

Human Rights Council (HRC)

Background Guide Topic:

Addressing Freedom of Speech on the Internet



Director's Note

Dear delegates,

Welcome to the Human Rights Council of Japan Metropolitan Model United Nations 2024! My name is Aya Hashimoto and I will be your director for the Intermediate II committee. I am currently a junior in Senzoku Gakuen High School, and have been participating in the MUN club at our school for about 5 years. Although I had interest in international politics, I had no insights regarding such topics nor public speaking abilities before engaging in MUN. However, through various conferences both in and out of school, I have gained confidence in conveying opinions reflective of countries' perspectives, keeping in mind international circumstances. At this conference, we chairs will do our best for you to get the most out of the committee, as you gain new perspectives and expose yourself to the diverse ideas of other delegates!

The theme of JMMUN 2024 is "Magnify: Examining Overlooked Crises", which is closely related to the committee's topic "Addressing Freedom of Speech on the Internet" regarding current situations surrounding this topic. As regulations and rules regarding online freedom of speech are not clearly specified internationally. However, in this world of 5.3 billion internet users, the assurance of the freedom of speech weighed against the responsibility of governments is in need of immediate attention and international action.

Although it may be intimidating to participate proactively in a MUN conference, all of you have the chance to gain something new from this experience, so please do your best to prepare for the conference! We chairs are always willing to help you out!

Thank you all for joining JMMUN 2024! We are all looking forward to seeing you all and hearing your substantive discussions in March!

Sincerely,



Aya Hashimoto
Director of Human Rights Council
Senzoku Gakuen Model United Nations Club
Japan Metropolitan Model United Nations



Introduction of the Committee

History of the Committee

HRC (Human Rights Council) was established in 2006 by the UN General Assembly, replacing the Commission on Human Rights. It is dedicated to strengthening the promotion and protection of human rights around the globe, addressing situations of human rights violations, and making recommendations on such situations. ¹

Introduction to the Topic

As the internet becomes more and more widespread, freedom of speech is a topic that must be addressed globally and requires international cooperation in order to maintain a balance between humans' various rights on a global platform. ²

¹ *Welcome to the Human Rights Council*. OHCHR. (n.d.).

<https://www.ohchr.org/en/hr-bodies/hrc/about-council>

² *How has the internet affected freedom of speech?*.

FutureLearn. (2022, October 25).

<https://www.futurelearn.com/info/courses/global-citizenship/0/steps/121650>

Key Terms

Hate Speech³

Hate speech is an “offensive discourse” against certain groups or individuals for their intrinsic qualities such as gender, race, and religion. It is seen as an infringement of social order and cause of physical violence in some circumstances.

Internet Censorship⁴

Internet censorship is the act of hindering or subduing content including “porn, torrenting, social media, news media, foreign websites”, and others.

Freedom of Speech⁵

Freedom of speech is the right to convey “information, ideas, and opinions” without restrictions from public forces. This term was first introduced with democratic

³ “What Is Hate Speech?” United Nations, United Nations, www.un.org/en/hate-speech/understanding-hate-speech/what-is-hate-speech#:~:text=In%20common%20language%2C%20%E2%80%9Chate%20speech,that%20may%20threaten%20social%20peace Accessed 29 Aug. 2023.

⁴ Vigderman, Aliza. “Internet Censorship in 2023: The Impact of Internet Restrictions.” Security.Org, 8 June 2022, www.security.org/vpn/internet-censorship/

⁵ “Freedom of Speech.” Encyclopædia Britannica, Encyclopædia Britannica, inc., 25 Aug. 2023, www.britannica.com/topic/freedom-of-speech



implications in the 5th century in ancient Greek literature as “parrhesia”.⁶

Misinformation⁷

Misinformation is the spreading of deceptive information regardless of malicious intentions.

Disinformation⁸

Disinformation is the act of intentionally transmitting deceptive or biased information.

Malinformation⁹

Malinformation is the act of disseminating true information but with intentions of instigating harm.

⁶ “Freedom of Speech - Origins, First Amendment & Limits.” *History.Com*, A&E Television Networks, www.history.com/topics/united-states-constitution/freedom-of-speech. Accessed 29 Aug. 2023

⁷ “What Is Fake News, Misinformation, and Disinformation?” *National Library of Australia*, www.nla.gov.au/faq/what-is-fake-news-misinformation-and-disinformation. Accessed 29 Aug. 2023.

⁸ “What Is Fake News, Misinformation, and Disinformation?” *National Library of Australia*, www.nla.gov.au/faq/what-is-fake-news-misinformation-and-disinformation. Accessed 29 Aug. 2023.

⁹ “Research Guides: Research Essentials: Misinformation, Disinformation, and Malinformation.” *Misinformation, Disinformation, and Malinformation - Research Essentials - Research Guides at Iona University*, <https://guides.iona.edu/researchessentials/disinformation>. Accessed 15 Dec. 2023.

Technology Platform¹⁰

Technology platforms are the basis for constructing and operating corporation applications. They support users to utilize applications without technological difficulties.

Current Situation

Nowadays, the world is facing the need to do more to ensure accountability about freedom of speech on the Internet.¹¹

Hate Speech

Online hate speech has been linked to a global increase in violence toward minorities, including mass shootings, lynchings, and ethnic cleansing, and it has brought to concern the connection between inflammatory speech online and violent acts, as well as the role of corporations and the state in policing speech.¹²

Between April and June of 2021, social

¹⁰ What Is a Technology Platform? | SAP, www.sap.com/products/technology-platform/what-is-a-technology-platform.html. Accessed 29 Aug. 2023.

¹¹ “Moderating online content: fighting harm or silencing dissent?” *United Nations Human Rights*, <https://www.ohchr.org/en/stories/2021/07/moderating-online-content-fighting-harm-or-silencing-dissent>

¹² “Hate Speech on Social Media: Global Comparisons” *Council on Foreign Relations*, <https://www.cfr.org/backgrounder/hate-speech-social-media-global-comparisons>



networks removed a record number of over 21 million pieces of hate speech. Bullying and harassment is also present on Facebook.

¹³

The EU report, which was carried out over the course of six weeks in the spring of 2022, found X (formerly Twitter) assessed just over half of the notifications it received about illegal hate speech within 24 hours, down from 82% in 2021.

In comparison, the amount of flagged material Facebook reviewed within 24 hours fell to 64%, Instagram slipped to 56.9% and YouTube dipped to 83.3%. TikTok came in at 92%, the only company to improve.

The amount of hate speech X (formerly Twitter) removed after it was flagged up slipped to 45.4% from 49.8% the year before. TikTok's removal rate fell by a quarter to 60%, while Facebook and Instagram only saw minor declines. Only YouTube's takedown rate increased, surging to 90%.¹⁴

¹³ “Actioned hate speech content items on Facebook worldwide from 4th quarter 2017 to 1st quarter 2023” *statista*,

<https://www.statista.com/statistics/1013804/facebook-hate-speech-content-deletion-quarter/>

¹⁴ “Twitter and other social media sites slipped on removing hate speech in 2022, EU review says” CBS News,

Looking at the entire network, the response against hate speech has been uneven, and the task of deciding what to censor, and how, has largely fallen to the hands of corporations that manage the technology platforms. However, these companies are constrained by domestic laws, meaning that the technology platforms provide violent actors with the opportunity to publicize their actions.¹⁵

High-profile Defamation

Celebrities are constantly under public scrutiny and can barely conceal their privacy from the paparazzi. In order to gain attention through clickbait content, bloggers and publications do not hesitate to produce fabricated stories and tell bizarre lies regarding celebrities.¹⁶ On numerous occasions, with the aim of dispelling the possibility of damage to the future events¹⁷

<https://www.cbsnews.com/news/twitter-other-social-media-slip-on-removing-hate-speech-european-union-review/>

¹⁵ “Hate Speech on Social Media: Global Comparisons” *Council on Foreign Relations*, <https://www.cfr.org/backgrounder/hate-speech-social-media-global-comparisons>

¹⁶ “The most high-profile defamation lawsuits in the history of Hollywood” *The Business Standard*, <https://www.tbsnews.net/splash/most-high-profile-defamation-lawsuits-history-hollywood-431894>

¹⁷ “Why is the Term Defamation ‘Thrown About’ in Celebrity Cases?” *L&B*, <https://www.levineblit.com/blog/why-is-the-term-defamation-thrown-about-in-celebrity-cases/>



celebrities have scored victories in defamation cases, while there are others who have lost the legal battles.¹⁸

However, a considerable number of celebrities have committed suicide due to unbearable suffering, which has caused a ripple effect throughout young generations. Suicide rates among individuals aged 10–29 years were greater than those of other age groups, which have a connection to celebrity suicide reports; suicide risk increased by 13% after media outlets reported suicides of celebrities, and deaths in this context increased by 30% after media outlets reported on the suicide methods used by celebrities.¹⁹ This effect is referred to as the Werther Effect, where individuals commit suicide imitating cases on media outlets.

Misinformation/Disinformation

The spread of misinformation and disinformation has affected our ability to, for instance, improve public health, address climate change, and maintain stable

democracies.²⁰

46 percent of U.S. adults think that internet companies are most responsible for spreading only accurate and unbiased news while only 16 percent see the government as most responsible. Moreover, 38 percent of those polled believe that the users themselves should be able to distinguish between fake and accurate news stories.²¹

Disinformation by government authorities also exists. In this case, the public believes disinformation by the government to be correct information and is at the mercy of the government. Even if there is room for doubt about the information, it can be extremely difficult to reach the correct information.

Practical Measures

To address these issues, many governments have started to regulate online content. For example, 40 new social media laws have been adopted worldwide in the last two

¹⁸ “The most high-profile defamation lawsuits in the history of Hollywood” *The Business Standard*, <https://www.tbsnews.net/splash/most-high-profile-defamation-lawsuits-history-hollywood-431894>

¹⁹ “The Werther effect following the suicides of three korean celebrities(2017-2018): an ecological time-series study” *BMC Public Health*, <https://bmcpublichealth.biomedcentral.com/articles/0.1186/s12889-023-16080-1>

²⁰ “Misinformation and disinformation” *American Psychological Association*, <https://www.apa.org/topics/journalism-facts/misinformation-disinformation>

²¹ “Who’s Responsible for Fighting Fake News Online?” *statista*, <https://www.statista.com/chart/17549/responsibility-for-fighting-fake-news/>



years, and another 30 are under consideration.²²

Case Studies

Subtopic I: Hate Speech and Defamation

Hate Speech

Because of the spread of the internet, online hate speech simultaneously increased in proportion to both physical and mental violence against minorities. Hate speech has increased its influence in the form of lies, propaganda, and conspiracies, all of which are recently rampant.

Moreover, the COVID-19 pandemic had a sizable effect on the frequency of hate speech. During the pandemic, at least 83 governments used the pandemic as a reason to suppress the freedom of speech, in order to prevent the dissemination of misinformation to the public.²³ Later, the same governments stood accused of censoring truth and spreading their own

²² “Moderating online content: fighting harm or silencing dissent?” *United Nations Human Rights*, <https://www.ohchr.org/en/stories/2021/07/moderating-online-content-fighting-harm-or-silencing-dissent>

²³ “Covid-19 Triggers Wave of Free Speech Abuse” *Human Rights Watch*, <https://www.hrw.org/news/2021/02/11/covid-19-triggers-wave-free-speech-abuse>

misinformation. The difficulty of locating true up-to-date information led people to abuse and blame each other for COVID-19, and the occurrences of hate speech increased in a short time.

Socially complex issues like the COVID-19 outbreak can become a trigger for both online hate speech and undue government censorship. Research shows that incidents of hate speeches and abuse against minorities have risen by 20% in the US and UK during the pandemic.²⁴

Japan

In 2016, Japan’s first anti-hate speech law which provides the responsibilities of citizens, the national government, and local governments for the purpose of eliminating hate speech against foreigners was enacted.²⁵ This led to the decrease of demonstrations, but did not have an effect on online hate speeches.

The United States of America

In the United States, laws regulating public speech are frowned upon, as it is believed to violate the first amendment of the

²⁴ “Online hate speech rose 20% during pandemic: ‘We’ve normalized it’ ” *BBC*,

<https://www.bbc.com/news/newsbeat-59292509>

²⁵ “Hate Speech will not be tolerated” *Japan Ministry of Justice*, https://www.moj.go.jp/JINKEN/jinken04_00108.html



constitution, which states that “Congress shall make no law” that “[abridges] the freedom of speech.”²⁶

A case study that embodies this sentiment is the *Matal v. Tam* case in 2017. This case involves a band that wished to trademark their band name, which contains a racial slur. The band stated that they had the intent of giving the derogatory term a softer meaning, but the Patent Office denied their registration. The reason for this was because it went against the Lanham Act, a law for trademark registration, which states that they will refuse to register marks that “may disparage or falsely suggest a connection with persons, living or dead, institutions...or bring them into contempt or disrepute.”²⁷ The Supreme Court ultimately made a unanimous decision that the disparagement clause in the Lanham act violated the first amendment.²⁸

Regarding this decision, Justice Samuel

²⁶ U.S. Constitution - First Amendment - Library of Congress. (n.d.). <https://constitution.congress.gov/constitution/amendment-1/>

²⁷ Legal Information Institute. (n.d.). *Lanham Act*. Legal Information Institute.

https://www.law.cornell.edu/wex/lanham_act

²⁸ “15-129 *Matal V. Tam* (06/19/2017)” *Supreme Court of the United States*, https://www.supremecourt.gov/opinions/16pdf/15-1293_1o13.pdf

stated that though speech that puts down people by their background is hateful, “the proudest boast of our free speech jurisprudence is that we protect the freedom to express ‘the thought that we hate’”.²⁹

However, recent polls show that citizens believe that the first amendment is not being protected as it should, with roughly three-quarters of U.S. adults saying it is very (37%) or somewhat (36%) likely that social media sites intentionally censor political viewpoints that they find objectionable.³⁰

Defamation

Defamation is a difficult problem in the world. The spread of the internet expanded the opportunity to slander someone’s character online. Courts had hardships trying to balance one person’s freedom of expression against another person’s right to defend their reputation. Negative statements about people or companies appear frequently on social media sites. If they are false statements, they can be considered defamation in some circumstances, or more specifically libel because they are written

²⁹ *United States v. Schwimmer*, 279 U. S. 644, 655 (1929) (Holmes, J., dissenting).[14]

³⁰ “Most Americans Think Social Media Sites Censor Political Viewpoints” *Pew Research Center*, <https://www.pewresearch.org/internet/2020/08/19/most-americans-think-social-media-sites-censor-political-viewpoints/>



statements. People feel it is easier to post opinions on the internet than presenting them in formal spaces.

Japan

In Japan, defamation can be prosecuted either criminally or civilly: Article 230-1 of the Criminal Code of Japan says “A person who defames another by alleging facts in public shall, regardless of whether such facts are true or false, be punished by imprisonment with or without work for not more than three years or a fine of not more than 500,000 yen.”³¹

An example of a defamation case in Japan is the GaaSyy controversy. Other than his refusal to show up in parliament despite being elected as a law-maker, GaaSyy was under fire for “exposing” the showbiz community and has been accused of threatening multiple public figures on Youtube from February to August in 2022.³²

³¹ “Constituent requirements for defamation due to slander” *Toranomon Law and Patent Office*, <https://www.toranomon-law.jp/70column09.html#:~:ext=%E5%88%91%E6%B3%95%E7%AC%AC230%E6%9D%A1%E7%AC%AC.%E3%81%A8%E6%98%8E%E8%A8%98%E3%81%95%E3%82%8C%E3%81%A6%E3%81%84%E3%81%BE%E3%81%99%E3%80%82>
³² /author/int-no_author. (2023, June 24). Youtuber and ex-Japan lawmaker GaaSyy indicted for alleged online threats. The Japan Times. <https://www.japantimes.co.jp/news/2023/06/24/national/crime-legal/gaasyy-indictment/>

His actions resulted in the plummet of stock prices of his victim’s company, and there are a total of five charges made against him. After the police secured an arrest warrant, Japan ordered GaaSyy to surrender his passport, and after two months of refusing to return to Japan from the UAE, was arrested upon entering Japan in June of 2023.³³

The legal war continues as of December 21st 2023 and as GaaSyy denies several of his allegations and fights for a suspended sentence³⁴, it is yet to be determined how he will be prosecuted.

The United States of America

Robert F. Kennedy, Jr. faced widespread criticism from political leaders and civil rights organizations after a video surfaced of him making false claims that COVID-19 was "ethnically targeted" to attack certain ethnic groups while sparing Ashkenazi Jews and Chinese citizens. Eventually Robert F. Kennedy did not sue in the courts, but this comment caused wide repercussions,

³³ Vox Populi: Gaasyy debacle leaves a thirst for truth amid a sea of gossip, drama: The Asahi Shimbun: Breaking News, Japan news and analysis. The Asahi Shimbun. (2023, March 10). <https://www.asahi.com/ajw/articles/14857917>
³⁴ Yahoo!ニュース. (2023, December 21). ガーシー被告 裁判で「暴露系やりたくない気持ちあった」「正直しんどかった」(テレビ朝日系(ann)). Yahoo!ニュース. <https://news.yahoo.co.jp/articles/abd7805161fa627a8c7f9b2bb45da96c7277416f>



including criticism from the White House.³⁵

Subtopic II: Misinformation and Disinformation

The decrease in traditional media networks, such as newspapers and television networks, and the simultaneous increase in social media networks has led to an increase in false information; these social media platforms grant users freedom of speech, allowing anyone to share and upload whatever they want without going through the fact-checking and proofreading that traditional media networks were required to go through.³⁶

Furthermore, the COVID-19 pandemic led to a further increase in the spread of false information, as there was a lack of accurate information published by authorities. Misinformation about COVID-19 proliferated widely on social media, ranging from fake cures, such as gargling with lemon or salt water and injecting oneself

³⁵ “Robert F. Kennedy condemned over false claims that COVID-19 was ‘ethnically targeted’ ” *CBS News*, <https://www.cbsnews.com/news/robert-f-kennedy-jr-false-claims-covid-19-ethnically-targeted-backlash-antisemitism/>

³⁶ Roas, E. C. (2022, May 18). *The fine line between fake news and freedom of speech*. Feature from King’s College London. <https://www.kcl.ac.uk/the-fine-line-between-fake-news-and-freedom-of-speech>

with bleach, to false conspiracy theories that the virus was bioengineered in a lab in Wuhan, or that the 5G cellular network is causing or exacerbating symptoms of COVID-19.³⁷

However, during the pandemic, 78% of U.S. adults either believed or were unsure about at least one of eight false statements about the pandemic or vaccines. The most common misconceptions were that the COVID-19 vaccines contain microchips, alter DNA, and cause infertility.³⁸

In this way, false information about the pandemic which spread on the internet created misleading and potentially dangerous conceptions about authorities and individual health.

³⁷ van der Linden, S., Roozenbeek, J., & Compton, J. (2020, October 5). *Inoculating against fake news about COVID-19*. *Frontiers*.

<https://www.frontiersin.org/articles/10.3389/fpsyg.2020.566790/full>

³⁸ *Covid-19 misinformation is ubiquitous: 78% of the public believes or is unsure about at least one false statement, and nearly a third believe at least four of eight false statements tested*. KFF. (2021, November 8).

<https://www.kff.org/coronavirus-covid-19/press-release/covid-19-misinformation-is-ubiquitous-78-of-the-public-believes-or-is-unsure-about-at-least-one-false-statement-and-nearly-at-third-believe-at-least-four-of-eight-false-statements-tested/>



Misinformation is not the only form of false information on the internet; disinformation campaigns also contribute to the widespread issue of false information online.

Disinformation campaigns are targeted, organized information attacks a company, a party, an institution or an individual, whereby a large amount of demonstrably false or misleading information is published, intentionally being disseminated on a large scale and thus serving the purpose of manipulation.³⁹

Disinformation campaigns are promoted by a variety of malicious agents with the intention to cause harm by influencing electoral processes, promoting authoritarian and populist agendas, fomenting polarization, promoting discrimination and hatred against marginalized communities, undermining human rights defenders and human rights processes, and discrediting science. These campaigns commonly target specific topics and issues, such as women's rights, religion, immigration, and environmental issues.⁴⁰

³⁹ Preveny. (2022, February 14). *What is a disinformation campaign?*. PREVENY®. <https://preveny.com/en/what-is-a-disinformation-campaign/>

⁴⁰ *Disinformation and the freedom of opinion and expression*. Association for Progressive Communications (APC) . (2021, February).

For example, disinformation campaigns have targeted women's rights to abortion; an investigation by openDemocracy in 2020 uncovered that a global network of 'crisis pregnancy centers,' backed by US anti-abortion groups linked to the Trump administration, presented vulnerable female patients with misleading advertising and information about false risks regarding abortion. Such disinformation campaigns have been condemned for targeting vulnerable women with disinformation, emotional manipulation, and deceit.⁴¹

Disinformation campaigns against immigrants have been ever-present in society, aimed at polarizing the public opinion, fuelling fear and discontent, and setting the political agenda. After the COVID-19 pandemic, an increasing flood of stories has connected migrants to infection risks and accused them of receiving preferential treatment.⁴²

<https://www.ohchr.org/sites/default/files/Documents/Issues/Expression/disinformation/2-Civil-society-organisations/Media-Matters-for-Democracy3.pdf>

⁴¹ Provost, C., & Archer, N. (2020, February 10). *Exclusive: Trump-linked religious "extremists" target women with disinformation worldwide*. openDemocracy.

<https://www.opendemocracy.net/en/5050/trump-linked-religious-extremists-global-disinformation-pregnant-women/>

⁴² Pisoni, M. (2020, December 21). *The perpetuation of fear and disinformation around migration by the media in the EU*. A Path For Europe (PfeU).



On the other hand, governments stand accused of using the tag of “disinformation” to censor information that is true but politically inconvenient. The label of “Russian disinformation” was used by both government officials and social media companies such as Twitter/X and Facebook to censor a news story about a laptop belonging to presidential candidate Joe Biden’s son, Hunter Biden.⁴³ Such potential abuses of the term “disinformation” to censor true but damaging stories should be taken into consideration by the committee.

Case Study 1: Brazil

The 2018 elections in Brazil were marked by an increasing reliance on social media as a source of news and political information, and at least 86 percent of voters encountered fake news during the election cycle, with this figure rising to 98 percent among Bolsonaro supporters, 90 percent of whom believed at least one piece of fake news.

In his electoral campaign, president Jair Bolsonaro is reported to have benefited from

<https://pathforeurope.eu/the-perpetuation-of-fear-and-disinformation-around-migration-by-the-media-in-the-eu/>

⁴³ The Wall Street Journal. (2023, April 24). *The hunter biden laptop disinformation is exposed - opinion: Potomac Watch - WSJ Podcasts.*

<https://www.wsj.com/podcasts/opinion-potomac-watch/the-hunter-biden-laptop-disinformation-is-exposed/4e8baf05-447c-419e-80d8-7424827c7b52>

illegal, corporate-funded WhatsApp messaging blasts containing disinformation against his opponent, Fernando Haddad. One of the most widely distributed pieces of fake news claimed that Haddad had created a kit for school curricula to encourage homosexuality, and despite being untrue, roughly 75 percent of the electorate was exposed to the story, and 84 percent of Bolsonaro voters believed it. Furthermore, on Election Day, 86 percent of all voters heard claims that voting machines had been rigged in favor of Haddad, and more than half of Bolsonaro voters believed it.⁴⁴

In order to tackle the dissemination of false information, Brazil’s president has referred a proposed law to the Congress which is aimed at regulating online platforms and instant messaging services in the country. However, this new law, colloquially referred to as the “Fake News Bill,” would broadly criminalize the dissemination of untrue facts in violation of existing human rights standards, enable the application of very strict yet vaguely-defined crisis protocols, and impose risk assessment and mitigation obligations without sufficient safeguards against arbitrariness and excessive impact

⁴⁴ Harden, C. (2019, February 21). *Brazil fell for fake news: What to do about it now?*. Wilson Center. <https://www.wilsoncenter.org/blog-post/brazil-fell-for-fake-news-what-to-do-about-it-now>



on human rights, and therefore threatens to undermine the protection of rights provided by the 2014 Marco Civil da Internet, Brazil's most important internet law.⁴⁵

Critics have argued that the proposed law endangers freedom of expression, privacy, and intellectual property rights, and debate over the "Fake News Bill" continues.⁴⁶

Case Study 2: Canada

An international public opinion poll conducted by Ipsos Public Affairs for Canada's Centre for International Governance Innovation in 2019 found that 90 percent of Canadians have fallen for fake news online, with 91 percent agreeing that fake news is made worse by online distribution.⁴⁷

⁴⁵ Barata, J. (2023, May 23). *Regulating online platforms beyond the Marco Civil in Brazil: The controversial "Fake news bill."* Tech Policy Press. <https://techpolicy.press/regulating-online-platforms-beyond-the-marco-civil-in-brazil-the-controversial-fake-news-bill/>

⁴⁶ Santos, B. (2023, April 24). *Brazil's "fake news bill" sets precedent with dangerous implications.* The Brazilian Report. <https://brazilian.report/opinion/2023/04/24/fake-news-bill-dangerous-implications/>

⁴⁷ Thompson, E. (2019, June 11). *Poll finds 90% of Canadians have fallen for fake news* | CBC News. CBCnews. <https://www.cbc.ca/news/politics/fake-news-facebook-twitter-poll-1.5169916>

In the wake of the tragic Québec City mosque shooting in 2017, Fox News reported one of the suspects as being of Moroccan origin, and despite this being proved to be false by authorities, the false and misleading tweet remained in circulation, being retweeted more than 900 times and gaining 1,600 likes.⁴⁸ As speculation was made on Twitter, users began to spread their own unfounded rumors, such as a tweet which boldly proclaimed, "confirmed: the #QuebecMosqueShooting was done by Syrian refugees who arrived in Canada two weeks ago. Trump was right again. #BuildTheWall."⁴⁹

The high levels of confusion and contradictory information immediately after the shootings allowed alt-right bloggers and activists to construct a story that validated their narrative and enabled them to push their political agenda; in the attack's aftermath, they hijacked trending hashtags

⁴⁸ Kassam, A. (2017, February 1). *Fox News deletes false Québec shooting tweet after Canadian PM's office steps in.* The Guardian. <https://www.theguardian.com/world/2017/feb/01/fox-news-deletes-false-quebec-shooting-tweet-justin-trudeau-mosque>

⁴⁹ Fung, N. (2018, May 24). *How do we stop fake news after the Quebec mosque shooting?* The Gateway. <https://thegatewayonline.ca/2017/02/stop-fake-news-quebec-shooting/>



such as #QuebecAttack to condemn what many called "Muslim terrorism."⁵⁰

Currently, there is no law in Canada which prohibits the dissemination of false information unless the information is defamatory, covered by libel laws, or within the ambit of Canada's broadcasting regulations.⁵¹ However, the misinformation after the shooting has raised new questions about how to fight the explosion of fake news, and Canadian lawmakers are now tackling the issue, studying policy options which can adapt to the fast-changing news media industry.⁵²

To tackle the spread of false information, governments in countries worldwide have introduced laws that regulate misinformation and disinformation. In Egypt, the 2018 Egyptian Media and Press Law grants the Supreme Media Council the authority to "suspend any personal website, blog, or

⁵⁰ Ebner, J. (2017, February 7). *Quebec mosque attack: Between fake news and extremism*. Newsweek.

<https://www.newsweek.com/quebec-mosque-shooting-fake-news-identifying-551304>

⁵¹ Ahmad, T. (2019, April). *Initiatives to counter fake news in selected countries*. The Law Library of Congress. <https://irp.fas.org/eprint/iloc-fake-news.pdf>

⁵² Harris, K. (2017, February 2). *MPs look for ways to fight "fake news" in wake of Mosque shooting* | CBC News. CBCnews. <https://www.cbc.ca/news/politics/canada-fake-news-google-facebook-twitter-1.3961992>

social media account that has 5,000 followers or more if it posts fake news, promotes violence, or spreads hateful views," and in Malaysia, the Anti-Fake News Law provides prison sentences for up to 10 years for knowingly creating, distributing, or publishing "fake news", defined to include "news, information, data, and reports" that are "wholly or partly false." However, such regulatory initiatives often limit the right to freedom of expression.⁵³

Therefore, a healthy balance between regulating false information and ensuring freedom of speech on the internet is necessary, and government transparency and international cooperation is required to solve the issue of false information online.

Subtopic III: Oppression by Authoritarian Governments

The oppression of people's freedom of speech by authoritarian governments gives governments the ability to completely disregard the citizens' rights and views, and to control the country's national identity.

⁵³ Vermeulen, M. (2019, September). *APC Issue Paper Online Content: To regulate or not to regulate*. Association For Progressive Communications. <https://www.apc.org/sites/default/files/OnlineContentToRegulateOrNotToRegulate.pdf>



Additionally, the outbreak of COVID-19 triggered a wave of free speech abuse. According to a recent statement from Human Rights Watch, no fewer than 83 governments across the globe have reasoned the COVID-19 pandemic as a justification to infringe upon the exercise of free speech and peaceful assembly. In their efforts, authorities have targeted, arrested, and even caused harm to critics, while also dispersing peaceful protests, shutting down media organizations, and implementing ambiguous laws that criminalize speech believed to pose a threat to public health. The victims affected by these actions include journalists, activists, healthcare professionals, political opposition factions, and various others who have voiced criticism against government approaches to handling the coronavirus.⁵⁴

Case Study 1: China

A Shanghai court issued a four-year prison sentence to Zhang Zhan, a 37-year-old independent journalist, for "picking quarrels and provoking trouble" by traveling to Wuhan in February 2020 and reporting on the coronavirus outbreak from there.⁵⁵

⁵⁴ Dubrovskiy, D. (n.d.). *Freedom and Restriction of Speech in the Context of Counter-Terrorism in Russia*. Wilson Center.

<https://www.wilsoncenter.org/event/freedom-and-restriction-speech-the-context-counter-terrorism-russia>

⁵⁵ Human Rights Watch. (2021, February 11). Covid-19 Triggers Wave of Free Speech Abuse.

Case Study 2: Russia

In the past few years, Russia has implemented several legal constraints on freedom of expression under the guise of national security and the fight against extremism. Although the Russian constitution guarantees freedom of speech and the press, the government's enforcement of laws, bureaucratic regulations, and politically motivated criminal investigations have compelled the media to engage in self-censorship, limiting their coverage of contentious topics and consequently violating these rights. Human Rights Watch reports that the Russian government exercises control over civil society by selectively applying the law and imposing restrictions and censorship.⁵⁶

To suppress further restrictions on free speech, some countries suggest that, "All laws criminalizing people who speak out or protest peacefully, should be struck off the law books," and "laws against hate speech or other incitement to discrimination and violence must not be used to repress

Human Rights Watch.

<https://www.hrw.org/news/2021/02/11/covid-19-triggers-wave-free-speech-abuse>

⁵⁶ New East Archive. (n.d.). Russian media: a guide to the troubled world of independent journalism. <https://www.new-east-archive.org/features/show/2228/russian-media-guide-to-the-troubled-world-of-independent-journalism>



peaceful dissent.”^{57 58}

Past Actions

1. Overall Movements

Due to the emergence of individual media platforms such as social media and development of the internet, new forms of media control are being sought, for instance “the right to freedom of expression” declared in Article 19 of the Universal Declaration of Human Rights⁵⁹ in extensive terms in regards to the history of freedom of speech. This right, including on the internet, has been further strengthened by regional and international legislations⁶⁰, and has been brewing multifaceted discussions.

⁵⁷ Amnesty International. (n.d.). Freedom of Expression. Amnesty International. <https://www.amnesty.org/en/what-we-do/freedom-of-expression/>

⁵⁸ Human Rights Watch. (2021, February 11). Covid-19 Triggers Wave of Free Speech Abuse. Human Rights Watch. <https://www.hrw.org/news/2021/02/11/covid-19-triggers-wave-free-speech-abuse>

⁵⁹“Universal Declaration of Human Rights.” United Nations, United Nations, www.un.org/en/about-us/universal-declaration-of-human-rights. Accessed 28 Aug. 2023.

⁶⁰ “We’ve Been Defending the Right to Freedom of Expression since 1961.” Amnesty International, 16 June 2023, www.amnesty.org/en/what-we-do/freedom-of-expression/

2. UN Human Rights Council

The UN Human Rights Council has been proactively contributing to securing human rights on the internet, expressing the widening of concerns on “new and draft laws in countries” as “nearly every country that has adopted laws relating to online content has jeopardized human rights in doing so”.⁶¹

In the 2012, 2014, and 2016 (6) resolutions of the UN Human Rights Council (UNHRC) it has been repeatedly enforced that especially regarding freedom of speech, “the same rights that people have offline must also be protected online”⁶² keeping in mind Article 19 of the Universal Declaration of Human Rights mentioned earlier and the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights⁶³.

⁶¹ “Moderating Online Content: Fighting Harm or Silencing Dissent?” OHCHR, 23 July 2021, www.ohchr.org/en/stories/2021/07/moderating-online-content-fighting-harm-or-silencing-dissent.

⁶² “International Covenant on Civil and Political Rights.” OHCHR, www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights. Accessed 29 Aug. 2023.

⁶³ “International Covenant on Civil and Political Rights.” OHCHR, www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights. Accessed 29 Aug. 2023.



3. Individual Freedom of Speech and Hate Speech

Due to the lack of a formal definition of hate speech in the International Human Law, freedom of speech is restricted by domestic laws⁶⁴.

The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) was held in 1965 at the UN General Assembly⁶⁵. Article 4 constrains “propaganda” and “dissemination of ideas” regarding expression of racial superiority or hatred by public authorities.

Antonio Guterres, the secretary general of the UN set up the United Nations Strategy and Plan of Action on Hate Speech in June 2019. This was launched in responses to cases in Rwanda, Bosnia, Cambodia, and the intensifying “xenophobia, racism and intolerance, violent misogyny, anti-Semitism

and anti-Muslim hatred”⁶⁶. However, this has been declared as not targeting to limit freedom but to take measures to protect rights by preventing escalations and violence in accordance with the International Human Law. This was one of the measures taken to accelerate movements for the UN to take effective and constitutive actions for eliminating hate speech.

Hate speech, easily spread anonymously online, is stated to be the cause of genocide⁶⁷ and many international actions have been taken towards the eradication of such violent destructive threats toward international order.

The Convention of the Prevention and Punishment of the Crime of Genocide held in 1948 adopted the first human rights treaty of the General Assembly of the UN. This was held after World War II, declaring genocide, both during war or peace, is a

⁶⁴ “International Human Rights Law.” *United Nations*, United Nations, www.un.org/en/hate-speech/united-nations-and-hate-speech/international-human-rights-law#:~:text=There%20is%20no%20formal%20definition,discrimination%2C%20hostility%20or%20violence%E2%80%9D. Accessed 29 Aug. 2023.

⁶⁵ “International Convention on the Elimination of All Forms of Racial Discrimination.” *OHCHR*, www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial. Accessed 29 Aug. 2023.

⁶⁶ “Secretary-General’s Remarks at the Launch of the United Nations Strategy and Plan of Action on Hate Speech [as Delivered] Secretary-General.” *United Nations*, United Nations, www.un.org/sg/en/content/sg/statement/2019-06-18/secretary-generals-remarks-the-launch-of-the-united-nations-strategy-and-plan-of-action-hate-speech-delivered. Accessed 29 Aug. 2023.

⁶⁷ “Can Hate Speech Ignite Genocide? | When Words Kill.” *United Nations*, United Nations, www.un.org/en/video/can-hate-speech-ignite-genocide-when-words-kill. Accessed 29 Aug. 2023.



crime, compelling nations towards prevention and perpetration.

Moreover, the Rome Statute of the International Criminal Court launched in 1998⁶⁸ states in article 25 that people who “directly and publicly incites others to commit genocide” is obliged to bear punishment for a criminally responsible act.

4. Internet Media

Since 2012, freedom in the press sector has been substantially decreasing, and “a decline in press freedom in their country” has been noticed from 2016 by about 85 percent of the world’s population. Furthermore, misinformation and disinformation has been causing the loss of trust toward the media even through international crises such as the pandemic and climate change. Moreover, more than 57 legislations and regulations have been established since 2016 restricting freedom of expression and press online⁶⁹. Even though authenticity of media requires authority led regulations, freedom of media is necessary for liberal conveyance of information.

⁶⁸ *Rome Statute International Criminal*, www.icc-cpi.int/sites/default/files/RS-Eng.pdf. Accessed 29 Aug. 2023.

⁶⁹ “Press Freedom in Times of Crisis and Transformation.” *UNESCO.Org*, www.unesco.org/reports/world-media-trends/2021/en/global-trends. Accessed 29 Aug. 2023.

Article 19 of the Universal Declaration of Human Rights proclaimed by the UN General Assembly on 1948 states that every human possesses the right to “freedom of opinion and expression”, including freedom to “hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”⁷⁰, ensuring the right to have access to information conveyed through media platforms internationally unbounded by individual circumstances. Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR) adopted in 1966 stipulates the same right, “right to freedom of expression applies regardless of frontiers and through any media of one’s choice”.⁷¹

Tips from the Chairs

Please keep in mind that this is only an introduction to the current international situation surrounding online freedom of speech. Deep and multifaceted understanding of the topic and your country

⁷⁰ “Universal Declaration of Human Rights.” *United Nations*, United Nations, www.un.org/en/about-us/universal-declaration-of-human-rights. Accessed 29 Aug. 2023.

⁷¹ “The Right to Freedom of Expression under International Law.” eReader, 10 Jan. 2023, www.mediadefence.org/ereader/publications/introductory-modules-on-digital-rights-and-freedom-of-expression-online/module-1-key-principles-of-international-law-and-freedom-of-expression/the-right-to-freedom-of-expression-under-international-law/.



through research is key to involvement in the conference. Moreover, for confident conveyance of your country's ideas during the conference, we recommend that you prepare your speeches beforehand.

The chairs also highly recommend delegates to think about what new legislative or political frameworks that would update or expand past agreements and decisions in the international community surrounding this topic.

Questions to Consider

- Does your country have laws guaranteeing freedom of speech or regulating hate speech on the internet?
- Does your country support freedom of speech on the internet?
- What past issues have there been in your country regarding freedom of speech and censoring hate speech on the internet?
- How has your country been involved in international commitments towards free speech or censorship proposals?
- Is hate speech an issue in your country?

- Is disinformation/misinformation an issue in your country?

Guidelines for Position Papers

Position papers must clearly articulate the current situation of your country, briefly explain the past actions it has taken, and further denote possible solutions. Papers may also include international resolutions and strategies to combat the issue discussed in your committee; however, the main focus **must** be on your country. When developing your position papers, please focus on information that directly relates to the topic. General information about your country, such as its geographical location, major cities, or major trade exports, should not be included to lengthen your report. Remember that delegates and chairs do not have a lot of time during the conference to read the position papers. If you want to successfully press the case of your country, you want your position papers to get to the point quickly and persuasively.

Closing Remarks

Thank you again for your participation in the Japan Metropolitan Model United Nations 2024! This committee's topic "Addressing Freedom of Speech on the Internet" is a growing concern



internationally due to the growth of internet platforms, and examining this issue from each country's stances has significance. If you have any questions or concerns, please feel free to contact us! We are all looking forward to hearing your heated discussions and proactive participation in March!

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