

HUMAN RIGHTS COUNCIL - 47th SESSION

Interactive dialogue with the Special Rapporteur on Freedom of Opinion and Expression (02 July 2021)

Irene Khan, Special Rapporteur on the promotion and protection of freedom of opinion and expression:

- The report [A/HRC/47/25](#) focuses on the issue of disinformation and the challenges it poses to freedom of opinion and expression. It emphasizes that **digital technology** has enabled pathways for **false or manipulated information to be created**, disseminated and amplified at scale by various actors for political, ideological or commercial motives
- Disinformation, interacting with political social and economic grievances in the real world, is **undermining freedom of expression and democratic institutions**, polarizing political debates, fueling public distrust and endangering human rights, public health and sustainable development. It is **being used to attack women, minorities, migrants and other marginalized communities, journalists, human rights defenders and political opponents**. The **response of States** to this has been problematic as **some have resorted to disproportionate measures** such as Internet shutdowns or to broad, vaguely defined laws that criminalize, chill or censor online speech, or compel social media platforms to remove content without a judicial process. Moreover, **company responses to disinformation have been reactive, inadequate and opaque**.
- The **main conclusion** of the report determines that access to diverse and reliable information sources, free, independent and diverse media, digital literacy and smart regulation of social media are the antidote to disinformation. **Multi-faceted, multi-stakeholder responses**, grounded in international human rights law, are the most effective way of **building resilience against disinformation**.

Additionally, the SR highlighted several **recommendations directed at States**, including: that they must **refrain from sponsoring or spreading disinformation**; that because freedom of expression is **not an absolute right, by restricting it**, States are obliged to scrupulously respect international human rights standards, including the three-part test of **legality, legitimate objective and necessity and proportionality of restrictions**; that **State regulation of social media** should **avoid content moderation** and focus instead on **enforcing transparency**, due process rights of users and human rights due diligence by companies. Regarding **specific recommendations directed at companies**, the SR emphasized they need to **review their business models** to ensure that their business operations, data collection and data processing practices are compliant with international human rights standards. Also, that they should **enhance their transparency**, and introduce remedies and mechanisms with a **gender perspective**.

Finally, the SR said there is a **vital need to restore trust in the integrity of information and institutions**. To achieve this, States should **enhance their own transparency and disclose public information**, protect the safety of journalists, nurture independent, diverse and pluralistic media, and **empower rights holders** by investing in their digital inclusion and digital literacy.

Interactive Dialogue

Several States noted with concern the increasing use of “fake news” laws to **criminalize journalists** for doing their jobs and condemned the use of **state-sponsored trolling and disinformation to silence journalists**, disproportionately affecting those with marginalized and intersecting identities. Additionally, they stressed that **emergency situations cannot be used as a pretext to unduly limit** the enjoyment of the rights embedded in international human rights law. Also, that **knowledge gaps arising from the lack of data** remains a major challenge in addressing disinformation and misinformation. Moreover, that the **media, digital companies, social media platforms and educational systems** have the key role of promoting **collective awareness** to combat misinformation in public opinion, in order to **maintain the stability of democratic institutions**.



Finland (on behalf of the Freedom Online Coalition), Greece, Germany called on States to end internet shutdowns and to refrain from content restrictions or actions that restrict civic space online and offline. *Bangladesh* said that **governments must be encouraged** instead of criticized as they make efforts to tackle the spread of harmful disinformation and misinformation, including those related to COVID-19. *Belarus* called on the importance of disclosing the phenomenon of **disinformation in the work of human rights mechanisms**, including the special procedures of the HRC and OHCHR. Also, it pointed out the **persecution of the media in the Baltic countries**, including the closure of the office of the **Sputnik agency in Estonia** and the Internet resource **sputniknews in Latvia**, as well as in **Ukraine**. *China (on behalf of a group of countries -Iran, Zimbabwe)* expressed their concern that some countries fabricate and spread disinformation out of political purposes, and smear others under the pretext of human rights, in an attempt to make excuses for **interfering in other countries' internal affairs**, imposing **unilateral coercive measures** and **setting up country-specific mechanisms** at the HRC.

China urged relevant States to take measures to **crack down racial discrimination and hate speech** and stop disseminating false information. It also pointed out that **some States continue to spread false information** based on ideological and political purposes and to politicize and stigmatize the epidemic and "poison" international anti-epidemic cooperation. *China, Venezuela* and *Cuba* all concurred that mandate holders **should verify the information they receive with the concerned States and not immediately consider it valid**. *Venezuela* rejected the **interference policies of some powers that promote the manipulation of information for political purposes**, particularly in the countries of the South. *Colombia* reiterated that censorship does not exist in the country and that **failures in the internet service** registered last May in the city of Cali, were **due to vandalism against the infrastructure** that affected the network and its operation. Cuba said to be a victim of misinformation, disseminated by digital platforms that reside and have federal funding in another country. *Egypt* urged the SR to focus her future reports on the risks arising from the **misuse of electronic platforms**, especially by **terrorist and extremist organizations** to incite violence and hatred and **spread fake news to brainwash and recruit**.

Israel expressed that **education is a key factor** in the prevention of the spread of disinformation. *Kazakhstan* highlighted the importance of the principle of non-interference and that that the questions related to the **Xianggang (Hong Kong) Special Administrative Region** are an internal affair of the **People's Republic of China**. *Libya* condemned the incitement to **hate speech** and all its forms from the mass media that provoke conflict between the **Libyan parties to influence the peaceful political path** and that aim to obstruct the **upcoming electoral process**. *Morocco* denounced the **restrictions on press freedom in Algeria** and called for the immediate release of hundreds of demonstrators wrongly arrested and tried. *Russia* expressed its disagreement with the SR's conclusion that ascertains that "disinformation flourishes where human rights are limited and public information regimes are weak." This is because the delegation has seen the introduction of **excessive restrictive measures** that trample freedom of speech, especially in **advanced democracies** within the EU and also, through the **EU's media policy**.

Singapore regretted the SR **failed to conduct due diligence** on basic facts regarding **Singapore's "Protection from Online Falsehoods and Manipulation Act" (POFMA)**. It highlighted that Singapore's approach **may not conform to certain ideological preferences**, but that **its laws are theirs to make**. The *Syrian Arab Republic* noted that over the years, **British governmental institutions** have produced false media materials, broadcasting them through various platforms. *The United States of America* called on **Algeria's** government blocking of independent news websites, on **Hong Kong's** authorities for silencing dissenting voices, including independent media, on **Nicaragua's** Ortega regime for passing a cyber-crimes law to allow up to four-year prison sentences for promoting or distributing "false or misleading information", and on **Russia's** government for using the foreign agent law to target and harass independent media and civil society. *Pakistan* denounced the misinformation campaign against Pakistan being carried out by **India** for more than 15 years.



Delegations that took the floor during the Interactive Dialogue (61 country delegations):

Afghanistan, Armenia, Albania, Australia, Austria, Azerbaijan, Algeria, Bangladesh, Barbados, Belarus, Belgium, Botswana, Burkina Faso, Brazil (on behalf of Argentina, Chile, Ecuador, Peru, Guatemala, Panama, Uruguay) Cameroon, Canada, China, China (on behalf of a group of countries -Iran, Zimbabwe), Cambodia, Colombia, Costa Rica, Cuba, Czech Republic, Ecuador, Egypt, Ethiopia European Union, Fiji, Finland (on behalf of the Freedom Online Coalition), France, Georgia, Germany, Ghana, Greece, Honduras, India, Indonesia, Iraq, Ireland, Israel, Kazakhstan, Lebanon, Libya, Liechtenstein, Luxembourg, Moldova, Malawi, Malaysia, Maldives, Mauritania, Montenegro, Morocco, Namibia, Nepal, Netherlands, Nigeria, North Macedonia, Pakistan, Philippines, Poland, Russian Federation, Sierra Leone, Singapore, Slovakia, South Sudan, Sudan, Sweden (on behalf of Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Sweden), Switzerland, Syrian Arab Republic, Timor-Leste, Tunisia, Uganda, Ukraine (on behalf of Group of countries - Japan, Latvia, Lithuania, Poland, United Kingdom United States of America), United Kingdom, United Republic of Tanzania, United States of America, Venezuela.

Other observers: UNESCO: There is a need for greater transparency into the **origins, extent, and flow of disinformation** to develop more effective strategies to counter it. In the coming months, UNESCO will **lead consultations to develop an operational framework** and set of indicators on transparency that can guide the work of policymakers, regulators and companies.

Non-Governmental Organizations (NGOs) that took the floor during the Interactive Dialogue (9):

Article 19 - International Centre Against Censorship, The Association for Progressive Communications, Cairo Institute for Human Rights Studies, Commonwealth Human Rights Initiative, Freemuse - The World Forum on Music and Censorship, Mouvement contre le racisme et pour l'amitié entre les peuples, ordem dos advogados do brasil conselho federal, Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH), World Evangelical Alliance, International Federation of Journalists.

Most of the NGO representatives urged States to approach disinformation with a **holistic response** which embraces the right to freedom of expression, including by **promoting a diverse and independent media, protecting journalists and whistle-blowers**, ensuring access to information held by public bodies, and investing in media and digital literacy. They also referred to specific thematic cases such as the **weaponization of disinformation against women in public spaces** as a form of **gender-based violence online** and the **suppression of criticism by artists and creatives** worldwide.

Specific country cases referred to: **Egyptian** authorities' arbitrary detentions of citizens; the case of the **Non-Self-Governing Territory of Western Sahara** under the illegal military occupation of the **Kingdom of Morocco**, where **human rights defenders and journalists are constantly subjected to harassment**, arbitrary arrest and torture; The case of **Brazil** where the government is accused of **judicial harassment against media professionals** and threatening political opposition, criminalizing them under the National Security Law; the case of **Israel's** government practices and policies intended to harass, intimidate and silence human rights groups and defenders to maintain **apartheid over all Palestinians** and to **delegitimize the work of human rights groups** that advocate for Palestinian rights; The case of **India** that since 2014 with the rise of Hindutva nationalism, **Muslims and Christians** have been excluded and discriminated; The case of **Nepal** where **Christian charities have been cancelled**.

To watch full ID with the SR on Freedom of Opinion and Expression, refer to [UN Web TV](#)