

# Opening Remarks for the Expert Meeting on International Law and Policy on Disinformation in the Context of Freedom of the Media

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Excellencies, distinguished delegates, ladies and gentlemen,

It is my great pleasure to welcome you to our expert meeting on what is a timely and important subject: that of tackling the issue of disinformation and its malign influence, by crafting effective policies and legislation in line with media freedom commitments.

While the issue of disinformation in the media has been around since the birth of journalism itself, the problem is more prevalent than ever in today's digital age. With the rise of the internet and social media, disinformation is able to travel across borders unchecked, unverified, and at lightning speed.

That is why I have gathered you all here today, and why I have made countering disinformation a priority of my office. Because, as the British author Jonathan Swift once said, "Falsehood flies, and truth comes limping after it, so that when we come to be undeceived, it is too late; the jest is over, and the tale hath had its effect."

This virtual roundtable will be the first in a series of expert meetings that seek to address the international problem of how to counteract disinformation in the context of freedom of the expression. And I am pleased to be joined today by renowned international experts on the topic. Together, we will examine current international practices as well as examples of international law, seeking to limit the harm of disinformation.

While there is no universally accepted definition of disinformation, which certainly does not make our job easier, there are some distinguishable characteristics and features. For instance, if we take the Brussels approach as a starting point, disinformation involves verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public and that may cause public harm.

Does this include public harm to media freedom? Audiences' trust in news media, both traditional and online, rests on the their search for accurate and fact-

based information. In abiding by the principles of fairness and separation of facts and opinions, journalists build credibility with their audience. Therefore, by blurring the lines between false and true, disinformation undermines public trust in professional, quality journalism and its role in a democratic society. In short, disinformation seeks to destroy trust in the media, and when you destroy trust, you destroy the bonds that hold society together.

The need to act is therefore paramount. Only recently, we have witnessed how disinformation can spread during a global health pandemic and the devastating impact this can have on economies and the health of societies. Disinformation also threatens the security that we hold dear in the OSCE, the security that we have worked long and hard to maintain and keep sacrosanct.

Disinformation thrives in regimes where independent investigative journalism is constrained, and is probably best tackled through media literacy and with a vibrant, pluralistic and independent media landscape. While disinformation on its own presents challenges to governments, so too do their responses and the business policies of the media platforms if they fail to respect human rights and freedom of expression.

State responses to tackling disinformation are myriad, ranging from measures to disrupt the internet, to legislation aimed at de facto censoring, punishing or restricting dissemination of information, and regulation of social media platforms. Let me be clear, however, that in my view tackling disinformation by restricting human rights is not the way forward.

That is why we must ensure respect for international legal frameworks to protect our freedom of expression and opinion, and to name a few: Article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights, which guarantee the right to hold opinions without interference and to seek, receive and impart information and ideas **of all kinds**, regardless of frontiers and through any media of one's choice. Crucially, States have a duty to refrain from interfering with these rights.

Alongside this, in 2017, my office, together with the Special Rapporteurs on Freedom of Expression and Opinion of the UN, the Organization of American States, and the African Commission on Human and Peoples' Rights, published a Joint Declaration on freedom of expression and "fake news", disinformation and propaganda. Among the general principles contained therein, the Declaration especially emphasises that States may only impose restrictions on the right to freedom of expression in accordance with the tests set out in international law, namely that such restrictions be provided for by law, serve a legitimate interest as recognised by international law, and be necessary and proportionate to protect that interest.

While States have an obligation not to interfere with citizens' rights to freedom of expression and opinion, businesses and private companies too must ensure that their policies and practices do not undermine human rights or trust in the public eye, in line with the UN Guiding Principles on Business and Human Rights.

After all, the use of new technologies and online platforms has often been exploited to spread harmful and false information for various motives, be they political, ideological or commercial. This has been particularly true during election campaigns. Just last year, my office co-published a Joint Declaration on Freedom of Expression and Elections in the Digital Age, which expressed 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 spread and creation of disinformation is further facilitated by the use of artificial intelligence (AI). As you know, my office has developed a project on AI and media freedom, in which we look at how AI and algorithms can be used to detect or counter false news, as well as the ethical standards surrounding the use of AI. Indeed, in this era, AI is used more and more as a political tool to dictate what information people see online. Computers can now even generate such convincing content that people may have a hard time figuring out what's true anymore.

This meeting will therefore seek to address all these and other issues and questions, with the hope of producing concrete outcomes and recommendations for OSCE participating States to implement. To facilitate the discussion, we have already developed a Brief on the topic. This paper will stay online on our webpage, to be added by further material, based on the discussions we have today. The OSCE, with its comprehensive approach to security, is the perfect platform to hold a dialogue on the pressing issues surrounding disinformation.

I do not know a government within the OSCE that would declare its support for disinformation. I hope this will help us all put in place common policies and standards that effectively tackle the spread of disinformation, for if we fail in this endeavour, our societies will be weaker and our human rights will, slowly but surely, degrade.

Thank you for your attention.