



MISA ZIMBABWE INPUT FOR REPORT ON DISINFORMATION

1.	What do you believe are the key challenges caused by disinformation?
	<p>As a result of the prevalence of disinformation, countries in the Southern African region are clamping down on media freedom and freedom of expression under the guise of dealing with disinformation. Restrictive policies and laws have also been enforced which subsequently infringe on exercise of rights. The spread of disinformation has also negatively impacted the integrity of the journalism profession especially due to citizen journalism thus impacting the credibility of the media industry broadly.</p> <p>During the Covid 19 pandemic, disinformation has also resulted in the sharing and spreading of conspiracy theories around Covid 19 resulting in threats to the right to life and the right to health, public disorder in other instances and generally derailed the positive impact of Covid 19 containment measures.</p> <p>It has also resulted in overregulation of the media.</p>
1b.	Measures to curb the above challenges
	<p>Citizens should be equipped with knowledge of fact checking tools and how to use them to verify information before sharing it.</p> <p>Governments need to be more proactive in promoting access to information so as to counter the spread of false information which is usually caused by a dearth of information from the state</p> <p>Transparency and accountability by the government in public interest issues is equally important</p> <p>Government laws on disinformation should be couched in line with international standards and best practices to ensure that they do not result in self-censorship and infringement of the right to freedom of expression.</p>
2.	What legislative, administrative, policy, regulatory or other measures have Governments taken to counter disinformation online and offline?
	<p>In Zimbabwe the state has relied on legislative measures to curb disinformation. This was depicted through the now repealed AIPPA, the provision is also present in the Criminal Law Codification and Reform Act. The lockdown regulations also have a provision speaking to false news as well as the proposed Cybersecurity and Data Protection Bill.</p> <p>Government officials have also resorted to threats towards the Media, threats to clamp down on media, as was recently noted in Zimbabwe through threats by the Army through a press release following the spread of rumors that there was an impending coup in Zimbabwe.</p> <p>Government has also resorted to surveillance as was recently noted in a statement by Army commander Edzai Chimonyo that the army would start monitoring social media</p> <p>There have also been several arrests of journalists and activists in Zimbabwe with more recent arrests being the arrest of prominent journalist Hopewell Chin'ono and also the arrest</p>

	<p>of Opposition Leader Spokesperson Fadzayi Mahere and legislator Job Sikhala on charges of spreading falsehoods</p> <p>On the 10th of February 2021, the Ugandan Government gazetted what they term the ‘Prevention of Rumors, Propaganda and Fake News Bill’ which seeks to provide for the prevention of initiation, sharing and or distribution of rumors, anti-government propaganda and related materials in public and private spaces.</p> <p>For most provisions in the region such laws and or provisions are relied on to muzzle free speech and prevent criticism against the government.</p>
2b.	<p>What has been the impact of such measures on i) disinformation; ii) freedom of opinion and expression; and iii) other human rights?</p>
	<p>Such measures have resulted in self-censorship as citizens no longer feel comfortable and safe to share information particularly online</p> <p>These provisions continue to infringe on freedom of expression and opinion particularly in Zimbabwe as there is an existent Constitutional court order which declared that false news offences are unconstitutional</p> <p>These measures are also feeding into the criminalisation of the practice of journalism</p>
2c.	<p>What measures have been taken to address any negative impact on human rights?</p>
	<p>The existent court judgement which declared false news offences as unconstitutional is a clear mechanism by the judiciary to promote human rights whilst the strategic litigation itself also was a useful measure</p> <p>MISA Zimbabwe as an institution has spearheaded advocacy strategies aimed at law reform, which resulted in the approval by Cabinet in February 2019 for the repeal of AIPPA although its provisions are being resurrected through other pieces of legislation</p> <p>MISA conducted engagement meetings and capacity building sessions with Parliamentarians and Parliamentary Portfolio Committees to influence the law making process, more recently being the Cybersecurity and Data Protection Bill</p> <p>MISA Zimbabwe has also engaged the police to discuss concerns relating to media violations</p>
3a.	<p>What policies, procedures or other measure have digital tech companies introduced to address the problem of disinformation?</p>
	<p>Fact checking and verification tools have been established, for instance in Zimbabwe there is a digital platform called ZimFact, while in South Africa there is Real411 and also Africa Check. Platforms like Facebook have also shared reports highlighting that they developed their tools and content moderation policies to also cater for disinformation including through reporting mechanisms by users for any content that is believed to be false information, and when found to be disinformation, such content will be taken down.</p>
3b.	<p>To what extent do you find these measures to be fair, transparent and effective in protecting human rights, particularly freedom of opinion and expression?</p>

	<p>These measures are largely fair and transparent and are contributing greatly to the development of safe spaces online. For platforms like Facebook, once content is taken down and the user concerned is advised of the reasons, such user has an option to appeal if they are not happy with the decision. The application of such mechanisms of promoting due process also contribute to the transparency and accountability.</p>
3c.	<p>What procedures exist to address grievances and provide remedies for users, monitor the action of the companies, and how effective are they?</p> <p>Despite being private companies, social media companies are exercising public roles by virtue of creating platforms for the exercise of rights. In that regard, there is a demand for high levels of accountability with regards to how the companies deal with the data of and content by the users. The reporting mechanisms exist for the purposes of creating a platform for users to air their grievances and it has also been noted that social media companies are also become more proactive with regards to partnerships and collaborations with civil society actors and policy makers for purposes of round table discussions and strategizing meetings.</p> <p>With regards to the monitoring of the action of companies, their quarterly reports are quite informative with regards to action that the platforms have been taking. Facebook for instance produces a Community standards Enforcement Report which provides information, including statistics for both Instagram and Facebook on how the company dealt with issues relating to violent and graphic content, hate speech, cyberbullying and harassment among other.</p> <p>The Facebook Oversight Board is also another platform set up to review decisions by Facebook that relate to content. The Board, determines if the decisions were made in accordance with Facebook’s stated values and if they also promote freedom of expression and opinion among others.</p>
4.	<p>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.</p>
	<p>Fact checking and verification tools have been particularly effective</p>
5.	<p>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.</p>
	<p>The enactment of stringent laws in the region to address disinformation has resulted in the closing up of the civic space. Out of fear of arrest, citizens are practically censoring themselves thus resulting in limited exchange of ideas or any democratic discourse on critical issues. This was equally perpetuated by the SADC resolution by Head of states in 2020 wherein agreement were made to clamp down on social media in attempts to deal with disinformation.</p>
6.	<p>Please share any suggestions or recommendation you may have for the Special Rapporteur on how to protect and promote the right to freedom of opinion and expression while addressing disinformation.</p>

	<p>There is an urgent need for engagement with policy makers on the regulation of disinformation. This should include a focus on the constitutionality of false news offences in the region and also recommendations for governments to resort to mechanisms that promote free expression while addressing disinformation instead of infringing on the right. Where legislation is put in place, such provisions should not be wide worded and vague to such an extent that they pave way for the violation of human rights.</p>
<p>7.</p>	<p>Please feel free to share any relevant documents, reports, news or academic articles that you believe should be considered by the Special Rapporteur in the preparation of her report.</p>
	<p>Below are links to MISA Zimbabwe communiques on issues related to the above https://zimbabwe.misa.org/2020/08/18/sadc-resolution-on-social-media-abuse-cause-for-concern/ https://misa.org/digital-rights/suspension-of-social-media-accounts-potential-threat-to-digital-rights/attachment/suspension-of-social-media-accounts_-potential-threat-to-digital-rights/ https://zimbabwe.misa.org/2020/06/01/covid-19-fake-news-laws-being-used-to-stifle-free-speech/ https://zimbabwe.misa.org/2020/04/24/curbing-misinformation-in-the-wake-of-covid-19-pandemic/</p>