Human Rights Council

The Right to Access Independently Sourced and Reliable Information

Research Report

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Fake news

Forum: *Human Rights Council*

Issue: *The Right to Access Independently Sourced and Reliable Information*

Position: *President*

Introduction

As technology advances, the accessibility of various data and ways to ensure freedom of opinion and expression are becoming easier. While people are able to search and get information in progressively more simple ways, the phenomenon of disinformation is getting more and more common at the same time. False or manipulated information can be a tool to achieve political, ideological, even commercial aims and thus is a serious danger to democracy and human rights. In 1993, the United Nations Commission on Human Rights established the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and thus trying to ensure the protection of mentioned and further human rights. However, in many countries the problem is further escalating: aspects such as media intimidation, censorship and surveillance of platforms on the Internet, unlawful arrests of citizens and media persona and terrorism put democratic institutions and human rights in jeopardy on a daily basis.

Definition of Key Terms

Disinformation:
Commonly defined as intentionally false information; There is no universally accepted definition of disinformation. While the lack of agreement makes a global response challenging, the lack of consensus underlines the complex, intrinsically political and contested nature of the concept.

Fake news:
False stories that appear to be news, spread on the internet or using other media, usually created to influence political views or as a joke.

Freedom of opinion and expression:
In general terms, freedom of expression includes the right and the freedom to seek, receive and impart information and ideas of all kinds. It is protected under Article 19 of the Universal Declaration of Human Rights.

Misinformation:
Commonly defined as misleading information presented as fact.

Universal Declaration of Human Rights (UDHR):
On its 183rd in 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, which guaranteed the 30 basic human rights which every individual is entitled to have ensured. While no state voted against, eight states – the six Soviet Bloc states then represented in the UN, together with Saudi Arabia and South Africa – abstained. The

Declaration became the first global human rights document to set a common standard to which all nations should aspire.

General Overview

Historical background

The United Nations Universal Declaration of Human Rights (UDHR) adopted in 1948, provides, in Article 19, that: ,,Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." The right to information, under article 19 of the UDHR and the United Nations International Covenant on Civil and Political Rights, entailed an obligation incumbent upon States to ensure access to information, including by providing access to the Internet.

Present day situation

Governments

Governments have a duty to prohibit hateful, inciteful speech. However, in many countries, governments have resorted to extreme measures like shutting down the Internet, making ill-defined laws that criminalised, restrained, or restricted online speech or forced social media firms to remove content without the need of a legal process in order to further push their propaganda thus strengthening their regimes.

These governments also often read the private emails of journalists and activists, and they can remotely activate the camera or microphone on their computers to secretly record their actions.

Increasingly, some states try to build firewalls around digital communications, or in the case of Egypt, Sudan and Zimbabwe among others, respond to mass street protests with an internet shutdown. Iran, China and Viet Nam have all tried to develop systems that enable them to control access to digital information. In India's northern Kashmir region, mobile Internet and communications are suspended in response to any unrest. source

These tools are often used in the name of counterterrorism, national security or religion. More recently, freedom of expression has come under threat by authorities clamping down on activists, NGOs and individuals helping refugees and migrants. Source

Companies

Powerful corporations that actively spread false information in some way are another important aspect in the progression of the issue. By utilising the private information that consumer tech businesses collect about their customers advertisers, psychologists, and behavioural economists have been able to learn how to influence people. By releasing hordes of online trolls, governments defending their information infrastructure have realised the potential for asymmetrical information warfare. All of these efforts have now come together, creating a global crisis.

In the morning of 2 July 2o21, the Human Rights Council held an interactive dialogue with the Special Rapporteur on the promotion and protection of the right to freedom of opinion

and expression. It also started an interactive dialogue with the Working Group on Arbitrary Detention. Speakers voiced worry about the growing number of examples of State-sponsored acts limiting freedoms online, despite the fact that the Internet offered an unique platform for the fuller practice of human rights. Speakers expressed concern that some Special Rapporteurs had utilised this misinformation uncritically in their work and said that some governments had manufactured it to serve as a human rights excuse for interfering in the internal affairs of other nations. Speakers criticised the unacceptable tactic of using state-sponsored trolling and misinformation to intimidate journalists, which disproportionately targets people of marginalised groups.

Major Parties Involved

Ethiopia

Despite the modern government's claim to be democratic and to allow freedom of expression such conditions have failed to manifest and claims to the contrary remain hollow. Although the media in the past decade have striven to be at the forefront in challenging the status quo they have remained a prisoner of the stifling political system as well as of the self-censorship necessary for survival.

Hungary

Hungary's laws ensure that people have the opportunity to access data of public interest (or data declared to be of public interest by law) if the data controller is performing a public function, the information is related to their activities and the data is under their control.

However, by adopting laws and policies that have tended to enhance the political influence of the ruling party over media regulatory bodies and public service media, favouring media outlets supportive of its political agenda, ostracising and delegitimizing other outlets, weakening the independence of the judiciary and stigmatising civil society actors, the Government has endangered media freedom and undermined freedom of opinion and expression.

People's Republic of China

Prior restraints are synonymous with censorship, and represent one of the most onerous infringements on freedom of expression. The term "prior restraint" refers to any system in which the government may deny a person the use of a forum for expression in advance of the actual expression. Chinese authorities employ several different types of prior restraints over the citizens of China in order to ensure that the Communist Party is able to silence critics and maintain direct editorial control over political information and news. Despite barriers to access to the means of publication and the dangers inherent in publishing political news and information, members of China's "free-speech elite" are able to express concerns and criticism regarding the government with less fear of punishment than the average Chinese citizen.

Republic of Korea

Although South Korea has a relatively free press and lively civil society, the South Korean government continues to use draconian criminal defamation laws and sweeping intelligence and national security laws to restrict speech. Implementation of these laws creates a chilling effect that limits critical scrutiny of the government as well as corporations.

Russia

Authorities have unjustifiably prosecuted dozens of criminal charges for social media posts, online videos, media articles, and interviews. Today, many Russians are increasingly unsure about what is acceptable speech and what could land them a large fine or prison term. With few exceptions, mainstream media outlets have become the voice of the state and use elaborate propaganda tools to mobilise patriotic support for the government. State-driven media outlets promote biased reporting and, at times, blatant misinformation on many issues of the day, especially concerning the situation in Ukraine.

Tajikistan

The government controls most printing presses, newsprint supplies, and broadcasting facilities, and denies independent media access to these resources. The state shuts out independent outlets and encourages self-censorship. Independent journalists face harassment and intimidation. Civil libel charges have been used to cripple outlets that criticise the government. Authorities routinely block critical websites, news portals, and social media platforms, while using periodic wholesale blackouts of internet and messaging services to suppress criticism.

Restrictive laws and government surveillance serve as deterrents to open discussion of sensitive topics, including criticism of the country's leadership. A 2017 law allows authorities to monitor citizens' online behaviour and prescribes fines and prison sentences for those who visit "undesirable websites," among other provisions. An antiextremism law amended in 2020 allows the government to block websites without a court order. The dissemination of COVID-19-related news deemed false was also criminalised in 2020.

Tunisia

Freedom of speech is a controversial issue and a subject of uncertainty in Tunisia. Artists, journalists, and citizens face harassment when they try to express their ideas freely. There is also a lack of experience and traditions with free speech on the part of Tunisian justice and judges following the Tunisian revolution. On 13 June 2013 Tunisian Rapper, Alaa Yacoubi (aka "Weld El 15"), was imprisoned and given a two-year jail sentence because his song "El boulisia Kleb" ("Cops Are Dogs") was considered an incitement to violence and hatred. The court judgement was the subject of an appeal and the decision was announced for 2 July 2013, while Alaa Yaacoubi remained in prison.

Uzbekistan

Authorities repress freedom of expression in all forms and do not allow any organised political opposition, independent media, free trade unions, independent civil society organisations, or religious freedoms.

Furthermore, according to The Diplomat, "companies owned by business moguls have been organising events for journalists and bloggers to influence their reporting with nice treatment and gifts. Others have run old school troll factories out of local universities to violently condemn posts about their bosses' wrongdoings."

Timeline of Events

Date	Description of event
10 December 1948	The Universal Declaration of Human Rights have been passed by the United Nations General Assembly
4 March 1993	United Nations Commission on Human Rights established the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
2 July 2021	Human Rights Council's interactive dialogue with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
13 April 2021	Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/47/25) on disinformation and freedom of opinion and expression

UN Involvement, Relevant Resolutions, Treaties and Events

- Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/47/25)
- **Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**
    - In 1993, the United Nations Commission on Human Rights established the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. After replacing the Commission on Human Rights, the Human Rights Council decided to extend the mandate for another three years in March 2008 (resolution 7/36). The mandate was renewed again for an additional three years in March 2011 (HRC resolution 16/4), March 2014 (resolution 25/2), March 2017(resolution 34/18) and again in March 2020 (resolution 43/4).

Possible Solutions

Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, said that her report on disinformation and freedom of opinion and expression concluded that access to reliable information sources, free, independent and diverse media, digital literacy and smart regulation of social media was the obvious antidote to disinformation. Thus, she recommended that

1. States must refrain from sponsoring or spreading disinformation,
2. freedom of expression was not an absolute right, but in restricting it States were obliged to scrupulously respect international human rights standards, and

3. State regulation of social media should avoid content moderation and focus instead on enforcing transparency.

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