



# General Assembly

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## Human Rights Council

### Forty-ninth session

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Agenda item 3

### Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,\* Australia,\* Austria,\* Belgium,\* Bosnia and Herzegovina,\* Bulgaria,\* Canada,\* Colombia,\* Croatia,\* Cyprus,\* Czechia,\* Denmark,\* Dominican Republic,\* Ecuador,\* Estonia,\* Finland, France, Georgia,\* Germany, Greece,\* Guatemala,\* Hungary,\* Iceland,\* Ireland,\* Italy,\* Japan, Latvia,\* Lithuania, Luxembourg, Malta,\* Monaco,\* Montenegro, Netherlands, New Zealand,\* North Macedonia,\* Norway,\* Poland, Portugal,\* Romania,\* Slovakia,\* Slovenia,\* Spain,\* Sweden,\* Tunisia,\* Turkey,\* Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

### 49/... Role of States in countering the negative impact of disinformation on the enjoyment and realization of human rights

*The Human Rights Council,*

*Guided by the purposes and principles of the Charter of the United Nations,*

*Reaffirming* the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action and the obligations of States under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments,

*Recalling* relevant resolutions adopted by the General Assembly and the Human Rights Council, including General Assembly resolution 76/227 of 24 December 2021, on countering disinformation for the promotion and protection of human rights and fundamental freedoms, and Council resolutions 44/12 of 16 July 2020, on freedom of opinion and expression, and 47/16 of 13 July 2021, on the promotion, protection and enjoyment of human rights on the Internet,

*Recalling also* the Guiding Principles on Business and Human Rights,<sup>1</sup> as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011,

*Reiterating* that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and affirming that the same rights that people have offline must also be protected online,

*Concerned* by the increasing and far-reaching negative impact on the enjoyment and realization of human rights of the deliberate creation and dissemination of false or

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\* State not a member of the Human Rights Council.

<sup>1</sup> A/HRC/17/31, annex.



manipulated information intended to deceive and mislead audiences, either to cause harm or for personal, political or financial gain,

*Emphasizing* that disinformation can be designed and spread so as to mislead, and to violate and abuse human rights, including privacy and the freedom of individuals to seek, receive and impart information, including in times of emergency, crisis and armed conflict, when such information is vital,

*Emphasizing also* that disinformation campaigns can be used to vilify individuals and groups, to exacerbate social divisions, to sow discord, to polarize societies, to spread hatred, racism, xenophobia, negative stereotyping and stigmatization and to incite violence, discrimination and hostility,

*Emphasizing further* that disinformation is a threat to democracy that can suppress political engagement, engender or deepen distrust towards democratic institutions and processes and hinder the realization of informed participation in political and public affairs,

*Recognizing with concern* that online disinformation campaigns are increasingly being used to deter women from participating in the public sphere and that women journalists, women politicians, women human rights defenders and advocates for women's rights are targeted in particular,

*Reaffirming* the essential role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information play in strengthening democracy, promoting pluralism and multiculturalism, enhancing transparency and media freedom and countering disinformation, and that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

*Taking note* of the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on disinformation and freedom of opinion and expression,<sup>2</sup>

*Recognizing* the importance of safeguarding free, independent, plural and diverse media, of ensuring the safety of journalists and media workers online and offline and of providing and promoting access to independent, factual and evidence-based information to counter disinformation,

*Recognizing also* the importance of the accessibility and availability of information and means of communication, as well as information and communications technology, systems and formats, to ensuring that all persons, in all their diversity, including persons with disabilities, are able to enjoy their right to freedom of expression, including the freedom to seek, receive and impart information, on an equal basis with others, without which persons with disabilities may be at an increased risk of the negative impact of disinformation,

*Expressing concern* about the dissemination of disinformation by both traditional and digital means, and that digital technology can be used to create, disseminate and amplify disinformation by State and non-state actors for political, ideological or commercial motives at an alarming scale, speed and reach,

*Noting* that disinformation is part of a broader set of challenges that can accompany the development and use of information and communications technology, such as arbitrary or unlawful surveillance and malign cyber activities, and can pose a threat to the enjoyment and realization of human rights,

*Recognizing* a primary responsibility of States, as the main duty bearers, to promote and protect human rights online and offline and the importance of their support for relevant efforts that strengthen the resilience of societies against the negative impact of disinformation at all levels, in particular through digital and media literacy education and inclusion, intercultural understanding, fact-checking and transparent and accountable technological solutions,

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<sup>2</sup> A/HRC/47/25.

*Emphasizing* the role of States in promoting access to diverse and reliable information to counter disinformation, including by increasing their own transparency, proactively disclosing official data online and offline and reaffirming the commitment to media diversity and independence, and in ensuring the protection of the right to freedom of opinion and expression, including the freedom to seek, receive and impart information and ideas of all kinds, through any media,

*Expressing deep concern* at State restrictions on the freedom to seek, receive and impart information and the dissemination of disinformation through State institutions or proxies to promote false narratives, control public debate and limit the exercise of the rights to freedom of opinion and expression and to peaceful assembly,

*Stressing* that the spread of disinformation often can be a transnational phenomenon and may be used by States and State-sponsored actors as part of hybrid influence operations that exploit and undermine the freedom of societies, and can accompany serious violations of international law,

*Deeply concerned* at the proliferation of disinformation about the coronavirus disease (COVID-19) pandemic, including online, and stressing the importance of providing science-based and evidence-based data and information to the public to counter such practices,

*Strongly condemning* the use of Internet shutdowns and restrictions to intentionally prevent or disrupt access to, or the dissemination of, information online, including as a means of countering disinformation, and stressing the importance of a free, open, interoperable, reliable and secure Internet,

*Underlining* that countering disinformation requires multidimensional and multi-stakeholder responses that are in compliance with international human rights law and the proactive engagement of international organizations, States, civil society, human rights defenders, academia, independent regulators and the private sector, including the media, online platforms and social media and technology companies, and that States are in a unique position to promote and facilitate cooperation among the involved parties,

*Recalling* article 20, paragraph 2, of the International Covenant on Civil and Political Rights, which states that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

*Stressing* that condemning and countering disinformation should not be used as a pretext to restrict the enjoyment and realization of human rights or to justify censorship, including through vague and overly broad laws criminalizing disinformation, and that all policies or legislation undertaken to counter disinformation must be in compliance with States' obligations under international human rights law, including the requirement that any restrictions on freedom of expression comply with the principles of legality and necessity,

1. *Affirms* that disinformation can negatively affect the enjoyment and realization of all human rights and that States play a central role in countering disinformation;

2. *Calls upon* States to ensure that their responses to the spread of disinformation comply with international human rights law and that their efforts to counter disinformation promote, protect and respect individuals' freedom of expression and freedom to seek, receive and impart information, as well as other human rights;

3. *Urges* States to facilitate an environment supportive of countering disinformation through multidimensional and multi-stakeholder responses that are in compliance with international human rights law, including through enhanced cooperation with international organizations, civil society, the media, the private sector and other stakeholders;

4. *Invites* States to encourage business enterprises, including social media companies, to address disinformation while respecting human rights, including through the review of business models, in particular the role of algorithms and ranking systems in amplifying disinformation, enhancing transparency, enforcing all applicable legal protections for users and encouraging due diligence in line with the Guiding Principles on Business and Human Rights;

5. *Calls upon* all States to refrain from conducting or sponsoring disinformation campaigns domestically or transnationally for political or other purposes, and encourages them to condemn such acts;

6. *Commits* to the promotion of international cooperation to counter the negative impact of disinformation on the enjoyment and realization of human rights;

7. *Decides* to convene, at its fiftieth session, a high-level panel discussion on countering the negative impact of disinformation on the enjoyment and realization of human rights and on ensuring a human rights-based response, open to the participation of States, members of civil society and the private sector, United Nations experts and other stakeholders, to identify the challenges and to share best practices and lessons learned, and to make the panel discussion fully accessible to persons with disabilities;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a summary report on the above-mentioned panel discussion and to present it to the Human Rights Council at its fifty-second session.

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