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CALL FOR INPUTS FOR THE STUDY OF THE HUMAN RIGHTS COUNCIL ADVISORY COMMITTEE ON THE IMPACT OF DISINFORMATION ON THE ENJOYMENT AND REALIZATION OF HUMAN RIGHTS

CHAMADA PARA O ENVIO DE CONTRIBUIÇÕES PARA O ESTUDO DO COMITÊ ASSESSOR DO CONSELHO DE DIREITOS HUMANOS SOBRE O IMPACTO DA DESINFORMAÇÃO NO GOZO E NA REALIZAÇÃO DOS DIREITOS HUMANOS

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Brazil, 28 February 2025

The Honorable Human Rights Council Advisory Committee
Secretariat of the Human Rights Council Advisory Committee OHCHR
United Nations Office at Geneva
Palais des Nations, CH-1211 Geneva 10, Switzerland

Ref.: Call for inputs for the study of the Human Rights Council Advisory Committee on the impact of disinformation on the enjoyment and realization of human rights[1, 2].

It is with great honour and appreciation that the **Constitution Study Center (CCONS)**, the **Human Rights Systems Center at Universidade Federal do Paraná (NESIDH/UFPR)**; and the **Public Defender's Office of the State of Paraná/Brazil**, a permanent institution essential to the jurisdictional function of the Brazilian State, responsible for the promotion of human rights and the defence of individual and collective rights (article 134 of the Brazilian Constitution and Complementary Federal Law no. 80/1994), through its **Specialised Nucleus on Citizenship and Human Rights** hereby offer their contribution for the study of the Human Rights Council Advisory Committee on the impact of disinformation on the enjoyment and realization of human rights, to be presented at the 61st session of the Human Rights Council.

[1] N. do E.: por se tratar de categoria de submissão dispensada de revisão por pares (*peer review*), este trabalho passou unicamente por processo de seleção e diagramação pela Equipe Editorial. O texto é publicado integralmente conforme submetido, sendo, o conteúdo e a exatidão, de responsabilidade exclusiva da parte autora, nos termos da "Declaração de submissão e verificação" da Revista.
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SECTION I - Questions to all stake- and rights holders:
Question 1 - What human rights are impacted the most by disinformation? Provide specific examples.

The human rights most affected by disinformation in the democratic and electoral context are: the right to information, the right to political participation, the right to freedom of expression, the right to honor and image, and the right to equality and non-discrimination.

The spread of false information undermines citizens' right to receive accurate and reliable information, which is essential for forming opinions and making informed decisions. For example, during electoral processes, fake news can distort public perception of candidates or political parties, unduly influencing election outcomes. Brazil's Superior Electoral Court (TSE) recognizes the challenges posed by disinformation and has implemented the Permanent Program to Combat Disinformation to mitigate its harmful effects[3].

Disinformation can discourage political participation, especially among historically marginalized groups. Nina Santos, director of the Aláfia Lab, highlights that disinformation affects the ability of women and Black people to occupy positions of power and run for office, limiting their political representation[4].

Although freedom of expression is a fundamental right, the deliberate spread of disinformation can lead to the adoption of restrictive measures that, if not balanced, may undermine this right. The Regional Electoral Court of Rio Grande do Sul emphasizes the importance of combating disinformation to preserve citizens' trust in the electoral process without compromising freedom of expression[5].

The spread of fake news can directly harm human dignity, affecting one's honor and image. During elections, candidates may become targets of false news aimed at discrediting them in the eyes of voters, compromising their personal and professional integrity.

Moreover, the spread of conspiracy theories or false information that blames minority groups for economic, political, or health crises can fuel prejudice and justify discriminatory practices. Fake

[3] BRASIL. Tribunal Superior Eleitoral. *Programa Permanente de Enfrentamento à Desinformação no âmbito da Justiça Eleitoral: plano estratégico – eleições 2022*. Similarly, the Brazilian Constitutional Court, the Supreme Federal Court, created the Disinformation Combat Program through Resolution n. 742/2021, aiming to comprehend disinformation and its effects, reduce the impact of false narratives, and regain the trust of the general public in public institutions.

[4] CONECTAS. Eleições 2024: desinformação causa danos concretos na democracia e na vida das pessoas. 2024. https://www.conectas.org/noticias/eleicoes-2024-desinformacao-causa-danos-concretos-na-democracia-e-na-vida-das-pessoas/.

[5] Tribunal Regional Eleitoral do Rio Grande do Sul, *Enfrentamento à Desinformação*. https://www.tre-rs.jus.br/eleicoes/enfrentamento/enfrentamento-a-desinformacao.

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news about refugees, for instance, can lead to worsened treatment and denial of legal protection in host countries.

Thus, disinformation threatens the legitimacy of elections by unduly influencing voters' will. False information can manipulate public opinion, compromising the authenticity of the democratic process. As a result, disinformation campaigns can affect the legitimacy of elections and the exercise of political rights.

While disinformation poses risks to the protection and promotion of human rights as a whole, both in terms of which rights are affected and who is affected, certain social groups are particularly vulnerable to its impact. This reality is evident, for example, among the LGBTQIA+ population, which is often stereotyped, dehumanized, and subjected to attacks on public policies designed for their protection, often through false content intended to appeal to conservative segments of society[6].

The absence of effective mechanisms to curb the spread of disinformation undermines the protection of various fundamental rights, including, but not limited to, the right to information, freedom of expression (including academic and scientific freedom), equity, political participation, sexual and reproductive freedom, and health[7].

The right to information is directly harmed by the circulation of false, manipulated, or out-of-context content, preventing citizens from making decisions based on real and verifiable data. One example is the proliferation of false news regarding health measures during the COVID-19 pandemic, which led to the discrediting of vaccines and medical treatments recommended by health authorities.

The right to political participation is equally compromised, as disinformation can be used to discredit candidates, journalists, relevant political agendas, and epistemic authorities, undermining trust in institutions such as the electoral system and discouraging certain groups from engaging in the

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6 Foe example, Ebrahim, Raíssa (2024), "Extrema-direita usa fake news para atacar novo programa de saúde para população trans", in *Marco Zero*, 20 December 2024. https://marcozero.org/extrema-direita-usa-fake-news-para-atacar-novo-programa-de-saude-para-populacao-trans/; Maranhão F., Eduardo M. de A., Fernanda M. F. Coelho and Tainah B. Dias (2018), ""Fake news acima de tudo, fake news acima de todos": Bolsonaro e o "kit gay", "ideologia de gênero" e fim da "família tradicional"", *Revista Eletrônica Correlatio*, 17(2): 65-90; Barbiéri, Luiz F., Elisa Clavery and Beatriz Borges (2023), "Oposição inclui na LDO proibição de gastos sobre aborto e mudança de sexo; governo aponta 'fake news'", in *G1*, 19 December 2023. https://g1.globo.com/politica/noticia/2023/12/19/oposicao-inclui-na-ldo-proibicao-de-gastos-sobre-aborto-e-mudanca-de-sexo-governo-aponta-fake-news.ghtml.

7 Coliver (1995), in MIRANDA, A. M. M.; ALCARÁ, A. R. Competência em informação, acesso à informação e desinformação sobre direitos sexuais e reprodutivos. *Revista Brasileira de Biblioteconomia e Documentação*, v. 20, p. 01-26, 2024. p. 12. DOI: 10.58876/rbbd.2024.2012062.

public sphere. This was evident in disinformation campaigns targeting electronic voting machines and women, such as Marielle Franco and Bianca Santana[8].

It is worth highlighting that the Superior Electoral Court issued Resolution No. 23,714/2022 just days before the second round of the 2022 elections, aiming to intensify the fight against disinformation in the electoral context by expanding its powers. This measure was legally challenged and brought before the Federal Supreme Court through Direct Action of Unconstitutionality No. 7261.

The challenge to Resolution No. 23,714/2022 was based on two main arguments: (i) the alleged usurpation of the Union's legislative competence by the TSE, and (ii) the claim that combating so-called "fake news" would amount to prior censorship. Both arguments were dismissed by the STF, which, during the ruling, emphasized that the phenomenon of disinformation spread through the internet, if not monitored by the electoral authority, has the potential to restrict the free and conscious formation of voters' will[9].

Human dignity is also affected, especially when disinformation is used as a tool to spread hate speech and perpetuate discriminatory stereotypes. Concrete examples include the disinformation campaign against Maria da Penha, which distorted her story to undermine discussions on domestic violence[10], and the dissemination of manipulated content targeting Councilwoman Suéllen Rosim, illustrating the direct impact of disinformation on women's lives[11].

Question 2 - Which forms of disinformation do you consider to be particularly problematic for human rights and why? Provide specific examples.

Electoral disinformation undermines the rights to information, political participation, and the integrity of democratic processes. According to the United Nations High Commissioner for Human Rights (OHCHR), the main forms of disinformation include fabricated, manipulated, and misleading content, as well as political propaganda[12]. In the electoral context, these practices are used

8 "Atingidas pela desinformação: Bianca Santana", *Desinformante: informação confiável sobre desinformação*, 26 set. 2022. https://desinformante.com.br/atingidas-pela-desinformacao-bianca-santana/.

9 ADI 7261, 06 March 2024.

10 Pauluze, T, "Maria da Penha diz que limitou saída a lugares públicos após ser alvo de fake news e ameaças", *G1*, 15 June 2024. https://g1.globo.com/ce/ceara/noticia/2024/06/15/maria-da-penha-diz-que-limitou-saida-a-lugares-publicos-apos-ser-alvo-de-fake-news-e-ameacas.ghtml.

11 "Em 2025, faça da informação a sua melhor aliada!" *Carta Capital*, 20 September 2024. https://www.cartacapital.com.br/politica/candidata-a-reeleicao-em-bauru-sp-e-vitima-de-deepfake-em-campanha/.

12 OHCHR, Typology of Misinformation and Disinformation. Genebra, 2022. https://www.ohchr.org/en/topics/freedom-expression.

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to destabilize democratic institutions, harm specific candidates, and restrict voters' ability to make informed decisions.

During the 2022 Brazilian presidential elections, for example, false claims circulated widely, alleging that electronic voting machines were programmed to rig the vote count[13]. A report by Transparência Eleitoral Brasil revealed that these baseless claims were amplified through social media and private messaging apps, leading to attacks against the TSE and violent protests after the election[14].

The manipulated content form of disinformation involves altering images, videos, or texts to change their original meaning. During the 2020 U.S. elections, edited videos were widely shared, falsely claiming that ballots were being destroyed or tampered with, despite independent investigations disproving these allegations. Manipulating visual content has the potential to create institutional crises and undermine trust in the electoral system.

In Brazil's 2018 elections, one of the most striking examples involved the dissemination of forged materials, presented as official TSE communications, falsely claiming that a specific candidate was leading the vote count before the official tally[15]. Such practices threaten the transparency of the electoral process and violate the right to information.

Regarding misleading content - where true information is presented in a deceptive way - an illustrative example is the use of legitimate electoral statistics, but shown out of context to suggest fraud. In 2022, some candidates claimed that deceased individuals had voted, ignoring the fact that the cited names were homonyms, not evidence of fraud[16]. This selective use of information compromises voters' right to form opinions based on accurate and complete data[17].

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[13] The Superior Electoral Court has released a report with the main fake news denied about the 2022 elections. Among them, the following stand out: Russian hackers allegedly broke into the voting system to benefit a certain candidate, ballot boxes with votes already counted before voting began, the Army allegedly being warned about a scheme to benefit a candidate, among others. See TSE, "Fato ou boato: Justiça Eleitoral desmentiu as principais fake news sobre o processo eleitoral em 2022"https://www.tse.jus.br/comunicacao/noticias/2022/Outubro/fato-ou-boato-justica-eleitoral-desmentiu-as-principais-fake-news-sobre-o-processo-eleitoral-em-2022.

[14] TSE, *Relatório de Ações e Resultados: Eleições 2022*, Brasília, 2022. https://www.justicaeleitoral.jus.br/desinformacao/arquivos/Relatorio_de_acoes_e_resultados_DIGITAL_Seprev_OK_FINAL__1_.pdf.

[15] Transparência Eleitoral Brasil, *Relatório Final da Missão de Observação Eleitoral Nacional 2020*. https://transparenciaeleitoral.com.br/wp-content/uploads/2021/11/Relatorio-final-Missao-de-Observacao-Eleitoral-Nacional-2020.pdf.

[16] Tribunal Regional Eleitoral de São Paulo, "É falso que eleitor morto em 2010 teve voto computado nas eleições de 2022". https://www.tre-sp.jus.br/eleicoes/eleicoes-2022/e-falso-que-eleitor-morto-em-2010-teve-voto-computado-nas-eleicoes-de-2022; TSE, "Fato ou Boato: Justiça Eleitoral desmentiu as principais fake news sobre o processo eleitoral em 2022". https://www.tse.jus.br/comunicacao/noticias/2022/Outubro/fato-ou-boato-justica-eleitoral-desmentiu-as-principais-fake-news-sobre-o-processo-eleitoral-em-2022.

[17] GOMES, J. J. Direitos políticos e guerra virtual da desinformação. *Synesis*, v. 15, n. 2, 2023. https://seer.ucp.br/seer/index.php/synesis/article/download/2410/3462.

Deepfakes are another significant concern. This technology allows users to create highly convincing content that can be used to defame authorities and institutions. One notable case involved Renata Vasconcellos, a journalist from Jornal Nacional, who was featured in one of the first deepfakes of the 2022 Brazilian elections. In the manipulated video, her voice was used to announce a false poll showing Jair Bolsonaro leading the presidential race with 44% of the vote, even though the poll results were entirely fabricated. The video was merely an edited version of the August 15, 2022 broadcast of *Jornal Nacional*[18].

These are just a few examples of specific forms of disinformation. As such, electoral disinformation directly affects the right to information, electoral integrity, and political participation. Following the categories established by the OHCHR, it is clear that practices such as fabricating false content, manipulating legitimate sources, and decontextualizing data are particularly problematic.

From the perspective of vulnerable groups, the most harmful form of disinformation is fabricated content. Throughout his presidential campaign and term, former President Jair Bolsonaro employed various discursive strategies based on fabricated content, associating himself with the so-called "traditional Brazilian family" while opposing the "gay kit" and "gender ideology"[19]. In his inaugural speech, Bolsonaro openly pledged to fight and eradicate "gender ideology"[20]. It is worth noting that the "gay kit" narrative, widely spread during the 2018 elections, was later classified as disinformation by the TSE[21].

More recently, disinformation campaigns have targeted the Brazilian National Health Program for Transgender People. Politicians such as Nikolas Ferreira and Clarissa Tércio attacked the program, questioning its scientific basis and falsely claiming that it was part of an agenda to manipulate and sexualize children and adolescents[22]. Similarly, fabricated content has been used to

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[18] DAUER, Leticia. "Inteligência artificial: deepfake já foi usada em eleições pelo mundo", *UOL Notícias*, 03 March 2024. https://noticias.uol.com.br/confere/ultimas-noticias/2024/03/03/deepfake-uso-inteligencia-artificial-eleicoes-argentina-estados-unidos.htm.

[19] Maranhão F., Eduardo M. de A., Fernanda M. F. Coelho and Tainah B. Dias (2018), ""Fake news acima de tudo, fake news acima de todos": Bolsonaro e o "kit gay", "ideologia de gênero" e fim da "família tradicional"", *Revista Eletrônica Correlatio*, 17(2): 65-90.

[20] RFI (2019), "Posse de Bolsonaro é marcada por mal-estar com jornalistas", in *Carta Capital*, 01 January 2019. https://www.cartacapital.com.br/politica/posse-de-bolsonaro-e-marcada-por-mal-estar-com-jornalistas /.

[21] "TSE diz que "kit gay" não existiu e proíbe Bolsonaro de disseminar notícia falsa", in *Congresso em Foco*, 16 October 2018. https://congressoemfoco.uol.com.br/area/pais/tse-diz-que-kit-gay-nao-existiu-e-proibe-bolsonaro-de-disseminar-noticia-falsa/.

[22] Ebrahim, Raíssa (2024), "Extrema-direita usa fake news para atacar novo programa de saúde para população trans", in *Marco Zero*, 20 December 2024. https://marcozero.org/extrema-direita-usa-fake-news-para-atacar-novo-programa-de-saude-para-populacao-trans/.

dehumanize and promote violence against people experiencing homelessness in São Paulo, reinforcing institutional and physical aggression against this social group[23].

Another particularly problematic form of disinformation for human rights is manipulated content, which has harmed the LGBTQIA+ population, often resulting in homophobia-driven violence and even threats to Pride Parades across Brazil[24]. In 2023, Brazil's National Congress included provisions in the Budget Guidelines Law aimed at prohibiting spending on initiatives allegedly violating "traditional values", such as abortion services and gender-affirming surgeries, despite the fact that no such expenditures were even proposed by the government[25].

Governments have mobilized to debunk manipulated content targeting homeless persons. For example, the federal government clarified a false report published by a digital news outlet that misrepresented public data to suggest a disproportionate increase in homelessness in Brazil, correcting the misinformation by explaining the methodology used for the calculation[26]. In various Brazilian cities, municipal governments frequently use their social media platforms to clarify information regarding the availability of shelter accommodations for people experiencing homelessness[27]. In addition, discriminatory and false content is used to increase hatred towards homeless people and legitimize the interruption of services and violence in some cities against those people.[28]

Finally, misleading content can also be harmful to vulnerable groups. The LGBTQIA+ population, particularly transgender people, is especially susceptible to this type of disinformation. For example, it is not uncommon in Brazil for far-right politicians to manipulate accurate information

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[23] Dias, Paulo E. (2019), "Mentiras nas redes alimentam ódio a moradores de rua em São Paulo", *Ponte*, 07 November 2019. https://ponte.org/mentiras-nas-redes-alimentam-odio-a-moradores-de-rua-em-sao-paulo/.

[24] Por exemplo, Menezes, Luiz F. (2023), "Imagens manipuladas ou fora de contexto geram discurso de ódio contra Parada LGBT+", in *Aos Fatos*, 13 June 2023. aosfatos.org/noticias/discurso-de-odio-parada-do-orgulho-lgbt-sp/.

[25] Barbiéri, Luiz F., Elisa Clavery and Beatriz Borges (2023), "Oposição inclui na LDO proibição de gastos sobre aborto e mudança de sexo; governo aponta 'fake news'", in *G1*, 19 December 2023. https://g1.globo.com/politica/noticia/2023/12/19/oposicao-inclui-na-ldo-proibicao-de-gastos-sobre-aborto-e-mudanca-de-sexo-governo-aponta-fake-news.ghtml.

[26] "População em situação de rua não triplicou no Brasil em um ano e meio", in *Secretaria de Comunicação Social*, 10 October 2024. http://www.gov.br/secom/pt-br/fatos/brasil-contra-fake/noticias/2024/10/populacao-em-situacao-de-rua-nao-triplicou-no-brasil-em-um-ano-e-meio.

[27] Mattos, Lídia (2021), "Informação incorreta sobre acolhimento de moradores de rua circula nas redes sociais", in *Revide*, 28 July 2021. revide.com.br/noticias/cidades/informacao-incorreta-sobre-acolhimento-de-moradores-de-rua-circula-nas-redes-sociais/; "Prefeitura esclarece fake news sobre atendimento a moradores de rua", in *Tribuna Online*, 30 July 2021. https://tribunaonline.com.br/coronavirus/prefeitura-esclarece-fake-news-sobre-atendimento-a-moradores-de-rua-99833?home=esp%C3%ADrito+santo.

[28] Mentiras nas redes alimentam ódio a moradores de rua em São Paulo "https://ponte.org/mentiras-nas-redes-alimentam-odio-a-moradores-de-rua-em-sao-paulo/"

about gender-affirming surgeries, spreading false claims that children could undergo such procedures[29].

Among the most problematic forms of disinformation affecting human rights are deepfakes, the manipulation of scientific data, and the distortion of political discourse. All these forms of disinformation disproportionately impact women and vulnerable groups.

Deepfakes are particularly concerning as they allow for the creation of highly realistic falsified videos, as exemplified in cases involving Patrícia Campos Mello[30], Janja[31], Tábata Amaral[32] and Maria Helena[33].

The distortion of political discourse, in turn, is often used as a strategy to discredit political opponents, such as in cases where statements are taken out of context and reinterpreted to generate moral panic around gender and sexuality issues. A clear example of this is the spread of misinformation regarding "gender ideology," feminists, and the LGBTQIAPN+ population.

Moreover, the manipulation of scientific data - through large-scale and global dissemination of misleading content poses severe risks to society, particularly in public health crises. Disinformation regarding vaccines and treatments has violated the right to health and resulted in the loss of thousands of Brazilian lives[34].

Brazil's history of public health disinformation predates the COVID-19 pandemic and extends beyond it, although the pandemic-related misinformation significantly contributed to growing distrust in the health sector.

During the pandemic, the Special Rapporteur for Freedom of Expression received reports of attempts to use criminal law to penalize individuals who shared false information. The Inter-American Commission on Human Rights (IACHR) and its Special Rapporteur's Office have taken

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[29] "Portaria citada em tuíte enganoso não aborda cirurgia de mudança de sexo", in *Folha de São Paulo*, 21 March 2023. https://www1.folha.uol.com.br/cotidiano/2023/03/portaria-citada-em-tuite-enganoso-nao-aborda-cirurgia-de-mudanca-de-sexo.shtml; Frioli, Giovana (2023), "Hospital da USP não faz cirurgia de transição de gênero em criança; operação é feita a partir dos 18", in Estadão, 25 April 2023. https://www.estadao.com.br/estadao-verifica/hospital-usp-cirurgia-transicao-genero/.

[30] Posetti, J.; *et al. The Chilling: Global trends in online violence against women journalists***,** UNESCO. 2021. p. 29. https://unesdoc.unesco.org/ark:/48223/pf0000377223.

[31] Pereira, C. "É deepfake vídeo em que Lula e Janja fazem comentários de teor sexual**",** *Lupa*, 12 September 2024. https://lupa.uol.com.br/jornalismo/2024/09/12/e-deepfake-video-em-que-lula-e-janja-fazem-comentarios-de-teor-sexual.

[32] Amorim, G. "Candidatas à prefeitura de São Paulo têm rostos inseridos em conteúdo adulto feito com IA", *Desinformante: informação confiável sobre desinformação*, 25 September 2024. https://desinformante.com.br/timeline/candidatas-prefeitura-sp-deepnudes/.

[33] Ibid.

[34] Scabin, N. L. C. Estratégias discursivas da desinformação sobre COVID-19: interdiscursividade e efeitos de verdade em vídeos no Youtube. *Linguagem em (Dis)curso***,** v. 24, p. 1-17, 2024. p. 2. http://dx.doi.org/10.1590/1982-4017-24-15.

the position that direct restrictions on freedom of expression, imposed under the pretext of combating disinformation during the pandemic, must be rejected when they impose disproportionate or unnecessary limitations in a democratic society. Such restrictions negatively impact the search for, dissemination of, and access to information of great public interest during a global health crisis. There are at least three reasons for this[35].

First, in only the most extreme cases can it be determined with relative ease whether information is clearly false or not. A typical example was the false recommendation to drink "detergent" to combat the virus. This difficulty does not align well with restrictive and punitive regulatory measures. Professional journalism has operated with very limited resources to develop fact-checking and verification units focused on claims of public interest.

Second, such measures are inadvisable in situations where significant uncertainty exists regarding key factual aspects of the subject matter of disinformation. This was particularly evident during the pandemic. Critical aspects of the crisis—including transmission modes, risks associated with different activities, and the efficacy of vaccines or preventive measures—were subject to extensive discussion, leading to significant learning. This process should not be hindered but rather encouraged.

From a State perspective, awareness-raising initiatives and the dissemination of information consistent with current scientific evidence are more effective in combating disinformation than punitive measures, which not only fail to reduce the circulation of false information but may also have counterproductive effects.

According to the research "Trust in Science in Brazil During the Pandemic," Brazilians' trust in science is not low, but it seems to have been negatively affected by organized disinformation campaigns, which grew in quantity and impact during the COVID-19 pandemic[36].

According to the survey data, the disinformation that circulated intensely during the pandemic was a relevant factor in building polarization between the majority of Brazilians who trust science and the minority who demonstrate distrust, as a response to the question of whether trust increased during this period. Thus, only one-third of people (32.9%) say that the pandemic did not change their trust. For the others, the pandemic was a period of attitude change towards science. Most

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[35] CIDH. Special Rapporteur for Freedom of Expression. *Desinformación, pandemia y derechos humanos* / Pedro Vaca Villareal, Relator Especial para la Libertad de Expresión. OAS. Documentos oficiales; OEA/Ser.L/V/II. desinformacion-pandemia.pdf.

[36] Massarini, L.; *et al. Confiança na Ciência no Brasil em Tempos de Pandemia – Resumo executivo*. Instituto Nacional de Ciência e Tecnologia em Comunicação Pública da Ciência e Tecnologia (INCT-CPCT), 2022, 9. https://www.inct-cpct.ufpa.br/wp-content/uploads/2022/12/Resumo_executivo_Confianca_Ciencia_VF_Ascom_5-1.pdf.

respondents say their trust in science increased greatly or increased (55.6%), while 10.1% say it decreased. Those who declare their trust increased are mostly young, female, with a university degree or graduate education, and an income between two and five minimum wages.[37]

According to the Senate's Parliamentary Inquiry Commission (*CPMI*) on Fake News[38], several of the channels and actors denounced by the CPMI on Fake News acted, during the beginning of 2020, in spreading false information about COVID-19, thereby reinforcing the disinformation of millions of Brazilians about the pandemic and potentially contributing to the deaths of some, who are part of the sad toll of over 670,000 deaths caused by COVID-19 in our country. Some time later, the Senate's COVID-19 Parliamentary Inquiry Commission - more popularly known as the *CPI* of COVID - evinced the role played by fake news channels in amplifying denialist discourses about the disease, directly contributing to the worsening of the pandemic in our country.

In the final report of the *CPI* on the Pandemic, there is an entire chapter dedicated to disinformation during the pandemic (fake news). Based on the information discussed in that final report, it was possible to conclude: i) the federal government's omission in combating the spread of false information; ii) the active participation of the president, his children, and the senior members of the government in creating and spreading false information; iii) the use of government structure to promote the president's false statements; support for communicators who spread fake news and false information about COVID-19[39].

Disinformation in the healthcare sector is particularly relevant to the human rights of vulnerable populations. In 2023, the Legislative Assembly of the State of São Paulo established a Parliamentary Inquiry Commission to investigate the gender transition procedures carried out by the Transdisciplinary Gender Identity and Sexual Orientation Ambulatory (AMTIGOS) at the Hospital das Clínicas of the University of São Paulo. The final report of the CPI – which did not involve hearing from LGBTQIAP+ individuals who had been treated by the ambulatory – lists gender transition procedures applied before the age of 18 as "experimental" and contrary to national health standards. However, the investigation by the parliamentarians did not rely on scientific evidence, casting doubt on the academic and medical work actually performed and the legitimacy of an already extremely vulnerable group[40].

[37] Ibid., 11.

[38] Brazil, National Congress, *CPMI – Fake News. Relatório Final*, 2019. https://www2.senado.leg.br/bdsf/bitstream/handle/id/609753/RF_CPMI%20_fake_news_2019.pdf?sequence=1&isAllowed=y.

[39] Ibid., 671.

[40] Legislative Assembly of the State of São Paulo (2023), "CPI - Tratamento para Transição de Gênero em Crianças e

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Another constant target of this unfolding of disinformation is reproductive rights. A study conducted by NetLab, a laboratory at the Federal University of Rio de Janeiro, points out that content in video or audio format (podcast) from fake specialists is frequently boosted on social media. 'Although they present themselves as authorities on the subject and expose medical arguments and descriptions, the characters are often lawyers who work in the education sector on conservative networks and channels, such as Brasil Paralelo.' In text media, data that is hard to verify is either altered or created to minimize the consequences faced by women in contexts of violations of reproductive rights[41].

It must be noted the growing wave of miracle products and treatments promoted by social media users, as this is a particularly relevant aspect to demonstrate the flaws in combating disinformation. In 2025, the Supreme Federal Court suspended the conviction of two science communicators who had been forced to compensate a nutritionist for criticizing his ineffective diabetes treatment on Instagram. It was reiterated that the right to inform and the right to criticize, inspired by public interest, cannot be obstructed or discouraged in a democratic regime[42]. This high-profile case revealed the difficulty the Judiciary has in recognizing the potential harms to scientific dissemination and the integrity of communication channels caused by decisions of this nature.

The communication crisis generated significant harm to the promotion of the right to health through the discrediting of public authority. This is evident from the frequent attacks on the Unified Health System (SUS), the Ministry of Health, the National Health Surveillance Agency (ANVISA), among other health and governmental authorities. The growing mistrust is marked by the political use of public institutions when dealing with health issues. A study published in the journal Razón y Palabra points out that during the pandemic, the Ministry of Health itself was one of the major agents of disinformation: an analysis of messages produced on what was then Twitter over six months, from 2020 to 2021, revealed that 67% of the Ministry's posts contained disinformation[43].

It becomes evident that the posterior control of disinformation is ineffective against the potential reach of false information, and the consequences occur on a large scale. The discrediting of

Adolescentes no HC-São Paulo". https://www.al.sp.gov.br/comissao/cpi/?idLegislatura=20&idComissao=1000001045.

41 "'Temos Que Dar um Basta': a Campanha Multiplataforma em 2023 contra a ADPF 442 e o Direito ao Aborto no Brasil", *NetLab*, 27 May 2024. https://netlab.eco.ufrj.br/post/temos-que-dar-um-basta-a-campanha-multiplataforma-em-2023-contra-a-adpf-442-e-o-direito-ao-aborto.

42 STF, "STF suspende condenação de cientistas que explicaram que diabetes não é causado por verme" 30 September 2024. ,https://noticias.stf.jus.br/postsnoticias/stf-suspende-condenacao-de-cientistas-que-explicaram-que-diabetes-nao-e-causado-por-verme/.

43 Leal, Daniela de U., Ivonete da S. Lopes and Marco P. Andrade. Cuando el gobierno mal informa: Covid-19 y tratamiento temprano en Brasil. *Razón y Palabra*, v. 25, n. 112, 2022. 10.26807/rp.v25i112.1856.

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vaccines means the return of eradicated diseases. According to information gathered by the *CPMI*, in 2022, 48% of the population received information about vaccines through social media, and 68% through traditional media. Of the total surveyed, 67% believed at least one false piece of information about vaccines, but when considering the group whose main source was social media, the number rose to 73%.

This scenario created the need for collaborative action in combating health disinformation. While it is the government's responsibility to regulate media platforms, health authorities must commit to disseminating reliable information. It is also necessary to encourage professionals in communication and healthcare to work together[44]. More importantly, vulnerable populations, particularly those susceptible to being harmed by disinformation campaigns in health, must receive the educational support necessary to qualify the information being spread.

Question 3 - How can some measures to counter disinformation negatively impact human rights' enjoyment? Provide specific examples.

Although the regulation of electoral disinformation is essential for the maintenance of democracy, its implementation can pose challenges in balancing content moderation and freedom of expression. Excessive control measures can be used to silence political opponents and restrict legitimate debates on the electoral system, while an excess of freedom can compromise the integrity of the elections.

In 2021, Brazil faced a situation in which Provisional Measure (PM) No. 1,068, dated September 6, 2021, sought to restrict the removal of content by social media platforms without a judicial order[45]. The PM changed the Civil Framework of the Internet, limiting the platforms' ability to moderate content that violated their terms of service, except in specific cases such as nudity, pedophilia, or terrorism. This measure sparked debates about the potential facilitation of disinformation and hate speech on social media. Later, the PM was returned to the Executive by the President of the Senate, Rodrigo Pacheco, and its effectiveness was suspended by Minister Rosa Weber of the Supreme Federal Court due to questions about its constitutionality and the lack of relevance and urgency requirements necessary for issuing provisional measures.

[44] Araujo Pinto, P and E. de M. Carvalho (2023), O enfrentamento à desinformação sobre saúde pública no Brasil: registros entre 2020 e 2022, *Revista Eco-Pós*, 26(1), 140–167. https://doi.org/10.29146/eco-ps.v26i01.28051.

[45] Brasil, *Medida Provisória nº 1.068, de 6 de setembro de 2021*. Altera a Lei nº 12.965, de 23 de abril de 2014 (Marco Civil da Internet), e a Lei nº 9.610, de 19 de fevereiro de 1998, para dispor sobre direitos e garantias dos usuários de redes sociais. https://www.in.gov.br/en/web/dou/-/medida-provisoria-n-1.068-de-6-de-setembro-de-2021-343921211.

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Similar measures were undertaken in countries such as Russia[46], Hungary and Turkey[47], restricting fundamental human rights such as freedom of expression and access to information.

These examples show that while combating disinformation is a legitimate initiative, the implementation of legal measures without proper safeguards can result in the violation of fundamental human rights. It is crucial that laws aimed at combating disinformation be formulated with clarity, transparency, and well-defined limits, ensuring that they are not used as tools for censorship or political repression. The protection of freedom of expression and access to information must be balanced with efforts to maintain the integrity of democratic processes, ensuring that measures against disinformation do not become instruments of state oppression. The treatment of disinformation in the penal sphere, especially, should be approached with caution, paying attention to human rights.

In Brazil, the Bill No. 2,630 of 2020, popularly known as the "Fake News Bill", was approved by the Federal Senate, aiming to draft legislation capable of regulating disinformation, aiming to combat the spread of false information. However, the bill faced obstacles, primarily the lack of a clear definition of the concept of disinformation, which hindered a full understanding of the phenomenon. These weaknesses in the legislative proposal caused an unstable reaction[48], resulting in its halt in the Chamber of Deputies[49].

Although its main intention initially focused on addressing disinformation, it gradually turned into a major project to regulate digital platforms, so that, today, combating "fake news" is no longer its main objective. One of the main concepts underpinning this bill, regulated self-regulation, is an intermediate model between regulation conducted exclusively by private companies and direct state intervention through an independent regulatory agency in which the State sets regulatory guidelines without direct participation in execution, presenting, according to research, both benefits and challenges, being contested mainly by platforms that defend autonomy in managing their networks without external interference.

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46 Committee to Protect Journalists (2022), *Understanding the laws relating to "fake news" in Russia*. https://cpj.org/wp-content/uploads/2022/07/Guide-to-Understanding-the-Laws-Relating-to-Fake-News-in-Russia.pdf; Committee to Protect Journalists (2019), Russia advances legislation on fake news and disrespecting the state. 2019. https://cpj.org/2019/03/russia-advances-legislation-on-fake-news-and-disre/.

47 Anistia Internacional (2020), *Hungria: Nova lei da comunicação social ameaça liberdade de expressão*. https://www.amnistia.pt/hungria-nova-lei-da-comunicacao-social-ameaca-liberdade-de-expressao/; Anistia Internacional (2022), T*urquia: Nova lei de desinformação ameaça liberdade de expressão*. 2022. https://www.amnesty.org/en/latest/news/2022/10/turkey-disinformation-law/.

48 Nunes, Fernanda. "Estudo analisa desinformação a partir do processo de criação do PL das Fake News", *Universidade Federal Fluminense*, 18 September 2024. https://www.uff.br/18-09-2024/estudo-analisa-desinformacao-a-partir-do-processo-de-criacao-do-pl-das-fake-news/.

49 Brasil, Câmara dos Deputados, *Ficha de tramitação da Proposição nº 2256735*. https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2256735.

Private companies based abroad, such as Meta, X, and Google, wield significant economic power and control over online communication technologies. Their hegemonic dominance in the circulation and consumption of information, coupled with their geopolitical position and business model, favors self-regulation as a central principle in content moderation[50]. The possibility of adopting an alternative model, such as regulated self-regulation, is often seen as interference in their moderation practices, as seen in the confrontation between the owner of the X social network, Elon Musk, and the Supreme Federal Court (STF), which led to the temporary suspension of the social network in Brazil in 2024[51].

The aforementioned Bill does not provide mechanisms to reduce the economic power asymmetry on the internet. Thus, according to experts, if the bill is approved in its current form, it will not bring effective answers to digital disinformation[52]. According to a survey conducted by Genial/Quaest between April 29 and May 20, 2024, 45% of federal deputies believe that there is a low probability of approval of the Fake News Bill. The survey interviewed 183 parliamentarians, distributed evenly across the ideological spectrums of political parties (left, center, and right). The margin of error of the survey is 4.8 percentage points[53].

Regarding the need for regulation and constant updating of disinformation combat systems, the Brazilian Judiciary is progressing, albeit slowly, in more promising directions. This is evidenced by Inquiry 4781, underway before the Supreme Federal Court. The investigation aims to look into not only fraudulent news disseminated by social media but also false reports of crimes, calumnious denunciations, or threats, all intended to attribute or insinuate the practice of unlawful acts by members of the Supreme Federal Court itself.

The initial proceedings of the inquiry have already pointed to the existence of "organized use of IT tools, notably social media accounts, to create, spread, and disseminate false information or information that may harm the institutions of the Rule of Law". Furthermore, in reviewing one of the appeals filed during the course of the Inquiry, the Court deemed the measure to block the accounts of

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50 Nunes, Fernanda. “Estudo analisa desinformação a partir do processo de criação do PL das Fake News”, *Universidade Federal Fluminense*, 18 September 2024. https://www.uff.br/18-09-2024/estudo-analisa-desinformacao-a-partir-do-processo-de-criacao-do-pl-das-fake-news/.

51 STF (2024), “STF determina suspensão do X (antigo Twitter) em todo o território nacional”. https://noticias.stf.jus.br/postsnoticias/stf-determina-suspensao-do-x-antigo-twitter-em-todo-o-territorio-nacional-2/.

52 Fundação Tide Sutebal (2024), *O grande desafio é como conciliar e equilibrar interesses privados de empresas de tecnologia com interesses públicos – Entrevista com João Archegas*. https://fundacaotidesetubal.org.br/entrevista-com-joao-archegas/.

53 Rechmann, Aline. “45% dos deputados consideram improvável a aprovação do PL das Fake News”, *Gazeta do Povo*, 30 May 2024. https://www.gazetadopovo.com.br/republica/45-dos-deputados-consideram-improvavel-a-aprovacao-do-pl-das-fake-news/.

the investigated individuals on social media to be necessary, adequate, and urgent, especially to prevent the injury or threat to constitutionally protected rights[54].

Thus, it is essential that measures to combat disinformation be developed through broad and qualified dialogue between government, civil society, and technology companies. This process must ensure not only the effectiveness in combating disinformation but also the preservation of freedom of expression, transparency in content moderation, and protection of fundamental rights. To achieve this, it is essential to balance the need for regulation with the safeguarding of the open architecture of the internet, preventing excesses that could lead to censorship or concentration of power in the hands of a few actors. Only through a participatory approach based on democratic principles will it be possible to build solutions that strengthen quality information without compromising human rights.

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Question 4 - What do you consider to be the social and legal conditions that may contribute to disinformation and to the impact of disinformation?

The spread of electoral disinformation is facilitated by a series of structural and legal factors, including:

- Low media literacy: Many voters lack access to reliable information about how the electoral system works, making them more susceptible to accepting false narratives. The Permanent Program for Combating Disinformation in the Electoral Justice System highlights that a lack of familiarity with digital tools and the absence of critical skills to evaluate online information contribute to the spread of misleading content among these groups[55]. The Program emphasizes the need for educational initiatives to empower voters to identify and resist disinformation, thus promoting the integrity of the electoral process.
- Lack of regulation of digital platforms: The absence of effective regulation of digital platforms significantly contributes to the spread of disinformation in Brazil. Private messaging apps like WhatsApp and Telegram allow for the massive spread of fake news without adequate verification mechanisms. Since 2018, social media has been used as a strategy for the mass dissemination of intentionally false or distorted news, aimed at harming candidates or political parties[56]. To address

[54] STF, Inq 4781, 11 September 2023.

[55] TSE (2022), *Programa Permanente de Enfrentamento à Desinformação no Âmbito da Justiça Eleitoral: plano estratégico – eleições 2022*. https://www.justicaeleitoral.jus.br/desinformacao/arquivos/programa-permanente-de-enfrentamento-a-desinformacao-novo.pdf.

[56] Zaganelli, Margareth V. and Simone G. Maziero (2021), Fake news e eleições no Brasil - os riscos para a democracia, *Revista Eletrônica de Direito Eleitoral e Sistema Político - REDESP*, v. 5, n. 1, p. 164-175, jan./jun. 2021. https://bibliotecadigital.tse.jus.br/xmlui/handle/bdtse/8967.

this, Bill 2630/2020, known as the "Fake News Bill," seeks to implement measures to combat the spread of false content on social media and private messaging services, recognizing the need for regulation to mitigate the harmful effects of disinformation[57].

- Political polarization: Political polarization intensifies the acceptance of information that reinforces preexisting beliefs, even when that information is false. Gabriela Ribeiro and João Modesto investigated the relationship between political polarization and belief in fake news, concluding that individuals tend to believe fake news aligned with their political group[58].

Considering the social and legal conditions conducive to the phenomenon of political manipulation through disinformation, it is also possible to observe, in light of Theodor Adorno's reflections in "Freudian Theory and the Pattern of Fascist Propaganda"[59], that authoritarian propaganda mobilizes latent anxieties of the population to manufacture an internal enemy and direct public frustration toward democratic institutions. This mechanism is visible in the Brazilian electoral context, where disinformation has been used to weaken trust in the democratic system and create artificial political antagonisms, particularly between the popular classes.

Electoral disinformation disproportionately affects low-income voters, exploiting their dissatisfaction and reducing their ability to participate informed in the democratic process.

Nine out of ten Brazilians admitted to having believed in a fake news story at some point[60]. Paradoxically, Brazil is the country with the population most concerned about the spread of false news, with about 84% of the population expressing concern[61]. While data shows that the infodemic affects the entire Brazilian population, with four out of ten Brazilians receiving fake news daily[62] and almost half of the population not checking whether the information they receive is true[63], it is also clear that social markers of difference play an important role in contributing to disinformation.

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57 Brasil, *Projeto de Lei nº 2630, de 2020*. Institui a Lei Brasileira de Liberdade, Responsabilidade e Transparência na Internet. https://www2.camara.leg.br/legin/fed/pl/2020/pl2630-2020-autor-alessandro-vieira-2284436-republicacao-159232-pl.html.

58 Ribeiro, Gabriela de M. and João Gabriel N. Modesto (2023), O efeito da polarização política na crença em notícias falsas, *Interação em Psicologia*, v. 27, n. 2, p. 202-209. https://revistas.ufpr.br/psicologia/article/view/87080.

59 Adorno, Theodor L. W. (2015), Teoria Freudiana e o padrão da propaganda fascista. In: *Ensaios sobre psicologia social e psicanálise*. Trad. Verlaine Freitas, São Paulo: Editora UNESP.

60 Mello, Daniel (2024), "Nine out of ten Brazilians admit to having believed fake news", in *Agência Brasil*, 06 April 2024. https://agenciabrasil.ebc.com.br/en/geral/noticia/2024-04/nine-out-ten-brazilians-admit-having-believed-fake-news.

61 Newman, Nic et al. (2020), *Reuters Institute Digital News Report 2020*, Oxford: Reuters Institute/University of Oxford. https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2020-06/DNR_2020_FINAL.pdf.

62 Guimarães, Pedro and Cleber Rodrigues (2022), "4 em cada 10 brasileiros afirmam receber fake news diariamente", in *CNN Brasil*, 29 August 2022. cnnbrasil.com.br/nacional/4-em-cada-10-brasileiros-afirmam-receber-fake-news-diariamente/

63 Resende, Leandro (2023), "Quase metade dos brasileiros que usam internet não checam se informações são

For example, the elderly population (aged 60 or older) is typically identified as more susceptible to the spread of false news due to their lack of familiarity with basic digital functions[64]. This finding was similarly observed during the spread of disinformation related to COVID-19[65]. Simultaneously, older people are more likely to spread false information[66]. For these reasons, this segment of the population has been the target of public policies aimed at fighting disinformation by electoral courts[67] and Brazilian universities[68].

Poverty can also be a social condition that exacerbates the impact of disinformation. Although no comprehensive studies have been conducted on this interrelationship in Brazil, a survey observed that for 62% of the population, the mobile phone is the only means of accessing the internet and is predominantly used by poor people. Moreover, previous research conducted in other countries indicates that vulnerable populations with lower educational levels are more likely to believe and share fake news[69], as young and poor adults face more barriers to accessing and benefiting from the right to education[70]. This suggests an important relationship between poverty, education, and disinformation in Brazil.

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verdadeiras, diz pesquisa", in *CNN Brasil*, 17 May 2023. cnnbrasil.com.br/nacional/quase-metade-dos-brasileiros-que-usam-internet-nao-checam-se-informacoes-sao-verdadeiras-diz-pesquisa/.

64 Estabel, Lizandra B., Bruno F. Luce and Luciane A. Santini (2020), "Idosos, fake news e letramento informacional", *Revista Brasileira de Biblioteconomia e Documentação*, 16: 1-15.

65 Kitamura, Elisa S. et al. (2021), "Infodemia de covid-19 em idosos com acesso a mídias digitais: fatores associados a alterações psicopatológicas", *Revista Brasileira de Geriatria e Gerontologia*, 25(6): e220016.

66 Tuchlinski, Camila (2019), "Pessoas mais velhas compartilham mais fake news, revela estudo", in *Estadão*, 28 February 2019. https://www.estadao.com.br/emais/comportamento/pessoas-mais-velhas-compartilham-mais-fake-news-revela-estudo/; "Idosos são mais propensos a espalhar notícias falsas, diz estudo", in *BBC News Brasil*, 12 January 2019. https://www.bbc.com/portuguese/brasil-46849533

67 ""Tios do Zap" devem ser público-alvo de nova campanha do TSE contra fake news", in *CNN Brasil*, 20 June 2024. http://cnnbrasil.com.br/blogs/luisa-martins/eleicoes/tios-do-zap-devem-ser-publico-alvo-de-nova-campanha-do-tse-contra-fake-news/.

68 "Oficina online gratuita da USP ensina noções básicas sobre fake news e desinformação para idosos", in *ICMC - USP*, 12 August 2024. https://icmc.usp.br/noticias/6640-oficina-online-gratuita-da-usp-ensina-nocoes-basicas-sobre-fake-news-e-desinformacao-para-idosos; Hanzen, Elstot (2022), "Projetos buscam ajudar o público idoso a combater a desinformação", in *UFRGS Jornal da Universidade*, 20 October 2022. https://www.ufrgs.br/jornal/projetos-buscam-ajudar-o-publico-idoso-a-combater-a-desinformacao/.

69 "Study shows vulnerable populations with less education more likely to believe, share misinformation", in *KU News*, 19 May 2020. https://news.ku.edu/news/article/2020/04/28/study-shows-vulnerable-populations-less-education-more-likely-believe-share.

70 Coelho, Larissa and Rodrigo Maia (2021), "Apenas 70,5% dos jovens mais pobres têm acesso ao ensino médio", *CNN Brasil*, 23 August 2021. http://cnnbrasil.com.br/nacional/apenas-705-dos-jovens-mais-pobres-tem-acesso-ao-ensino-medio/; Alves, Giovana (2024), "Ideb: apenas 50% dos jovens mais pobres concluem o ensino médio", *Metrópoles*, 14 August 2024. https://www.metropoles.com/brasil/ideb-apenas-50-dos-jovens-mais-pobres-concluem-o-ensino-medio.

Another social factor that may contribute to the spread and impact of disinformation on the social fabric is functional illiteracy – in Brazil, three out of ten people are considered functionally illiterate, with 86% of them using WhatsApp and 72% using Facebook[71].

The social and legal conditions that contribute to the spread of disinformation include the inadequacy of media education, the lack of public policies to combat disinformation, and the algorithmic logic of digital platforms – responsible for enhancing the speed, volume, and viralization of disseminated content, enabling its micro-targeting[72], and amplifying polarizing and sensationalist content[73]. Distrust in traditional institutions, such as the press and academia, also strengthens the spread of disinformative narratives, allowing hegemonic political and economic groups to manipulate public opinion to serve their interests[74]. There is also a connection between the rise of authoritarian neoconservatism in Brazil and the strategic use of disinformation to weaken progressive agendas and reinforce hate speech against political minorities[75].

Question 5 - Which social groups in vulnerable situations are particularly affected by disinformation?

Certain social groups are more susceptible to the negative effects of electoral disinformation, as will be explained below. Social groups most affected by disinformation are those historically marginalized, such as women, Black people, indigenous people, LGBTQIAPN+, migrants, and people with disabilities. These populations are frequently targeted by disinformation campaigns that reinforce structural prejudices[76]. Women in politics, in particular, are attacked through false narratives that discredit their abilities and competence, while trans people face disinformation campaigns about

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71 Fajardo, Vanessa (2018), "Como o analfabetismo funcional influencia a relação com as redes sociais no Brasil", *BBC News Brasil*, 12 November 2018. bbc.com/portuguese/brasil-46177957.

72 Martins, H. (2024), A desinformação em meio à crise do capitalismo e à configuração de uma nova estrutura de mediação social", *Revista Eco Pós*, v. 27, n. 1, 343. 10.29146/eco-ps.v27i1.28045.

73 Venturini, T. (2019), From Fake to Junk News, the Data Politics of Online Virality, in *Data Politics: Worlds, Subjects, Rights*, London: Routledge, 5-6.

74 Marques, J. F. and E. C. Alves (2024), Entre regimes de informação e desinformação: modos de produção informacional na contemporaneidade. *Perspectivas em Ciência da Informação*, v. 29, p. 1-24, 2. http://dx.doi.org/10.1590/1981-5344/51478.

75 Posetti, J.; et al. (2021), *The Chilling: global trends in online violence against women journalists; research discussion paper*. UNESCO, 7. https://unesdoc.unesco.org/ark:/48223/pf0000377223.

76 Pereira, G. (2022), *Violência política de gênero e desinformação com Gabriela de Almeida Pereira - Redes Cordiais*, https://www.youtube.com/watch?v=z24GHPavFPY.

their right to gender self-identification. Journalists who expose disinformation practices are also persecuted, which significantly undermines press freedom[77].

The primary victims are low-income voters. The lack of access to quality information and the dependence on social media for news make this group more vulnerable to fake news about the electoral system. The "Basic Guide to Combating Disinformation," from the Superior Electoral Court, highlights that disinformation can distort the formation of popular will, especially among voters who face barriers to accessing accurate information[78].

Women in politics are also affected by electoral disinformation. Female candidates are often the targets of disinformation campaigns aimed at discrediting their ability to govern. A report from the Inter-American Commission on Human Rights points out that women politicians face coordinated attacks to undermine their public reputation and remove them from the democratic space. In the context of Latin America, the situation of disinformation against women in politics worsens when candidates take a stance in favor of LGBTQIAPN+ rights and gender equality policies. A Brazilian example of this is the disinformation campaign suffered by the vice-presidential candidate Manuela D'Ávila in 2018[79].

In this regard, FGV Direito Rio conducted a study analyzing YouTube comments during the pre-campaign for the São Paulo mayoral race. The study revealed that women, who play central roles in the electoral debate, suffer more attacks with hate speech compared to men[80]. The study showed that offensive comments targeting female candidates such as Marta Suplicy (PT), Tabata Amaral (PSB), and Marina Helena (NOVO) reinforced gender stereotypes, ageism, and sexualization. Furthermore, the study found that while all candidates were targeted by offensive comments, women received a higher amount of toxic comments.

Indigenous and quilombola communities are systematically affected by disinformation. In this sense, the content and purpose of public policies related to territorial rights are distorted, influencing electoral decisions that could compromise their fundamental rights. An example of this

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77 Posetti, J.; et al. (2021), *The Chilling: global trends in online violence against women journalists; research discussion paper*. UNESCO, 7. https://unesdoc.unesco.org/ark:/48223/pf0000377223.

78 TSE (2022), *Guia básico de enfrentamento à desinformação*, Brasília: TSE. https://www.tse.jus.br/o-tse/catalogo-de-publicacoes/lista-do-catalogo-de-publicacoes/publicacoes/g/guia-basico-de-enfrentamento-a-desinformacao.

79 "Desinformação de gênero atinge candidatas latino-americanas", in *Desinformante*, 2022. https://desinformante.com.br/desinformacao-genero-latinas/; "Atingidas pela desinformação: Manuela D'Ávila e o impacto das fake news na política", in *Desinformante*, 2022. https://desinformante.com.br/atingidas-pela-desinformacao-manuela-davila/.

80 Fundação Getúlio Vargas (2022), *Ataques, violência de gênero online e desinformação na pré-campanha à prefeitura de São Paulo*. https://midiademocracia.fgv.br/estudos/ataques-violencia-de-genero-online-e-desinformacao-na-pre-campanha-prefeitura-de-sao-paulo.

occurred in the interior of Rio Grande do Sul, where audio messages spreading false information about indigenous and quilombola land demarcations caused fear among local residents. These messages falsely claimed that vast areas would be allocated to these communities, causing apprehension and distrust. Thus, disinformation strategies targeting indigenous and quilombola people aim to scare the population and escalate conflicts, especially during electoral periods, benefiting political actors who exploit these fears to gain votes.

Finally, LGBTQIA+ individuals are particularly vulnerable to disinformation, which can fuel discrimination, violence, and legal setbacks. False narratives often depict LGBTQIA+ identities as unnatural, dangerous, or a threat to traditional values and, in turn, such narratives fuel homotransphobic bills[81] - in 2023, not only the Chamber of Deputies proposed 81 bills against LGBTQIA+ rights and 37 in favour[82], but across Brazil, a total of 293 anti-trans bills were proposed, largely due to transphobic rhetoric employed by politicians who often use disinformation as their weapon of choice[83]. In many cases, disinformation campaigns seek to delegitimize LGBTQIA+ rights by falsely associating them with criminal behavior such as pedophilia[84], "indoctrination" of children[85], or the erosion of family structures.

In addition to fostering social stigma, disinformation is often weaponized in political contexts to roll back legal protections for LGBTQIA+ people. False claims about gender-affirming

[81] See, for example, Silva, Jean (2025), “Pautas da extrema direita avançam na ALMG e ameaçam direitos LGBTQIA+ em MG”, in *Brasil de Fato*, 20 February 2025. http://brasildefato.com.br/2025/02/20/pautas-da-extrema-direita-avancam-na-almg-e-ameacam-direitos-lgbtqia-em-mg/;

[82] Bond, Letycia (2024), “Em 2024, 60% dos projetos de lei sobre LGBT eram a favor da comunidade”, in *Agência Brasil*, 15 December 2024. https://agenciabrasil.ebc.com.br/direitos-humanos/noticia/2024-12/congresso-fecha-ano-com-menos-projetos-de-lei-contra-comunidade-lgbt.

[83] Avelar, Dani (2023), “Brasil tem um novo projeto de lei antitrans por dia, e 'efeito Nikolas' preocupa'”, *Folha de São Paulo*, 20 March 2023. https://www1.folha.uol.com.br/poder/2023/03/brasil-tem-um-novo-projeto-de-lei-antitrans-por-dia-e- efeito-nikolas-preocupa.shtml.

[84] In 2022, extreme far-right congresswoman Chris Tonietto was convicted for paying R$ 50 thousand for collective moral damages to community and citizenship centers after associating the LGBTQIAP+ movement to pedophilia in a Facebook post. See Marzullo, Luísa (2022), “Justiça condena deputada do PL por associar o movimento LGBTQIAP+ à pedofilia em post do Facebook”, in *O Globo*, 18 July 2022. https://oglobo.globo.com/politica/noticia/2022/07/justica-condena-deputada-do-pl-por-associar-o-movimento-lgbt-a-pedofilia-em-post-do-facebook.ghtml.

[85] “Indoctrination” is one of the main reasons far-right politicians use to try to prevent children from attending Pride Parades. See “Deputados querem proibir a participação de crianças em paradas LGBT+”, in *Veja*, 15 May 2024. https://veja.abril.com.br/coluna/maquiavel/deputados-querem-proibir-a-participacao-de-criancas-em-paradas-lgbt. Furthermore, there are a myriad of bill propositions across Brazil to prohibit teaching “gender ideology” to children in schools. See, for example, Garcia, Pedritta M. (2023), “Contra “doutrinação”, projeto proíbe ideologia de gênero nas escolas”, in *Câmara de Curitiba*, 11 November 2023. https://www.curitiba.pr.leg.br/informacao/noticias/contra-201cdoutrinacao201d-projeto-quer-proibir-ideologia-de-genero-nas-escolas-de-curitiba. Human Rights Watch has discussed how such attempts are halting professors from touching upon the subject out of fear: ““I Became Scared, This Was Their Goal””, in *HRW*, 12 May 2022. https://www.hrw.org/report/2022/05/12/i-became-scared-was-their-goal/efforts-ban-gender-and-sexuality-education-brazil.

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healthcare[86], same-sex marriage[87], and anti-discrimination policies can lead to public backlash and regressive legislation. In many countries, including Brazil, misinformation about LGBTQIA+ rights has been used to mobilize conservative political movements, often backed by religious or far-right groups[88]. By distorting reality and spreading fear, these campaigns make it harder for LGBTQIA+ individuals to advocate for their rights and live safely in society.

Question 6 - What is the role of digitalisation in relation to disinformation? Are there particular technologies you consider relevant and/or problematic in (countering) the dissemination of disinformation (e.g. generative AI)? Explain and provide examples.

The growing digitalization of political life imposes significant tensions on democracy. Democracy is turning into infocracy, as the informational society solidifies. This is primarily due to the viral circulation of disinformation, seen in recent episodes that have marked global political life, which is directly facilitated and amplified in the digital universe. In this context, we observe the prevalence of egocentrism on social networks, with the potential to disintegrate the public sphere.

This same phenomenon takes on particularly grave contours in the electoral context. In 2018, Brazilian data was used to support the presidential campaign of Jair Bolsonaro, without authorization, through the hiring of a digital marketing agency, for the micro-targeting of political messages massively reproduced on the WhatsApp platform. A large portion of the information shared contained disinformative content and attacked the political opponents of the then-candidate.

In 2019, WhatsApp confirmed that the Brazilian 2018 election campaigns had exploited the intentional and mass distribution of messages through automated systems hired by companies[89]. This represents a double violation: to the platform's guidelines, which would not allow such exploitation, and to the electoral legislation, which would not allow private companies to contribute to advertising in favor of a candidate. An analysis of the content of these messages showed that the majority of the

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86 "Portaria citada em tuíte enganoso não aborda cirurgia de mudança de sexo", in *Folha de São Paulo*, 21 March 2023. https://www1.folha.uol.com.br/cotidiano/2023/03/portaria-citada-em-tuite-enganoso-nao-aborda-cirurgia-de-mudanca-de-sexo.shtml.

87 Rodrigues, Elton and Jemima Bispo (2020), "É enganosa a notícia de que evangélicos foram condenados pela justiça por rejeitarem união gay em espaço de eventos", in *Bereia*, 08 July 2020. https://coletivobereia.com.br/e-enganosa-a-noticia-de-que-evangelicos-foram-condenados-pela-justica-por-rejeitarem-uniao-gay-em-espaco-de-eventos/.

88 See, for example, "É falso que Congresso aprovou lei que proíbe casamento homoafetivo no Brasil", in *Aos Fatos*, 11 December 2024. https://www.aosfatos.org/noticias/falso-congresso-aprovou-lei-proibe-casamento-homoafetivo/.

89 Mello, Patrícia C. (2019), "WhatsApp admite envio maciço ilegal de mensagens nas eleições de 2018", in *Folha de São Paulo*, 8 October 2019. https://www1.folha.uol.com.br/poder/2019/10/whatsapp-admite-envio-massivo-ilegal-de-mensagens-nas-eleicoes-de-2018.shtml.

shares were in favor of Bolsonaro, with content that was false or misleading, including messages against the Brazilian electoral system.[90]

Thus, artificial intelligence technologies associated with information circulation platforms and social networks constitute the main vector of antidemocratic threats in the digital age. Artificial intelligence allows the almost unrestricted creation of false or misleading content. But primarily social networks, because the posts made on them have a gigantic potential for mass circulation, which is why the lack of control over posted content can harm democracy. Especially in the electoral context, if intentionally misleading information is published on social networks, within minutes its reach can be so vast that the damage to the formation of electoral will can never be sufficiently repaired.

The digital age has facilitated the search, reception, and diffusion of information. According to the Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights, this is due to its "multidirectional and interactive nature, its speed and global reach at a relatively low cost, and its decentralized and open design principles"[91].

Despite the benefits brought by social networks and internet access, disinformation, tied to the ease of access and use of tools capable of creating false content, has become a latent concern for States, International Organizations, Civil Society Organizations, and citizens as a whole.

One of the scenarios in which these tools are most used is in electoral processes. Through a strategy aimed at evoking strong emotions, political opponents, especially from the right and far-right, distribute negative messages about their opponents and generate engagement, especially through alternative social networks to the traditional ones, such as Parler, Rumber, Telegram, and Truth Social[92].

In 2023, a study conducted by Freedom House indicated that Brazil was among the 16 countries where artificial intelligence was most used to plant doubts, especially during electoral periods[93]. This explains why, in Brazil, the main initiatives currently in place to combat "fake news" come from the Electoral Justice (Superior Electoral Court and/or Regional Electoral Courts).

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90 See *e.g.* Ely, Débora (2018), "A máquina de campanha de Bolsonaro pelo WhatsApp", in *GZH*, 15 October 2018. https://gauchazh.clicrbs.com.br/politica/eleicoes/noticia/2018/10/a-maquina-de-campanha-de-bolsonaro-pelo-whatsapp-cjnb0prtp05df01rxdx7k9mqc.html.

91 CIDH, Relatoria Especial para a Liberdade de Expressão, *Liberdade de expressão e internet*. 2013. para. 37. Disponível em: https://www.oas.org/pt/cidh/expressao/publicaciones/.

92 Accioly Filho, Lauro Henrique G. et al (2024). *Fake news realística: os desafios sociopolíticos na era da Inteligência Artificial*, Brasília: Faculdade de Comunicação da Universidade de Brasília, 223-237, 227.

93 Ibid., 224.

It also explains why the initiatives in the Courts of Justice focus heavily on electoral issues. An example is the Paraná State Court of Justice, which in 2022 signed a cooperation agreement for the "Disinformation Combat Program" of the TSE, established by TSE Ordinance No. 510/2021, whose main goal is to combat disinformation related to justice, the electoral process, and the electronic voting system[94]. These practices are reflected in the jurisprudence of this Court, where, of the 12 records available, all were in some way related to disinformation involving politicians or public servants or political opinions[95].

Despite the strong connection between digital media, disinformation, and electoral processes, the Federal Supreme Court, aiming for a broader initiative, launched the "Combat Disinformation Program" (PCD), established through Resolution No. 742, on August 27, 2021[96]. The program's main goal is to combat disinformation and protect civil and political rights, structured around three main axes: 1) understanding disinformation, 2) reducing the impact of disinformative narratives, and 3) restoring public trust. One of the goals of axis 2 is to establish partnerships with internet providers to strengthen the dissemination of official and accurate information about the justice system and improve tools that ensure the transparency of information.[97]

Question 8 - What are the good practices at the national, regional or international level to address the negative effects of disinformation on human rights? How to strengthen the integrity of the information system? Please provide examples.

In practice, strengthening the integrity of the information system necessarily depends on creating dialogical channels that integrate the public power, private entities, civil society, and the population as a whole, so that the control and moderation of potentially disinformative content can be consolidated as a democratic requirement. In parallel, there is a need for the international

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94 "Presidente do TJPR e do Consepre assina termo de cooperação "Programa de Enfrentamento à Desinformação", 29 April 2022. https://www.tjpr.jus.br/destaques/-/asset_publisher/1lKI/content/presidente-do-tjpr-e-do-consepre-assina-termo-de-cooperacao-programa-de-enfrentamento-a-desinformacao-com-o-tse/18319.

95 To obtain these records, the jurisprudence search system of the Court of Justice of the State of Paraná was used, with the search criterion being 'fake news'. The aforementioned cases are from the 10th Civil Chamber, No. 0005991-64.2022.8.16.0001.

96 STF, *Programa de Combate à Desinformação: Plano Estratégico 2023/2025*. 2023, at 26. https://portal.stf.jus.br/desinformacao/doc/PCD_PORTUGUES_WEB.pdf.

97 Available at https://portal.stf.jus.br/desinformacao/#planoPCD.

community to solidify parameters for the circulation of information with the potential to influence electoral contests, enabling a diffuse and plural control of electoral disinformation.

On February 13, 2025, the European Union announced the incorporation of the Code of Conduct Against Disinformation into the Digital Services Act. In this regard, companies that adhere to this voluntary Code will need to comply with rules that will be monitored by the EU, such as combating fake accounts and bots, as well as reducing tax incentives for companies that contribute to the spread of fake news[98].

In the context of the Inter-American System, together with the UN and the African System, a joint Declaration on freedom of expression and fake news: disinformation and propaganda was created in 2017. Considering the massive rise in fake news, these organizations created an international policy to establish parameters for restricting the right to freedom of expression in order to protect other rights guaranteed by the international human rights protection system. Thus, guiding standards were created for state actors on the responsible use of information, as well as on the applicability of punitive laws in this regard, which must operate under the principle of reasonableness[99].

In Brazil, in 2019, the National Justice Council (*CNJ*) launched the Fake News Fact-Checking Panel in conjunction with judicial associations and the higher courts. The Council's goal is to guide the public on how to verify whether a news story is fake or not. To that end, it published a practical guide on how to conduct such checks. In summary, the guidelines consist of four steps: analyzing the text, researching the website that published it, checking other news outlets that published the same story, and reporting false information. This is a policy designed to assist the public in combating fake news[100].

The Superior Electoral Court, for its part, implemented Resolution No. 23.714/22, which addresses the fight against disinformation that threatens the integrity of the electoral process and prohibits, under the terms of the Electoral Code, the dissemination or sharing of knowingly false or grossly miscontextualized facts that affect the integrity of the electoral process, including the processes of voting, counting, and the totalization of votes[101]. If such a situation is verified, the TSE,

[98] "UE inclui código voluntário contra fake news em lei digital", in *Poder360*, 14 February 2025. https://www.poder360.com.br/poder-tech/ue-inclui-codigo-voluntario-contra-fake-news-em-lei-digital/.

[99] CIDH, *Declaración Conjunta Sobre Libertad De Expresión Y "Noticias Falsas" ("Fake News"), Desinformación Y Propaganda*. https://www.oas.org/es/cidh/expresion/showarticle.asp?artID=1056&lID=2.

[100] CNJ, *Guia Prático. Painel de checagem de fake news*. https://www.cnj.jus.br/programas-e-acoes/painel-de-checagem-de-fake-news/guia-pratico/.

[101] TSE, *Resolução nº 23.714, de 20 de outubro de 2022*. https://www.tse.jus.br/legislacao/compilada/res/2022/resolucao-no-23-714-de-20-de-outubro-de-2022.

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in a reasoned decision, will order platforms to immediately remove the URL, URI, or URN, under penalty of a fine ranging from R$100,000 (one hundred thousand reais) to R$150,000 (one hundred and fifty thousand reais) per hour of non-compliance, starting from the end of the second hour after the notification is received[102].

Resolution No. 23.732 of 2024, from the Superior Electoral Court, aims to make the rules on electoral propaganda more transparent. Among the innovations, a chapter dedicated exclusively to political-electoral content on the internet is noteworthy[103]. In Article 9-C, it prohibits, during electoral propaganda: (i) the use, in any form or modality, of fabricated or manipulated content to spread blatantly false or miscontextualized facts that could harm the fairness of the election or the integrity of the electoral process; (ii) the use, to harm or favor a candidate, of synthetic content in audio, video, or a combination of both, that has been generated or manipulated digitally, even with authorization, to create, replace, or alter the image or voice of a living, deceased, or fictional person (deep fake)[104]. However, the Judiciary's actions are insufficient to address such a large-scale and rapidly spreading problem, requiring the involvement of various sectors of society[105].

Moreover, the Superior Electoral Court has developed strategic partnerships, such as with Meta. The Integrated Center for Combating Disinformation and Defending Democracy, created by the court, centralizes initiatives focused on electoral transparency and the protection of the informational environment during elections.

There are also legislative initiatives underway to regulate digital disinformation. Bill No. 2.630/2020, known as the Fake News Bill, aims to establish rules for digital platforms but faces challenges regarding its effectiveness in reducing the concentration of economic power and promoting transparency[106], as previously discussed.

Bill No. 4.691 of 2024, presented on December 4, 2024, as the "Law on the Protection of Constitutional Freedoms and Fundamental Rights," is awaiting the President of the Chamber of

[102] Barreiros Neto, J. (2024), Desinformação política e o enigma da tolerância nas disputas eleitorais, *Caderno CRH*, v. 37, p. 1-17, 12. https://doi.org/10.9771/ccrh.v37i0.57249.

[103] Paulino, Marcos, “Resolução do TSE busca deixar mais claras regras sobre propaganda eleitoral na internet”, 19 July 2024. https://osblimeira.org.br/resolucao-do-tse-busca-deixar-mais-claras-regras-sobre-propaganda-eleitoral-na-internet/.

[104] TSE, *Resolução nº 23.732, de 27 de fevereiro de 2024*. https://www.tse.jus.br/legislacao/compilada/res/2024/resolucao-no-23-732-de-27-de-fevereiro-de-2024.

[105] Fonseca, R. S. da and M. V. Rodrigues (2019), Para além do judiciário: o controle judicial da fake news no processo democrático eleitoral, *Direito UbS*, v. 3, n. 1, 106. https://periodicos.unb.br/index.php/revistadedireitounb/article/view/26862/24502.

[106] Fundação Tide Sutebal (2024), *O grande desafio é como conciliar e equilibrar interesses privados de empresas de tecnologia com interesses públicos – Entrevista com João Archegas*. https://fundacaotidesetubal.org.br/entrevista-com-joao-archegas/.

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Deputies' decision. The bill, among its key provisions, seeks to regulate the fundamental right to free expression in the digital environment, establishing limits on the prohibition of anonymity on the internet. Users will still be allowed to use anonymous profiles with fictitious names or nicknames, but they will be required to provide their real data to platforms, which can be accessed by judicial determination. Furthermore, it ensures the freedom of economic activities in the digital realm, regulates the organization and operation of platforms, services, and digital markets[107]. Large technology companies would be responsible for establishing a self-regulatory entity, while the National Telecommunications Agency (Anatel) and the National Data Protection Agency (ANPD) would oversee this new body. Since the "Fake News Bill" has not been voted on since May 2024, this new bill is being seen as an alternative[108]. According to sources consulted by CNN Brazil, this new bill may revitalize the debate on the topic and represent a new starting point for the regulation of digital platforms in the country[109].

Bill No. 2,338/2023, which regulates artificial intelligence, proposes measures to prevent the dissemination of disinformative and discriminatory content, acknowledging the impact of algorithms on the spread of hate speech and political violence[110]. The bill aims to establish basic rights and guarantees for individuals potentially affected by AI; define unacceptable uses of AI (due to excessive risks); create general governance obligations; establish measures to prevent and combat direct and indirect discrimination, paying attention to the Brazilian context; define a regulatory framework for supervision with an independent and competent authority; and provide for social participation in governance processes and risk classification, among other objectives and provision. The text was approved by the Federal Senate and will now be processed in the Chamber of Deputies[111].

According to Marcelo Träsel, algorithms are the main drivers behind the amplification of disinformation[112]. Thus, co-regulation and collaboration between the State and digital platforms is a strategy advocated to ensure transparency and accountability[113]. The implementation of algorithmic

[107] Brazil, *Ficha de tramitação da Proposição n.º 2475865*. https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2475865.

[108] Rirttner, Daniel, "Novo projeto da centro-direita vira alternativa ao PL das Fake News no Congresso", *CNN Brasil*, 15 January 2025. https://www.cnnbrasil.com.br/politica/novo-projeto-da-centro-direita-vira-alternativa-ao-pl-das-fake-news-no-congresso/.

[109] Nóbrega, Liz, "Regulação de Plataformas Digitais: desafios para 2025", *Desinformante*, 29 January 2025. https://desinformante.com.br/2025-regulacao-plataformas/.

[110] Brazil, *Projeto de Lei nº 2338, de 2023*. Dispõe sobre o uso da Inteligência Artificial. https://www25.senado.leg.br/web/atividade/materias/-/materia/157233.

[111] Ibid.

[112] Träsel, M. (2024), Panorama do combate à desinformação através da regulação no Brasil, *E-Compós*, v. 27, 1-12. doi.org/10.30962/ec.2994.

[113] Archegas, J. V. (2025), *Constitucionalismo digital: limites constitucionais na nova fronteira do poder*, Belo Horizonte: Fórum, 140.

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accountability, that is, mechanisms that allow for the control and monitoring of these technology companies (especially the big techs), is one of the main challenges in regulating disinformation[114]. Without social pressure and political engagement[115], however, large corporations tend to maintain opaque practices that favor disinformation for their economic interests[116].

This is compounded by Decree No. 11,485 of 2023, which established the Interministerial Working Group aimed at drafting a proposal for the National Policy for Combating Political Violence Against Women. The Decree stems from the final observations on Brazil's eighth and ninth combined periodic reports. Through these, the Committee on the Elimination of Discrimination against Women, from the United Nations (UN), urged Brazil to adopt legislation to criminalize online violence, cyberattacks, and disinformation campaigns, with a special focus on online gender violence.

Regarding the executive branch, Recommendation No. 09, dated July 10, 2020, from the National Council for Human Rights (CNDH), presents guidelines for legislative measures to combat fake news, emphasizing the importance of guaranteeing freedom of expression, access to information, and freedom of the press on the internet. The document draws from a series of considerations about the context of the COVID-19 pandemic, the impact of disinformation, and the role of digital platforms, culminating in specific recommendations to the National Congress.

The central recommendation of the document is that any legislative initiative on fake news respects international human rights standards, prioritizing the promotion of diversity on the internet and avoiding criminalizing or punitive approaches. The CNDH recommends that regulation prioritize transparency from digital platforms, requiring periodic reports on content moderation and boosted ads. It also advocates for the removal of content to occur only within the principles of necessity and proportionality, avoiding censorship and negative impacts on freedom of expression.

Another key point is the rejection of mass user tracking mechanisms that could compromise activists, journalists, and human rights defenders. The recommendation also emphasizes that the creation of new generic criminal offenses may have harmful effects, contributing to overcrowding in the penitentiary system and restricting the free flow of information.

Prior to this, Recommendation No. 4, dated June 11, 2018, from the National Council for Human Rights (CNDH), had already been in effect. It establishes guidelines for combating fake news

[114] Ferrari, I. (2018), *Accountability de Algoritmos: a falácia do acesso ao código e caminhos para uma explicabilidade efetiva*. ITs - Instituto de Tecnologia e Sociedade do Rio, 1-18. https://itsrio.org/wp-content/uploads/2019/03/Isabela-Ferrari.pdf.

[115] Archegas, J. V. (2025), *Constitucionalismo digital: limites constitucionais na nova fronteira do poder*, Belo Horizonte: Fórum, 236-237.

[116] Venturini, T. (2019), From Fake to Junk News, the Data Politics of Online Virality, in *Data Politics: Worlds, Subjects, Rights*, London: Routledge, 5-6.

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while preserving freedom of expression and the right to information. The document acknowledges the negative impact of disinformation on public debate but warns against solutions that may restrict fundamental freedoms, highlighting that excessive criminalization or arbitrary content removal could lead to censorship and harm the diversity of opinions.

This Recommendation reiterates the need to tackle disinformation without compromising fundamental freedoms, advocating for approaches that promote access to quality information and the diversity of voices in the digital space.

Furthermore, the Diffusion Project, developed by the Brazilian Institute for Information in Science and Technology with the support of the Ministry of Justice's Fund for the Defense of Diffuse Rights, contributes to combating disinformation.

Civil society organizations play a crucial role in curbing disinformation through educational campaigns[117] and the provision of teaching materials, such as guides for combating disinformation from intersectional and regional perspectives[118].

Media literacy also emerges as an essential strategy to empower citizens to recognize and combat false narratives, as well as to understand the workings of algorithms and their influence on the construction of the digital reality[119]. The training of educators in this subject[120] and the inclusion of media literacy in school curricula[121] are recommended actions to strengthen this front of the battle.

Digital platforms, in turn, must improve their content moderation mechanisms, ensuring that disinformative content, particularly those involving hate speech and violence, is effectively countered[122].

[117] Martins, F., B. Santos and A. M. Araújo (2024), *Cartilha para o enfrentamento da violência política de gênero e raça*, *Internetlab*, 22. https://www.redescordiais.org.br/wp-content/uploads/2024/07/Cartilha-para-o-enfrentamento-da-violencia-politica-de-genero.pdf.

[118] Alencar, M. and T. Silva. "Ê caroça as fake news: manual de checagem nordestina", *COAR*, 2024. https://www.researchgate.net/profile/Jhonnatan-Oliveira/publication/378522273_E_caroco_as_fake_news_manual_de_checagem_nortista/links/65de8137adc608480aed838c/E-caroco-as-fake-news-manual-de-checagem-nortista.pdf; Alencar, M. and T. Silva. *Arriégua! Ói as Fake News: manual de checagem nordestina*, 2024. https://desinformante.com.br/wp-content/uploads/2024/02/Arriegua-Oi-as-fake-news-manual-de-checagem-nordestina-1.pdf.

[119] Miranda, A. M. M. and A. R. Alcará (2024), Competência em informação, acesso à informação e desinformação sobre direitos sexuais e reprodutivos, *Revista Brasileira de Biblioteconomia e Documentação*, v. 20, 01-26, 7. 10.58876/rbbd.2024.2012062.

[120] "Guia prático: para capacitar cidadãos e aplicar com autonomia métodos de mensuração de impacto a projetos de educação midiática", in *Redes Cordiais*, 2020. https://www.redescordiais.org.br/wp-content/uploads/2020/12/RedesCordiais_GuiaPraticoParaMedicaoDeProjetos.pdf.

[121] Castro, M. F. F. de. (2024), Desinformação e fake news na educação: desenvolvimento de habilidades críticas na era digital, *P2P & Inovação*, v. 10, n. 2, p. 1-17, 14. https://doi.org/10.21728/p2p.2024v10n2e-6756.

[122] Nóbrega, L. and L. Benz, Regulação e ação multiplataforma para combater violência de gênero na internet, in *Desinformante: informação confiável sobre desinformação*, 4 January 2024. https://desinformante.com.br/regulacao-multiplataforma-violencia-genero/.

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The development of artificial intelligence tools to identify disinformation and collaboration between different platforms are measures that can help mitigate this phenomenon[123]. Transparency in the removal of false content and expanding access to data for academic research are also crucial points[124].

Academic research also points to the importance of decolonial alternatives to address disinformation. The promotion of independent and community media, as well as the creation of funding programs to strengthen alternative media outlets, are strategies suggested to decentralize access to information and reduce the influence of large digital platforms. Additionally, the adoption of prebunking, which involves exposing correct information before citizens encounter false content, is recommended to strengthen resilience against disinformation[125].

Finally, a continuous and coordinated commitment between the State, civil society, digital platforms, and international institutions is required to contain the harmful effects of digital disinformation. The problem is not confined to the individual sphere but threatens democracy itself by reinforcing structural inequalities and creating space for authoritarian regimes. Only with intersectional and contextual strategies will it be possible to build a safer and more transparent digital environment, ensuring the full exercise of human rights in the digital age and protecting democracy.

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Question 10 - How does disinformation affect the standing of "human rights" – concepts, institutions, individuals that work for the protection of human rights? Please give examples.

Recent events documented in reports and denunciations highlight serious threats to democratic institutions and principles stemming from the spread of disinformation. Particularly in the electoral context, the attacks and coup attempts recently experienced in the U.S. and Brazil demonstrate the potential risks associated with the dismantling of democratic protection systems. This means that not only are states and their constitutions conceptually under threat, but there is also a

[123] STF, *Parceiros apresentam estratégias e ferramentas à disposição do STF para combater desinformação*, 18 May 2022. https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=487333&ori=1.

[124] Fundação Tide Sutebal (2024), *O grande desafio é como conciliar e equilibrar interesses privados de empresas de tecnologia com interesses públicos – Entrevista com João Archegas*. https://fundacaotidesetubal.org.br/entrevista-com-joao-archegas/.

[125] Vasconcelos, A. M. de; et al. (2024), *Desinformação nos processos eleitorais e a credibilidade dos sistemas de votação, SEVEN Publicações Acadêmicas*. 1-19, at 3. https://sevenpublicacoes.com.br/anais7/article/view/3865/7026.

grave and serious risk that the massive circulation of disinformation may lead to episodes of violence against individuals who, in some way, resist and continue to protect democracy and human rights.

According to the Practical Guide for Protection Against Political Violence for Human Rights Defenders, digital disinformation is intrinsically linked to political violence against human rights defenders[126]. Furthermore, the Joint Declaration on Freedom of Expression and Gender Justice (2022) states that disinformation, online gender-based violence, and hate speech cause serious psychological harm and may lead to physical violence, aiming to intimidate and silence women, including politicians, journalists, and human rights defenders[127].

The standing of human rights is also harmed and weakened, especially when used to protect vulnerable groups such as LGBTQIA+ and homeless persons, who are frequently targeted by misleading narratives, as previously demonstrated. In the case of LGBTQIA+ individuals, false narratives frequently depict them as threats to traditional values, national security, or even children's safety. These misleading claims fuel moral panic, reduce public support for LGBTQIA+ protections, and embolden governments to implement discriminatory policies, undermining the legitimacy of human rights advocacy.

Similarly, homeless people are often portrayed in disinformation campaigns as criminals, drug addicts, or a burden on society. Political and media narratives may exaggerate crime rates linked to homelessness or falsely claim that providing housing solutions increases criminal activity.

When disinformation is used to attack marginalized groups, it often comes hand in hand with efforts to delegitimize democratic institutions, such as independent media, courts, and human rights organizations. As trust in democratic institutions erodes, it becomes easier for governments to justify repressive measures, such as restricting civil liberties, censoring opposition voices, and undermining the rule of law. This weakening of democracy, in turn, makes it harder to combat disinformation, as state control over media and the judiciary limits access to reliable information and reduces accountability. When disinformation-driven policies, such as anti-LGBTQIA+ laws or anti-homeless ordinances, gain traction, the democratic space for contestation and human rights advocacy shrinks further. This creates a cycle where disinformation fuels authoritarian tendencies, which then further suppress efforts to counter disinformation and protect human rights.

[126] Comitê Brasileiro de Defensoras e Defensores de Direitos Humanos (2022), *Guia sobre violência política*. https://comiteddh.org.br/wp-content/uploads/2022/09/cbddh_guia_violencia_politica.pdf.

[127] ACHR, Relatoría Especial para la Libertad de Expresión. *Declaração conjunta sobre liberdade de expressão e justiça de gênero*. 2022. https://www.oas.org/es/cidh/expresion/showarticle.asp?artID=1233&lID=2.

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In light of the information provided, we hope to support the Human Rights Council Advisory Committee in preparing and drafting its study on the impact of disinformation on the enjoyment and realization of human rights. We are looking forward to the final version of the policy paper, and we thank the opportunity to contribute to the work of the Committee.

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