Disinformation

Submission for the UN Special Rapporteur

Free Press Unlimited
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People deserve to know

Introduction

Free Press Unlimited welcomes the opportunity to contribute to the report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Disinformation is a rapidly increasing threat to freedom of expression worldwide, especially in regard to press freedom and people's right of access to (reliable) information.

Free Press Unlimited works with local independent media partner organizations in over 40 countries worldwide, many of which are based in the Global South. Disinformation is a global problem that does not distinguish between boundaries and many of our partners are negatively affected by it. At the same time, the international discussion around disinformation often has a strong focus on western, more developed countries, whereby the context of the rest of the world is overlooked. That is why we have built our submission on the input from our partners themselves.

We reached out to our partners from the following four different regions in the world:
- Latin America: Nicaragua, El Salvador and Venezuela
- Africa: Sub-Saharan Africa, with a specific focus on Guinea and South Sudan
- South Asia: Nepal and Bangladesh
- Eastern Europe: Moldova and Russia

We received extremely valuable input and centralized this in our submission. We complemented their input and experiences with our own expertise and knowledge on the topic, including from research on the effects of Covid-19 on our partners and our internal policy position on disinformation from 2018. Based on this all, we have focused our submission around the following questions, as per the submission instructions:

1. Key challenges
2. Legal and regulatory measures
3. Recommendations

The main message we would like to convey in this submission is that Free Press Unlimited is convinced that access to diverse and reliable information is the only sustainable response to disinformation. It is crucial for the public to be less susceptible to the disinformation that is and will always continue to be spread. Therefore we need to build resilience in people and to develop their critical thinking, which in turn requires serious and long-term investments in quality journalism and media literacy.

Key challenges

<u>General</u>

Disinformation is a pre-digital phenomenon that has evolved into one of the greatest challenges in today's age. The spread of disinformation has proven to have real life impact and targeted campaigns have succeeded in creating distrust among people and towards public institutions such as governments and independent media, in turn having an impact on the human rights of people, especially their access to reliable information. For this reason it is understandable that States around the world felt the need to develop responses. These have however in many instances led to further repression, instead of creating more room for open debate and access to diverse and reliable information. We strongly hope that the Special Rapporteur's report will steer UN Member States towards the development of more progressive and human rights respecting responses to disinformation.

First and foremost, it must be acknowledged that disinformation is an extremely elusive concept, often leaving authorities a broad margin of discretion in determining its definition. Not only is the concept hard to grasp, but - as we have gathered from our local partners - its key challenges and solutions are perhaps even more diverse and as we will elaborate on below, differ per region in the world. That means that there is no silver bullet solution for all the challenges posed by the spread of disinformation. That being said, there are certain trends and red lines that have contributed to the acceleration of disinformation which are relevant to shortly touch upon.

Firstly, the digitization of news has led to an enormous increase in availability and volume of online news, thereby rapidly changing the manner in which citizens consume news. That in itself is a positive development because it has significantly enlarged the reach of information in comparison to traditional offline mediums. However, the algorithms that disseminate online news are programmed in such a manner that sensational headlines and disinformation travel a lot faster than 'normal' news. Governments and regulatory authorities have not been able to keep up with the (literally) accelerating trend of disinformation over the recent years.

On top of that, the Covid-19 pandemic has exacerbated the existing problems and inequalities in the world, including in the field of disinformation. We conducted a survey in May 2020 to research the effects of the pandemic on our partners and the results showed that there was great concern among our partners about the major spread of fake news and rumors, especially as they were afraid this would lead to spreading fear and panic among the population. They also indicated concerns about a lack of reliable information on the virus and its spread, even though the public was generally craving for information. Several partners reported a lack of

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transparency on the official data about the virus in their countries and its development. They reported that government officials hardly provided any information on the virus, which created fertile ground for the spread of disinformation, as well as resulting in citizens not taking the virus very seriously. Many partners expressed concerns about the lack of reliable information outside of urban areas, making the people in the rural areas more vulnerable as they were unaware of the health advice available to stop (or slow down) the spread of the virus.

During the pandemic we have seen many countries all over the world introduce measures and legislation that criminalize the spread of disinformation - often called fake news - about the pandemic. In practice, however, these laws - intentionally or unintentionally - lead to censorship of information and seem to be an ideal tool for silencing critical voices, many of which are journalists. The focus on fighting disinformation seems to distract from the fact that many government policies during the pandemic feed into the spread of misinformation, by actively preventing journalists from publishing verified information. Journalists and independent media have been attacked, imprisoned, prosecuted and targets of intimidation and smear campaigns in their efforts to spread reliable information on Covid-19. We strongly believe that access to reliable information is crucial in fighting this pandemic together as societies. People need to have access to relevant and reliable information on the developments of the pandemic in order to prevent chaos and to create trust in health policies.

Regional
As briefly pointed out, in regard to key challenges raised by disinformation, there is no silver bullet response to disinformation. Any sustainable "solution" would need to include a focus on creating a well-informed, critical and media-literate population that is able to discern facts from fiction. As this is a far cry from reality in many countries of the world, a first step in addressing disinformation requires knowledge about the regional and thematic specific challenges per specific context. Such knowledge is a starting point to come up with solutions. That is why - to best answer your question - we have gathered input from our local partner organizations that deal with issues resulting from disinformation at grassroot level.

Their input clearly distinguished the different regional challenges raised by disinformation, thereby highlighting the importance of contextual knowledge - and the indispensable role of local (media) organizations - when addressing the issue. We have set out the most important findings below.

Latin America
One of the key challenges regarding disinformation in Latin America is the strong framework of repressive regulation and laws that are supposedly aimed at addressing disinformation, but in

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practice are used to suppress critical information and voices. It is the governments themselves that decide what is classified as disinformation and any "disinformation", which in practice also includes any information that constitutes a different opinion, is punishable by law. The public sphere in which information can be discussed and where there should be room for different opinions, is vanishing according to reports from Nicaragua, El Salvador and Venezuela.

Our partners have experienced all sorts of intimidation and harassment. From harassment and intimidation through Twitter and other online social media, to being ordered to disclose all financial information due to a trumped-up money laundering accusation, the blocking of bank accounts and the withholding of travel documents. The worst example of targeted attacks towards journalists is from Venezuela, where the government announced the private numbers and addresses of journalists on national TV while labeling them "enemies of the truth" and calling for "mob justice"[1].

Africa

Africa has also seen an increase in repressive laws that have been imposed since the start of the pandemic, like in Kenya, Ethiopia and Tanzania. By legally restricting the free movement and operation of journalists, the governments of Zimbabwe and Nigeria are withholding up to date, relevant, and independent information on COVID-19 from the public. In many countries, we witnessed a rise in arrests and detentions of journalists. In other countries, although the restrictive laws have been imposed, they are not really being enforced, simply because in those cases governments lack the capacity for effective strong enforcement. Nonetheless, it is certainly an important development to monitor.

A challenge that - in some parts of Africa - is more acute, is the power of rumors, for example in relation to Covid-19 and its remedies. This is often due to poor information infrastructures where despite good intentions, news from independent media or even information from the government, does not reach high risk groups. This became especially evident for information about the pandemic. An additional and intertwined factor is illiteracy in many parts of Africa, making people even more susceptible to rumors and conspiracy theories.

In a consortium that was launched in September 2020, Free Press Unlimited joined forces with RSF, Article 19, Deutsche Welle, Fondation Hirondelle, IMS and UNESCO to provide rapid response to address the impact of disinformation on the Covid-19 crisis in Africa and to ensure access to reliable information. The overall objective being to contribute to a better informed

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1   The most active actor in this regard is Diosdado Cabello, Nicolas Maduro's second man, who has a weekly TV show called "El Mazp Dando", in which he regularly calls out opponents of the regime by name and contact details. Furthermore, pcitures of journalists went viral through Whatsapp. We have screenshots from our partners to confirm this.

public and raise their awareness about how to protect themselves against COVID-19, and so limit the number of casualties as a result of this.

What we know from our research and practice, is that the acceptance of information as true and reliable depends on the trust in the sender of that information. That is especially the case in Africa. For example, if the World Health Organization is not known and trusted by remote audiences, it is not accepted as true and reliable. An opinion or assumption can then be challenged easily when alternative facts are presented - even though the information contains critical information that could be life saving.

Sources of information known and close to people often have higher levels of credibility and trust. For this reason, depending on the context and region we develop different manners to disseminate information successfully about Covid-19 to all sorts of communities in Africa. In large parts of Africa, Facebook is very popular and thus an important medium for information. That is why, for example in Guinea, information is being transmitted by publishing scientific articles about the pandemic through Facebook. In contrast, in South Sudan, where in certain remote areas there is a high rate of illiteracy, we work with local radio stations that provide information about the pandemic in the form of jingles and sketches using actors and humor. Both are received equally well and therefore equally effective. Knowledge of the best way to deliver information is therefore essential. Local journalists and independent media are therefore important in the fight against disinformation, and not just in relation to the pandemic.

South Asia

In South Asia the biggest challenge surrounding disinformation is the lack of media literacy. That is the case for Bangladesh and Nepal for example, but this trend is illustrative for the greater part of South Asia. Furthermore, Bangladesh has seen a rapid penetration of internet connectivity which has increased the use of smartphones and social media platforms. However, the level of disinformation and misleading news in 'non-mainstream' media is very high. We have seen the spread of disinformation and uncensored content, inciting hate and created social and religious conflict rapidly increasing. Some of this content has accelerated fundamentalism and even caused deadly feuds.

Our partners in Nepal and Bangladesh are therefore heavily investing in media literacy campaigns and visiting schools to teach children about media literacy and provide them with tools for critical, analytical and deduction skills. Investing in the future generation to be able to navigate the new information ecosystem is the focus of their efforts.

Eastern Europe

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In Eastern Europe a big challenge regarding disinformation is that governments are not granting civilians access to reliable information and even spreading disinformation themselves. Our partner in Moldova for example recently (but before the inauguration new president) exposed disinformation that was spread about the Covid-19. And in Russia, the government continues to under-represent information regarding Covid-19. Our partner there similarly uncovered cases of hidden outbreaks and exposed them. This was not without repercussion. The government used our partner's investigation as a reason to fine them for "spreading fake news".

Our partners are trying to deal with these challenges in all sorts of ways. From starting campaigns where they tell stories related to Covid-19, to challenge Covid-19 myths through interactive digital stories through Instagram, which is designed to help the public discern facts from myths about the pandemic.

All these regional discrepancies show that a customized approach in addressing disinformation is crucial. However, we strongly believe that access to information and investments in media literacy are crucial and indispensable in any solutions that aim to address disinformation. A more extensive outline of our solutions and recommendations can be found under question 6.

Legal and regulatory measures

In many countries the laws and regulations regarding information and journalistic freedoms have been changed to become more restrictive. Worldwide more and more laws are being implemented that that criminalize the spread of disinformation. This endangered journalists because the assessment of what is true often lies with the authorities. This causes widespread stress and anxiety among journalists as to what the consequences are when they publish news and facts.

In many countries journalists can be prosecuted for spreading "false" information. in Hungary, for example, a law was imposed that penalizes the spreading of false information that obstructs effective protection against the virus with up to 5 years in prison. On top of that, the spreading of false information that disrupts public order and leads to panic, is criminalized. In Zimbabwe, Tanzania, Botswana and Zambia similar laws were imposed without consultation from civil society or parliamentary control. These laws are a perfect tool to silence critical voices and most laws have been passed under emergency laws or presidential decree. That is the case in the Philippines and Russia.

To a wider extent - not just Covid-19 related - we have seen a surge in repressive laws imposed all over the world. In Nepal for example, under a recent Advertisement Regulation Act, all foreign TV channels were blocked, resulting in no access whatsoever to foreign TV content. In Bangladesh, in May 2020, 11 people were charged and 2 even arrested under a Digital Security Act. A survey that our partner in Bangladesh circulated among 200 journalists concluded that two-thirds does not trust that the government is willing to provide access to reliable information and 84% even thinks the government lacks in providing sufficient information.

Recommendations

As indicated above, one of the key challenges in the field of disinformation is the discrepancy of the contextual factors that affect it. It should therefore be acknowledged that there (unfortunately) is no silver bullet solution to the problem. However, there is a bedrock that is crucial to any customized solution in regard to disinformation. And that is: ensuring **access to reliable information** and, in line with this, promoting **media literacy**. We strongly believe that the solution to disinformation, fundamentally, is in finding a way to ensure that citizens have access to reliable information and that citizens are then able to critically analyze and consume such information.

With this in mind, we would like to present the following, more specific recommendations:

- Engage with local media organizations and journalists to obtain a holistic view of the factors that are related to disinformation in the region and from there, create a **context and regional specific manner** to ensure citizens have access to reliable information. For example:
  - In **Latin America**, the regulatory framework is a major threat and obstructs citizens' access to reliable information. On top of that, the often violent enforcement of those laws and regulation endangers the safety - and in the worst cases even lives - of journalists and organizations that provide such information. That is why, in this context, an approach that aims to dismantle the legal and regulatory framework is needed, while prioritizing the safety of journalists in the region.
  - In **Africa**, less focus on the regulatory framework is needed because the enforcement thereof is relatively low (although this must be read with an important disclaimer, that there definitely still are worrying cases of journalists and critics that are intimidated or harassed through unjust laws). But what we understand from our partners in the region, is that, at least in regard to a key

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challenge for disinformation, rumors are a big problem. So in this context, a
focus on ensuring access to reliable information, especially in the most rural
areas, is essential. Knowledge from local organizations is needed to find out
what tailor-made approach is best for what region.

- In **South Asia**, a lack of media literacy is a major challenge. That is why, an
  even stronger focus on promoting media literacy must be at the center of a
  solution there. From a young age, children should be taught to critically analyze
  information, thereby defending themselves against the overload of
  disinformation.
- In **Eastern Europe**, critical voices and journalists are often punished for
  uncovering truths about the government's wrongdoings. Additional legislative
  protection should therefore be introduced for the media to be able to produce
  investigative journalism and uncover wrongdoings. From our knowledge and
  experience, it is important to attract attention to the quality work that media does,
  for example in relation to Covid-19. Also, we believe that state-media
  partnerships would be beneficial and must therefore be forged, even if the media
  are critical of the authorities.

- As mentioned above, in order for reliable information to properly be consumed, **media
  literacy** must be central to any solution. Together with our colleagues at International
  Media Support (IMS) and as voiced by a variety of our partners, we share the strong
  belief that media literacy creates resilience to disinformation. We therefore recommend
  the Special Rapporteur to voice the need for media literacy to be included in school
  curricula for children starting from a young age. This recommendation is not regional or
  context specific, but should be promoted globally. Even in the Netherlands, where we
  are based, this is not a requirement yet, despite many campaigns around media literacy
  and attention that has been paid to it by the public broadcaster and specialized
  institutions.

- Furthermore, **more international attention** is needed, especially from positions like
  that of the Special Rapporteur, to stress time and time again the only true "solution" to
  address the spread and impact of disinformation is to ensure that people have **access
  to reliable information**. In this regard, the vital role of journalists in ensuring such
  information must be acknowledged.

- In line with this, when journalists are threatened, intimidated or harassed when trying to
  provide reliable information, **governments need to be consistently called out and
  held accountable**. The narrative and increasing trend where journalists are being

labeled as 'enemies of the people' must be countered. In this regard it is important that specific cases must consistently be addressed and condemned. We recommend the Special Rapporteur to use the prominent stage available to her for amplifying a strong and united international voice.

- At the base of this all, is the need to keep **supporting public interest media** and recognize it as a **public good**. Media has a vital role in addressing disinformation by ensuring content is professional and reliable. However, in order for media to fulfill this role, they need to remain viable. Appropriate regulatory structures must be in place that support a fair distribution of income, many of which is now being lost to Google and Facebook. So strong international support for the discussions regarding media viability are absolutely essential.

- Lastly, in order for journalists to be able to do their job and provide information, it must be safe for them to do so. So protection from any online and offline harassment, both on and off the work floor, and from either governmental and non governmental parties (e.g. trolls) is a must. Similarly, adequate regulatory measures must be in place that **protect the safety of journalists**. A very first step is, of course, to recognize their important role as information channels and change agents in societies, for example in relation to addressing disinformation.