



Ms. Irene Khan  
Special Rapporteur on the promotion and protection of the right  
to freedom of opinion and expression

11 July 2022

Dear Ms. Khan,

PEN America is pleased to offer input to the Special Rapporteur's upcoming thematic report on the challenges to freedom of opinion and expression in times of armed conflict and other disturbances.

PEN America is part of the global PEN network, which champions the freedom to write, celebrates the power of words to transform the world, and defends free expression. Our work on free expression includes advocating for and supporting the creation and preservation of conditions under which all voices have the ability and opportunity to safely speak, assemble, advocate, and be heard. In that context, we have focused on the threat disinformation poses to freedom of expression and to its attendant right to receive and exchange information.

While recognizing the United States is not a country in active conflict, PEN America has, since 2017, examined the spread of disinformation in the U.S. at a time of political upheaval and disturbance. We have treated disinformation as a threat to free expression and public discourse, and studied the challenges journalists and newsrooms face in their roles as bulwarks against disinformation and suppliers of factual content. Our research on disinformation's impact on journalism concludes that countering disinformation requires a comprehensive, systematic, and effective response that includes financial and professional resources, long term planning, and an investment in specialized skills. For the audiences of news outlets and journalists, it requires bolstering their media literacy, including for marginalized communities. Without this, the media will be hard-pressed to counter disinformation within the ordinary course and scope of reporting, let alone during periods of conflict and upheaval. Our research findings and recommendations are therefore instructive in understanding the issues and challenges facing journalists and newsrooms and how to strengthen systems to counter disinformation.

### **Disinformation in the U.S.**

PEN America's 2017 report, [Faking News: Fraudulent News and the Fight for Truth](#), found that "the spread of disinformation and the related - yet distinct - problem of distrust of the media pose a fundamental threat to the quality of our

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public discourse and to our political system, sound policy outcomes, and national cohesion.” The potency of disinformation was sharply illustrated when a campaign convinced millions of Americans that the 2020 presidential election was stolen and fueled a violent insurrection at the U.S. Capitol that was intended to disrupt the peaceful transition of power.

Our 2022 report, [\*Hard News: Journalists and the Threat of Disinformation\*](#), analyzed responses to a detailed survey from more than 1,000 U.S. journalists and editors. The report revealed that 81 percent of the editors and journalists responding consider disinformation to be a very serious problem in the U.S. They believe that disinformation is significantly changing the practice of journalism, disrupting newsroom processes, jeopardizing community trust in journalism, and diminishing journalists’ professional, psychological, and physical safety.

The survey showed that newsrooms are finding it challenging to counter disinformation for interrelated reasons, including: the complexity of the problem and the varied possible strategies for countering it; increasingly limited organizational resources and newsroom bandwidth; lack of expertise in available tools and techniques, and multiple competing priorities. The shortfalls in response included:

- ***Weak newsroom systems for quickly countering disinformation:*** Only 36 percent of respondents rated their news organization as “doing a good job” at having senior editors establish strong processes for countering disinformation. Several of the survey findings also suggest that journalists of color are somewhat more likely to perceive a need for resources that could help them counter disinformation: 74 percent of white journalists, and the same share of journalists of color, say that having systems in place to respond quickly to disinformation would be a generally effective way of countering disinformation. But when that result is disaggregated by race, 15 percent of journalists of color say that their news outlets have such systems in place, compared to 24 percent of white journalists.
- ***Few specialized fact-checking teams and limited disinformation beat reporting:*** While journalists noted the critical importance of fact-checking and rigorous verification practices, only 14 percent reported that their newsrooms had taken the approach of establishing a dedicated in-house fact-checking team to monitor, debunk, and write stories about falsehoods put forth by disinformation purveyors.
- ***Too little emphasis on public media literacy:*** Journalists put high value on connecting with the communities they serve and helping them to understand both how trust-meriting news outlets function and how to identify disinformation. However, only 14 percent said their news outlets were putting partnerships in place to improve the public’s “media literacy.”
- ***Not enough attention to disinformation-targeted communities.*** Thirty-five percent of the survey respondents said that their news outlets had taken steps to attract and hire journalists to ensure the wide variety of perspectives in the

- newsroom necessary to better detect and dissect disinformation. The survey discerned that journalists of color are more likely to know about disinformation campaigns designed to mislead racial or ethnic minority groups: seventy-two percent of journalists of color said they are aware of disinformation campaigns that target racial or ethnic minorities, compared to 46 percent of white journalists who said this. Only 21 percent said their news outlet is devoting resources to communities underserved or ineffectively served by news sources, including those of color, where English is not the primary language, and where trustworthy news sources are scarce.

### **Impact of disinformation on journalists**

Respondents described the multiple and overlapping detrimental consequences of disinformation on their professional and personal lives and almost all of them said that the prevalence of disinformation had caused them to change how they worked:

- Sixty-six percent reported that they spend more time actively debunking disinformation and 59 percent stated that they were more intentional about transparency about decisions, methods, and sources.
- One in four reported feeling overwhelmed by the level of fact-checking required to complete a story.
- Seventeen percent said they had avoided doing a story due to fears of backlash that would seek to discredit their reporting.
- Over a quarter of journalists surveyed had considered leaving the profession and nearly half said they felt frustrated or overwhelmed.

The survey also found that journalists are subject to high levels of harassment: 58 percent of journalists surveyed had been subjected to various forms of intimidation, including threatening phone calls, emails or letters. Nearly a quarter had been harassed in person while doing their job. Journalists who report on disinformation or focus on debunking lies are frequently subject to efforts to silence them or undermine their integrity, especially when they attempt to debunk purveyors of disinformation who themselves are operating online.

The consequences of such harassment are significant. As PEN America laid out in our 2021 report, [No Excuse for Abuse](#), online abuse strains the mental and physical health of its targets and can lead to stress, anxiety, fear, and depression. In extreme cases, it can escalate to physical violence and even murder. Because the risks to health and safety are very real, online abuse has forced writers, journalists, artists, and human rights activists—as well as medical professionals and election officials—to censor themselves, avoid certain subjects, step away from social media, or leave their professions altogether. The most targeted are those who identify as women, communities of colour, LGBTQIA+, and/or members of religious or ethnic minorities. When online abuse drives women, LGBTQIA+, BIPOC, and minority writers and journalists to leave industries that are predominantly male, heteronormative, and white, public discourse becomes less open and less free. Individual harms have systemic consequences: undermining the advancement of equity and inclusion,

constraining press freedom, and chilling free expression. A free and effective press plays a critical role during conflict: it can provide accurate, timely and balanced information. Those affected by the conflict, allowing them to make informed decisions about their lives and safety, including sometimes about life or death situations. A free and effective press can also provide important context and information for policy makers and other decision makers during conflict. The work of journalists who cover a conflict from the frontlines is essential for breaking through the fog of war to understand a conflict's true impact, and contributes to documenting human rights violations and establishing a basis for future efforts to hold violators to account. Disinformation undermines these essential contributions and can contribute to further divisions and conflict. The time to address disinformation's detrimental impact on journalists and their work, however, is before conflict breaks out.

*Recommendations to the Special Rapporteur:*

- Reinforce the importance of press freedom and independent journalism and urge newsrooms to establish policies, procedures, and processes to counter disinformation *before* they face a crisis or conflict, as well as to protect journalists from threats and abuse, online and off
- Advocate for funding from multi- and bi-lateral donors and philanthropists to support media and information literacy, and other efforts to counter disinformation that do not infringe on freedom of expression
- Publicly condemn organized attempts to spread disinformation and efforts to intimidate journalists who cover or work to counter disinformation
- Promote expansion of resources from donors, multilateral organizations, the international community, and civil society to support journalists and editors in building their capacity to detect and address disinformation, including using technology tools for both detection, image verification, reverse image search, and social media monitoring

*Recommendations to newsrooms:*

- Put clear policies, protocols, and processes in place in newsrooms to:
  - Enable journalists to directly call out falsehoods
  - Respond quickly to disinformation
- Seek support for resources to train journalists and editors on tools and techniques for detecting and addressing disinformation
- Devote staff time and resources to building relationships in communities where disinformation is more likely to circulate due to targeted disinformation campaigns.
- Build more diverse and inclusive newsrooms that represent and reflect the communities they are intended to serve
- Protect and support journalists facing online harassment by:
  - Developing stronger policies, protocols, and processes to protect and support journalists
  - Ensuring that managers are equipped to recognise and respond to online harassment

- Training and equipping journalists to bolster their digital safety and protect themselves from hacking, doxing, and other forms of online abuse
- Taking a clear public stand against disinformation and online harassment campaigns

Please don't hesitate to be in touch if we can be of further assistance.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Liesl Gertholtz". The signature is written in black ink on a light-colored background.

Liesl Gertholtz  
Director: PEN/Barbey Freedom to Write Center

