

INTRODUCTION: The Global Disinformation Index (GDI), a not-for-profit organisation. GDI's goal is to catalyse industry to reduce disinformation and its harms by going after the **financial incentives** to create disinformation.

We do this primarily by seeking to **defund** disinformation – breaking the incentive to create it for the purpose of garnering advertising revenues. This can be done by brands, advertising and tech companies (ad tech, ecommerce, e-payment, etc.) ensuring that their services do not provide a financial lifeline to disinformation sites and stories.

Disinformation causes real world harms that undermine the common norms and values put forth by the universal human rights framework.

We present the following responses to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. We hope that this contribution is useful in informing the Special Rapporteur's annual thematic report to be presented to the Human Rights Council.

In summary: GDI recommendations are:

- 1.) address disinformation as adversarial narrative conflicts that ultimately undermines the values, norms and principles of human rights;
- 2.) address algorithmic amplification downrank and limit the reach of disinformation content, affording online users across jurisdictions their right to free expression and opinion while limiting the reach of adversarial narratives; and
- 3.) demonetise disinformation actors, stories and sites by ensuring policies targeted at online advertising, e-payment, ecommerce and other monetisation platforms.

QUESTIONS:

1. What do you believe are the key challenges raised by disinformation? What measures would you recommend to address them?

The greatest challenges of disinformation are that:

- It is a larger phenomenon than simply an assessment of what is true or false.

- It aims to purposely foster malicious and divisive framing to create conflict and violence.
- Disinformation narratives and framing often overlap with each other (i.e. those who believe in 5G conspiracies often also believe in anti-semitic, misogynistic and racist conspiracies).

The GDI views disinformation through the lens of [adversarial narrative conflict](#) which creates division and anger among individuals and seeks to uproot trust in institutions.

When viewed through this lens, **disinformation undermines human rights** by undermining recognition, protection and fulfillment of these rights.

The GDI believes that effective measures include:

- A human rights-based approach to assess disinformation and proportionate responses by looking at the harms it generates.
 - For example, COVID-19 disinformation undermines the ability to respect, protect and fulfill the right to health (Article 12, International Covenant on Economic, Social and Cultural Rights - ICCPR).
- Addressing the financial incentives of disinformation as an effective approach to respect, protect and fulfill the human rights framework.
 - There is no right to profit from the spread of one's ideas. There are clear ways to reduce funding to disinformation from online ads, ecommerce, e-payment and other monetisation channels while respecting one's right to expression and information.

2a. What legislative, administrative, policy, regulatory or other measures have Governments taken to counter disinformation online and offline?

From the overview of various government efforts (see annex), it can be concluded that:

- Governments around the world have all taken their own unique approach to addressing the problem of disinformation leading to varying standards on freedom of speech and platform liability.
- However none of these initiatives takes aim at adversarial narratives or [the financial incentive](#) to peddle disinformation, which is a common factor regardless of country or nationality.
- However the European Union's [Digital Services Act](#) does focus on financial incentives to create disinformation. The DSA examines the role of ad funding in the spread of disinformation and platform responsibility to assess the risks of their business relationships.

2b. What has been the impact of such measures on i) disinformation; ii) freedom of opinion and expression; and iii) other human rights?

We must do better at holding financially-motivated tech platforms accountable as one of the effective channels to counter disinformation while applying a human rights-based framework.

In order for any proposed measures to have an impact on the spread of disinformation, freedom of opinion and expression, and other human rights, the UN must consider:

- Adversarial narratives at their core are set to undermine human rights values, norms and principles. Online toxicity converts to offline violence and ultimately the ability to respect, protect and fulfill human rights.
- Freedom of expression, opinion and information can be enshrined while ensuring remedies that prevent disinformation actors from monetising such content.
- Moreover, these freedoms can be upheld by addressing mechanisms at the platform level that amplify adversarial narratives that undermine human rights.

2c. What measures have been taken to address any negative impact on human rights?

The majority of countries which have enacted measures against disinformation have done so in the context of their national legislation on hate speech, illegal and illicit content, and electoral processes. To date, most have not placed stringent repercussions on the spread of disinformation or attempted to defund disinformation

3a. What policies, procedures or other measures have digital tech companies introduced to address the problem of disinformation?

Given the focus of the GDI to defund disinformation, this response focuses on tech company efforts (policies, actions and protocols) to demonetise disinformation.

For example, ad tech companies have introduced advertising and publishing policies in an attempt to restrict disinformation from being promoted and funded by online advertising campaigns. These policies limit what types of ads can run on a network and what type of content these networks will publish ads beside, but there are **critical shortcomings** to these measures. Ad tech companies need to adopt a thorough industry-wide standard for their advertising and ad publishing policies and enforce said standards in order to disrupt the disinformation ecosystem.

(GDI has identified similar lapses of policy coverage and enforcement when it comes to [e-payment and ecommerce platforms serving known US hate groups](#)).

3b. To what extent do you find these measures to be fair, transparent and effective in protecting human rights, particularly freedom of opinion and expression?

The introduction of ad and publishing policies has been an important first step in mitigating third party harms to human rights on digital tech platforms. While these platforms publicly state that their policies address hate speech, discrimination and anti-science content, the structure of their policies lack the intricacies needed to cover all areas of such speech and communicative harms to respect, protect and fulfill human rights. As such the current policy framework on issues related to defund disinformation are not always transparent, fair or effective.

3c. What procedures exist to address grievances and provide remedies for users, monitor the action of the companies, and how effective are they?

As outlined above, many companies lack policies explicitly preventing the monetising of disinformation. Moreover, where policies exist, they are not being enforced. Addressing these gaps as a channel for grievances would be a straightforward step toward disrupting the disinformation ecosystem while ensuring a rights-based approach.

It is an issue that well-financed, funded and resourced platforms are not effectively addressing policy violations. Instead, they often rely on civil society to flag problems and then escalate them internally. This is suboptimal at best and places the onus of responsibility on actors that are often the least resourced and/or have the access needed for adequate remedies.

4. Please share information on measures that you believe have been especially effective to protect the right to freedom of opinion and expression while addressing disinformation on social media platforms,

People have a right to free speech, but organisations do not have the right to profit from harmful content nor to have their content amplified by engagement-driven platform algorithms.

There have been several policy initiatives originating from the European Union which attempt to address the connection between the financial drivers of disinformation, including online ads. This includes the [Digital Services Act](#) (DSA) and the [European Democracy Action Plan](#). Both frameworks have only recently been put forward.

Additionally, the EU [Code of Practice on Disinformation](#) set up a soft regulatory framework for disinformation with a definition that platforms could adopt in order to reduce the risk of harming free speech. (An updated, revised code of practice on disinformation is set to be released shortly.)

5. Please share information on measures to address disinformation that you believe have aggravated or led to human rights violations, in particular the right to freedom of opinion and expression.

In the case of freedom of expression and opinion, avoiding combatting disinformation feeds a broader set of harms that also violate the UN's obligation to respect constituent rights to information that both protects them and allows them to fulfil their lives. When viewed through the lens of adversarial narrative conflict, allowing disinformation to flourish actually limits the free expression of a more diverse set of opinions by allowing one set of narratives to harass opposing viewpoints out of the conversation.

6. Please share any suggestions or recommendation you may have for the Special Rapporteur on how to protect and promote the right to freedom of opinion and expression while addressing disinformation

It is important to frame the issue of disinformation as a broader phenomenon of adversarial narrative conflict that is partly driven by financial incentives.

For these reasons the global disinformation outlines the following recommendations:

- 1.) address disinformation as adversarial narrative conflict that ultimately undermines the values, norms and principles of human rights;
- 2.) address algorithmic amplification of disinformation content, affording online users across jurisdictions their right to free expression and opinion while limiting the reach of adversarial narratives; and
- 3.) demonetise disinformation actors, stories and sites by ensuring policies targeted at online advertising, e-payment, ecommerce and other monetisation platforms.

ANNEX: Overview of government efforts on disinformation

U.K.

- In February 2019, U.K. lawmakers [published a report](#) on disinformation and fake news that was the result of an over 18 month inquiry. It acknowledged the importance of using the term disinformation over “fake news”, and recommended that the U.K. government create a new specification of tech company which would be held legally liable for the dissemination of any harmful content by its users.
- The report also advocated for allowing existing agencies, such as The UK Council for Internet Safety, to include [advertising harms](#) within their definition of online harms. Overall, the report stressed a regulatory approach and targeting tech companies with legal ramifications if they distribute disinformation.
- Additionally, there has also been a [counter-disinformation unit](#) set up by the government to fight false claims around coronavirus. The units provide weekly reports to ministers on the trends of coronavirus disinformation online.
- While regulation and holding social media platforms accountable for their spread of disinformation is essential, without removing the financial incentive for people to create disinformation the cycle will not be disrupted.

U.S.

- The main piece of U.S. disinformation legislation is the [2017 National Defense Authorization Act](#) which established the [Global Engagement Center](#) (GEC) to counter foreign propaganda and disinformation. GEC originally focused on counterterrorism communications, but it has [recently expanded](#) to include harmful content surrounding COVID-19 propagated by Russia, China, and Iran.
- Publically, GEC only appears to be [exposing and identifying](#) disinformation narratives instead of proposing or enacting policy to combat them directly.
- For addressing election disinformation, the United States has the [Countering Foreign Influence Task Force](#) (CFITF) housed under the Cybersecurity & Infrastructure Security Agency (CISA). CFITF engages with the Federal Bureau of Investigation's Foreign Influence Task Force, researchers, and academia to inform the American public about disinformation and build national defenses against harmful content.
- Increasingly, legislation on platform liability for content - known as section 230 of the US Communications Decency Act (1996) - has drawn the [attention of experts and legislators](#) who are calling for it to be updated and be used as a vehicle to ensure platforms' removal of disinformation.
- Still there is no current focus on addressing the financial drivers of disinformation, such as due diligence on the part of platforms providing online advertising, ecommerce and e-payment services to disinformation sites and stories.

Canada

- The Canadian government in 2019 [created a task force](#) whose job is to monitor disinformation attempts and notify other agencies and the public. The mandate of the

[Critical Election Incident Public Protocol](#) was to secure the integrity of the Canadian 2019 elections and prevent foreign interference.

- Other actions taken by the Canadian government include passing the [Bill-C76 in 2018](#) which attempted to implement increased transparency around political advertising on social media.
- In May of 2020 Canada also launched [a digital charter](#) which included [provisions on disinformation](#) and social media. The government called upon [social media companies](#) such as Microsoft, Facebook, Google, and Twitter to commit to promoting transparency, authenticity, and integrity on their platforms. Prime Minister Justin Trudeau said [there would be penalties](#) for companies that violate these laws and regulations.
- As in other countries, the current legislative focus has not looked at the financial incentives and systems funding disinformation actors, sites and stories.

Germany

- Germany in January 2018 enacted [a hate speech law](#) that imposed fines up to 50m euro for sites that do not take down “obviously illegal” posts. The NetzDG law targets social media companies with over 20 million users such as Facebook, Twitter, and YouTube—giving them 24 hours to remove harmful content after notification.
- A predecessor to this law is the [Network Enforcement Act](#) in 2017 which also imposed fines on social media companies that did not promptly remove harmful content that was reported. In July of 2019 the Federal Office of Justice [imposed a fine of €2 million](#) (about US\$2.2 million) on Facebook Ireland Ltd. for violating its reporting obligations under the Network Enforcement Act.
- Additional legislation includes a media law which requires journalistic companies to produce content which adhere to journalistic standards, however the law provides no consequences for its violation.
- Facebook has recruited [several hundred staff](#) to address NetzDG reports and better monitor their platform, indicating that legislation can make a dramatic impact on company behavior. To hold these companies accountable for the content they host laws such as NetzDG need to become the standard for country policy rather than the exception.
- In Germany, there has not been an extension of disinformation regulation and/or standards for platforms to demonetise such content by denying online advertising, ecommerce and e-payment services.

France

- A law passed in November by France specifically [addresses election misinformation](#) and enacts strict rules on the media three months prior to any vote. It gives authorities the power to remove fake content on social media and even ban the sites that publish it. It also gives more financial transparency for politically sponsored ads.
- There are [three major provisions](#): a judge which acts proportionally to halt the spread of misinformation 48 hours after there has been a notification; a requirement that platforms publish who has purchased campaign ads and at what price; and the law grants the the

broadcasting regulator—the Higher Audiovisual Council (CSA)—new administrative and executive powers to ensure that platforms abide by the law.

- The CSA under the law is also directed to [publish a regular report](#) on effectiveness of measures taken by platforms and it is also able to revoke the broadcast rights of any TV or radio outlets under “foreign influence” and spreading misinformation.
- The current legislative framework does not cover platforms that monetise this content.

Argentina

- Political parties, press associates, and digital platforms in Argentina [signed an agreement](#) on digital ethics with the Cámara Nacional Electoral (CNE) (National Court on Elections) focused on fighting disinformation during political campaigns and elections. This action was motivated by concerns over fake news on social media before the October 2019 presidential election that occurred last year.
- The CNE also offers [institutional messages](#) of civil and digital education in online environments thirty days before an election and requires that the identity of people purchasing political advertising must be made public.
- The monetisation of disinformation is not currently covered in this remit of policy responses.

New Zealand

- While New Zealand does have [extensive freedoms guaranteed](#) to its people, the government does make misinformation illegal [in specific instances](#) where there is offensive behavior and language, racial discrimination, sexual harassment, or a target to a specific individual.
- There is also a [law from 1993](#) that prohibits publishing false statements to influence voters on “any medium” and “through any means” which would cover disinformation disseminated on digital platforms such as social media.
- New Zealand is taking further steps in light of the Christchurch massacre to address online extremism and online violence. It is important that issues related to adversarial narratives and the monetisation of hate (through online ads, e-payment, e-commerce platforms, among others) are also included.