

Working session 3: **Dealing with "Fake News" without censorship**

Distinguished delegates, ladies and gentlemen. I am Henrik Ræder Clausen, representing Wiener Akademikerbund of Austria. We are dedicated to peace, freedom and prosperity. I shall now address the problem of so-called "Fake News".

Former US Secretary of State Hillary Clinton rightly said "Fake news have real consequences". For example:

- The 2016 WikiLeaks revelations of political corruption, falsely blamed on Russia.
- In 2018, fake news on social media led three OSCE pS' to attack Syria.
- And the citizens of Chemnitz, Germany called Nazis for voicing their concerns.

Fake news is tricky. Who has the authority to decide what is fake? States? NGOs? Private corporations? Can any of these be trusted with deciding what is fake, now and in the future? And will inconvenient news be labelled 'fake' in order to get rid of it?

One way to control the news is the "Istanbul Process". However, this is based on a flawed interpretation of 'incitement' in article 20 of the International Covenant on Civil and Political Rights, and is vulnerable to exploitation by enemies of freedom.

In a truly free society, we cannot prevent fake news from appearing. It is, however, a professional duty of our elected representatives to see through these, patiently investigate the facts, and not let fake news cause harm. If confidence in public institutions is at risk, the solution is to honestly address any issues raised.

The solution to fake news is use of classical journalistic virtues: Knowing history and relevant background, ideologies and involved parties. Competence reveals and disarms fake news, as well as any malign motivations of those propagating them.

Fortunately, our American friends have a good example of how to handle Fake News. The American FCC regulations for broadcast media is narrow in scope. It states:

The FCC prohibits broadcasting false information about a crime or a catastrophe if the broadcaster knows the information is false and will cause substantial "public harm" if aired.

This lenient approach encourages honest reporting while malign reporting is still punishable, according to the damage done. We need similar regulation for online media, to protect our freedom. Mistakes, bad ideas, bad reporting or analysis are self-incriminating, and require little or no state intervention.

Wiener Akademikerbund recommends:

- To suspend the "Hate Speech" approach to controlling speech, pending review.
- That OSCE pS' abstain from condemning inconvenient news as "Fake News".
- That a working group be established to draft lenient regulations of online speech.