

# *POLICY PAPER ON DISINFORMATION*

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## Executive Summary

As the access to the internet becomes easier and faster with the use of mobile devices, the spread of wrong information continues to grow. With such a pressing issue, governments all over the globe have responded and continue to respond with laws that penalize disinformation. In today's world of fake news and misinformation, CALD and CALD Youth have been tackling and combating disinformation and fake news. This 2021, CALD has published *Defending Freedom of Expression: Fake News Laws in East and Southeast Asia* as a toolkit to confirm that laws and policies implemented by governments do not restrict the freedom of expression of peoples. CALD Youth, on the other hand, has launched its podcast series which offers a fresh perspective on the role of the youth in addressing current political and social issues – where they also spread fact-checked information.

## Background

There are two ways governments have enacted laws and policies to combat disinformation, wholly depending on their type of government institution. Countries with multiparty legislatures and independent government institutions formulate laws that adhere to international law, safeguarding human rights principles. Meanwhile, countries with a dominant political force and an absence of independent national institutions fail to do the same, of which laws are vague. Furthermore, these vaguely written laws do not apply to government officials

## Analysis

In East Asia, governments are held accountable, ensuring that checks and balances occur. The proposal of laws in East Asian countries trigger discussion to ensure neither human rights principles nor commitments to international treaties are not compromised. China, however, is an exception as it exerts direct control over Hong Kong, causing the rise of a more autocratic government and the decline of democracy. In Southeast Asia, there are variety of government compositions, such as presidential systems, communist one-party states, and one-party dominant states. Many of the Southeast Asian countries have a dominant executive branch neglecting its legislature and judiciary branches. Additionally, some of the countries or not signatory parties to international treaties that assures that basic human rights are not compromised.

East Asian governments have relied on a variety of policies to respond to disinformation such as Offence Ordinances, Penal and Criminal codes, Election Acts and Broadcasting legislation; but, have rarely enacted such policies. Meanwhile, Southeast Asia, however similar to East Asian governments in the use of policies, have managed to reduce their framed view of disinformation. Moreover, these policies, more often than not, are used to shield public institutions and figures from criticisms as well as silence political oppositions, media, dissidents, or general critics.

Additionally, in East Asia, the governments rely on the education and values of their citizens whose criticisms are valued and seen as a call for improvement. The governments of Southeast Asia fail to see the value in criticism and instead criminalize critics by using vaguely written laws.

Policy Options

Due to the COVID-19 pandemic, emergency decrees and temporary laws have been implemented, allowing governments to increase authority and decrease oversight when it comes to disinformation. East Asian governments more often rely on non-legal measures as governments sparingly enact emergency decrees as opposed to Southeast Asian governments who rely primarily on legal measures and have adapted to the supplementary authority they are granted. With the lack of clearly-worded provisions regarding fake news, Southeast Asian governments continue to profit off of the public health crisis. Fake news is weaponized and controversial laws are implemented by the ruling parties to use against opposing parties and critics. Moreover, this has resulted in the increasing trends of self-censorship by citizens, shrinking civic space, chilling effects on freedom of expression, and overcriminalization.

## Recommendation

The recommendations aim to uphold democratic values and respect human rights principles. Furthermore, it offers guidance to independent institutions, international obligations, and multi-stakeholder collaboration, and for national legislation, policies and practices and role of technology companies. Countries are advised to honor international commitments by signing up to the International Covenant on Civil and Political Rights (ICCPR) and to actively uphold its reporting mechanisms. To secure transparency and accountability from the government, the formations of independent institutions and national right institutions are recommended. Another recommendation is to increase multi-stakeholder inputs, where academics, civil society activists, journalists, and others may contribute to initiatives and new approaches to address disinformation without infringing on freedom of expression. All laws must adhere the rules and conditions provided and be in line with the international treaties and standards unequivocally.

Parliamentarians and legislators must uphold democratic values and basic human principles. Policies and practices that advocate for fact-checking, media literacy, quality journalism, and other measures can also contribute to the over-all effects to counter disinformation. Technology companies can be urged to be proactive in addressing disinformation that pass through their platforms.

When not in office, there is not much power when it comes to authoring legislations and policies to counter disinformation. However, there is power in the youth's use of the internet. One way to use the internet in order to combat disinformation is to actively and objectively engage in discourses. A lot of the people who spread the fake news weaponized against political opponents of the ruling party are most often misinformed and ill-informed. By engaging and providing correctly researched data to the misinformed and ill-informed, there will be an opportunity to educate them.

Another way to combat disinformation as the youth is to help others access factual information. If not able to have proper discourse online, it is a good alternative to provide links to factual studies and research to corroborate a post or to dispel disinformation. Translating English data to Thai data and creating easy-to-consume information, like infographics, is a great way to spread the correct information.

## Conclusion

The introduction and implementation of policies to address disinformation in East and Southeast Asia have affected freedom of expression. The key issue is the ambiguity in the definition of "fake news" as well as its use of the ruling parties to silence political opponents, media, dissidents, and general critics. Therefore, it is of utmost importance that legislators,

political party leaders, stakeholders, academics, civil society activists, journalists, and technology professionals advocate for better laws that guarantee the safety of democratic values and human rights principles.