encouraging violence against the LGBTQ community, a state should strongly consider legally sanctioning this speech. While a religious community may hold certain prejudices or beliefs that are hateful in nature, it does not mean that they have the right to speak in a way that incites violence or hatred.

Facilitator Notes: The following questions can be used to facilitate discussion:

Speaking Notes: Possible Questions

- What about the scenario makes this speech/expression worthy of restriction?
- What about the influence of the speaker?
- Does violence seem imminent?
- As a religious figure, does the speaker have the right to say hateful things, even if it is technically a religiously held belief?

Facilitator Notes: Facilitator continues with speech that may be restricted:

Speaking Notes: For the groups that put certain scenarios in the middle under the “may be sanctioned” portion, why did you decided to put the scenario there? What factors did you consider? Were there any issues/factors that led to a lot of debate among your group?

Did other groups consider putting a scenario here and ultimately decide against it? Why?

Facilitator Notes: Possible arguments for why Scenario 3 may be speech that should be sanctioned: since the speaker is powerful, and he is voicing incredibly racist and intolerant opinions during a contentious election cycle.

Part D - Concluding Discussion

The facilitator should conclude by transitioning to a closing discussion period where participants discuss the terminology of hate speech, hate versus hateful speech, for example. Solicit closing comments.

Facilitator Notes: Encourage participants to think about how their opinions or initial reactions to scenarios may have changed over the course of the activity. Possible questions to facilitate discussion include:

Speaking Notes:

- What scenario was the hardest to decide upon?
- What questions/factors were most debated within your group?
- If you were to consider future cases of hateful/problematic speech, what factors would you use to evaluate the severity of the speech?
- Other questions/comments/reflections you’d like to discuss?

- Facilitator can note that he/she will make an effort to try to address these throughout the rest of the workshop)

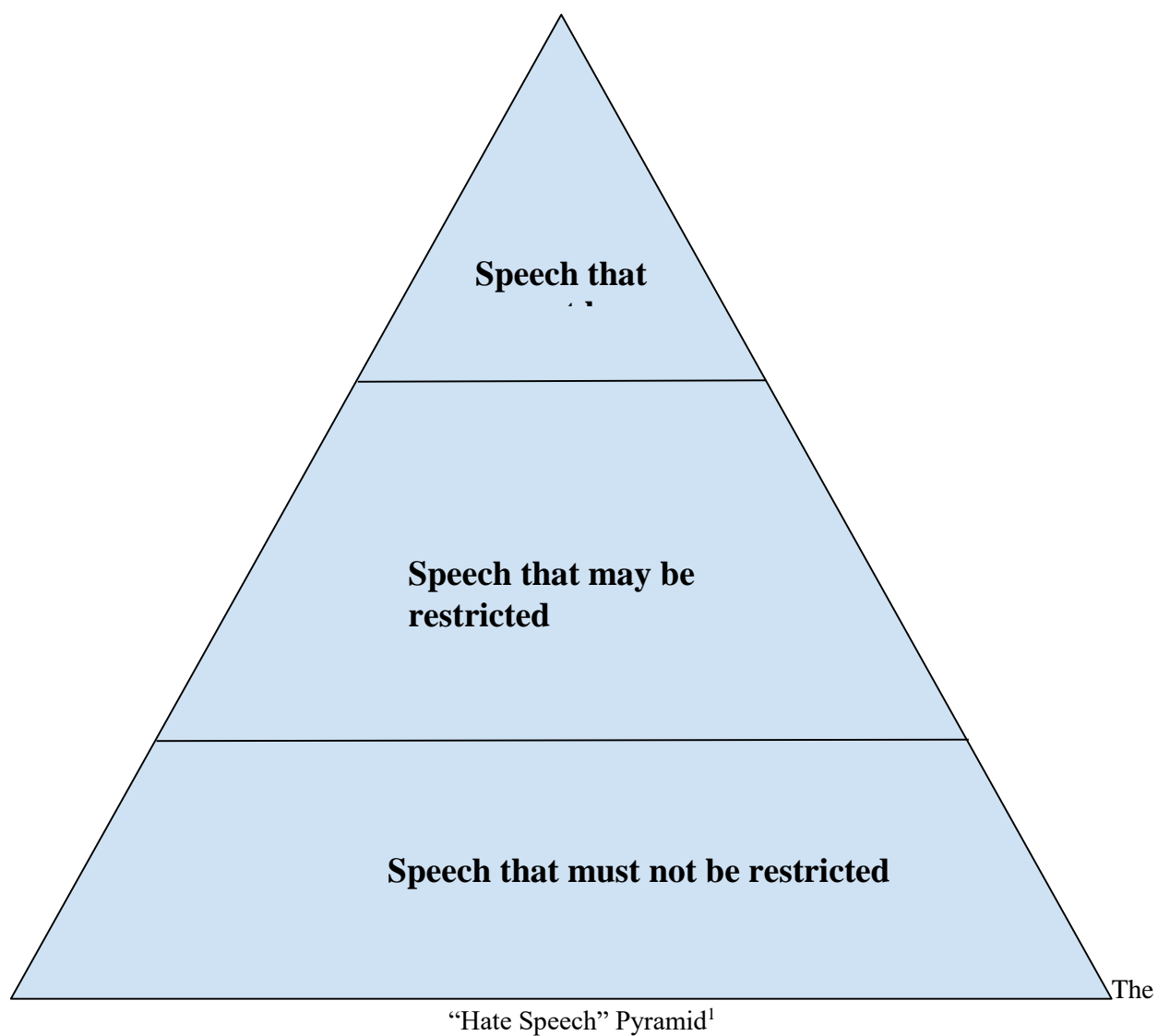
Speaking Notes: There is no clear answer or way of separating hateful and problematic speech from hate speech. But as we have seen in this exercise, certain factors, including the position of the speaker, the nature of the speech, the audience, etc can influence where it may fall on the spectrum.

Now that we have introduced hate speech, and the idea that problematic speech exists on a spectrum, we will move into an activity that looks at the relationship between freedom of expression and other human rights.

Scenarios

- A. Thazin is the president of a university in Yangon. During a recent graduation ceremony, Thazin told the graduating students, “it is a sin for a man or a woman to deny the gender identity God has assigned them”.
- B. Aye is a member of a Facebook page for FC Barcelona football fans. He posts the following message: “Real Madrid football fans are dumb and should kill themselves.”
- C. During heavily contested elections in the country of Youtopia, the leader of a popular party says: “Supporters of the opposition ethnic group are biologically inferior.” He advocates for outlawing mixed marriages to protect the ‘bloodline’ of the ethnic and religious majority group.
- D. A local religious figure warns his following that gay people are kidnapping children and forcing them to adopt a “gay lifestyle”. He encourages all his followers to be ‘vigilant’ and to ‘defend themselves and their families if necessary from the sodomites’. Videos of this sermon reaches a small town the next day, and a group plans to attack the houses of people who ‘everybody knows’ are gay.
- E. In a predominantly Muslim country, a popular comedian and provocateur posts a meme that depicts the Prophet Muhammad and jokes that all Muslims are ‘terrorists’.
 - a. Possible extensions/variations:
 - i. After posting the image, members of the Christian minority comment on the post with jokes that encourage violence against Muslims.
- F. A newspaper prints an article that exposes the corrupt acts of the country’s royal family and its political leaders. The author of the article on his personal Twitter account calls the royal family and ruling government “a bunch of traitorous thieves” and says ‘the country would be better off if they were just killed.’

Facilitator Note: Please feel free to change the names in these examples to make them more locally relevant to the audience.



¹ Article 19 Staff, "'Hate Speech' Explained A Toolkit," 2015: 18-25, [https://www.article19.org/data/files/medialibrary/38231/'Hate-Speech'-Explained---A-Toolkit-\(2015-Edition\).pdf](https://www.article19.org/data/files/medialibrary/38231/'Hate-Speech'-Explained---A-Toolkit-(2015-Edition).pdf).

ACTIVITY III: INSULTING SPEECH WORLD CAFE

Time: 45 minutes

Learning Objectives:

- Identify risks and benefits of restricting certain forms of expression
- Identify risks and benefits of protecting certain forms of expression
- Identify why it can be important to protect speech that is insulting, mean, disgusting, or even hateful
- Examine the complexities and challenges of developing policies that respect and protect freedom of expression *as well* as other rights and societal needs
- Examine and critique one's own opinions regarding what types of speech should be protected and what should and should not be restricted; Identify inconsistencies/hypocrisies in one's own opinions
- Examine arguments and counter-arguments to understand the complexity of the debate surrounding protection and restriction of speech

Materials needed:

Large pads of paper, tape, markers.

Part A - Activity:

The facilitator will set up the room by taping four (or eight if time allows) large pieces of paper to the wall. Each piece of paper should then be labeled with the following headings and prompts:

1. The government has decided to ban all insulting, disgusting, or hateful speech
→ Defend the decision. What is the value to society?
2. The government has decided to ban all insulting, disgusting, or hateful speech
→ Oppose the decision. What are the risks to society?
3. The government has decided that all critiques of religion and religious persons in Myanmar should be banned.
→ Defend the decision. What is the value to society?
4. The government has decided that all critiques of religion and religious persons in Myanmar should be banned.
→ Oppose the decision. What are the risks to society?

If time allows, two additional prompts can be added to this activity:

5. In response to the violence in X state, the government has decided to prohibit all negative speech against X minority group.
→ Defend the decision. What is the value to society?
6. In response to the violence in X state, the government has decided to prohibit all negative speech against X minority.
→ Oppose the decision. What are the risks to society?

7. In response to criticism of its practice in Myanmar, Facebook decided to disable the accounts of anyone considered to have provided support to armed groups in X state.
→ Oppose the decision. What are the risks to society?
8. In response to criticism of its practice in Myanmar, Facebook decided to disable the accounts of anyone considered to have provided support to armed groups in X state.
→ Defend the decision. What is the value to society?

Instructions:

The participants should be broken up into four groups. Each group will be given markers and instructed to go to one of the pieces of paper. The facilitator will explain that each group will have 3 minutes to list every response they can think of for the prompt, regardless of whether or not they agree. After 3 minutes the facilitator will announce “rotate” and they will go to the next prompt, moving clockwise around the room. Each group will look at the list and add anything not already included by the first group. The group can also elaborate on or respond to comments previously added by other groups. After 3 minutes the facilitator will announce “rotate” and so on, until all four groups have visited all prompts. *(15-25 minutes depending on number of prompts)*

Facilitator Note: In this activity, participants will be asked to develop and examine both sides of an argument as it relates to the restriction and protection of freedom of expression. They are especially encouraged to consider how freedom of expression interacts with other rights and societal goals/needs. The structure of this activity exposes learners to a range of opinions, which will open up the room for discussions of some of the tougher issues around protecting insulting or offensive speech. The following speaking notes should be used to introduce this activity.

Speaking Notes: As already discussed in previous EQMM workshops freedom of expression and freedom of religion and belief are recognized and protected under international human rights law. Human rights are interrelated, and thus freedom of expression can influence Freedom of religion and vice versa.

Freedom of expression is necessary to realize the right to freedom of religion (for example, the ability to exhibit/wear religious symbols and participate in religious events). But, in certain instances, unlimited expression can also negatively impact the extent to which one can realize the right to freedom of religion (for example, religious doctrines which advocate discrimination against non-believers.)

One right is not more important than another, but international human rights law does recognize that in certain circumstances, the government may place restrictions on both freedom of expression and religion. Specifically, ICCPR Article 19 notes that the freedom of expression may be subject to certain restrictions, as long as the restrictions are provided by law and are necessary:

- A. For respect of the rights or reputations of others; and
- B. For the protection of national security or of public order, public health, or morals.

While Article 19 recognizes certain necessary limitations, it can be challenging in practice to determine the appropriate balance between freedom of expression and other rights and societal needs. The following activity will help us explore this tension using several scenarios.

Part B - Discussion:

When all groups have completed their rotation, the group should reconvene for discussion. A learner from the last group to work on the station will summarize the arguments and then the entire group can turn to these questions. The groups will then move on to the next prompt and so on. The facilitator should encourage learners to examine assumptions, counter-arguments, and potential inconsistencies. (20 minutes)

Facilitator notes: The facilitator can ask the following questions to spark debate:

- What do you think of the arguments?
- Which are the most compelling? Which are least compelling? Why?
- Are there any arguments you found surprising? Why?
- Did any of these arguments make you uncomfortable? If so, why?
- Has this activity changed the way you think about current policies/laws related to freedom of expression? In what ways?
- What are some ways freedom of expression can be protected while also mitigating the risks identified in some of these scenarios? Do the arguments in favor of restricting freedom of expression align with Article 19?

Possible arguments that participants might propose

Defend: The government has decided to ban all insulting, disgusting, or hateful speech

- Can protect vulnerable and marginalized groups, allows them to participate in society without fear of harassment
- Makes a space where everyone feels safe to participate
- Can help protect vulnerable children from bullying
- Creates respectful dialogue
- Insulting, disgusting, or hateful speech can lead to hate speech
- Banning this speech will keep negative and hateful attitudes from spreading

Oppose: The government has decided to ban all insulting, disgusting hateful speech

- Stifles political dissent
- Stifles open debate, limits the democratic process
- Can stifle exchange of ideas
- Who decides what meets this threshold?
- Can be applied only to target certain groups

Defend: The government has decided that all critiques of religion and religious persons in Myanmar should be banned.

- Limits attacks on marginalized religious minorities, particularly Muslims in Myanmar
- Could stop violence in Myanmar
- Could stop the spread of inter-religious hatred
- Could protect vulnerable and marginalized groups and allows them to participate in society without fear of harassment
- Creates a space where everyone feels safe to participate

- Creates respectful dialogue
- Critiques of religion can lead to hate speech and eventually violence
- Banning this speech will keep negative and hateful attitudes from spreading

Oppose: The government has decided that all critiques of religion and religious persons in Myanmar should be banned.

- Could be used to stifle political dissent
- Limits open debate, limits the democratic process
- Can stifle exchange of ideas
- Who decides what meets this threshold?
- Can be applied only to target certain groups

Defend: In response to the violence in X state, the government has decided to prohibit all negative speech against X minority.

- Hate speech directed at X minority has fueled violence, limiting it will stop the violence
- This could be done temporarily, until the situation becomes less volatile. A temporary restriction would protect this vulnerable group, while not permanently impacting freedom of expression
- Restrictions on Expression are permitted under international law, (in the ICCPR) in order to protect the rights of others and to protect national security and public order. A convincing argument could be made that these measures are necessary in Myanmar

Oppose: In response to the violence in X state, the government has decided to prohibit all negative speech against X minority.

- Could be used to stifle political dissent
- Limits open debate, limits the democratic process
- Can stifle exchange of ideas
- Who decides what meets this threshold?
- Can be applied only to target certain groups

Defend: In response to criticism of its practice in Myanmar, Facebook decided to disable the accounts of anyone considered to have provided support to armed groups in X State.

- Hate speech directed at the X minority and circulated on social media has fueled violence, limiting it can stop violence
- This could be done temporarily, until the situation becomes less volatile. A temporary restriction would protect this vulnerable group, while not permanently impacting freedom of expression

Oppose: In response to criticism of its practice in Myanmar, Facebook decided to disable the accounts of anyone considered to have provided support to armed groups in X State.

- Facebook can be an important tool for monitoring armed groups activities²

² For example, in February 2019 when Facebook banned “dangerous organizations,” including The Arakan Army, the Myanmar National Democratic Alliance Army, Kachin Independence Army and the Ta’ang National Liberation Army, some activists criticised the decision saying that Facebook was cutting off their ability to know what these groups were planning. For more, see: Rahman, Shaikh Azizur, Michael Safi, and Julia Carrie Wong. “Facebook

- Could be used to stifle political dissent
- Limits open debate, limits the democratic process
- Can stifle exchange of ideas
- Who decides what meets this threshold?
- Can be applied only to target certain groups

Bans Rohingya Group's Posts as Minority Faces 'ethnic Cleansing.'" The Guardian. September 20, 2017. Accessed April 26, 2019.
<https://www.theguardian.com/technology/2017/sep/20/facebook-rohingya-muslims-myanmar>.

ACTIVITY IV: BE THE JUDGE

Time: 160 min in total with a break after 60 min

Learning Objectives:

- Articulate and assess the elements of hate speech
- Identify the prohibited outcomes of hate speech:
 - a. Incitement to hostility
 - b. Incitement to discrimination
 - c. Incitement to violence
- Analyze what forms of legal sanction (criminal, civil, administrative) are appropriate responses to various forms of hate speech
- Analyze criteria for assessing the severity of hate speech (UN Rabat Plan of Action Six-Part Test) to determine when hate speech should be criminalized

Description:

This activity will use a fact scenario to discuss: the elements of hate speech, the prohibited outcomes of hate speech, the types of legal sanctions for hate speech, and the Rabat Plan of Action's six-part test. Participants will learn to critically analyze a situation to assess when speech should be protected, whether it is a case of hate speech, what kind of outcome the hate speech produces, and what type of legal sanction the speaker should face.

Materials:

"Hate Speech Pyramid" to project on screen and the activity participant handout which includes: the text of ICCPR Articles 19 and 20, the fact scenario, and the Rabat Plan of Action 6-part test.

Outline and Instructions:

INTRODUCTION

1) Facilitator introduces activity (*15 min*)

Speaking notes: In this activity, you'll primarily assume the role of a judge assessing whether a particular instance of "hate speech" should be prohibited by law. We'll look at the scenario in our handout in stages. With each revisit of the scenario, we'll have additional international law guidance on how to assess a hate speech scenario. We'll first look at the elements of hate speech, then the prohibited outcomes of hate speech, the types of legal sanctions for hate speech, and lastly the Rabat Plan of Action's six-part test to determine when hate speech should be criminalized. We'll then conclude with an activity to tie all these concepts together.

Let's begin by returning to our "Hate Speech Pyramid" from Activity II.

Facilitator note: Project below pyramid on screen.

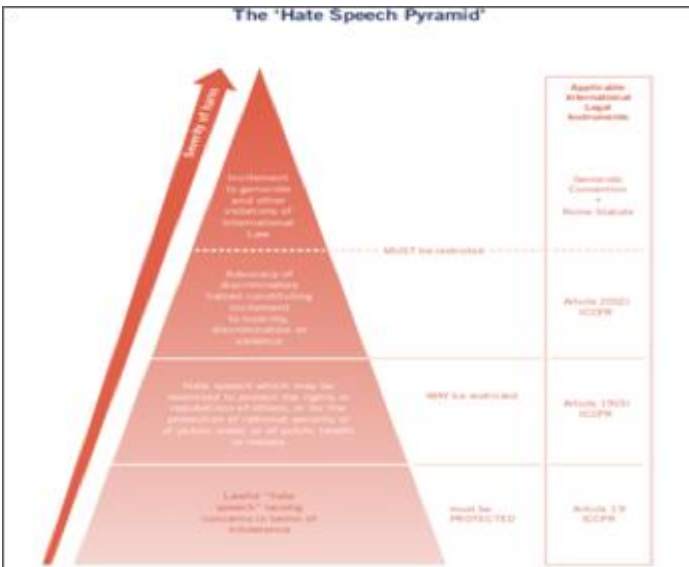


Image from Article 19's 'Hate Speech' Explained - A Toolkit (2015)

In Activity II, we looked at the three broad categories our hate speech pyramid was divided into. We'll now look at these categories in more detail:

- lawful "hate speech" which is protected under Article 19 ICCPR,
- hate speech which may be restricted under Article 19 (3) ICCPR, and
- hate speech which must be restricted under both Article 20 ICCPR and the Genocide Convention.

You'll recall from Activity II that under Article 19 (3), which you have the full text of in your handout, the right to freedom of expression may be subject to restrictions. Any restrictions imposed by a state must meet a strict three part-test:

1. Be provided by law;
2. Pursue a legitimate aim; (respect of the rights or reputations of others; or the protection of national security, public order, or public health and morals)
3. Be necessary to society. (requires the State to establish a direct and immediate connection between the expression and the threat, and the necessity and proportionality of the specific restriction.)

Facilitator note: Additional discussion may be needed to explore these concepts depending on the background knowledge of learners. Refer to "International Legal Framework" on pages 14-17 and the Thailand case study on page 30. of the report.

Speaking notes: Bearing these Article 19 (3) requirements in mind, our current activity will focus on the last category in our pyramid: hate speech that must be restricted under international law. Speech that is prohibited under the Genocide Convention is the most severe in terms of harm, the very top of our pyramid, and must be restricted.

And then there's speech that "must" be restricted according to Article 20 of the ICCPR, which you also have the text of in your handout. Note that Article 20 (1), which is not included in the pyramid, prohibits propaganda for war. It is a separate category of prohibited speech to the kind we'll focus on today.

Article 20 (2), which we'll use in our assessment in this activity, states that 'any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law'.

Although Article 20 (2) states that this type of expressions "shall be prohibited by law", it is important to note that Article 20 has attracted numerous reservations and therefore cannot be considered a rule of customary international law.

Facilitator note: 172 of the 193 UN members have ratified the ICCPR. Seventeen states have entered reservations / declaration to Article 20.

Speaking notes: Let's turn to our scenario.

ELEMENTS OF HATE SPEECH

2) Facilitator reads out loud the scenario below and asks participants to discuss in smaller groups, with their judges hat on, whether this is a case of "hate speech" that must be prohibited by law according to Article 20 (2). Participants should identify the facts in the scenario that lead to their conclusion. (15 min)

Facilitator note: Facilitatory to replace religion x with a specific religion / religious minority as they see fit.

Scenario

Thazin is the president of a University in Yangon and a well-known member of a conservative national political party. Last week, she gave the commencement speech for a graduating class. In her speech, Thazin said, "Members of religion x are invading our country. They have been infiltrating Myanmar from neighboring countries, stealing our businesses and making our cities unsafe. Religion x teaches violence. It teaches intolerance. Religion x must be contained in our country. As educated citizens, it is your duty to make sure the truth is made known, and to actively solve our problems associated with religion x".

Swe Zar is a student whose father's grocery store is losing business to a competitor grocery store owned by a family who are followers of religion x. Following the speech of the University President, Swe Zar is inspired to take action against the injustice she perceives is being carried out against her family. She goes to the competitor grocery store and spray paints, "All followers of religion x are criminals and terrorists!" on the window of the store. She then walks in and punches the store owner.

Facilitator note: Leading questions if the learners get stuck might be:

- What was the expression? What was said? Who is the speaker? (there are two) Who heard it?
- What was the action taken? By who? Against whom?

3) Using these facts, the facilitator should then ask the participants what the factors or relevant considerations are in determining whether this scenario is a case of hate speech that should be prohibited by law. Facilitator should write down the key factors on a whiteboard/piece of paper that everyone can see as they are identified by the groups. (10 mins)

4) The facilitator should then lead a discussion on key elements of ICCPR Article 20 (2). (10 min)

Speaking notes: The prohibition in Article 20 (2) requires certain key elements. You have identified many of these from the fact scenario and in your list of factors. The NGO, Article 19, has laid out these elements as a triangular relationship between the three principal actors in a scenario involving hate speech: the speaker, the audience, and the target group.

Facilitator note: Project below diagram and text below on screen.

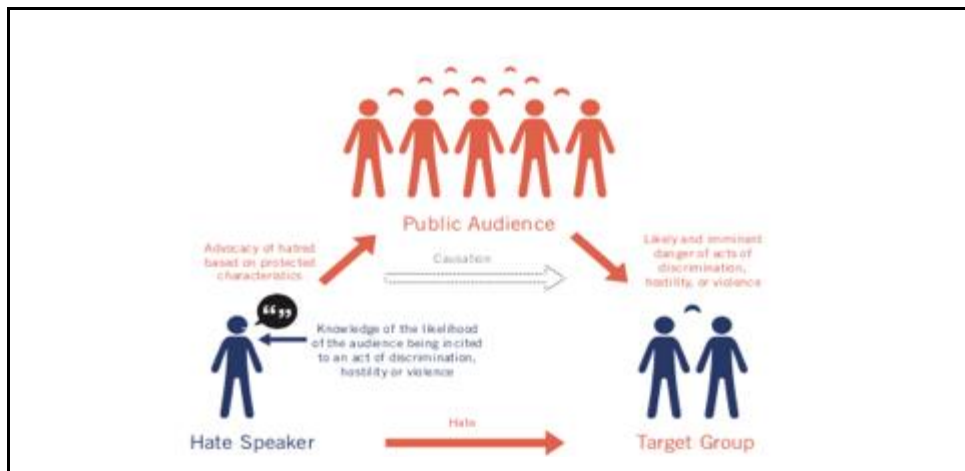


Image from Article 19's 'Hate Speech' Explained - A Toolkit (2015)

Speaking notes: When assessing if a case of “hate speech” should be prohibited, a judge might look at the following Article 20 (2) elements.

Facilitator note: Facilitator reads through below text projected on screen and/or distributes it as a handout.

1. The conduct of the speaker: The speaker must address a public audience and their expression must include:

- *advocacy, (the “intention to promote hatred publicly towards the target group”. “Promotion” implies not only merely stating an idea, but also persuading others to adopt a mindset).*
- *of hatred targeting a protected group.*
 - *Note that Article 20(2) only lists ‘national, racial or religious hatred’ but many argue this should be interpreted expansively to include discriminatory hatred against all protected characteristics under international law, including but not be limited to: race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth,*

indigenous origin or identity, disability, migrant or refugee status, sexual orientation, gender identity or intersex status.

- *constituting incitement to discrimination, hostility, or violence.*

2. *The intent of the speaker: the speaker must:*

- *intend to engage in advocacy of discriminatory hatred; and*
- *intend for or have knowledge of the likelihood of the audience being incited to a discrimination, hostility or violence,*
 - *intent is rarely spoken or obvious. It is more often found through circumstantial evidence such as motive, conscious behaviour, knowledge or likelihood (what the reasonable person should have known). Recklessness or negligence is not enough.*

3. *Likely and imminent danger of acts of discrimination, hostility or violence as a consequence of the advocacy of hatred (causation).*

- *a six-part “severity threshold” test (outlined below) can be used to assess whether the danger of incitement justifies the restriction.*

5) The facilitator should then ask participants to relate facts in given scenario to each of the elements discussed above. (10 min)

Facilitator notes:

Thazin, our speaker, was speaking to a public audience at the university. Was her speech promoting hatred towards followers of religion x? Was she inciting hatred, discrimination or violence? Can we ascertain her intentions through her language or other facts in the scenario?

- Was there a likely or imminent danger of discrimination, hostility or violence given the audience, context, content of speech? For example what can the audience members be expected to understand by “actively solve our problems associated with religion x.”
- Was Swe Zar’s expression done in front of an audience? Was her expression promoting hatred towards followers of religion x? Was she inciting hatred, discrimination or violence? What is the likelihood of hatred, discrimination, or violence stemming from her expression?

-----LUNCH BREAK-----

PROHIBITED OUTCOMES OF HATE SPEECH

6) Facilitator recaps content covered before the break: categories in hate speech pyramid, Article 19 (3) limitations and Article 20 elements. Facilitator notes that Article 20 (2) does not prohibit all advocacy of hatred. It is only concerned with the advocacy of hatred that constitutes incitement to violence, hostility and discrimination. Note, however, that the violence, hostility, or discrimination does not actually have to occur. Only incitement of these need to exist. Actual occurrence of the consequences of course strengthens the case. (10 min)

Facilitator notes: Definitions and further background are available under “Elements of Hate Speech” on pages 18-20 of the report which the facilitator can provide to or discuss with participants.

Speaking notes: We’ll now relate these consequences to our scenario. Is this scenario a case of incitement to violence, hostility, or discrimination?

7) The facilitator should then transition to a discussion on facts showing that this is a case of incitement to hostility (spray paint) and violence (punch). Facilitator asks participants what additions/ changes to the facts would make this a case of incitement to discrimination. (5 min)

Facilitator note: Possible examples of discrimination if participants have a hard time identifying ones: If Swe Zar’s father decided to ban followers of religion x from shopping at his grocery store or subsequently decided to fire all employees who follow religion x.

TYPES OF LEGAL SANCTIONS

Speaking notes: We’ll now look at the various legal mechanisms for addressing hate speech.

8) The facilitator asks participants what penalties the speakers should face in our scenario and why. (5 minutes)

Facilitator notes: Prompts could include: should they be fined, jailed, provide a public apology?

9) The facilitator introduces different types of penalties: civil, administrative, and criminal penalties, noting criminal penalties should only be imposed as a last resort and in the most severe cases. (10 minutes)

Speaking notes: Civil law sanctions attempt to redress injury to private interests caused by advocacy of hatred constituting incitement to violence, hostility or discrimination. Whereas administrative and criminal law deal with offences against the public, society, or the state. Victims of hate speech may seek civil law remedies such as compensation and the right of reply or correction.

Administrative sanctions enforce rules established by regulatory bodies, for example communication, media and press councils, as well as codes of conducts and employment rules for certain actors, including for politicians, public officials and civil servants. Sanctions may be in the form of an order to: issue a public apology, avoid communicating negative stereotypes of individuals and groups, issue a correction, provide a right of reply, or the imposition of a fine.

Criminal law should be avoided if civil and administrative sanctions would achieve the intended effect. International best practice utilizes criminal sanctions only for the incitement to violence. Incitement to hostility and discrimination is best addressed through civil and administrative sanctions. Criminal sanctions should also consider the perspective of victims in proceedings.

Facilitator notes: A brief discussion of sanctions could include: debating the pros and cons of each approach; the legal culture in Myanmar (how common are civil lawsuits? what costs are involved?); the socio-economic and power dimensions to this (can politically, socially, religiously, economically powerful people afford to get away with saying anything?); can/ should NGOs be able to bring civil claims?; should class actions be allowed in discrimination cases?; is the strength or the politicization of the judiciary a relevant factor?; what are the regulatory bodies in Myanmar?; what are the mechanisms of appeal? ; can administrative sanctions can lead to discriminatory policies or policies that limit the functions of certain professions, for example for journalists to report on the facts?

Refer to “Mechanisms for addressing hate speech” and the Australia case study on pages 21-23 and 37 of the report for further background notes. Note that the report and the remainder of this activity focus on civil and criminal sanctions.

RABAT SIX-PART TEST

10) The facilitator should then introduce the UN Rabat Plan of Action Six-Part Severity Test designed to determine when the danger of violence, hostility, or discrimination is sufficient to justify criminalization of the expression (below to be projected on screen, and also in the handout). (10 min)

1. Context: Context is important when assessing whether a particular statement is likely to incite hatred/ hostility, discrimination, or violence against the target group. Analysis of the context includes placing the speech act within the social and political context at the time the speech was made.
2. Speaker: The speaker’s position and status in the society should be considered, specifically the individual’s or organization’s standing in the context of the audience to whom the speech is directed.
3. Intent: As discussed earlier, Article 20 provides for ‘advocacy’ and ‘incitement’ rather than mere distribution or circulation of material. It also anticipates intent. That is, negligence and recklessness are not sufficient for an act to be an offence. As such, a triangulation between the speaker, the audience of the speech, and the offending action is required, as we’ve seen in our diagram.
4. Content and Form: The content of the speech constitutes one of the key foci of the court’s deliberations. Content analysis may include the degree to which the speech was provocative and direct, as well as the form (medium used), style, and the nature of the arguments presented.
5. Extent of the Speech Act: Extent includes the reach of the speech, its public nature, its method of dissemination, its magnitude and size of its audience, whether the audience had the means to act on the incitement, the quantity and extent of the communications.
6. Likelihood, including imminence: The action advocated through incitement speech does not have to be committed for the speech to amount to a crime. Nevertheless, some degree of risk of harm must be identified. That is, there was a reasonable probability that the speech would succeed in inciting actual action against the target group, recognizing that such causation should be rather direct.

11) Speaking notes: Using what you have learned about Articles 19 and 20, prohibited outcomes of hate speech, types of legal sanctions, and the Rabat test, how would you now respond if asked if the scenario is a case of hate speech that must be restricted.

From our previous discussions, you now understand that there is no simple answer to this. We have to examine all the factors on a case-by-case basis. Our next activity is an opportunity for you to examine the facts of our scenario from a lawyer's perspective.

12) Facilitator notes: the facilitator should ask groups to return to smaller groups and to build a case based on the following instructions. Groups can add facts that are not in the scenario to build their case: (15 min)

- **Group 1:** You are Thazin's defence lawyers, arguing that her speech should be protected.
- **Group 2:** You are the prosecutors arguing that Thazin's speech constitutes incitement to discrimination.
- **Group 3:** You are the prosecutors arguing that Swe Zar's expression constitutes incitement to hostility.
- **Group 4:** You are Swe Zar's defence lawyers arguing her expression does not constitute incitement to violence.

Facilitator notes: During this activity, the facilitator should think about the elements of hate speech. Facilitator can use the following questions and examples to stimulate discussion and help each group build their cases. There are also examples of prosecution / defence arguments for each group if further guidance is needed.

Questions Regarding Thazin's expression:

- How is Thazin perceived? Is she a powerful and influential figure, or is she a person who no longer commands attention?
- Does the expression target a protected group or individual?
- Where was her speech made? Is this area in Myanmar specifically volatile? If made at a University, should the expression be more heavily protected or restricted? As a political figure, should her expression bring heightened protection or restriction? Was the speech made privately or publicly?
- How was the speech delivered? Is this the first time she has said something of this nature publicly? For example, would an audience know, from prior statements, what she means when she says "actively solve our problems associated with religion x?" In other words, is this cumulative speech or a singular instance?
- How many students were present for the speech? Was Swe Zar aware of the speech? Was Swe Zar present for the speech?
- How long following the speech did Swe Zar take action

Questions Regarding Swe Zar's expression:

- What is the expression? Does it include the punch?
- Are her actions criminal in any event? Do we need to punish the expression or do we rely on vandalism and assault?
- Where did this event take place?
- What is the situation in the neighborhood? Is it volatile?
- Was there a sympathetic audience for her spray painting?
- Are followers of religion x a protected group? (Technically? Should they be?)

Examples of defence arguments for Group 1:

- Thazin's party's view on followers of religion x and immigration are well known and widely disseminated in party speeches, online etc.
- The content of the speech does not incite hostility, discrimination of violence (deliberate wording).
- Thazin is 90 years old and the university community as well as the media constantly question her outlandish remarks.

Examples of prosecution arguments for Group 2:

- By claiming religion x "teaches violence" and "intolerance" and accusing followers of religion x of "invading our country" and "stealing our business and making our cities unsafe", Thazin used strong, emotive language that inspired Swe Zar to "solve our problems associated with religion x".
- Evidence of Swe Zar being present and Thazin having a big influence on her / all students.
- Following the speech, Thazin tweeted that if graduating students wanted to action her call to "solve our problems associated with religion x", they should ensure followers of religion x were prevented from starting businesses in Myanmar and denied job opportunities.
- Thazin has said similar things in the past and people acted upon those expressions.
- Swe Zar's conduct need not be proven as an expression of discrimination.

Examples of prosecution arguments for Group 3:

- Discuss how Swe Zar's conduct is an act of hostility.
- A group of fellow university students accompanied Swe Zar to the deli and cheered on her actions.

Examples of defence arguments for Group 4:

- Swe Zar's action took place in a neighborhood where the religion x community lived and followers of religion x who were bystanders were unlikely to agree with or act in line with her expression.

13) Each group will then present their case. With their judges hat back on, the other groups will vote for/against the cases presented. To conclude, the facilitator will lead a discussion on why groups agreed/disagreed with each case presented and hold a vote on whether the speaker should face criminal or civil charges (recall Rabat six-part test here). *(45 min: 10 min for discussion of each group's case and 5 min for discussion of charges)*

Group 1 presents their argument

Speaking notes:

- By show of hands, who thinks that the speech should be protected? By show of hands, who thinks that it should not be protected?
- For those who think it should be protected, why?
- For those who think it should not be protected, why?
- Is anyone still undecided? If so, why?
- Would anyone like to make a counter-argument or respond to anyone who reached a different conclusion than you did?

Facilitator notes: Instead of answering these questions by show of hands, participants could stand on either side of the room: one side for should be protected, and the other for should not be protected. Or, for more nuance, participants could stand along a line with one end for definitely protect and the other end for definitely not protect, with the option of standing somewhere on the spectrum.

Group 2 presents their argument

Speaking notes:

- By show of hands, who thinks Thazin's speech constitutes incitement to discrimination? By show of hands, who thinks Thazin's speech does not constitute incitement to discrimination?
- For those who think it constitutes incitement to discrimination, why?
- For those who think it does not constitute incitement to discrimination, why?
- Is anyone still undecided? If so, why?
- Would anyone like to make a counter-argument or respond to anyone who reached a different conclusion than you did?

Group 3 presents their argument:

Speaking notes:

- By show of hands, who thinks Swe Zar's expression constitutes incitement to hostility?
- By show of hands, who thinks Swe Zar's expression does not incitement to hostility?
- For those who think it constitutes incitement to hostility, why?
- For those who think it does not constitute incitement to hostility, why?
- Is anyone still undecided? If so, why?
- Would anyone like to make a counter-argument or respond to anyone who reached a different conclusion than you did?

Group 4 presents their argument

Speaking notes:

- By show of hands, who thinks Swe Zar's expression constitutes incitement to violence?
- By show of hands, who thinks Swe Zar's expression does not constitute incitement to violence?
- For those who think it constitutes incitement to violence, why?
- For those who think it does not constitute incitement to violence, why?
- Is anyone still undecided? If so, why?
- Would anyone like to make a counter-argument or respond to anyone who reached a different conclusion than you did?

Discussion of charges

Facilitator notes: the facilitator should explain that, keeping in mind the Rabat test, they will now decide what charges each speaker should face: criminal or civil. Facilitator will explain that they will be asked to move to one side of the room if they think criminal charges are appropriate and to the other side of the room if civil charges are appropriate. (Note: this can also be done by a show of hands).

What charges do you think Thazin should face? Criminal or Civil?

Once individuals have moved to one side of the room or another, facilitator should encourage individuals to comment on why they made the decision they did.

What charges do you think Swe Zar should face? Criminal or Civil?

Once individuals have moved to one side of the room or another, facilitator should encourage individuals to comment on why they made the decision they did.

-----END OF ACTIVITY-----

ACTIVITY 4 PARTICIPANTS HANDOUT

Article 19 ICCPR

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20 ICCPR

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Scenario

Thazin is the president of a University in Yangon and a well-known member of a conservative national political party. Last week, she gave the commencement speech for a graduating class. In her speech, Thazin said, “Members of religion x are invading our country. They have been infiltrating Myanmar from neighboring countries, stealing our businesses and making our cities unsafe. Religion x teaches violence. It teaches intolerance. Religion x must be contained in our country. As educated citizens, it is your duty to make sure the truth is made known, and to actively solve our problems associated with religion x”.

Swe Zar is a student whose father’s grocery store is losing business to a competitor grocery store owned by a family who are followers of religion x. Following the speech of the University President, Swe Zar is inspired to take action against the injustice she perceives is being carried out against her family. She goes to the competitor grocery store and spray paints, “All followers of religion x are criminals and terrorists!” on the window of the store. She then walks in and punches the store owner.

RABAT PLAN OF ACTION SIX-PART TEST

1. Context: Context is important when assessing whether a particular statement is likely to incite hatred/ hostility, discrimination, or violence against the target group. Analysis of the context includes placing the speech act within the social and political context at the time the speech was made.
2. Speaker: The speaker's position and status in the society should be considered, specifically the individual's or organization's standing in the context of the audience to whom the speech is directed.
3. Intent: As discussed earlier, Article 20 provides for 'advocacy' and 'incitement' rather than mere distribution or circulation of material. It also anticipates intent. That is, negligence and recklessness are not sufficient for an act to be an offence. As such, a triangulation between the speaker, the audience of the speech, and the offending action is required, as we've seen in our diagram.
4. Content and Form: The content of the speech constitutes one of the key foci of the court's deliberations. Content analysis may include the degree to which the speech was provocative and direct, as well as the form (medium used), style, and the nature of the arguments presented.
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6. Likelihood, including imminence: The action advocated through incitement speech does not have to be committed for the speech to amount to a crime. Nevertheless, some degree of risk of harm must be identified. That is, there was a reasonable probability that the speech would succeed in inciting actual action against the target group, recognizing that such causation should be rather direct.

ACTIVITY V: EXTRA LEGAL APPROACHES TO HATE SPEECH

Time: 60 Minutes / 70 Minutes Including Part B

Learning Objectives:

- Identify and analyze examples of responses to hate speech and problematic speech. For example: counter-speech, education policies, advocacy, etc.
- Identify and develop actions each learner individually and/or collectively can take to address hate speech and problematic speech

Description:

This activity is designed to encourage participants to think critically about differing approaches to combating hate speech, and the tensions, pros and cons between varying priorities and interests. Participants will be asked to come up with specific actions that can be taken in response to a particular scenario and reflect upon the implications and consequences of this plan. Learners will also be asked to reflect at the end of the activity on how they might use what they learned in their own lives.

Materials:

Butcher paper, markers, scenario handouts, and sector description handouts (see suggested roles section).

Outline:

Introduction

Speaker notes: In this activity, you will each assume the role of a different sector in society. Faced with a scenario involving hate speech, you will be asked to come up with possible approaches and solutions to the situation at hand.

1. Facilitator hands out scenario and read it aloud as participants follow along. Participants will be asked to imagine as they listen that they are residents of city X. (5 min)

Speaker notes: I will now read the scenario aloud. Please read along and imagine that you are a resident of city X.

SCENARIO

A few weeks ago, a magazine published an article with pictures of LGBTQ+ community members living in City X. The pictures were accompanied by the individuals' names and addresses. The story was printed on the front page of the magazine with a banner reading "hang them." Following publication, a young woman named Hayma, who was featured in the article, was attacked by her neighbors who threw rocks at her, and forced her to flee her home.

Just yesterday, the same magazine published another article claiming that "the gay lobby is working closely with Muslim radicals and terrorists to disrupt order and overthrow the government." Images of

individuals from the original article were printed on pamphlets and distributed throughout City X by Group Z. The images have also spread across social media.

Government officials, CSOs, and advocates are worried about the impact that these articles and the spread of these images may have on vulnerable members of the LGBTQ+ community.

Thiha Win, an activist in City X works for the Society for the Promotion of Everyone's Welfare (SPEW), and was one of those targeted in the original article. Thiha has decided to take action, and on behalf of SPEW, secured a meeting with key government officials and is working to bring additional members of society into the meeting. The hope is to use this meeting to design a collaborative plan of action.

DISCUSSION QUESTIONS:

1. What are the primary concerns of your sector in this situation?
2. What are some actions that can be taken in response? What are the strengths of your sector? (particular skills, knowledge, networks/relationships, etc.)?
3. What resources are needed? Can you access them?
4. Who needs to be involved?
5. What are strengths and potential weaknesses of the approaches you have identified?

2. After reading aloud, the facilitator will conduct a group discussion to brainstorm groups or sectors that should be present at the meeting discussed in the scenario. The facilitator will use butcher paper or a whiteboard at the front of the room to record ideas generated from the brainstorm. (5 min)

Speaker notes: If you were Thiha Win, who would you want to be in the room at this meeting?

Facilitator notes: See the “Roleplay (Suggested) Sectors” box below for actors that should most likely be included. If a sector is missed by participants, the facilitator can suggest these sectors to the group. As they are brainstorming actors, encourage participants to be specific. For example, instead of “government officials,” encourage them to identify which officials (for example: mayor, MP, judge?)

3. Have the room count off to divide into groups of 3-5 individuals. Each group will represent one of the sectors present at the hypothetical meeting, choosing the sector to represent from the brainstorm list. The facilitator should go around the room, and ask each group in turn to express which of the sectors they would like to represent. Once a sector has been selected, it can no longer be selected by another group. (Each group should represent a different sector.) (5 min)

Speaker notes: Groups should choose their sector based on who they believe it is important to include in the solution-building process. Is there a particular actor that you think should be represented? If so, is a group willing to switch roles?

Facilitator notes: It is essential for the learners to choose their own sectors to represent. This will allow them to prioritize the sectors and approaches that they feel are most important.

4. Each group should work together to brainstorm three priority actions for their sector. Groups will write out their brainstorm ideas on paper, while the facilitator walks around the room to assist. If a group is struggling with the brainstorm, the facilitator can use the Roleplay (Suggested) Sectors section to help generate ideas. (10 min)

Speaker notes: Think about the tools available to your sector. What are the primary concerns of your sector in this situation? What are some actions that can be taken in response? What are the strengths of your sector? (particular skills, knowledge, networks/relationships, etc.)? What resources are needed? Can you access them? Who needs to be involved? What are strengths and potential weaknesses of the approaches you have identified? You should brainstorm three priority actions, and pick one to present to the group as a whole. Use the paper provided to write down your ideas.

Remember that you must represent the interests of the sector you have chosen. Groups should also keep in mind that this is a role-playing exercise and the participants do not necessarily hold the views/opinions they might express while playing the role.

The priority actions should be specific to the group's sector, and can, but do not have to involve collaboration with other sectors.

Facilitator notes: The questions included in the speaker note above is also listed in the scenario under "Discussion Questions."

5. Have the groups come together. Each group will be asked to share one of their chosen interventions, and methods for implementation. After reporting out, the participants will be asked to discuss the interventions as a group, and asked to reflect as learners on the interventions. (10 min)

The facilitator will ask the following discussion prompts for each group:

Speaker notes: Are there any important actors not included in this intervention who should be? Who will most benefit from the chosen intervention? Who is being left out? Does the chosen intervention put anyone at risk? Are there risks to this intervention within the Myanmar context? How can these risks be mitigated?

Additional discussion questions if time allows: What surprised you about the process of coming up with a solution? What was difficult? What was easy? Are you satisfied with the interventions that the group came up with? If not, what leaves you feeling uneasy?

6. The group will now reflect on the exercise as a whole, and discuss the relevance of these interventions in their own lives. Participants will take 1-2 minutes to brainstorm individually and then will discuss their ideas with the person to their left for 3-5 minutes. Each person will then

report back to the entire group their ideas for steps he or she can take. Discussion questions/prompts are listed in the speaker note below.

For the purposes of time, each person will be asked to share their ideas in 1 minute. The facilitator will explain that they will set a time for one minute for each speaker to ensure that everyone has the chance to share their ideas. (15 min)

Facilitator notes: Alternatively if time is too constrained to have everyone share out to the group, have a small handful of individuals volunteer to share their ideas.

Speaker notes: What actions/interventions can you take in your own communities or through your own work to prevent or address hate speech? Are there fellow participants you might partner with? Will you incorporate any of these interventions into your daily life, or your work? How will you go about doing so?

7. After each pair has shared their thoughts, the group will discuss what was shared, and actions to take, moving forward. (10 min)

Speaker notes: Did this exercise give you any new ideas about the actions you might be able to take? Are there points of collaboration that you can identify based on what was shared? Any comments/reflections/constructive ideas/critiques regarding the ideas that were shared?

OPTIONAL PART B (10 min)

8. Facilitator will explain to the group that this situation was based on a real case in Uganda. Facilitators will explain the multi-pronged approach taken by advocates on the ground. The group will be invited to reflect on how the approaches they identified approach differed, as well as the pros and cons of each approach.

Facilitator notes: Please see the Uganda Case below for background information on the real case that the scenario is based on.

Speaker notes: What surprised you about the process of coming up with a solution? What was difficult? What was easy? Are you satisfied with the interventions that the group came up with? If not, what leaves you feeling uneasy?

ROLEPLAY(SUGGESTED) SECTORS

- Government
 - This could include the head of state, Ministers in charge of a particular government department, MPs/legislators, and the judiciary. Some key tools at the government's disposal are legislative action, executive orders/decisions, military or police action, and other emergency measures.

- Business
 - This might include companies such as Facebook or Google. These companies are being pressured to act against hate speech, but are also interested in protecting freedom of speech and freedom of expression. These platforms can choose to censor or monitor their platforms, and must decide how to approach certain forms of speech.
- Human Rights NGOs
 - LGBT rights organizations, local human rights orgs will likely prioritize the safety of the individuals targeted, and will want to stop the spread of images, and misinformation. CSOs may also be interested in education and awareness.
- Journalists/Media
 - Journalists are worried about protecting freedom of expression, and want to ensure that any action that the government takes keeps this in mind. Journalists want to prevent misinformation from spreading, and may use counterspeech in order to do so.
- Human Rights Lawyers / INGOs
 - Lawyers may be interested in taking legal action against the magazine, or the individuals spreading or facilitating the spread of misinformation. INGOs will likely have similar interests, and may want to work with local organizations to prevent immediate violence and protect the safety of specific, targeted individuals.
- Teachers
 - Educators are interested in long term solutions to ending hate. Teachers will want to design curriculum and learning tools that foster environments of inclusion.

THE UGANDA CASE

An example of both national and international civil society coordination occurred in Uganda in 2010 after a weekly tabloid called *Rolling Stone* began targeting members of the country's LGBTQ community. In October, the tabloid ran a front-page story titled "100 Pictures of Uganda's Top Homos Leak." The headline included a yellow banner printed with the words, "hang them." The story including photographs of suspected LGBTI individuals, the article also listed their names and addresses.³

Following publication, individuals who appeared in the story were harassed, and one activist was forced to leave her home after neighbors pelted her with rocks.

Several weeks later, another issue of *Rolling Stone* was published with a headline claiming that "Homo Generals Plotted Kampala Terror Attacks" and that the "gay lobby" conspired with the terrorist

³ Rice, Xan. "Ugandan Paper Calls for Gay People to Be Hanged." *The Guardian*. October 21, 2010. Accessed February 5, 2019. <https://www.theguardian.com/world/2010/oct/21/ugandan-paper-gay-people-hanged>.

organization al-Shabaab. Once the paper began linking the LGBTQ community with terrorists, civil society activists decided to mobilize to challenge the publication.⁴

David Kato, a leading LGBTQ rights activist who was often called “Uganda’s first openly gay man” was among those photographed in the article began to work to organize a response through his organization, Sexual Minorities Uganda (SMUG).

SMUG had a multi-pronged strategy to protect the LGBTQ community : they began working closely with international partners including the human rights organization Amnesty International and diplomats including several European embassies, who applied pressure to the Ugandan government and made plans to raise the issue in Uganda’s Universal Periodic Review (UPR), a UN Human Rights Council mechanism. At the same time, Kato and other SMUG members and affected LGBTQ community members worked to raise the visibility of the issue through numerous appearances on television and the media.

SMUG also brought a legal case against *Rolling Stone*, eventually winning an injunction preventing the paper from publishing any more pictures or information identifying members of the LGBT community.⁵ The presiding judge, Vincent Musoke-Kibuuka ruled that the articles constituted “an infringement or invasion of the right to privacy.”⁶ The court also ordered that the tabloid pay damages to each of the applicants.

This strategy was effective in garnering international support for the Ugandan LGBTQ and stopping the publication of speech targeting the community. However, only three weeks after the verdict David Kato was murdered by being beaten to death outside his home in Kampala.

⁴ Rice, Xan. “Ugandan Paper Calls for Gay People to Be Hanged.” The Guardian. October 21, 2010. Accessed February 5, 2019. <https://www.theguardian.com/world/2010/oct/21/ugandan-paper-gay-people-hanged>.

⁵ Rice, Xan. “Death by Tabloid: Uganda’s Most Infamous Journalist Makes No Apologies.” The Atlantic. June 2011. Accessed February 13, 2019. www.theatlantic.com/magazine/archive/2011/06/death-by-tabloid/308491/.

⁶ <https://www.bbc.com/news/world-africa-11666789> See also: “Uganda's Rolling Stone Paper Told to Stop Outing Gays” BBC News. November 1, 2010. Accessed February 24, 2019. <https://www.bbc.com/news/world-africa-11666789>.

ACTIVITY VI: ILLUSTRATING HATE SPEECH FREE MYANMAR

Time: 45 minutes

Learning Objectives:

- Conduct a situational analysis of hate speech in Myanmar
 - d. Identify and critically discuss causes of hate speech (social, cultural, political, economic, psychological, power dynamics) within the Myanmar context)
 - e. Identify key perpetrators and affected persons
 - f. Identify key platforms/methods of communicating hateful speech in Myanmar
 - i. Person to person (religious sermons, community meetings, school and government curricula, parent to child, teacher to student)
 - ii. Broadcast and printed media (TV, newspapers, pamphlets, newsletters, radio)
 - iii. Social media (Facebook, WhatsApp)
- Identify and analyze legal and extralegal responses to various forms of hate speech

Materials:

Large pieces of paper, tape, markers.

Part A - Activity:

This activity is a companion to the first drawing activity and provides learners with the opportunity to apply and reflect on what they have learned in the context of their own experiences and communities. Each group should tape a second piece of paper next to their original drawing of hate speech in Myanmar. The facilitator should provide the following instructions. *(10 minutes)*

Speaking notes: In this picture, please try to depict a Myanmar in which hate speech has been effectively addressed. What is needed to achieve this change?

Facilitator notes: When starting this activity, if participants seem unsure where to start, ask them to reconsider their first drawings and incorporate what they've learned and discussed over the course of the training.

Part B - Discussion of Individual Drawings:

The groups reconvene and share their drawings. The facilitator can ask each group to present their drawing or can solicit volunteers depending on the time available. The following questions can be used to prompt discussion: *(20 minutes)*

- What have you drawn?
- What has changed from the first picture your group drew at the beginning of the training?
- Are there people in the picture? If so, how did you decide what each person in the picture would look like?
- Who is included? Who is missing?
- Is power represented in your picture? If so, how?
- How are the underlying causes of hate speech represented and addressed? What are they?

- How was hate speech addressed?
 - Was it through education? Interreligious dialogue and exchange?
 - Are laws represented? How can you be sure these laws will be used proportionally and for the intended offenses?
 - Are there technical solutions / regulations? What do they look like? Are they sufficient? Are stronger online and print moderation mentioned?
 - Are strong protections for minority groups depicted?
- Are there any potentially problematic consequences associated with the solutions proposed in the drawing? Can they be mitigated?

Part C - Concluding Discussion:

As a group, the learners and facilitator will discuss key takeaways they may identify through this activity.

The following questions can be used to prompt discussion:

- Were there common underlying causes of hate speech that were identified?
 - Are there certain laws, societal norms, community practices, or government policies that multiple groups identified as needing to change?
 - Are there underlying causes that were not depicted? (economic, social, cultural, political, legal, etc.?)
- Were there any commonalities in terms of the changes that were depicted in these pictures?
- Were there common goals or visions of the future depicted? Were any conflicting goals depicted?
- Any observations about the suggested approaches for addressing hate speech?
- Common challenges identified?
- Other observations?

ACTIVITY VII: WRAP UP DISCUSSION

Time: 15-30 minutes

Description:

To conclude the training, the facilitator will open the floor for a final questions, discussion, and reflection. The facilitator should look at any new questions placed in the fishbowl, read them aloud, and ask the group if they have been answered. If time allows, the group as a whole can work to answer them.

Facilitator notes: Final discussion questions might include:

- What are the main things you will be taking away from this training? What do you feel you have learned through this training?
- After today's exercises, how has your understanding of hate speech changed?
- Are there any specific actions you plan to take in relation to issues of freedom of expression and hate speech?
- How do you all plan to work with each other and other actors to address hate speech and disinformation?
- What do you think the role of government should be with respect to addressing hate speech? What approaches do you think are the most appropriate in Myanmar?
- What questions or considerations still remain? Is there anything you would like to discuss or reflect upon as a group?
- Is there anything you would like to share about your experience as a participant in this training?
- Do you have any recommendations for how this workshop may be improved?

Some of these recap questions may need to be modified depending on the questions in any feedback survey that is distributed.