

Opening remarks for the Expert Meeting on Disinformation and Elections

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OSCE Representative on Freedom of the Media
Ms. Teresa Ribeiro

Dear colleagues,

Distinguished delegates of the OSCE participating States,

Ladies and gentlemen,

It is a pleasure to welcome you to the fifth roundtable in our series of expert meetings dedicated to the topic of disinformation, which today focuses on Elections, the bedrock of democracy one could say.

While in the past we have addressed such relevant issues as media self-regulation and artificial intelligence, disinformation can have a particularly disruptive impact on elections, not only by seeking to alter election results through mind manipulation, but also by delegitimising the electoral process altogether.

Thus, election interference can perhaps best be defined as unjustified and illegitimate ways of influencing voters' free choices prior to and during an election, thereby hindering their ability to exercise their political right to vote, freedom of thought, and freedom to make choices and form opinions.

To this end, disinformation seeks to manipulate and distort the information that citizens receive by presenting the so-called “alternative facts”, conspiracy theories and shocking opinions. They are in fact false news and false accusations, often against political candidates, making it difficult for citizens to make informed choices, while also falsifying or manipulating polling data in order to reduce citizens’ trust in the electoral process and, crucially, in its outcomes.

We have witnessed this more explicitly in today’s digital age, where “fake news” and disinformation, when combined with technology, can spread faster and more widely than before in the online ecosystem, with the aim of confusing voters. Following the 2016 and 2020 US Presidential elections social media platforms subsequently took steps to mitigate the phenomenon, with Twitter adopting new guidelines in 2020, for instance by labelling and then banning certain accounts that spread disinformation or are in fact fake accounts.

Since then, we have witnessed elections across the entire OSCE region where disinformation, perhaps, has been involved in some way, shape or form, including last weekend in France and just a few weeks ago in Serbia.

In 2020, in co-ordination with the special rapporteurs on freedom of expression of the United Nations and the OAS, we issued a joint declaration shedding light on the issue of disinformation during elections, particularly in the digital age. We expressed specific alarm at the misuse of social media by both State and private actors to subvert election processes, including through the use of propaganda, and denounced the use of disinformation, which can exacerbate and generate election related

tensions. The document also provided a set of recommendations and key standards, calling on participating States to refrain from adopting general or ambiguous laws, such as prohibitions on spreading “falsehoods” or “non-objective information.”

Before this, in 2017, we issued another Joint Declaration dedicated to “fake news” and disinformation, in which we expressed concern at how disinformation is often designed and implemented in such a way as to mislead a population. Among its recommendations, we emphasised that media outlets should consider including critical coverage of disinformation and propaganda as part of their news services, particularly during elections, in order to debunk disinformation and provide citizens with reliable, trustworthy information.

Other international bodies, too, have spoken out against the threat of disinformation. Most recently, amid the unfolding Russian invasion of Ukraine, the European Parliament adopted a resolution expressing grave concern at Russia’s persistent efforts to destabilise democratic processes across the EU and the Western Balkans, including through disinformation. This shows the threat posed by foreign states that are able to influence and undermine democracy through digital means.

The resolution further stated that disinformation, during election campaigns, may also disproportionately target female journalists through the use of sexist narratives and derogatory language, leading to their discouragement from taking part in these democratic processes and thereby depriving society of crucial voices and perspectives. We must therefore remain ever vigilant to the threat posed by disinformation, including its impact on marginalized voices and communities.

How then should we respond to the problem and challenges posed by disinformation? And how can we ensure the credibility and integrity of electoral processes?

First, let me recall the guiding principles and the volume of robust international human rights law and UN standards that can guide us moving forward. Take, for instance, the Human Rights Committee General Comment No.25, which explicitly states that “Persons entitled to vote must be free to vote [...] without undue influence [...] and to form opinions [...] free of [...] manipulative interference of any kind.” In its later Comment No.34, the UN further underscored the crucial role of a free press in communicating information and ideas between citizens and election candidates, without censorship or restraint.

While these standards must continue to guide us in the digital age, one cannot underestimate the impact that new technologies have had in facilitating the spread of disinformation during elections or, more importantly, the need to adopt robust, human rights-centered policies.

All too often, we have seen governments attempt to tackle election disinformation through prior restraint and the blocking of internet sources. Yet, in doing so, they themselves may be inadvertently restricting people’s human rights and freedom of expression, having a chilling effect on public discourse and public engagement.

Instead, it is crucial that any restriction or legal curbs on disinformation pass the strict test of Article 19 of the International Covenant on Civil and Political Rights; in other words, that they be provided by law and be a

necessary and proportionate measure in view of the international standards.

States should also consider supporting positive measures, such as the promotion of independent fact-checking mechanisms and public education campaigns during elections, while adopting clear and appropriate laws that prohibit the dissemination of statements that are specifically designed to obstruct individuals' right to vote, such as the spread of incorrect information about where and when to vote.

Another key component of any response to disinformation is media literacy. As one of the most effective ways of building resilience against disinformation in the long run, media literacy campaigns, particularly prior to elections, can help counter disinformation by empowering citizens with the tools and knowledge to spot false stories and hold media accountable on the quality of the information they share as well as to act responsibly as content providers.

This, however, requires a multi-stakeholder approach, working closely with governments, the media, civil society and other stakeholders to engage in promoting media and digital literacy as well as raising awareness about the harms posed by disinformation during election periods. The OSCE, with its comprehensive approach to security, remains an effective platform on which to engage on this topic, particularly in these dire times that we face.

My office will therefore endeavour to strategically engage with the OSCE participating States, on a bilateral level and in line with the mandate bestowed upon me, to share best practices and provide expert policy

recommendations so that we may find adequate and effective ways of protecting the citizens of the OSCE region against the harms of disinformation during elections whilst safeguarding their rights to vote and freedom of expression.

I hope that today's session will provide us with much-needed food-for-thought and implementable recommendations for the way forward.

Thank you all for your attention and I look forward to our fruitful discussions.