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Please see the full Summary Collection and related contents in The Communication Initiative and La Iniciativa de Comunicación and UNESCO websites.



Summary of the report: Balancing Act: Countering Digital Disinformation While Respecting Freedom of Expression

Chapter on:

Assessment Framework for Responses to Disinformation

“ The fight against disinformation is not a call to suppress the pluralism of information and opinion, nor to suppress vibrant policy debate. It is a fight for facts. Without them access to information that supports democracy and helps avert the impacts of crises will not be possible. ”

Excerpt from the original Report

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SUMMARY 2

Background:

This global study maps diverse international responses to disinformation, along with the impacts of counter-disinformation measures on the right to freedom of opinion and expression. Featuring case study examples from the COVID-19 pandemic, it was published in the context of the 10th anniversary of the Broadband Commission for Sustainable Development, which was co-founded by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Telecommunication Union (ITU). Disinformation is a challenge to freedom of expression and the Sustainable Development Goals (SDGs) relevant to the Broadband Commission (specifically, SDG 16 on peaceful and inclusive societies, and SDG 16.10 on public access to information and fundamental freedoms).

The report features a 23-step assessment tool that is designed to help UNESCO Member States formulate legislative, regulatory, and policy responses to counter disinformation while respecting freedom of expression, access to information, and privacy rights. The tool can be applied to proposed legislation and policy measures around disinformation in order to assess, in a step-by-step fashion, their appropriateness in reference to international human rights laws and norms.

The tool comprises these questions:

- 1 Have responses been the subject of **multi-stakeholder engagement** and input (especially with civil society organisations, specialist researchers, and press freedom experts) prior to formulation and implementation? In the case of legislative responses, has there been appropriate opportunity for **deliberation prior to adoption**, and can there be **independent review**?
- 2 Do the responses clearly and **transparently identify the specific problems** to be addressed (such as individual recklessness or fraudulent activity; the functioning of internet communications companies and media organisations; practices by officials or foreign actors that impact negatively on e.g. public health and safety, electoral integrity and climate change mitigation, etc.)?
- 3 Do responses include an **impact assessment** as regards consequences for freedom of expression, press freedom, access to information or privacy?
- 4 Do the responses **impinge on or limit** freedom of expression, privacy and access to information rights? If so, is the interference with such rights for a **legitimate reason** (eg. public health), and is it narrowly-defined, necessary, proportionate and time limited?



- 5 Does a given response restrict or **risk acts of journalism** such as reporting, publishing, and confidentiality of source communications, and does it **limit the right of access to public interest information**?
- 6 If a given response does limit any of the rights outlined in 4., does it **provide exemptions for acts of journalism**?
- 7 Are responses (e.g. educational, normative, legal, etc.) considered **together and holistically** in terms of their different roles, complementarities and possible contradictions?
- 8 Are responses primarily restrictive (e.g. legal limits on electoral disinformation), or there is an **appropriate balance with enabling and empowering measures** (e.g. increased voter education and Media and Information Literacy [MIL])?
- 9 While the impact of disinformation and misinformation can be equally serious, do the responses **recognise the difference in motivation between those actors involved** in deliberate falsehood (disinformation) and those implicated in unwitting falsehood (misinformation), and are actions tailored accordingly?
- 10 Do the responses **conflate or equate disinformation** content with **hate speech** content (even though international standards justify strong interventions to limit the latter, while falsehoods are not per se excluded from freedom of expression)?
- 11 Are journalists, political actors and human rights defenders able to **receive effective judicial protection** from disinformation and/or hateful content which incites hostility, violence and discrimination, and is aimed at intimidating them?
- 12 Do legal responses come with **guidance and training for implementation** by law enforcement, prosecutors and judges, concerning the need to protect the core right of freedom of expression and the implications of restricting this right?
- 13 Is the response able to be **transparently assessed**, and is there a process to systematically **monitor and evaluate** the freedom of expression impacts?
- 14 Are the responses the subject of **oversight and accountability** measures, including review and accountability systems (such as reports to the public, parliamentarians, specific stakeholders)?
- 15 Is a given response able to be **appealed or rolled-back** if it is found that any benefits are outweighed by negative impacts on freedom of expression, access to information and privacy rights (which are themselves antidotes to disinformation)?





- 16 Are measures relating to internet communications companies developed with due regard to **multi-stakeholder engagement** and in the interests of **promoting transparency and accountability**, while avoiding privatisation of censorship?
- 17 Is there assessment (informed by expert advice) of both the **potential and the limits of technological responses** which deal with disinformation (while keeping freedom of expression and privacy intact)? Are there unrealistic expectations concerning the role of technology?
- 18 Are **civil society** actors (including NGOs [non-governmental organisations], researchers, and journalists **engaged as autonomous partners** in regard to combatting disinformation?
- 19 Do responses support the **production, supply and circulation of information** - including local and multilingual information - as a credible alternative to disinformation? Examples could be subsidies for investigative journalism into disinformation, community radio and minority-language media?
- 20 Do the responses include **support for institutions** (e.g. public service messaging and announcements; schools) to **enable counter-disinformation work**? This could include interventions such as investment in projects and programmes specifically designed to help 'inoculate' broad communities against disinformation through media and information literacy programmes?
- 21 Do the responses maximise the **openness and availability of data held by state authorities**, with due regard to personal privacy protections, as part of the right to information and official action aimed at pre-empting rumour and enabling research and reportage that is rooted in facts?
- 22 Are the responses **gender-sensitive** and mindful of **particular vulnerabilities** (e.g. youth, the elderly) relevant to disinformation exposure, distribution and impacts?
- 23 If the response measures are introduced to respond to an urgent problem, or designed for short term impact (e.g. time sensitive interventions connected to elections), are they accompanied by initiatives, programmes or campaigns designed to **effect and embed change in the medium to long term**?