United Nations
Human Rights Council

Background Guide

Agenda: Fake news and invasion on digital privacy
Letter from the Executive Board

Dear Delegates,

Advances in information communication technology are dramatically improving real-time communication and information-sharing. By improving access to information and facilitating global debate, they foster democratic participation. By amplifying the voices of human rights defenders and helping to expose abuses, these powerful technologies offer the promise of improved enjoyment of human rights.

But at the same time it has become clear that these new technologies are vulnerable to electronic surveillance and interception. Recent discoveries have revealed how new technologies are being developed covertly, often to facilitate these practices, with chilling efficiency. As the previous High Commissioner cautioned in past statements [September 2013 and February 2014], such surveillance threatens individual rights – including to privacy and to freedom of expression and association – and inhibits the free functioning of a vibrant civil society.

We hope to meet and deliberate upon these issues from the 5th – 7th of October 2018. Please remember that this study guide provides you with a general and broad framework about the concepts in question. It is in no way exhaustive or all-encompassing. Use it as a sign-board to point you in the right directions for research.

For research purposes, the resources are (1) UN organs and their websites (2) national government sites and source (3) think tank research papers (4) credible news organization articles, in that order. Please get in touch with us if you have any queries.

We hope to see you all on the 5th of October 2018.

Yours truly,

Ziauddin Sherkar
Chairperson

Rishit Jamkhandilkar
Vice-Chairperson
About the committee

United Nations Human Rights Council (UNHRC)

The **United Nations Human Rights Council (UNHRC)** is a United Nations body whose mission is to promote and protect human rights around the world. The UNHRC has 47 members elected for staggered three-year terms on a regional group basis. The 38th session of the UNHRC began June 18, 2018. It ended on July 7, 2018. The headquarters of UNHRC is in Geneva, Switzerland.

The UNHRC investigates allegations of breaches of human rights in UN member states, and addresses important thematic human rights issues such as freedom of association and assembly, freedom of expression, freedom of belief and religion, women's rights, LGBT rights, and the rights of racial and ethnic minorities.

The UNHRC was established by the UN General Assembly on March 15, 2006 (by resolution A/RES/60/251) to replace the UN Commission on Human Rights (UNCHR, herein CHR) that had been strongly criticised for allowing countries with poor human rights records to be members. UN Secretaries General Kofi Annan and Ban Ki-moon, former president of the council DoruCostea, the European Union, Canada, and the United States have accused the UNHRC of focusing disproportionately on the Israeli–Palestinian conflict, and many allege an anti-Israel bias – the Council has resolved more resolutions condemning Israel than the rest of the world combined. The UNHRC works closely with the Office of the High Commissioner for Human Rights (OHCHR) and engages the UN’s *special procedures*.

Mandate

The Office of the High Commissioner for Human Rights (OHCHR) is mandated to promote and protect the enjoyment and full realization, by all people, of all rights established in the Charter of the United Nations and in international human rights laws and treaties. OHCHR is guided in its work by the mandate provided by the General Assembly in resolution 48/141, the Charter of the United Nations, the Universal Declaration of Human Rights and subsequent human rights instruments, the Vienna Declaration and Programme of Action the 1993 World Conference on Human Rights, and the 2005 World Summit Outcome Document.

The mandate includes preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights, coordinating related
activities throughout the United Nations, and strengthening and streamlining the United Nations system in the field of human rights. In addition to its mandated responsibilities, the Office leads efforts to integrate a human rights approach within all work carried out by United Nations agencies.

**Fake news in the digital era**

Fake news in the digital era is one of the latest issues that has raised concern among intermediaries, governments, and end users. Fake news can be described as deliberately created, factually incorrect stories, which are spread by outlets to promote their own interests. With the growth of social media, fake news has proliferated; it has found a platform to disseminate these stories to a massive audience.

According to a recent analysis, fake news stories created more Facebook engagement than the top election stories from 19 of the main news outlets combined (link is external). On top of that, a Stanford study recently found that more than 80% of students cannot identify sponsored content from ‘real’ news stories (link is external).

This space explores the impact of fake news on digital policy, and the latest developments on how stakeholders are tackling the issue of fake news.

**The impact of fake news in the digital era**

The issue of fake news became a mainstream concern in November 2016 right after the US Presidential election. Internet giants faced a backlash over the spread of ‘false news’ on their platforms. This - some critics said - may have convinced voters to vote for the Republican candidate (link is external).

The backlash prompted intermediaries to introduce changes to their policies, with Google and Facebook both announcing to be working on changes (link is external) to prevent 'fake news' websites to use their respective advertising networks. Google announced it would change its policy to prevent websites that misrepresent content from using its AdSense advertising network. Facebook updated its advertising policies to spell out that its ban on deceptive and misleading content applies to fake news.

Meanwhile, intermediaries faced further criticism when German Chancellor Angela Merkel urged Internet platforms to reveal their search engine algorithms (link is external), over concerns that their lack of transparency would 'lead to a distortion of our perception' and 'shrink our expanse of information'. Merkel argued that Internet users have a right to know on
what basis they receive information through search engines. She explained that the algorithms operated by search engines could lead to a lack of confrontation with opposing ideas - leading to so-called filter bubbles and echo chambers - which can harm a healthy democracy.

The issue of fake news was also addressed during the 3rd World Internet Conference. The Cyberspace Administration of China said that false news is a sign that ‘cyberspace has become dangerous and unwieldy’.

While the controversy shone a bright light on the role of intermediaries in the lead-up to the 11th Internet Governance Forum, held on 6-9 December in Guadalajara, the IGF discussions brought a slight shift in focus. Fake news was discussed more in connection with how to validate information (role of users), than how platforms should tackle the issue (role of intermediaries), as has been the case in public debate.

Speakers argued that there needs to be greater social media literacy ‘to understand that what we’re reading is not the whole picture’, while others discussed the distinction between reputable and non-reputable news outlets, acknowledging that even the most established outlets can get it wrong. On the other hand, the role of intermediaries was discussed in the context of content removal, hate speech, net neutrality and zero-rating practices, and the protection of human rights.

In 2017, the issue of fake news regained prominence. On one hand, news organisations are facing staunch criticism by US President Trump over the 'spread of lies', amid inquiries by several governments on how to tackle false news in their countries. On the other hand, intermediaries are taking steps to flag fake news and verify information.

As developments unfold, many questions are surfacing: Should intermediaries be solely responsible for the spread of fake news? Should governments step in? What are the main legal and technical mechanisms to stop the spread of false news?

**Why ‘Fake News’ as Word of the Year is Bad for Human Rights?**

Human rights activists around the world should be troubled by the decision of the Collins Dictionary to name “fake news” as its word of the year. It’s not that the decision itself is bad – it certainly reflects the reality of our political discourse. But the growing ubiquity of fake news poses serious challenges for the human rights movement since it blurs the lines between fact and fiction, truth and lies. More broadly, facts get a pretty raw deal these days – much of
the US’s climate change policy is based on bad science, for example. And one study found that fake election news generated more engagement on Facebook than real stories from serious media outlets. And neuroscientists warn us that, while facts don’t really convince, stories (which may not always be “true”) do. The growing disregard for facts is a problem for human rights activists. In his wise book, *On Tyranny*, Timothy Snyder warns that, “To abandon facts is to abandon freedom.” To be truly convincing as human rights advocates, our stories and narratives, whether about Rohingya refugees fleeing ethnic cleansing or those cruelly deported from the US to Mexico, must be credible, authentic, and rooted in fact. Both fact-finding and story-telling start with witnessing. Elie Wiesel, who survived the Holocaust, dedicated his life to the obligation to give witness and speak out in the hope that, by imagining the unthinkable, we would ensure it never happened again. “Silence encourages the tormentor, never the tormented,” he would say. With each encounter with victims, human rights activists must bring a commitment to meticulous fact-finding, the sifting of evidence, the corroboration of details, and the pursuit of a truth that will ultimately lead to justice. But the problem is broader. The purveyors of fake news seek to make facts fungible, and to render the world a cacophony of competing hyper-partisan narratives where adjudication becomes meaningless and the only truth flows from supporters of the demagogue. Political leaders around the world have begun to deploy the label “fake news” as a smear on fact-finding by journalists, human rights organizations, perhaps even prosecutors. In doing so, they seek to break the link between evidence and culpability, making it more difficult to ensure those accountable pay for their misdeeds. Every day, ordinary people risk their lives and liberty to tell their stories and share the truth with human rights activists because they know that the alternative is silence and continuing injustice. If we fail to protect the sanctity of facts and truth, we risk losing their confidence – and our effectiveness.

**Invasion on digital privacy**

Privacy matters because everyone needs some portion of their intimate space - whether it is their bodies, their families and relationships, their property or information about them - to remain hidden and secure from unwanted or unexpected external interferences. Privacy is a prerequisite for the enjoyment of other hard-fought freedoms like free speech and non-discrimination on grounds of sex, race, sexual orientation and political and religious beliefs. This universal truism is being questioned in an age where humans are submitting large quantities of traces of themselves, increasingly unwittingly, and as a by-product or
condition of their participation in digital life. However, as participation in digital society and the economy becomes all-pervasive, and in effect compulsory, privacy cannot become the preserve of those who can afford it. As memories of the man-made cataclysms of the twentieth century recede, there has never been a greater need for safeguards against unjustified intrusions into people’s personal space by powerful state actors and corporations. Convergence between political malevolence and technological omnipotence is a ‘real and present’ danger. This article summarises the case for privacy and emerging legal principles such as accountability and individual control over data about them. It argues for a Global Friends of Privacy comprising willing regulators, academics and civil society to patrol more vigilantly and to contest more forcefully attempts to ‘salami-slice’ away precious liberties of populations.

How your privacy is continuously invaded in this digital world?

Nothing that you thought only you could see is safe anymore. Digital privacy cannot be trusted. I say this because something happened recently which prompted me to write this post. Spotify, the popular music application, revamped its privacy policy which contained shocking revelations regarding its use of personal user data. Spotify’s new policy declares that the company can access the photos, contacts and other personal data of its users. This news has sparked huge controversy to which Spotify responded with an urgent blog post stating that they should have done a better job in communicating the exact meaning of these policies and made it clear that only the information you choose to share will be used. But one does have to wonder whether the initial agenda was something else entirely. What if Spotify wants to know it all?

What is the meaning of privacy in the modern connected age?

The right to privacy is one the most fundamental human rights. Whether or not you share your personal information with someone is your decision to make. You have the right to protect information that others might use to bring you harm. But in the past 3 decades, large companies and governments have made secret, combined efforts to violate this right again and again. The threat to our right to privacy has never been greater as in the current digital age where everything and everyone is connected. Today, our cell phones are continuously connected to the internet. They contain all our information. Frankly speaking, when it comes to our personal lives, our digital footprints are like open books.
Links


3. https://pima.bibliocommons.com/events/5a01f064544fb02f009b7eb8


