

47th Regular Session of the United Nations Human Rights Council

Item 3: Interactive Dialogue of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Joint Oral Statement

Commonwealth Human Rights Initiative (CHRI) and Asian Forum for Human Rights and Development (FORUM-ASIA)

Tuesday, 1 July / Wednesday, 2 July 2021

This is a joint statement on behalf of the Commonwealth Human Rights Initiative (CHRI) and the Asian Forum for Human Rights and Development (FORUM-ASIA).

We commend the Special Rapporteur for her timely report identifying the complex challenges posed by disinformation, especially in the digital age; the problematic State responses to it, and the compounding human rights violations that may ensue in the absence of coordinated, multistakeholder responses rooted in the international human rights framework. Information disorder campaigns are being commercialised and weaponised on a staggering scale globally. While the report raises several intersecting concerns, we would like to highlight the following issues:

First, as identified by the Special Rapporteur, deliberate spread of false information State as well as non-State actors — coupled with State complicity or inaction — has had a disproportionate impact on journalists, human rights defenders and activists. This has sought to delegitimise their work, put them at a greater risk and condone or even sanction harassment and attacks against them. It has most adversely affected the already marginalised groups, especially during the COVID-19 pandemic, leading to a sharp rise in anti-immigrant rhetoric,¹ hate speech against ethno-religious minorities,² and racism,³ and violence against individuals and communities,⁴ both online and offline.

Secondly, State responses to allegedly tackle disinformation such as internet shutdowns, restrictions on social media, broadly-defined laws, excessive discretionary powers to authorities and delegation of decision-making to intermediaries often violate the rights to privacy and to freedom of information, opinion and expression and fail to meet the requirements laid down by Article 19(3) of the ICCPR.

Thirdly, geographical disparities with respect to content moderation should be seen in terms of unequal internet penetration rates, especially in Asia and Africa. Corporate and hegemonic fact-checking platforms mostly use English as their default and exclude vernacular languages and specific socio-political contexts leaving unchecked digital spaces. This has underlined the need for decentralised and democratised fact-checking processes that are both innovative and context-sensitive.

We call on States to implement the Special Rapporteur's recommendations, including on strengthening public information regimes and media ecosystems, ensuring safety of journalists, and revising outdated laws and restrictive provisions that may hinder their work. We request the Special Rapporteur to consider having regional consultations on the issue to share concerns and best practices.

We thank you.

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- 1 OSCE and UNHCR debunking myths about migration and refugee flows
<https://www.osce.org/secretariat/481132>
 - 2 COVID-19: How fake news messaging fuelled India's latest spiral of Islamophobia,
<https://scroll.in/article/959806/covid-19-how-fake-news-and-modi-government-messaging-fuelled-indias-latest-spiral-of-islamophobia>; East Asia Forum: Disinformation and xenophobia target Malaysia's Rohingya, <https://www.eastasiaforum.org/2020/07/11/disinformation-and-xenophobia-target-malaysias-rohingya/>
 - 3 Leave No One Behind: Racial Discrimination and Protection of Minorities in the COVID-19 Crisis,
https://www.ohchr.org/Documents/Issues/Minorities/UN_Network_Racial_Discrimination_Minorities_COVID.pdf
 - 4 The Battles That Can Cost South Asia the War Against COVID-19 <https://thediplomat.com/2020/04/the-battles-that-can-cost-south-asia-the-war-against-covid-19/>