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2017 Joint Declaration by Special Rapporteurs on “Fake News”

Today, in Vienna, the four specialised mandates tasked with promoting and protecting freedom of expression at the UN, OAS, OSCE and African Commission launched their 19th annual statement, the Joint Declaration on Freedom of Expression and “Fake News”, Disinformation and Propaganda. The Joint Declaration, which was drafted with the assistance of the Centre for Law and Democracy (CLD), addresses the difficult issue of how best to respond to the growing threat of disinformation, whether coming from governments, officials, the legacy media or social media.

“The Joint Declaration clearly notes that it is illegitimate for State actors to disseminate information which they know to be false”, said Toby Mendel, Executive Director of CLD. *“But blanket rules making it a crime for anyone to make a false statement are also not the answer.”*

Instead of criminal prohibitions or other control-oriented measures, such as blocking websites or jamming broadcasting signals, the Joint Declaration calls on States to respond to disinformation and propaganda in the following ways:

- Promoting diverse and credible sources of news through both the legacy media and social media.
- Protecting intermediaries from liability for third party content.
- Promoting media and digital literacy.
- Disseminating reliable, trustworthy information themselves about matters of public interest.

The Joint Declaration also calls on intermediaries to limit any policies on content restrictions that go beyond what is legally required to measures that are based on “objectively justifiable criteria”, to ensure that any such policies are fully transparent in nature, and to apply those policies in a manner that respects basic due process guarantees. Finally, The Joint Declaration calls on the media to promote accuracy in the news through effective systems of self-regulation.

The Joint Declaration is available in English and other languages at: <https://www.law-democracy.org/live/2017-joint-declaration-by-special-rapporteurs-on-fake-news/>.

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