



Council of Europe's responses to disinformation

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Why disinformation is a problem

The right to free and fair elections

- Incorrect information may influence the way that individuals vote.

The right to privacy and reputation

- Disinformation is often targeting specific individuals and their reputation.

The right to non-discrimination

- Disinformation sometimes focuses on particular groups in society, especially refugees and migrants, or ethnic minorities; intentionally or involuntarily inciting violence, discrimination or hostility.

The right to health

- False information about health and disease prevention can lead to serious risks for people.

The right to freedom of expression

- Inappropriate, rash or too restrictive responses to disinformation pose risks to freedom of expression and media freedom.

Advances in technology make it easy to create fake images and videos.

New gatekeepers of information - search and social media platforms - exert a strong influence on how individuals are informed and form their opinions.

The shift of communication and information to the internet has caused a shift of audiences away from the mainstream media to social media.

Fewer media manage public debate and influence public opinion, as the success of the platforms translated into a loss of ad revenue for the media.



Result: Decline of trust in information and media as people consume both established and unreliable news sources without distinction, and become confused what is true and whom to believe.

STATES

- **Often entrust the important task** of deliberating “what is true and what false”, together with the liability, to search and social media platforms
- **Some states have enacted legislation** for specific cases of disinformation



PLATFORMS

- **Routinely remove or block content** without explaining why, based on “community standards” rules
- **There is no independent oversight** of their takedown practices

Case law of the European Court of Human Rights



Lingens v. Austria (1986) – opinions or value judgments do not need to be supported by facts to enjoy the protection of Article 10 ECHR.

Hertel v. Switzerland (1998, 2002) – states may not prohibit dissemination of minority (scientific) opinions, but it is justified to require that any mention of “scientifically proved results”, be accompanied by a reference to “differences of opinion”.

Salov v. Ukraine (2005) – Article 10 ECHR does not prohibit the dissemination of information, even if it is strongly suspected that such information is not true.

This case law implies that Article 10 offers protection also to statements whose truthfulness can be called into question. This is all the more true when it comes to the dissemination of information during election periods, when the free flow of information is considered essential (Bowman 1998).



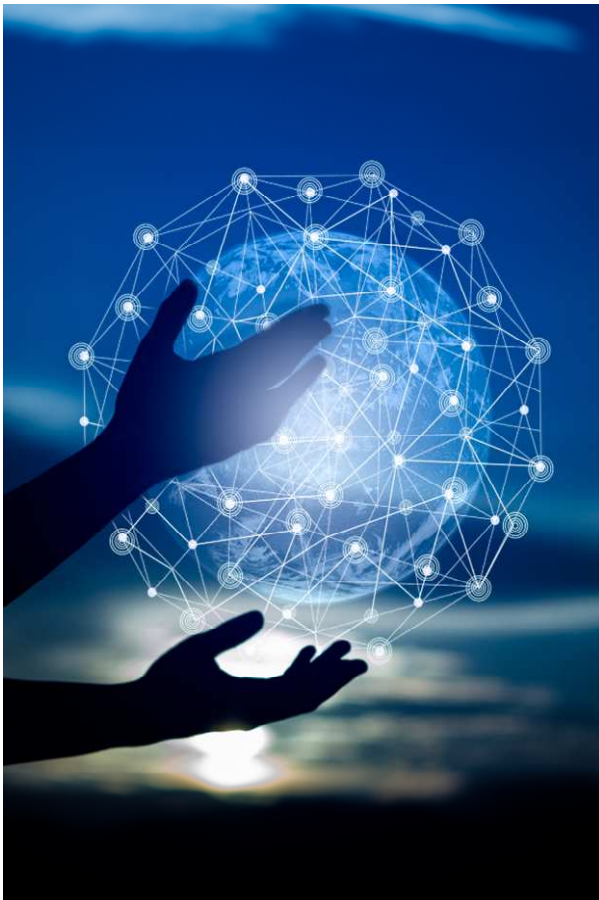
Empowerment of quality journalism and access to official information

Empowerment of media and information literacy skills

Ensuring compliance of online platforms

Awareness of artificial intelligence systems manipulative capabilities

- **Recommendation on promoting a favourable environment** for quality journalism in the digital age
- **Convention on Access to Official Documents**
- **Study on supporting quality journalism** through media and information literacy
- **Recommendation CM/Rec(2018)2** on the roles and responsibilities of internet intermediaries
- **Declaration on the manipulative capabilities** of algorithmic processes
- **Recommendation CM/Rec(2020)1** on the human rights impacts of algorithmic systems



Recommendation CM/Rec(2018)2 on the role and responsibilities of internet intermediaries

acknowledges the curatorial and editorial roles of various platforms and calls on states to assign to them corresponding responsibilities.

- ✓ **states** are to ensure that laws and regulations applicable to intermediaries effectively safeguard the human rights and fundamental freedoms of users.
- ✓ **Internet intermediaries** have a similar responsibility to conform to international human rights standards. Transparency, oversight and effective remedies are key to human rights-compliant content moderation on the platforms.



Serious impact of disinformation on individuals' right to health is a real threat.

Exceptional circumstances justify exceptional measures including some restrictions on freedom of expression.

Malicious spreading of disinformation may be tackled with ex-post targeted sanctions.

Media play a key role in this crisis and also has an increased responsibility to provide accurate, reliable information to the public.

Some governments are using the crisis as a pretext to introduce disproportionate restrictions to media freedom.

Thanks for your
attention !



further resources:

www.coe.int/freedomofexpression

www.coe.int/dataprotection

www.coe.int/AI

Facebook Page

Information Society Group

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 Austria - Autriche Vienna - Vienne	 Georgia - Géorgie Tbilisi - Tbilissi	 Republic of Moldova - République de Moldova Chişinău	 Slovenia - Slovénie Ljubljana
 Azerbaijan - Azerbaïdjan Baku - Bakou	 Germany - Allemagne Berlin	 Monaco Monaco	 Spain - Espagne Madrid
 Belgium - Belgique Brussels - Bruxelles	 Greece - Grèce Athens - Athènes	 Montenegro - Monténégro Podgorica	 Sweden - Suède Stockholm
 Bosnia and Herzegovina Bosnie-Herzégovine Sarajevo	 Hungary - Hongrie Budapest	 Netherlands - Pays-Bas Amsterdam	 Switzerland - Suisse Bern - Berne
 Bulgaria - Bulgarie Sofia	 Iceland - Islande Reykjavik	 Norway - Norvège Oslo	 "The former Yugoslav Republic of Macedonia" "L'Ex-République yougoslave de Macédoine" Skopje
 Croatia - Croatie Zagreb	 Ireland - Irlande Dublin	 Poland - Pologne Warsaw - Varsovie	 Turkey - Turquie Ankara
 Cyprus - Chypre Nicosia - Nicosie	 Italy - Italie Rome	 Portugal - Portugalie Lisbon - Lisbonne	 Ukraine - Ukraine Kyiv - Kiev
 Czech Republic - République tchèque Prague	 Latvia - Lettonie Riga	 Romania - Roumanie Bucharest - Bucarest	 United Kingdom - Royaume-Uni London - Londres
 Denmark - Danemark Copenhagen - Copenhague	 Liechtenstein Vaduz	 Russian Federation - Fédération de Russie Moscow - Moscou	 Belarus - Bélarus Minsk - Minsk

