Maldita.es is a non-profit independent fact-checker based in Spain, currently the most visited fact-checking website in the European Union. We use fact-checking, data journalism, media literacy and technology to advance our goal of making society more resilient and less permeable to disinformation by way of building active and committed communities that helps us each step of the way.

1. What do you believe are the key challenges raised by disinformation? What measures would you recommend to address them?

   Disinformation is not a new phenomenon but now it is more prevalent than ever. The same technologies that have improved millions of lives are also used to produce and disseminate disinformation more quickly and cheaply than ever before. That is a fundamental threat for society, since the quality of a democracy depends a lot on the quality of the information voters have when they make decisions.

   Disinformation is used to drive up polarization, to paint a picture for some voters in order to shape their perception of reality. It has real-life effects when it promotes unproven treatments for an illness or discredits preventive measures without scientific base, but also when it blames a particular group for the ills of society or promotes violence or self-harm.

   The key challenges are:

   - **How to manage disinformation, in particular in online content moderation, while safeguarding freedom of speech**
   - **Who decides what is disinformation, what is illegal content and what is harmful content, and how.**
   - **What to do with people who consistently manufacture or promote disinformation**
   - **How to create a more resilient society that is more critical and less permeable to disinformation**

   Our recommended measures would be:

   - **Focus on media literacy, education and technological tools to arm society against disinformation**
   - **More transparency from public actors as to avoid information voids that can be taken advantage of by those promoting disinformation**
   - **Changing the way moderation decisions are made in big digital platforms: from the current opaque and often ambiguous processes to transparent, fact-based collaborative efforts that involve not only those platforms but also academic institutions, media, civil society and independent fact-checkers.**

2. What legislative, administrative, policy, regulatory or other measures have Governments taken to counter disinformation online and offline?

Governments are still learning how to deal with this phenomenon. Some authoritarian regimes use it as an excuse to quash dissent, while democracies try to reconcile the widest possible definition of freedom speech with legitimate concerns for the quality of public discourse and the perverse effects of disinformation in society. Most democratic governments agree that massive digital platforms should have more obligations when it comes to fostering a more fact-based environment in their online spheres, but the exact ways to do that remains a subject of debate.

3. What has been the impact of such measures on i) disinformation; ii) freedom of opinion and expression; and iii) other human rights?

Some countries have focused on establishing strict timeframes for removal of illicit content that effectively empowers platforms to decide on their own what is legal and what is not. Some platforms represent a big chunk of the public sphere, yet that space is policed by the platforms themselves according to their terms and conditions and sometimes in a capricious, opaque, case-by-case manner.

4. What measures have been taken to address any negative impact on human rights?

Some countries are imposing strict procedures on big digital platforms to police hate speech online and others are pondering legislation that will make sure they cannot moderate content unless it is already defined as illicit in the national legislation. However, the situation is fluid.

5. What policies, procedures or other measures have digital tech companies introduced to address the problem of disinformation?

It depends much on the company and the region/language. Most of them are "doing something" but some are much more effective and/or serious about it than others. Only a few of the largest have understood that they cannot keep making moderation decisions alone and they have to include other actors, such as academics or independent fact-checkers.

6. To what extent do you find these measures to be fair, transparent and effective in protecting human rights, particularly freedom of opinion and expression?

You cannot generalize, you have to analyze the efforts of each company individually.

7. What procedures exist to address grievances and provide remedies for users, monitor the action of the companies, and how effective are they?

Most platforms have appeal tools for their moderation decisions, though in most cases users do not know how those decisions are made. We do not

have the data to see how frequently they change their mind because of an appeal or how those are reviewed.

8. Please share information on measures that you believe have been especially effective to protect the right to freedom of opinion and expression while addressing disinformation on social media platforms.

    By relying on the work of independent fact-checkers, certain platforms have gained credibility in their moderation decisions. Using a precise, stable and public methodology to decide what is fact-based and what is not shields those making the decisions from a perception of bias and censorship. Nevertheless, there is still a scalability issue.

9. Please share information on measures to address disinformation that you believe have aggravated or led to human rights violations, in particular the right to freedom of opinion and expression.

    Sometimes just deleting disinformation is called for, as in situations when it promotes violence or harm. However, most of the time deleting disinformation with no explanation creates a vacuum that worsens the situation. It is often perceived as censorship and can worsen the perception of the users whose content is deleted without an explanation. When making moderation decisions online, platforms should be able to explain why a content is problematic or inaccurate instead of just make it disappear.

10. Please share any suggestions or recommendations you may have for the Special Rapporteur on how to protect and promote the right to freedom of opinion and expression while addressing disinformation.

    Freedom of expression needs to be protected and cherished, but that does not mean it is incompatible with reasonable measures that foster a more fact-based public discourse, especially when those measures are the result of a wide social and political consensus. In democracies, the decisions voters make are only as good as the information they have; in authoritarian regimes, authorities often rely on falsehoods to maintain power. That is why is so important that the Special Rapporteur insists that:

    1/ Governments and other institutions promote education and media literacy initiatives and tools so citizens, and children in particular, grow more resilient against disinformation and harder to fool.

    2/ Governments, platforms and civil society agree on transparent and inclusive processes to moderate online, that do not depend exclusively on the private judgement of a service provider nor on the a governmental organization.

    3/Governments and other institutions are more transparent so as not to create information vacuums that are easily filled with disinformation.