



November 2020

FOC Joint Statement on Spread of Disinformation Online

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The issue

The members of the Freedom Online Coalition (FOC) are deeply concerned about the growing spread of disinformation¹ online, which can undermine the enjoyment of human rights² and public health worldwide. It can hinder freedom of opinion and expression, protection against discrimination³, and the open exchange of information necessary for democracy to flourish. Disinformation is growing in scope and sophistication at a time when people all over the world increasingly turn to the Internet to connect, learn and consume their news.

Disinformation can erode public trust in democratic processes and institutions, and undermine public health initiatives. It may further marginalize voices from persons belonging to minorities, fracture community cohesion, polarize societies and incite discrimination, xenophobia, intolerance and violence.

Disinformation can be used to intimidate and harass public figures such as journalists and human rights defenders⁴, and target and discriminate against vulnerable persons and groups. We have seen that online disinformation targeting marginalized groups in some cases has even been a precursor to crimes against humanity and other gross violations or abuses of human rights.

Globally, there is evidence that disinformation is employed by state and non-state actors with political, ideological, commercial or other motives, including violent extremist and terrorist groups. Online disinformation campaigns by state and state-sponsored actors can also be used as part of hybrid influence campaigns⁵ that aim to destabilize societies.

¹ Disinformation is defined here as the deliberate creation and dissemination of false and/or manipulated information that is intended to deceive and mislead audiences, either to cause harm or for personal, political or financial gain.

² Disinformation can undermine many human rights including – freedom of opinion and expression [Art. 19 ICCPR]; the right to take part in the conduct of public affairs and to vote in elections [Art. 25 ICCPR]; protection against discrimination [Art. 2 and 26 ICCPR]; protection of honour and reputation [Art. 17 ICCPR]; the right to health [Art. 12 ICESCR]; the right to education [Art. 13 ICESCR].

³ Discrimination is defined by distinction by characteristics including, without limitation: ethnic, national or social origin, religion or belief, political or any other opinion, disability, age, sexual orientation, and gender identity and those who can be vulnerable to multiple and intersecting forms of discrimination.

⁴ In the FOC Joint Statement on Defending Civic Space Online, we expressed our concern about shrinking civic and democratic spaces online as a result of state-sponsored obstruction of free expression, peaceful assembly, and free association.

⁵ Hybrid influence can be described as influence activities by states and non-state actors that are targeted towards vulnerabilities of societies.

Future technological developments will continue to exacerbate the online disinformation threat, as well as provide possible solutions to these challenges. Online disinformation campaigns may seek to use certain technologies to drive polarization and negatively impact the ability to share, receive and impart ideas and information. For example, the use of algorithms to promote certain content can lead to the amplification and prioritization of targeted disinformation. There is also the potential for emerging technologies to facilitate the creation of increasingly manipulated content, including “synthetic media”.⁶

The FOC commits to address disinformation while ensuring a free⁷, open, interoperable, reliable and secure Internet in which a diversity of voices is heard, and in full respect of human rights. It is therefore important that any measures taken to address disinformation are in accordance with international law, including international human rights law. The FOC is concerned that some states use the guise of countering disinformation to assert excessive control over the Internet, while disregarding international human rights law and principles of a free, open, interoperable, reliable and secure Internet.

The FOC highlights that the Internet should be conducive to a news and media ecosystem where there is access to information and plurality of the media; free and independent media has a sustainable future, and public service media and local news outlets are able to thrive. Public access to factual and diverse information can make societies more resilient to disinformation.

The FOC urges all stakeholders, including governments worldwide, the private sector, civil society, research and educational institutions, the media, and individuals to share experiences, expertise and best practices on addressing disinformation. Such collaboration and engagement will encourage a global movement towards countering disinformation while fully respecting human rights and promoting the multi-stakeholder Internet governance.

⁶ Synthetic media is defined here as audio or visual content that has been manipulated using advanced software to change how a person, object or environment is presented.

⁷ “Free” in this context does not mean “free of cost”.

Call to action

The FOC calls on governments to:

- Abstain from conducting and sponsoring disinformation campaigns, and condemn such acts.
- Address disinformation while ensuring a free, open, interoperable, reliable and secure Internet, and fully respecting human rights.
- Improve coordination and multi-stakeholder cooperation, including with the private sector and civil society, to address disinformation in a manner that respects human rights, democracy and the rule of law.
- Implement any measures, including legislation introduced to address disinformation, in a manner that complies with international human rights law and does not lead to restrictions on freedom of opinion and expression inconsistent with Article 19 of the International Covenant on Civil and Political Rights.
- Respect, protect and fulfill the right to freedom of expression, including freedom to seek, receive and impart information regardless of frontiers, taking into account the important and valuable guidance of human rights treaty bodies. Refrain from discrediting criticism of their policies and stifling freedom of opinion and expression under the guise of countering disinformation, including blocking access to the Internet, intimidating journalists and interfering with their ability to operate freely.
- Support initiatives to empower individuals through online media and digital literacy education to think critically about the information they are consuming and sharing, and take steps to keep themselves and others safe online.
- Take active steps to address disinformation targeted at vulnerable groups, acknowledging, in particular the specific targeting of and impact on women and persons belonging to minorities.
- Support international cooperation and partnerships to promote digital inclusion⁷, including universal and affordable access to the Internet for all.

⁷ See more detailed: FOC Joint Statement on Digital Inclusion. <https://freedomonlinecoalition.com/document/foc-joint-statement-on-digital-inclusion/>

The FOC urges social media platforms and the private sector⁸ to:

- Address disinformation in a manner that is guided by respect for human rights and the UN Guiding Principles on Business and Human Rights⁹.
- Increase transparency into the factors considered by algorithms to curate content feeds and search query results, formulate targeted advertising, and establish policies around political advertising, so that researchers and civil society can identify related implications.
- Increase transparency around measures taken to address the problems algorithms can cause in the context of disinformation, including content take down, account deactivation and other restrictions and algorithmic alterations. This may include building appropriate mechanisms for reporting, designed in a multi-stakeholder process and without compromising effectiveness or trade secrets.
- Promote users' access to meaningful and timely appeal processes to any decisions taken in regard to the removal of accounts or content.
- Respect the rule of law across the societies in which they operate, while ensuring not to contribute to violations or abuses of human rights.
- Use independent and impartial fact-checking services to help identify and highlight disinformation, and take measures to strengthen the provision of independent news sources and content on their platforms.
- Support research by working with governments, civil society and academia and, where appropriate, enabling access to relevant data on reporting, appeal and approval processes, while ensuring respect for international human rights law.

⁸ Relevant actors include companies that permit the sharing of and other interactions with user generated content, and those which have involvement in shaping the presentation of content to users (e.g. search engines).

⁹ United Nations, Guiding Principles on Business and Human Rights, 2011.

https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

The FOC urges civil society and academia to:

- Continue research into the nature, scale and impact of online disinformation, as well as strategic level analysis to inform public debate and government action.
- Adequately consider the impact of disinformation on women and marginalized groups who are targeted by disinformation campaigns in this research.
- Engage with the private sector and governments to share findings and collaborate on research, whilst ensuring appropriate privacy protections are in place.
- Actively participate in public debate and in multi-stakeholder initiatives looking to address disinformation and emphasize the necessity of evidence-based discussion.

Freedom Online Coalition Background

The FOC is a multilateral coalition of 32 governments that collaborate to advance Internet freedom worldwide. The Coalition provides a forum for like-minded governments to coordinate efforts and work with civil society, the private sector, and other Internet stakeholders to support the ability of individuals to exercise their human rights and fundamental freedoms online. The FOC invites all states that support an open and interoperable Internet to apply to join the FOC.

The mission and vision of the FOC are founded upon the notion that the same rights that people have offline must also be protected online; a pioneering notion originally outlined in the founding FOC Hague Declaration, reaffirmed in the Nairobi Terms of Reference , Tallinn Agenda and San José Statement, and further confirmed in UN Human Rights Council resolutions 20/8, 26/13, 28/16 and 32/13, adopted July 5, 2012, June 26, 2014, March 26, 2015, and July 1, 2016, respectively, as well as resolutions 68/167, 69/166 and 71/199 adopted by consensus by the UN General Assembly respectively on December 18, 2013, December 18, 2014, and December 19, 2016.

The FOC seeks to identify best practices regarding the application of human rights obligations and commitments in the evolving online landscape, as well as to call attention to conditions that undermine those rights.

The FOC, through the Digital Defenders Partnership, also provides rapid response to a range of threats to Internet freedom; from supporting bloggers and cyber activists who find themselves under digital attack, to helping them exercise their human rights online in Internet repressive environments. More information on the Digital Defenders Partnership is available at: <http://www.digitaldefenders.org/>.

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