Disinformation and the Freedom of Opinion and Expression

Civil society submission by Media Matters for Democracy

Submitted to the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

1. This submission by Media Matters for Democracy provides a discussion of the impact of disinformation, especially the deliberate online circulation of harmful false messages, in Pakistan. It also gives a brief overview of the steps taken by various stakeholders to tackle disinformation domestically and the effects of government countermeasures on the state of freedom of expression in the country. While this submission provides a local view of the nature and impact of disinformation, we hope that much of the discussion would be relevant to the global concerns raised with regards to the dangerous effects of disinformation on freedom of opinion and expression.

A. About Media Matters for Democracy

2. Media Matters for Democracy (MMfD) is a Pakistani non-profit organisation that works on media policy research and advocacy. MMfD's focus areas are freedom of expression, Internet governance, and Media and Information Literacy (MIL). Its activities include research, advocacy, capacity building, and the provision of legal support to journalists. MMfD works closely with journalists and human rights defenders on issues related to freedom of expression, media independence, digital rights, and journalists' safety. It also monitors threats and attacks against freedom of expression in the country.

3. Since 2018, MMfD has worked to study the challenges posed by disinformation in Pakistan. Our work has helped us to develop public awareness material for online users, provide fact-checking training and digital verification resources to local journalists, document the spread of disinformation on social media, and conduct policy advocacy on ways to tackle the

disinformation problem. Two recent research studies published by MMfD, which are also attached separately with this submission, have looked at the public perception of disinformation and the responsiveness of the news media toward the information disorder in Pakistan. These studies can also be accessed through the Publications section on MMfD's website: https://mediamatters.pk/publications/

B. Introduction

4. Much like in the rest of the world, 'disinformation' is now a significant threat to public discourse and democratic values in Pakistan. Online disinformation has created or amplified challenges regarding access to credible information, political polarisation, manipulation of social media conversations, trust in the news media, health-related information, and hate speech.

5. During the Covid-19 pandemic, the undeniable negative role of online disinformation was felt in Pakistan due to the public health-and-safety risks created by rumours, conspiracy theories, and false messages related to the coronavirus[1]. But even before the pandemic, observers had noted the spread of disinformation in Pakistan in connection with health[2], electoral politics[3], foreign affairs[4], business[5], and governance[6], among other issues.

6. The threats posed by disinformation to the sociopolitical participation of Pakistani citizens are accentuated by the rise in Internet use in the country during the recent past and the prominent role social media has assumed in national politics.

7. Between 2015 and 2020, broadband Internet subscribers in Pakistan have increased by nearly five times from around 17 million to around 83 million, with the largest increase among those who use mobile broadband services[7]. Despite a significant digital divide — Internet

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[1] Gillani, W. (2020). Dangerous theories. The News on Sunday.
https://www.thenews.com.pk/tns/detail/674847-dangerous-theories
[2] Jahangir, R. (2019). Parenting in the anti-vaxxer age. Digital Rights Monitor.
https://www.digitalrightsmonitor.pk/parenting-in-the-anti-vaxxer-age/
[3] Raza, T. (2019). Mapping digital disinformation around elections: A case study of Pakistan's 2018 general elections. Center for International Media Assistance.
https://www.cima.ned.org/publication/mapping-online-disinformation-around-pakistans-2018-general-elections/
[4] Carmichael, F. & Hussain, A. (2019). Pro-Indian 'fake websites targeted decision makers in Europe'. BBC News.
https://www.bbc.com/news/world-asia-india-50749764
[5] Zaheer, F. & Siddiqui, S. (2017). Pakistan's fake news problem is hurting gullible investors. The Express Tribune.
https://tribune.com.pk/story/1585317/pakistans-fake-news-problem-hurting-gullible-investors
[6] Tanoli, Q. (2017). Interior ministry denies suspending firearms licenses. The Express Tribune.
https://tribune.com.pk/story/1557597/1-interior-ministry-denies-suspending-firearms-licences
[7] Telecom Indicators: Subscribers. Pakistan Telecommunication Authority.
https://www.pta.gov.pk/en/telecom-indicators/1#broadband-subscribers

penetration is less than 44 percent of the population[8] — the availability of 3G and 4G mobile Internet has also resulted in a modest but steady increase in social media usage[9]. An almost similar trajectory can be mapped for the political use of the big social media networks, Facebook and Twitter, on which political discussions gained popularity in Pakistan from 2013 onward[10].

8. At present, 9 out of 10 Pakistanis feel that misinformation is a problem and 70 percent of the public believes Facebook's platform is used most often to spread misinformation in the country, according to a recently published research study[11].

C. Challenges posed by disinformation

9. The use of disinformation for the manipulation of online political discourse is a key challenge. In the run up to the 2018 general elections in Pakistan it was clear that political parties had started to exploit social networks to exert electoral influence[12]. The political disinformation is mostly shared through coordinated campaigns on social media, for example an influence network would artificially populate a politically motivated hashtag on Twitter so that it becomes a trending topic visible to most users within country[13]. An examination of trending hashtags about the 2018 Pakistan elections revealed a high level of automation[14] and some of the accounts involved in amplifying political narratives were also found to be spreading disinformation and hate speech[15].

10. Insinuations and confusion caused by disinformation can also deter the public from accessing credible sources of information. The weaponisation of the 'fake news' accusation against

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[8] Telecom indicators: Overview. Pakistan Telecommunication Authority.
https://www.pta.gov.pk//en/telecom-indicators

[9] Compare the 'Digital 2020: Pakistan' report (https://datareportal.com/reports/digital-2020-pakistan) with the 'Digital 2019: Pakistan' report (https://datareportal.com/reports/digital-2019-pakistan) by We Are Social and Hootsuite.

[10] Mustafa, W. (2013). Pakistani parties look to social media to boost popularity. DW.
https://www.dw.com/en/pakistani-parties-look-to-social-media-to-boost-popularity/a-16730531

[11] Ghani, A. & Khan, S. (2021). Misinformation in the public eye. Media Matters for Democracy.
https://drive.google.com/file/d/1atFtFxJKAmMcjcQ0MO7HY9cTKeLJ68Ar/view

[12] Jahangir, R. (2018). How political parties manipulate cyberspace for electioneering. Dawn.
https://herald.dawn.com/news/1398599/how-political-parties-manipulate-cyberspace-for-electioneering

[13] Popalzai, S. & Jahangir, R. (2019). GrabYourKeyboards: Inside Pakistan's hashtag mills. Dawn.
https://www.dawn.com/news/1519963

[14] Trends monitor analysis report. (2018). Digital Rights Monitor.
https://www.digitalrightsmonitor.pk/analysisreportbeta/

[15] Hashtag analysis: #Elections2018. (2018). Digital Rights Monitor.
https://www.digitalrightsmonitor.pk/election2018/

journalists and news organisations has become a frequent occurrence in Pakistan[16]. Harmful fabricated messages, including Photoshopped images, are used in association with the 'fake news' accusation to discredit and malign journalists and news organisations in such disinformation campaigns. The 2019 hashtag 'Arrest Anti-Pak Journalists' was a prime example of this malicious trend[17]. In August 2020, a group of Pakistani women journalists published a joint statement to protest against the online attacks on women journalists and commentators[18]. In the statement, the journalists accused government officials and ruling party supporters of instigating the online abuse. The journalists also identified that 'fake news' accusations were used to target and malign them on social media. Such coordinated disinformation campaigns and cyberbullying attacks appear to be designed to undermine the public trust in the media and prevent people from accessing independent and critical news and information. A recent research study showed that a majority of Pakistani journalists believed misinformation has affected public trust in journalism and accusations of 'fake news' have made journalists more vigilant and fearful about sharing information[19].

11. Disinformation had a considerable negative impact on public health and safety in the country before and during the Covid-19 pandemic. False and fabricated messages about medical issues on social media have harmed people's ability to make decisions about their and their children's health. These concerns are discussed in the following section.

D. The public health impact of disinformation

12. Disinformation messages have most notably affected the public perception of the anti-polio vaccination drive in Pakistan. These disinformation messages play on existing sentiments of vaccine hesitancy and prevalent religious or xenophobic myths to scare parents from getting their children vaccinated[20].

13. One particular incident in 2019 involving a staged video about the effects of vaccination on children led to hundreds of thousands of user interactions with anti-vaccine disinformation messages on Facebook and may have contributed to a series of events that culminated in the

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[16] Jahangir, R. (2019). Journalists targeted with coordinated smear campaigns online. Dawn. https://www.dawn.com/news/1478644
[17] DRM investigates: Twitter accounts behind the hashtag #ArrestAntiPakJournalists. (2019). Digital Rights Monitor. https://www.digitalrightsmonitor.pk/drm-investigates-twitter-accounts-behind-the-hashtag-arrestantipakjournalists/
[18] Joint statement: Attacks on women in media in Pakistan. (2020). https://docs.google.com/document/d/1DD8BQ53noKO6zHy-gysGnFjeKT4ride4uYtQsNNRYoc/edit
[19] Ghani, A. & Khan, S. (2021). Disorder in the newsroom: The media's perceptions and response to the infodemic. Media Matters for Democracy. https://drive.google.com/file/d/1nOgwtFRH5hEtlRBYcayY5aAjEEm8aWBQ/view
[20] Ibid., footnote 2.

suspension of the anti-polio vaccination drive in the country, according to a First Draft investigation[21].

14. Similarly for Covid-19, news reports and public polls suggested that people were misled by disinformation messages into believing the coronavirus was a foreign conspiracy, an exaggerated threat, or a lie[22]. Such beliefs appear to have had a direct impact on people's attitude toward Covid-19 precautions[23], as noticed in the casual and careless public behaviour before the second wave of coronavirus infections in Pakistan in October and November[24].

15. The Covid-19 disinformation also led people to refuse medical treatment and carry out acts of violence against health workers. It was observed that they were being misled by fabricated messages and conspiracy theories about doctors colluding to increase the coronavirus death count[25].

16. Public officials were also found amplifying Covid-19 misinformation on several occasions[26], for example by equating the coronavirus with an ordinary flu[27] or claiming that hot water could cure the virus[28]. Some of these statements may have been driven by the politicisation of Covid-19 response in the country, but many of the messages that were intentionally or inadvertently echoed by political leaders were familiar medical misinformation items doing the rounds of social media, indicating that officials were as vulnerable to online disinformation as the ordinary public. However, it is clear that when an influential leader or government official

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[21] Bhattacharjee, S. & Dotto, C. (2020). Vaccine case study: Understanding the impact of polio vaccine disinformation in Pakistan. First Draft.
https://firstdraftnews.org/long-form-article/first-draft-case-study-understanding-the-impact-of-polio-vaccine-disinformation-in-pakistan/

[22] 70% of Pakistanis believe Covid-19 threat is exaggerated: survey. (2020). Geo News.
https://www.geo.tv/latest/304351-poll-shows-pakistanis-less-serious-about-coronavirus-70-think-pandemic-threat-exaggerated

[23] People not taking fast spread of Covid-19 seriously, says PIMA President. (2020). Dawn.
https://www.dawn.com/news/1589850

[24] 'Unmistakable signs': Asad Umar urges caution as Covid-19 positivity rate rises to highest since August. (2020). Dawn.
https://www.dawn.com/news/1585186/unmistakable-signs-asad-umar-urges-caution-as-covid-19-positivity-rate-rises-to-highest-since-august

[25] Kermani, S. (2020). Coronavirus: Rumours, fear and rising Covid deaths in Pakistan. (2020). BBC News.
https://www.bbc.com/news/world-asia-52925286.

[26] Desmukh, F. (2020). Twitter thread compilation of some false claims amplified by politicians.
https://twitter.com/desmukh/status/1268177509687885825?lang=ca

[27] Governor Imran Ismail Says Coronavirus Is Just A Flu, Twitter Reacts. (2020). Naya Daur.
https://nayadaur.tv/2020/05/governor-imran-ismail-says-coronavirus-is-just-a-flu-twitter-reacts/

[28] Infectious diseases specialist debunks Punjab Governor Chaudhry Sarwar's coronavirus 'cure'. (2020). Samaa.
https://www.samaa.tv/news/pakistan/2020/03/infectious-diseases-specialist-debunks-punjab-governor-chaudhry-sarwars-coronavirus-cure/

shares misinformation or disinformation messages circulating on social media, the reach of those messages increases significantly and consequently the likelihood of the harm that false information may cause to the public also increases.

17. At the same time as the Covid-19 disinformation was spreading almost unchecked, journalists who asked questions about the government's response and doctors who tried to warn about the severity of the virus were also silenced using the 'fake news' allegations[29]. This shows that disinformation not only leads to direct harm for those who believe the false or deceptive messages, but it is also used as a weapon against critical voices to keep the public away from accessing credible and independent information.

E. Government measures against disinformation

18. While Pakistan does not have a formal law against disinformation, there are several regulatory efforts and special initiatives to curb so-called "fake news".

19. In 2018, the ministry of information launched a Twitter account titled "Fake News Buster" to expose and debunk false information spread on social media[30]. After an initial burst of activity, the account's posts became less frequent over time. The account has sent out just over 100 tweets in over two years[31]. It mostly posts screenshots of news headlines from print and TV media usually with a 'fake news' label stamped across the images to indicate the information in question is allegedly false. The account rarely indicates how or why the information ministry believes the news item being identified is false or misleading.

20. The Prevention of Electronic Crimes Act (PECA) 2016 allows the country's telecom regulator, the Pakistan Telecommunication Authority, to block or remove online content if it violates constitutional restrictions on free speech. This cybercrime law also includes a clause for online criminal defamation, which has been used in the past to target journalists[32]. In 2020, the government introduced controversial rules for online content regulation[33]. These rules state that online content with "fake or false information" that threatens public order, public health

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[29] Please see https://www.digitalrightsmonitor.pk/covid-pakistan-journalists-pandemic-risks/ and https://www.digitalrightsmonitor.pk/covid-special-faisalabad-doctors-free-speech/
[30] Govt launches 'Fake News Buster' account to expose false reports. Dawn. https://www.dawn.com/news/1436167
[31] Fake News Buster Twitter account: https://twitter.com/fakenews_buster?lang=en
[32] White paper on reforms for the Prevention of Electronic Crimes Act (PECA) 2016. Media Matters for Democracy. https://mediamatters.pk/wp-content/uploads/2020/10/pecareformswhitepaper-mmfd.pdf
[33] Removal and Blocking of Unlawful Online Content Rules 2020. Ministry of Information Technology and Telecommunication. https://moitt.gov.pk/SiteImage/Misc/files/Corrected%20Version%20of%20Rules.pdf

or public safety will be restricted. However, the rules do not provide sufficient information on how the regulator will arrive at decisions regarding content restrictions for false information[34].

21. The Pakistan Electronic Media Regulatory Authority (PEMRA), which conducts the licensing and regulation of private broadcast media in the country, has issued reports identifying 'fake news' on TV through its Twitter account since at least 2019[35]. In these reports, the authority usually takes screenshots of TV broadcasts or includes a one-line description of the news item in question[36]. It also usually links to the rebuttal of the news aired on other TV channels; these rebuttals are usually the official statements on that particular issue.

22. In April 2020, PEMRA issued a fine of Rs. 1 million to a local news channel for airing the false news report of the death of British Prime Minister Boris Johnson due to Covid-19[37]. The channel had been deceived about the information by a fake Twitter account that impersonated BBC to share false information about Johnson's health[38].

23. Owing to the disinformation shared in relation with Covid-19, the government developed a framework to monitor mainstream and social media for false messages and take action against perpetrators[39]. A committee was formed to lead this initiative with the interior minister as chairperson. However, the government has not shared any update on the actions taken by this committee.

F. Impact of official anti-disinformation measures on freedom of expression

24. The regulatory and administrative efforts undertaken by the government have raised concerns about freedom of opinion and expression because these efforts are mostly focussed on controlling information supplied by the news media and use the problematic term 'fake news' to issue blanket denouncements about the work of journalists.

25. The inclusion of 'fake or false information' in the official rules for social media content regulation has also stoked fears that the regulator may use this justification to arbitrarily crack

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[34] The Removal and Blocking of Unlawful Online Content Rules 2020 – Legal Analysis. (2021). Digital Rights Monitor. https://www.digitalrightsmonitor.pk/the-removal-and-blocking-of-unlawful-online-content-rules-2020-legal-analysis/

[35] PEMRA report on fake news: https://twitter.com/reportpemra/status/1202234677962125312/photo/1

[36] PEMRA report on fake news example: https://twitter.com/reportpemra/status/1258270416851865601

[37] PEMRA fine on Dawn News: https://twitter.com/reportpemra/status/1252580803604865025

[38] A tweet claiming the Prime Minister has died is fake. (2020). Full Fact. https://fullfact.org/health/boris-johnson-coronavirus-death/

[39] Jahangir, R. (2020). Govt finalises policy to check Covid-19 disinformation. Dawn. https://www.dawn.com/news/1569442

down upon the online expression of citizens, especially critical commentary and dissent which is prevalent on social networking sites in Pakistan.

G. Role of digital tech companies

26. The response of social media networks to disinformation is mostly in reaction to developments in North America and Europe. For example, YouTube's guidelines on deceptive practices appear to be largely informed by the political situation in the U.S.[40] The companies still appear to ignore the concerns of disinformation spread in countries of the Global South. However, due to the international debate on the role of tech companies in the rise of online disinformation and the overwhelming volume of medical misinformation during the pandemic, the companies have incorporated some changes in their policies.

27. Facebook has included sections on inauthentic behaviour, false news, and manipulated media under the integrity and authenticity section of its community standards[41]. The tech giant's actions against coordinated inauthentic user activity has also included removal of accounts operating from Pakistan[42]. Instagram now allows users to report content for false information and has introduced false information labels[43]. Twitter updated its misleading information policy during the pandemic and now includes fact-check labels on tweets[44]. WhatsApp claimed forwarded messages dropped by 70 percent after it incorporated limits on the number of forwards in the aftermath of Covid-19 disinformation going viral on the messaging app[45].

28. Specifically for Pakistan, Facebook ran an election integrity campaign before the 2018 general elections[46] to share tips with users for avoiding false messages and increasing civic participation in the electoral process. It also worked with the Pakistan government to remove disinformation messages about the polio vaccine[47].

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[40] How does YouTube combat misinformation. YouTube.
https://www.youtube.com/howyoutubeworks/our-commitments/fighting-misinformation/
[41] Facebook Community Standards: https://www.facebook.com/communitystandards/integrity_authenticity
[42] Facebook removes Pakistani accounts over 'inauthentic behaviour'. (2020). Al Jazeera.
https://www.aljazeera.com/news/2020/9/2/facebook-removes-pakistani-accounts-over-inauthentic-behaviour
[43] Combatting misinformation on Instagram:
https://about.instagram.com/blog/announcements/combatting-misinformation-on-instagram
[44] Roth, Y. & Pickles, N. (2020). Updating our approach to misleading information. Twitter.
https://blog.twitter.com/en_us/topics/product/2020/updating-our-approach-to-misleading-information.html
[45] Coronavirus: Viral WhatsApp messages 'drop 70%'. BBC News.
https://www.bbc.com/news/technology-52441202
[46] Facebook takes steps to protect Pakistan elections from abuse. (2018). Geo News.
https://www.geo.tv/latest/202668-facebook-protecting-pakistans-elections-from-abuse
[47] Zahra-Malik, M. (2019). In letter to Facebook, Pakistan's polio chief thankful for efforts against anti-vaccine content. Arab News. https://www.arabnews.com/node/1514591/pakistan

29. However, these efforts are not only too little and too late, but also their application disproportionately ignores developing countries that may not be large enough markets for these platforms. In Pakistan, and other countries of the Global South, a major problem is the spread of disinformation in local languages, which the digital tech companies struggle to moderate. The response of social media networks to content reported as disinformation messages in countries such as Pakistan is also often slow or unpredictable even though false information usually spreads rapidly.

30. The big social media networks receive and respond to government requests for content removal or data acquisitions. Even though these companies issue regular transparency reports, the reports only contain aggregate statistics. The companies do not reveal the details of which requests were entertained and why. For countries such as Pakistan, the government is already reluctant or unwilling to share this information with the public. So the absence of such details in the transparency reports of the social networks makes it nearly impossible to ascertain how often the government is requesting takedowns or access to user information in connection with alleged disinformation and how often these specific requests are met.

H. Other efforts to address and counter disinformation

31. Meanwhile, other stakeholders have also launched several efforts to tackle disinformation. These include research, fact-checking initiatives, public awareness campaigns, and training for journalists.

32. The UNESCO Media and Information Literacy (MIL) programme, which is now also active in Pakistan, attempts to improve the capacity of online users to access and produce credible information online by helping them learn about information ethics, media motivation, and verification strategies. In 2019, UNESCO and MMfD organised a conference on the theme of MIL for prevention of violent extremism to identify strategies for using MIL skills to confront online extremist content that often uses disinformation messages to incite violent behaviour[48]. The conference helped to create synergies between various civil society organisations, government departments, media, and universities to collaborate in the struggle against online disinformation. As a result of the conference, the Pakistan Peace Collective, a project of the ministry of information, incorporated MIL lessons in its digital media training programme that works to train university students and young journalists across the country.

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[48] Two-day multi-stakeholder conference on MIL for prevention of violent extremism held
(2019). Associated Press of Pakistan.
https://www.app.com.pk/national/two-day-multi-stakeholder-conference-on-mil-for-prevention-of-violent-extremism-held/

33. MMfD and other civil society organisations in Pakistan have also developed and delivered training sessions for journalists on fact-checking and digital verification to boost the anti-disinformation skill-set of local journalists. The civil society organisations now regularly produce research and news reports documenting the instances of disinformation and the trends of misinformation in the country. This body of evidence is helpful in creating learning opportunities and case studies for journalists and researchers on the challenges of disinformation. Additionally, several fact-checking initiatives, including AFP Fact Check Pakistan, Sachee Khabar, Soch Fact Check, etc. now regularly publish fact-checks about hoaxes, viral false claims, and other forms of misinformation and disinformation circulating on social or mainstream media in Pakistan.

I. Suggestions and recommendations

34. The online content regulation mechanism in Pakistan is opaque and arbitrary, and human rights defenders are concerned that officials will use disinformation as an excuse to police the legitimate online expression of citizens. It is, therefore, important that the online content regulation guidelines and anti-disinformation policies are formulated in line with human rights law and anti-disinformation restrictions on expression are imposed in a transparent manner.

35. International research on tackling disinformation has shown that it might not be possible to completely eliminate false messages through technical and technology solutions. Therefore, it is important to educate online users about the harms of disinformation and how to use the Internet safely. The incorporation of MIL skills in curriculum and public awareness campaigns can help educate the public about their reaction to online disinformation.

36. Elderly or illiterate segments of the population are also exposed to disinformation through social networks and messaging apps, especially WhatsApp. For these communities, the government should develop special MIL programmes because they will not be able to benefit from MIL-related initiatives in the formal education sector. These special MIL programmes could involve community outreach and the use of traditional media and professional networks to impart digital literacy.

37. Digital tech companies nevertheless need to invest in reducing the flow of disinformation through their networks. The social networks have worked with and supported fact-checking initiatives, but the bottleneck is often in the content moderation decisions. The companies firstly need to use international human rights law as a basis for their content moderation policies. The companies should also work on introducing transparency in advertising and

account ownership affiliations, taking action against users and accounts engaged in persistent disinformation, and facilitating users to report content that includes disinformation.

38. As indicated in the First Draft case study on anti-vaccine disinformation in Pakistan[49], when tech platforms remove disinformation, it becomes difficult for researchers to study and understand the flow and impact of false messages online. Social networks should provide access to researchers to such messages despite takedowns while ensuring privacy protocols in order to support them in examining disinformation trends because this research can prove useful in developing strategies and solutions to tackle online disinformation.

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[49] Ibid., footnote 21.