

THE FILMS

AND PUBLICATIONS

AMENDMENT BILL

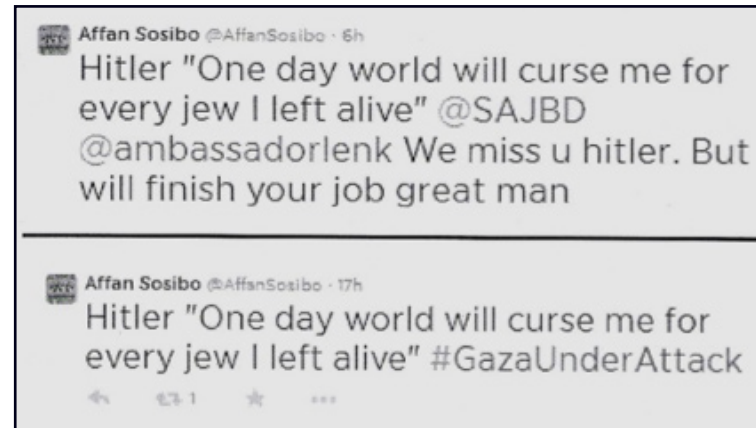
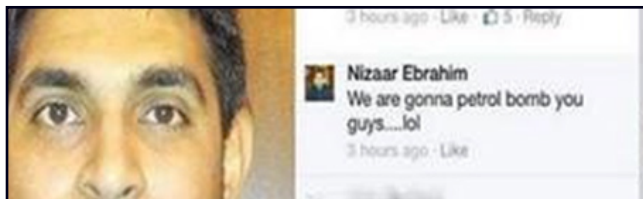
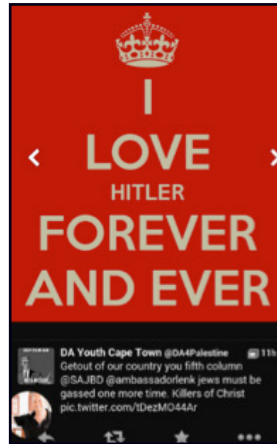
SUBMISSION BY SA JEWISH BOARD OF DEPUTIES

SAJBD

South African
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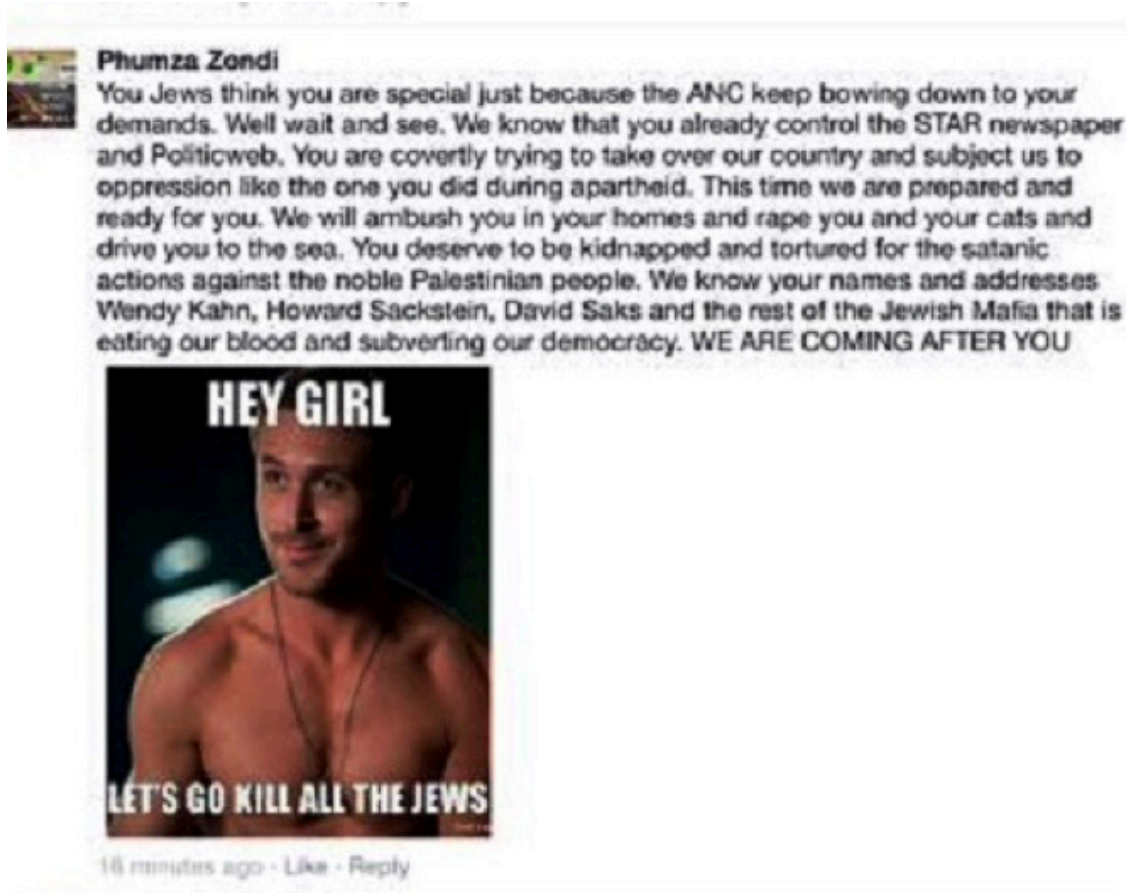


THE NEW AGE OF HATE: ANTI-SOCIAL MEDIA



ANTI-SOCIAL MEDIA

SA JEWISH BOARD OF DEPUTIES CASE STUDY



PHUMZA ZONDI

Posted on SA Jewish Board of Deputies Facebook Page

29 July 2014 at 1:31pm

ANTI-SOCIAL MEDIA

SA JEWISH BOARD OF DEPUTIES CASE STUDY

- Post appears on SAJBD FB page – fictitious profile
- Attempt to lay charges at local police station
- Engagement with SAPS, Hawks, Dept of Justice, Interpol, Ministry of Justice and State Security.
- ADL Cyberhate Department
- Facebook agrees to release ID with a ‘court order’
- Back to local police station - connects to SAPS Cyber Unit
- With ADL help SAPS Cyber Dept sends Section 205 to FB
- Nearly 2 years later DPP ‘declines to prosecute’
- Facebook refuses to provide information
- End of the road?

CASE STUDY LEARNINGS

1. SA has adequate laws to address hate speech, but often ineffective in practice as identities protected by online service providers.
2. Online media service providers will only release ID information on official request by local law enforcement.
3. SA law enforcement often lacks the expertise or will to obtain the necessary information.
4. Result: Individuals by concealing identity can propagate hate, incitement and threats with impunity.

MONITORING, REGULATING & RESPONDING TO CYBER HATE

A GLOBAL CHALLENGE

Just adding words ‘internet’, ‘website’, ‘social media’ to the Act is a stop gap solution – need more comprehensive approach.

We need a comprehensive provision addressing unique challenges of the electronic media, eg.

- A definition providing for an individual communicating rather than a commercial organisation,
- Jurisdiction issues - this is a global phenomenon.

Drafting and implementing of the Legislation to address Hate in the Electronic media requires close cooperation with:

- Different Government Departments (Communications, Justice, Law Enforcement),
- IT specialists,
- Internet Service Providers,
- Legal academics,
- Rights activists with expertise in racism and prejudice issues.

DEFINITIONS

Adapting hate speech definitions for the unique requirements of Electronic Media. Two international definitions for consideration:

“Hate speech online is Internet or other digitally transmitted content attacking people based on their actual or perceived race, age, ethnicity, national origin, religion, sex, gender, sexual orientation, veteran status, disability or disease. This includes attempts to intimidate, promote violence or prejudice against, target, directly attack or threaten people on the basis of these core characteristics” - Anti-Defamation League (ADL)

“Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” - UN International Covenant on Civil and Political Rights (article 20)

COMPLIANCE

1. Obtaining information from Internet Service Providers and social media groups (eg Facebook, Twitter, Yahoo)

Inclusion of SAPs person on Council/Tribunal for attaining investigative documents.

2. Composition of Council/Tribunal

In addition to those with expertise in education, psychology, religion etc, also have at least 2 members with knowledge in IT/electronic communications, as well as racism and related prejudice

3. Training

Essential for Council/Tribunal members to be trained in this new area.

WHAT CONSTITUTES DISTRIBUTION OF CYBERHATE?

- Initiating a communication?
- Retweeting/forwarding/sharing?
- When is it or is it not acceptable to share racist material?

PENALTIES

Provision for restorative justice, anti-racism education and awareness, diversity and tolerance training.

NEED FOR SPEED

Creation of subcommittee to consider rules, mediate and intervene in disputes and issues that arise in the ever changing electronic media world.

“THE ALL-PERVASIVE AND CONSTANTLY GROWING NATURE OF THE ELECTRONIC MEDIA HAS TO A CERTAIN EXTENT ECLIPSED TRADITIONAL AND MORE EASILY REGULATED FORMS OF COMMUNICATION. FINDING EFFECTIVE WAYS OF MONITORING, AND REGULATING THIS NEW FIELD OF COMMUNICATION SO AS TO PREVENT ITS BEING USED TO DISSEMINATE HATE SPEECH IS ONE OF THE CRITICAL CHALLENGES FACED BY THE GLOBAL COMMUNITY.”

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