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**Item 3**

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**#/#.** **The role of states in countering the negative impact of disinformation on the enjoyment and realization of human rights**

*The Human Rights Council*,

*PP1. Guided* by the purposes and principles of the Charter of the United Nations,

*PP2. Reaffirming also* the Universal Declaration of Human Rights, 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,

*PP3.* *Recalling* relevant resolutions adopted by the Human Rights Council and the General Assembly, including resolution UN General Assembly resolution 76/227 on countering disinformation, and HRC resolutions 44/12 on freedom of opinion and expression, and 47/16 on promotion, protection and enjoyment of human rights on the Internet,

*PP4. Recalling* the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011

*PP5. 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,

*PP6. 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 manipulated information intended to deceive and mislead audiences, either to cause harm or for personal, political, or financial gain,

*PP7. Emphasizing* that disinformation can be designed and spread so as to mislead, and to violate and to abuse human rights, including privacy and the freedom of individuals to seek, receive and impart information, including in times of emergency, crisis and armed conflicts when such information is vital,

*PP8.* *Emphasizing* *also* that disinformation campaigns can be used to vilify individuals and groups, exacerbate social divisions, sow discord, polarise societies, and to spread hatred, racism, xenophobia, negative stereotyping or stigmatization, and to incite violence, discrimination and hostility,

*PP9. 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,

*PP10. 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 particularly targeted;

*PP11. 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

*PP12.* *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

*PP13.**Recognizing* *the importance* of safeguarding free, independent, plural and diverse media as well as ensuring 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,

*PP14. Recognizing further the importance of* accessibility and availability of information and communication as well as information and communication technologies, systems and formats, to ensure 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, and without which persons with disabilities may be at an increased risk of the negative impact of disinformation

*PP15. Expressing concern* about the dissemination of disinformation by both traditional and digital means, andthat 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

*PP16. Noting* that disinformation is part of a broader set of challenges that can accompany the development and use of information and communication technologies, such as arbitrary or unlawful surveillance and malign cyber activities, and can pose a threat to the enjoyment and realization of human rights,

*PP17. 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, particularly through digital and media literacy education and inclusion, inter-cultural understanding, fact-checking, and transparent and accountable technological solutions,

*PP18. 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 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,

*PP19. Expressing deep concern* at state restrictions on the freedom to seek, receive and impart information and 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 of peaceful assembly,

*PP20. 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,

*PP21. Deeply concerned* at the proliferation of disinformation about the coronavirus disease (COVID-19) pandemic, including online, and stressing the importance of providing science- and evidence-based data and information to the public to counter such practices,

*PP22. Strongly condemning* the use of Internet shutdowns and restrictions to intentionally prevent or disrupt access to or dissemination of information online, including as a means of countering disinformation, and stressing the importance of free, open, interoperable, reliable and secure Internet,

*PP23. 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 media, online platforms, social media and technology companies, and that states are in a unique position to promote and facilitate cooperation among the involved parties,

*PP24. 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 criminalising disinformation, and that all policies or legislation undertaken to counter disinformation must be in compliance with the 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,

*OP1. Affirms* that disinformation can negatively affect the enjoyment and realization of all human rights and that states play a central role in countering disinformation;

*OP2. Calls on* 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;

*OP3. 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, media, the private sector and other stakeholders;

*OP4. Invites* states to encourage business enterprises, including social media companies, to address disinformation while respecting human rights, including through review of business models, particularly of 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 UN Guiding Principles on Business and Human Rights;

*OP5. Calls on* 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;

*OP6. Commits* to the promotion of international cooperation to counter the negative impact of disinformation on the enjoyment and realization of human rights;

*OP7. Decides* to convene at its 50th session a high-level panel discussion open to participation of states, civil society, private sector, UN experts and other stakeholders to identify the challenges, share best practices and lessons learned in countering the negative impact of disinformation on the enjoyment and realization of human rights and in ensuring a human rights based response, and to make it fully accessible to persons with disabilities,

*OP8.* *Requests* the Office of the High Commissioner for Human Rights to prepare a summary report of the above-mentioned panel discussion and to present it to the Council at its 51st session