**Submission on Special Rapporteur Report on disinformation**

Submission by **Digital Rights Foundation**

Civil Society Stakeholder

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1. **Introduction**

1.1 This submission is pursuant to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression’s [call for input](https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Report-on-disinformation.aspx) on the annual thematic report to be presented to the Human Rights Council at its 47th session in June 2021. The Special Rapporteur has invited Member States, international organizations, national human rights institutions, digital technology companies, civil society organizations, representatives of the media and social media sector, scholars and other interested stakeholders to share their views on the subject of disinformation.

1.2 This written submission by Digital Rights Foundation (DRF), seeks to highlight the corrosive nature of disinformation, particularly disinformation facilitated through technologies, and the threats to democracy, freedom of expression and right to information that it poses. Furthermore, this submission proposed human rights-based interventions for tackling the disinformation, one that does not have crucial freedom of expression and information.

1.3 DRF is a not for profit organization based in Pakistan working on digital freedom. DRF envisions a place where all people, especially women, can exercise their right of expression without being threatened. DRF works on issues of online freedom of expression, digital privacy, equal internet access and online violence against women through research-based advocacy, capacity-building and direct assistance.

1.4 We posit that disinformation, false and misleading information which is shared deliberately with intent to spread false information, it poses a grave threat to our fundamental freedoms--democracy itself--and particularly impacts marginalised groups and individuals such as dissidents, critical journalists, women and minority groups.

1. **Challenges raised by disinformation**

2.1 During the Covid-19 pandemic, the World Health Organisation alerted the world’s attention to a parallel ‘infodemic’ which could pose a public health risk to the population at large.[[1]](#footnote-1) Disinformation underplaying the severity of the virus, illegitimate cures and discouraging people from taking the vaccine have all posed incredible challenges for governments in mitigating the spread of the virus and rolling out the vaccine. This disinformation cost individuals their life through taking unconfirmed cures[[2]](#footnote-2) and decaying of public trust in lockdown orders.

2.2 Disinformation directed at women and gender minorities, ‘gendered disinformation’,[[3]](#footnote-3) is designed to silence them and create a hostile environment for them to participate in public space, both online and offline. This form of disinformation often seeks to target women and gender minority rights activists, journalists[[4]](#footnote-4) and politicians by maligning their work, affiliations and character.

2.3 Disinformation often particularly targets racial and religious minorities, either through perpetuating false stereotypes about the marginalised group or amplifying hate speech against them. Disinformation against minority groups adds to the discrimination faced by them and fuels the flames of pre-existing tensions with the community. Disinformation has also led to direct incitement to violence and attacks against minority groups. Disinformation had a pivotal role to play during the Covid-19 pandemic as certain populations were stigmatised in different contexts as alleged spreaders of the virus, falsely justifying discrimination and hate speech against them.[[5]](#footnote-5)

2.4 There is no denying that disinformation, along with misinformation, has been amplified by technology and algorithmic sorting of information on social media platforms. The algorithmic-driven social media news feeds have known to amplify fake news and the AI-powered tools to detect misinformation and disinformation have fallen short of detecting such content.[[6]](#footnote-6)

2.5 One of the main actors in creating and disseminating disinformation is member states who are often using their immense resources to create coordinated disinformation campaigns or ‘outsourcing’ this work to meet their ends.[[7]](#footnote-7) State-sponsored disinformation can be used to target other member states, most famously the use of Russian-sponsored troll farms to influence politics in other countries, as well as to silence critical voices, which include political opponents, activists, journalists, and members of the public who are critical in their views.[[8]](#footnote-8)

2.6 Lastly, one of the biggest challenges posed by disinformation is in our response to it. Responses developed to tackle the threat of disinformation often take restrictive approaches to freedom of expression and information. Legislative interventions are often grounded in censorship or use of cybercrime cast a wide net in terms of regulation of speech and often restrict freedom of expression. The now repealed anti-fake news law in Malaysia sought to criminalise ‘fake news’ was widely criticised as it was less aimed at addressing the ecosystem of information, rather geared towards clamping down on criticism of the state.[[9]](#footnote-9)

1. **Measures to address disinformation**

3.1 It is important to address disinformation through a human rights compliant lens, that preserves the freedom of expression and access to information while at the same time taking proportionate measures to address the challenges presented by disinformation. Addressing disinformation requires a multi-stakeholder approach from the state to the media playing pivotal roles.

3.2 Firstly, priority must be given to counter-information measures which seek to disseminate authentic information and counter-narratives in order to discredit disinformation. Research and regular reporting into disinformation networks and inauthentic activity online can help transparently unmask the nature of these campaigns and ensure that consumers of disinformation make informed decisions. There should be more investment in research to understand the intersectional impact of disinformation, particularly in terms of race, gender and religion. A lot of the disinformation discourse and our understanding of it stems from the Global North, rather than understanding the multifaceted and specific issues faced by countries in the Global South. However counter-information will not be effective unless it is given a platform and there are active measures to counteract the power dynamics that underlie the spread of mis/disinformation.

3.3 Strengthening media freedoms and independent media institutions which can act as a bulwark against disinformation through accurate reporting and fact-checking. Member states must take measures to create an enabling environment for freedom of the press through ensuring safeguards for journalist safety, creating accountability mechanisms to curb attacks on media and journalists, decriminalising speech acts such as defamation and ‘sedition’, and investing resources in developing skills for journalists to conduct fact-checking. Furthermore, member states need to consider the financial straitjacket faced by media organisations, particularly traditional media, as media outlets are facing the pressure of the shift to digital and state policies such as selective allocation of government advertisements.[[10]](#footnote-10)

3.4 Build up the capacity of the media to detect or report on disinformation through awareness about tools to monitor, document and fight disinformation[[11]](#footnote-11) and media literacy programs that cover technology in order for journalists to understand the spread and flow of disinformation.

3.5 Member states and their governments have to be more responsible in the information they disseminate especially since there have been many cases where disinformation is echoed by government spokespersons and heads of states.[[12]](#footnote-12) Furthermore, there needs to be accountability for state actors and their role in creating networks of disinformation to spread propaganda and curb dissent. This can be done through strengthening institutions that can hold members accountable, both at the national and international level.

3.6 Member states need to show more transparency in how they deal with important issues and proactively disclose information. This will build overall trust in government institutions--the lack of which is often the reason for spread of mis/disinformation. Furthermore, it will create a stream of accurate information coming directly from the government that can be amplified by the media and fact-checkers. Strengthening right to information laws and their implementation is crucial for this process to be meaningful.[[13]](#footnote-13)

3.7 Member states must also take restrictive and proportionate measures to tackle disinformation. Measures such as internet shutdowns, bans on social media platforms, and criminalisation will not curb the spread of disinformation, rather will hinder the free flow of information among the population. Criminalisation through ‘fake news’ laws is a disproportionate measure and gives too much leeway to states to determine what they consider fake news, thus casting a chilling effect on free speech. Furthermore, internet shutdowns and restrictions choke the spread of essential information and stymies the ability of journalists to partake in informed reporting.

3.8 Social media companies must be transparent and consistent in the way they deal with disinformation. The use of community guidelines for content moderation is not an open process, often lacking input from those worst affected by it from the start, and not applied evenly. Furthermore, the overreliance on artificial intelligence for content moderation often doesn’t account for more sophisticated disinformation campaigns that require awareness of context and taking account for the harm caused by them.

3.9 Lastly, social media platforms must be held accountable for the role of algorithms in amplifying and disseminating disinformation. A public human rights audit and algorithmic transparency is needed in order to monitor and hold these platforms accountable.

1. **Conclusion**

4.1 Disinformation has emerged as a major challenge and poses a threat to fundamental freedoms and democratic institutions. There is a dire need to document and understand the phenomenon further, particularly in the context of the Global South. Furthermore, a structural long-term approach needs to be adopted in order to counter the impact of disinformation, one that includes all stakeholders--member state governments, media actors, social media companies and civil society--and a human rights-based approach that adopts the least restrictive and proportionate measures.

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