Paradigm Initiative's Input for the Report on Disinformation

Introduction

Paradigm Initiative (PIN) is a social enterprise that builds an ICT-enabled support system and advocates digital rights in order to improve livelihoods for underserved youth. PIN's vision is for improved livelihoods for underserved youth aged 12 to 28. PIN advocates for the recognition and respect of digital rights and inclusion to ensure that the environment is enabling for the enjoyment of these fundamental rights. When the digital environment is free and inclusive, livelihoods are improved. While PIN agrees with the need to promote responsible expression of ideas and opinions through policies and legislative frameworks that condemn disinformation,[1] such laws must not be a barrier to enjoyment of freedom of expression and opinion. The inputs below flag out PIN's observations and comments on disinformation.

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

    Challenges:

    - Distortion of facts which can lead to harmful consequences e.g., violent protests resulting in death, riots and falsehoods surrounding COVID-19 vaccines.
    - Mistrust of information and sources of information.
    - Loss of credibility of media houses and organisations.
    - Defamation harmful to the reputation of others.

    Measures:

    - Establishment of bodies that regulate media organizations on ethical standards of journalism, these bodies must be independent of governments.
    - Awareness raising training on how to spot disinformation and report misinformation targeted at journalists and public.

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[1] https://paradigmhq.org/tag/fake-news/

- Self-regulation by journalists or media bodies.
- Fact checking/verification trainings or measures targeted at journalists.
- Establishing reporting mechanisms and platforms where stories containing misinformation can be reported.
- Constant review of journalism training curriculums
- Civil claims for defamation.

2. **Peak Periods of Disinformation are as follows;**

- Disinformation during elections.
- Disinformation in political discourse.
- Disinformation during a political or health crisis.

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

- Social Media Regulations in many countries. Some of these regulations are in operation while some are at draft stage e.g., Uganda, Ethiopia, Bénin and Morocco.
- Electronic and Postal Communications Act of Tanzania (EPOCA).
- Penal code provisions on publication of false news.
- Defamation Laws.

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

- Self-censorship by activist, journalists and others for fear of being targeted by such laws.
- Decrease of disinformation, but promotes censorship by authorities.
- Increased online surveillance.
- Increased impunity and overreach by state security agents which has led to a culture of fear, government control and arrest, e.g., arrest of journalists and activist in Zimbabwe
- Compromised quality and depth of information and news products as journalists are forced to write 'happy-stories'

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

- Awareness campaigns by government agencies or NGOs targeted at the public.
- Judicial pushbacks.
- Litigation to outlaw repressive clauses- Zambia outlawed Section 67 of Zambia's Penal Code, prohibiting the publication of false information.[2]
- Capacity building for journalists on fact checking, verification and journalism ethics.

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

- Collating lists based on researches on media organizations to inform the public about which have the highest propensity for disinformation e.g.: Global Disinformation Index
- Media houses and other organizations have established online fact checkers- Africa fact Check, Kenya- PesaCheck etc. Many of these companies have received support from the big Digital Tech companies to support their operations
- Social media sites flag information or posts likely to contain disinformation.
- Social media sites and media organisations have established reporting platforms.
- Development of algorithms to fight against disinformation.
- Multi-stakeholder collaborations to develop control measures and strategies
- Publishing of transparency reports with details of information and takedown requests.

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

- There has been an improvement, measures effective to some extent
- However, there is a lack of assessment of impacts and decisions arrived at by tech companies.

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

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[2] https://globalfreedomofexpression.columbia.edu/cases/chipenzi-v-the-people/

- Strategic litigation efforts that cover any suppression of freedom of expression alongside slander and libel. Such efforts are generally effective where there are laws protecting such rights.
- Transparency reports that inform CSO action/advocacy
- Reporting measures adopted by companies to address grievances
- CSO engaging companies to uphold global best practices

9. **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.**

- Training of media practitioners on ethics of their profession.
- Campaigns against disinformation.

10. **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.**

- Disinformation laws initiated by governments must be necessary and proportionate to curb the mischief of disinformation.
- Criminalisation of fake news has led to human rights violations.

11. **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.**

- The Special Rapporteur may urge governments to prioritise awareness raising on disinformation and partner with the private sector and civil society in campaigns against disinformation.
- States should promote training of the media on disinformation and introduce such information within the education sector
- States which still have laws criminalising fake news must abolish them and resort to civil claims for damages where this applies.
- States should refrain from legislating on speech and rather employ the multi-stakeholder Internet Governance model to advance the course of addressing the challenges of disinformation. An attempt to enact laws in the traditional way certainly leads to human rights violations

Conclusion

PIN hopes that these comments will be considered by the Special Rapporteur. For any further comments, PIN is reachable via an email submitted to Thobekile Matimbe, Paradigm Initiative's Community Manager on thobekile.matimbe@paradigmhq.org.