

Written Submission by Fundación Multitudes to the to the thematic report of the Special Rapporteur on Freedom of Opinion and Expression to the UN Human Rights Council

February 3, 2022

Fundación Multitudes, presents the following written submission regarding the request of the Special Rapporteur for the thematic report on Freedom of Opinion and Expression to the Human Rights Council “Freedom of Opinion and Expression and Sustainable Development - Why Voice Matters

1. In your view, how does the right to freedom of opinion and expression contribute to the achievement of the SDGs? Please provide examples, where possible, with concrete data relating to impact. Please also mention relevant laws, policies and other measures.

The right to information includes the powers to seek, receive, exchange, produce and disseminate truthful, responsible, and timely information. Restrictions on this right may only be imposed by law and only to the extent that they are absolutely necessary and justified.

Freedom of expression includes freedom of opinion and dissemination of ideas, without prejudice to the liability for crimes and abuses committed in the exercise of these freedoms. Restrictions on freedom of expression must be provided for by law, cannot be subsequent, must pursue a legitimate purpose that is recognized by international law, and must be necessary to achieve that purpose.

Taking into account the above, from the work that the Multitudes Foundation has been developing, it is possible to affirm that the dissemination of disinformation has negative consequences for societies, undermining a wide range of human rights. When disinformation threatens human rights, States have an obligation to take appropriate steps to address these negative consequences by generating initiatives focused on fostering transparency in private and public spaces, strengthening data research capacities to support policy responses, and using education to empower people to identify them and generate debates with the integrity of information in decision-making.

As part of our efforts, in 2021, Fundación Multitudes conducted a survey among Chilean women activists with the help of the organization Tremendas, where we asked 27 activists from diverse areas their impression of disinformation as a threat to a future political career. 55.6% said that receiving this type of violence could result in their decision to withdraw from activism or run for political office in the future.

By addressing this issue, great strides are made towards guaranteeing freedom of expression and the work of promoting peaceful and inclusive societies for sustainable development and building effective, accountable, and inclusive institutions at all levels, which is specifically related to the issues proposed in a cross-cutting manner by the 17 SDGs, especially SDG 16.

2. Are there restrictions or other challenges to freedom of expression or access to information that affect the delivery of public services and achievement of economic, social and cultural rights in your country? Which groups of people are most affected by these restrictions and in what ways? What measures would you recommend to address their problems?

In terms of regulatory frameworks, general prohibitions on the dissemination of disinformation based on vague and ambiguous concepts can become a danger to freedom of expression. Restrictions on freedom of expression must be provided for by law, cannot be subsequent, must pursue a legitimate purpose that is recognized by international law, and must be necessary to achieve that purpose.

From Fundación Multitudes we reaffirm that in recent years, we have observed an evolution in the attacks that women in politics receive through disinformation, which silences women activists and uses technology as a weapon to undermine democracy by undermining women's participation, being women a majority group that is affected by the phenomenon of disinformation, based on the multiple research studies that the organization has made.

Based on the result of our research studies, we have trained more than 2.000 civil society leaders, public officials at national and local level of government, journalists, and researchers on how to counter OGVB through digital privacy measures as well as reporting mechanisms.

To face this problem, we suggest

- Evaluate what kind of information is being spread and the impact it may have, based on educational strategies that promote understanding of the problem and provide tools to address it.
- Help support activists to build platforms that promote principles against disinformation by sharing them directly online with their information centers and agendas, empowering these important actors and protecting them against disinformation.
- Denouncing sexism in social networks is important to change the perception people have around this issue. Ignoring this issue fails to solve the problem, normalizing behaviors that should be directed by public figures and politicians toward their voters.
- Encourage accountability from social media platforms and digital platforms to amplify hate speech and misinformation on their platforms and encourage the review of their business model.

3. What factors affect the right to expression and information of women and girls, indigenous peoples and other poor and marginalized communities and their access to information and communications technology in your country? What legal, policy or other measures has the government taken to overcome these problems? How effective are these measures and what improvements would you recommend?

Disinformation is a phenomenon that can discourage and delegitimize women's participation in politics, and has been used to exclude women representing vulnerable groups, such as indigenous women, from democracy, humiliating them and exposing them to public scrutiny.

Fundación Multitudes is currently seeking to tackle disinformation against women in decision-making because it is a form of online gender-based violence that hinders the capacity of women and girls to freely exercise their political and civic rights causing a low participation of this historically marginalized group in democracy. Moreover, in Latin America and the Caribbean, online gender-based violence has deep roots in the process of colonialism, capitalism and patriarchy. As a result, there is an intersection of vulnerabilities resulting in women and girls suffering different levels of aggression based on whether they are part of different historically marginalized groups.

In Chile, and unlike what has happened in Europe, there are no actions and an expeditious procedure on how to counteract the manipulation of audiences on social networks. Although there are pre-existing punitive regulations, both general and special, they do not offer immediate precautionary mechanisms for the removal of infringing content from the platforms, in terms that when the jurisdictional decision is obtained, it is on the merits and after an extensive procedure, when the damage has already been caused and is irreversible, being the response of legal effects: the punishment of the guilty party and, where appropriate, the compensation for damages.

4. What have digital companies done to promote safe and uninterrupted online access to timely and pluralistic information and communications of women and poor and marginalized communities? How can information and communication technology companies better engage with governments and communities to promote sustainable development?

Preventive measures are the basis of sustainability when facing a systematic problem like disinformation. Taking into account that disinformation represents an increasing threat to transparency and accountability in all democratic processes, and is being used to undermine the participation of women, we should refer to prevention as one of the main tools to mitigate the impact of disinformation through a multicomponent strategy to support democracy and social cohesion by building citizen resilience against disinformation and promoting coregulations.

Considering social media is the second platform that citizens trust the most and the main means by which people are informed, these platforms are key to improving the detection, verification, identification, and dismantling of disinformation and fake news strategies, as well as the identification of models of protection of personal data to further prevent disinformation.

Until the moment, we have not been able to identify a concrete system for identifying and reporting gendered disinformation as an early warning system implemented by social media companies. However, it is important to mention that we have seen efforts in creating



measures that have been taken by certain social media platforms to prevent disinformation and encourage due diligence behaviors, like the tools introduced by Twitter and WhatsApp

Taking into account that co-regulation is the mechanism through which governments and the different social networking platforms promote and strengthen collaboration between them and civil society, to establish measures against disinformation, it is important to promote the implementation of these co-regulatory mechanisms, particularly as a prevention to disinformation campaigns that arise in electoral processes. In the Chilean context, as we move forward in the redefinition of the new constituent process, it is essential that the body elected to draft the new Constitution, together with other relevant political actors, the government, civil society, and social networks, jointly formulate measures to prevent disinformation campaigns that guarantee fundamental rights and freedom of expression.

Therefore, Fundación Multitudes calls governments to work collaboratively with multi stakeholders, particularly local civil society organizations, to promote the implementation of minimum standards that can guarantee the freedom of expression and opinion, probity and accountability that are applicable and effectively enforceable and implement a gender focus by taking into consideration the different impacts that disinformation or other threats to freedom of expression has on women and men.