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საერთაშორისო
უნივერსიტეტი
CAUCASUS
INTERNATIONAL
UNIVERSITY

HUMAN
RIGHTS
IN THE
DIGITAL
AGE

International Conference

Regulating Online Disinformation: Comparative Perspectives

Friday, 1ˢᵗ of October 2021

Zoom registration link

—— Programme ——

11:00 AM – 11:05 AM (IST)
Welcome Speech
Kakhaber Kordzaia, Caucasus International University Rector, Professor.

11:05 AM – 11:15 AM (IST)
Opening Remarks
Dr Edoardo Celeste, Assistant Professor in Law, Technology and Innovation, Dublin City University, Coordinator of the DCU Law and Tech Research Cluster

11:15 AM – 11:30 AM (IST)
Keynote: Online Disinformation: Political and Cultural Dimensions
Dr Sesili Gogiberidze, The head of CIU Scientific Research Department

11:30 AM – 12:30 PM (IST)
Roundtable discussion: Disinformation in Georgia

Freedom of Expression on Social Media in Georgia – Case for the Urgent Need of Online Regulation
Dr Sergi Jorbenadze, Managing Partner at "Jorbenadze & Gatserelia Counselors" (JG Counselors), Attorney at Law, Assistant Professor at Tbilisi State University

What are the effects of online disinformation and fake news on a digital society in a fragile and unconsolidated democracy like Georgia?
Nina Shengelia, Head of Digital Democracy Center, Sector 3 Fellow

Dissinformation and Crime: Can we criminalise it?
Prof. Dr Ushangi Bakhtadze, Founding Partner and at "Jorbenadze & Gatserelia Counselors" (JG Counselors), Lawyer , Professor of Criminology, Sulkhan-Saba Orbeliani University

12:30 PM – 13:00 PM (IST)
Q&A
Mariam Sharangia, University of Sussex, Moderator

13:00 PM – 14:00 PM (IST)
Break

14:00 PM – 14:30 PM (IST)
Keynote
Dr Teresa Ribeiro, Representative on Freedom of the Media, Organization for Security and Co-operation in Europe (OSCE)

14:30 PM – 15:30 PM (IST)
Plenary Session: Disinformation in Europe and beyond

Regulating Online Disinformation: Reacting to digital problems or building a better Internet?
Dr Eileen Culloty, Dublin City University Institute of Future Media, Democracy and Society

Don't Shoot the Message: Regulating Disinformation Beyond Content in Brazil
Dr Clara Iglesias Keller, Digital Disinformation Hub, Leibniz-Institut für Medienforschung | Hans-Bredow-Institut

Disinformation and professional fact-checking: a practitioner's view
Dr Giovanni Zagni, Director, Pagella Politica/Facta.news

15:30 PM – 16:00 PM (IST)
Q&A
**Dr Edoardo Celeste**, DCU Law and Tech Research Cluster, Moderator

DR. KAKHABER KORDZAIA

Prof. Kakhaber Kordzaia is the Rector of the Caucasus International University.

Prof. Kordzaia is a Doctor of Mathematical Sciences. His educational background includes: Finances and Banking, Faculty of Economics, Ivane Javakhishvili Tbilisi State University; Faculty of Mechanics-Mathematics, Ivane Javakhishvili Tbilisi State University; Department of Mathematics of the Kyoto University, Japan.

He is the author of 10 publications. Prof. Kordzaia is the Chairperson of Board of a Non-Governmental Organization "Georgian National Association of Distance Education".
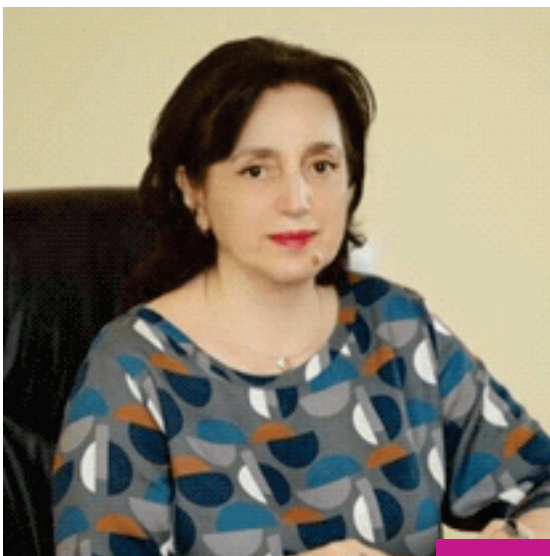
DR. SESILI GOGIBERIDZE

Dr. Sesili Gogiberidze is the Head of the Scientific Research Department of the Caucasus International University and a lecturer at Tbilisi State University. Dr. Gogiberidze is a diplomat and a former Deputy Minister of Foreign Affairs and State Minister for Culture in Georgia. Dr. Gogiberidze holds a Master's Degree from Royal Holloway, University of London and holds a PHD from Tbilisi State University. Dr. Gogiberidze's research areas include international relations, disinformation and social media, cultural diplomacy and intellectual relations. Dr. Gogiberidze holds a Diplomatic rank of extraordinary and Plenipotentiary Ambassador.
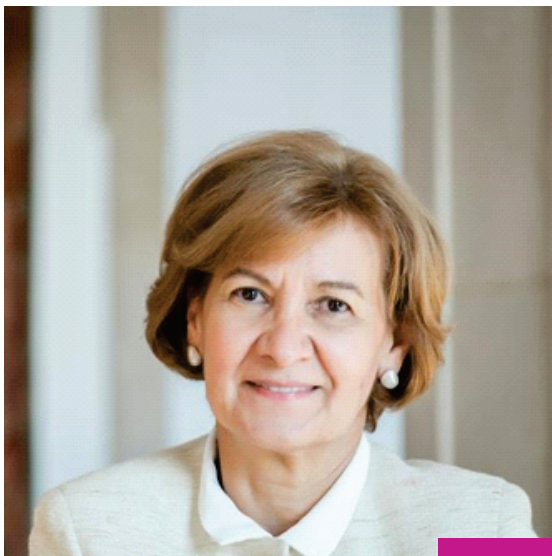
DR. TERESA RIBEIRO

Teresa Ribeiro, of Portugal, is the fifth Representative on Freedom of the Media. She has vast political, diplomatic, human rights and media experience.

Prior to this position, she was Secretary of State of Foreign Affairs and Cooperation at the Ministry of Foreign Affairs of Portugal, while serving as President of the National Commission for Human Rights.

She was also Secretary of State for European Affairs at the Ministry of Foreign Affairs of Portugal and Deputy Secretary General at the Union for the Mediterranean, positions that gave her extensive experience in dealing with the EU institutions and Member States, as well as with its close neighbourhood.

Throughout her career, Teresa Ribeiro has held different positions in media, both in Portugal and in multilateral organizations, such as President of the Institute of the Media of Portugal, Chairperson of the Steering Committee on Mass Media of the Council of Europe, as well as co-founder and first elected President of the Executive Board of Obercom – Media Observatory.

She holds a degree in Philosophy from the University of Lisbon.

DR. EDOARDO CELESTE

Edoardo Celeste is an Assistant Professor in Law, Technology and Innovation at the School of Law and Government of Dublin City University. His research interests lie in the field of digital rights and constitutionalism, privacy and data protection law, online platforms governance and regulation, digital economics and ethics, legal philosophy and sociology, focusing in particular on issues related to artificial intelligence, social media, sharing economy, and blockchain.

Edoardo is currently the principal investigator of the project 'Cross-Border Data Protection Network' funded by the Irish Research Council and the UK Economic and Social Research Council, and of the project 'Digital Constitutionalism: In Search of a Content Governance Standard' funded by Facebook Research. He is also an investigator in the project PRIVATT - Assessing Irish Attitudes to Privacy in Times of COVID19, funded by Science Foundation Ireland, and is one of the founders of the Digital Constitutionalism Network.

From 2016 to 2020, Edoardo was an Irish Research Council Government of Ireland Scholar at the Sutherland School of Law of University College Dublin. His PhD thesis 'Digital constitutionalism: The Role of Internet Bills of Rights' examines how the digital revolution is changing contemporary constitutionalism, and explores the constitutional role of Internet bills of rights.

Edoardo previously studied law at the University of Rome 'La Sapienza', at the University of Paris II 'Panthéon-Assas', and at King's College London. He is an alumnus of the European Law School (Humboldt-Universität zu Berlin). Over the past few years, Edoardo has been visiting researcher at the Nexa Center for Internet & Society of Torino and at the Center for Information Technology, Society, and Law (ITSL) of Zurich. In 2018, he was a research fellow at the Humboldt Institute for Internet and Society (HIIG) of Berlin. Edoardo is currently affiliated with the ADAPT Centre and the UCD Centre for Human Rights.

DR. EILEEN CULLOTY

Eileen Culloty is an Assistant Professor in the School of Communications and a member of the Institute for Media, Democracy and Society. Her research examines disinformation, digital governance, and media.
Her book, co-authored with Jane Suiter, Disinformation and Manipulation in Digital Media (2021) is published by Routledge.

Eileen is a member of the H2020 project Provenance (grant no. 825227) on countering disinformation.

She leads a Broadcasting Authority of Ireland project investigating the diversity of public service media during Covid-19 and a Science Foundation Ireland outreach project on countering misperceptions about vaccines. She works with Jane Suiter and Lala Muradova on a DCU funded project investigating the use of mini-publics to counter Covid-19 disinformation.

Eileen's research has been published in Journalism, European Journal of Communication, Environmental Communication, Digital Journalism, and Critical Studies on Terrorism. Her co-authored paper on social media and political communication was awarded 3rd place in the International Communication Association's Top Three Faculty Papers for 2018.

In 2021, Eileen was elected Vice-Chair of Media Literacy Ireland. She sits on the management board of the Marie-Skłodowska-Curie European Training Network JOLT: Harnessing Digital and Data Technology for Journalism. She has a PhD in communication studies from DCU.

DR. CLARA IGLESIAS KELLER

Clara Iglesias Keller is a postdoc researcher at the Leibniz Institute for Media Research | Hans-Bredow-Institut, where she conducts research on regulatory strategies of disinformation. She has already been a visiting researcher at the Institute from October 2019 to April 2020.

She completed her PhD (2019) and Master's degree (2011) in Public Law at the University of the State of Rio de Janeiro - UERJ (Brazil). Her dissertation focuses on legitimacy requirements of public policies towards internet-based services in IT, media and communication law.

Clara also holds an L.LM in IT, Media and Communications Law from the London School of Economics and Political Science (2012).

Clara Iglesias Keller has broad and diverse experience in the fields of IT, media and communications regulation, as well as constitutional and administrative law. As a visiting lecturer, she taught technological regulation at Fundação Getulio Vargas - FGV/RJ and Constitutional Law at UERJ. In addition, she worked there as a pro bono advocate for the Human Rights Clinic and as executive editor for the law journal Publicum.

At FGV/RJ, she was senior researcher in the project "Supremo em Números" ("Supreme Court in Numbers"), where she conducted empirical and theoretical research on the jurisprudence of Brazilian courts with the aim of promoting legal knowledge and applying computer technologies in the processing of legal data. She has also served on the advisory board of the Brazilian Audiovisual Regulatory Agency - ANCINE and as legal counsel for various media groups and law firms.

Clara has writen several academic papers within her fields of research and is the author of the book "National Regulation of Internet-Based Services: Exception, Legitimacy and the Role of States" (originally written in Portuguese - "Regulação nacional de serviços na internet - exceção, legitimidade e o papel do Estado" -, LumenJuris 2019).
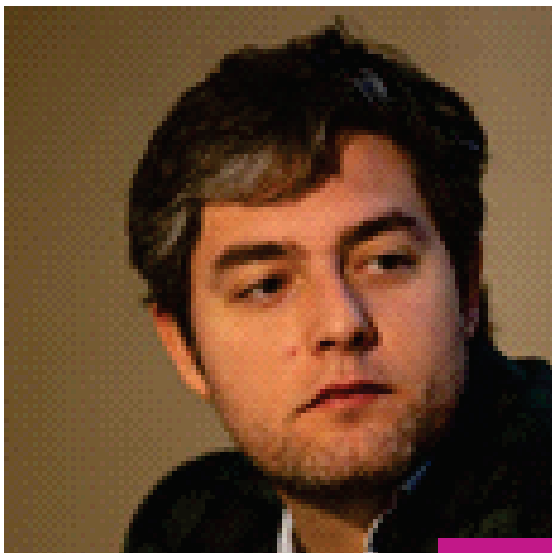
DR. GIOVANNI ZAGNI

Giovanni ZAGNI, PhD, is the Director of the Italian political fact-checking project Pagella Politica and its sister project Facta.news, focused on debunking. He was nominated to the Monitoring Unit on Disinformation around Covid-19 established by the Italian government in April 2020. He is a member of the Executive Board of the European Digital Media Observatory (EDMO) established in 2020 to coordinate and promote the fight against disinformation at the European level. He gives lectures on fact-checking and disinformation/misinformation-related topics in various Italian universities and journalism schools, as well as in frequent public events. He is an alumnus of the Scuola Normale Superiore in Pisa and holds a PhD in Romance philology from the University of Siena. His articles on topics ranging from foreign policy to the debate around online misinformation have appeared in many Italian newspapers and magazines.

DR. SERGI JORBENADZE

Dr. Sergi Jorbenadze is an associate professor at Tbilisi State University. Dr. Jorbenadze is the author of several books including „Placement of advertisement on the TV broadcaster" (2013), Media Law (2014, Co-authorship), Freedom of Contract in Civil Law (2017), Social Media Law (2019), Fundamentals of insolvency proceedings, on Rehabilitation and Collective Satisfaction of Lenders, according to the Law of Georgia" (2021, Co-authorship). In addition, he has published articles in journals, such as: „Wirtschaft und Recht in Osteuropa" (WiRO, Verlag C.H. Beck, München), „Zeitschrift für Datenschutz" (ZD, Verlag C.H. Beck, München), „Zeitrschrift für Internationales Wirtschaftsrecht" (IWRZ, Verlag C.H. Beck, München), „Internationales Steuerrecht" (iStR, Verlag C.H. Beck, München), „Osteuropa-Recht" (OER, Verlag Nomos).

Dr. Jorbenadze is also a practicing Lawyer and has been carrying out practical activities for more than 10 years. He is a managing partner of the law firm JG Counselors. He is involved not only in media law cases but also in business law cases and actively represents clients in courts.

In 2016, Sergi Jorbenadze defended his dissertation. He is also a Master of Law at the University of Bremen. Since 2015, he has been an arbitrator in private arbitration. He has participated in numerous international conferences and Events. Since 2012, he has been actively training lawyers, as well as representatives of various professions in practice.

Sergi Jorbenadze is an expert of the Council of Europe in the field of justice reform. He speaks German (fluently) and English (good) languages.

DR. USHANGI BAKHTADZE

Dr Ushangi Bakhtadze is the Professor of Criminology at Sulkhan-Saba Orbeliani University and Head of the Center for Crime and Criminal Justice. In 2020 he defended his dissertation on the topic - "Criminological Analysis of the Criminalization." He is also a Master of Science in Criminology and Criminal Justice at the University of Oxford.

Since 2009 he has been a member of the Georgian Bar Association and is a founding partner of the law firm Jorbenadze & Gatserelia Counsellors. Since 2013 he has been a lecturer in criminology and criminal law. Main areas of his research are: crime, causes of crime, crime prevention and control, crime and the media. In the letter field, Dr Bakhtadze has co-authored the handbook on media law, where chapters on Crime and the Media is elaborated by him. He is also the only person in Georgia who has developed Crime and Media course for MA level students and teaches it since 2017.
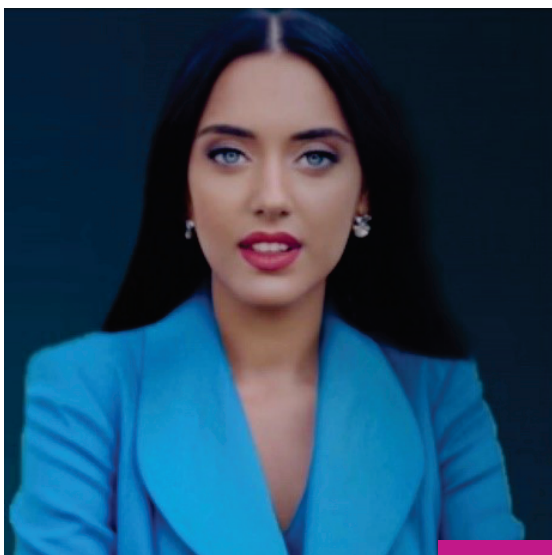
NINA SHENGELIA

Nina Shengelia is a lecturer at Tbilisi State University and a PHD researcher based in Georgia. In July 2021 she was a visiting researcher at HIIG in the framework of DAAD Scholarship of Research Grants for PHD students.

Nina's research is concerned with digital constitutionalism, regulation, co-regulation and self-regulation of social media platforms, digital rights, human rights, social media councils, platform governance, intermediary liability as well as impact of social media and human rights on fragile democracies.

Nina studied law at King's College London and has completed a Master's Degree at BPP University in the framework of her scholarship from a leading London based law firm, Herbert Smith Freehills. Nina worked as a lecturer of law at Georgian Institute of Public Affairs at the Department of Law and Politics between 2016 and 2019. She has been working as a lecturer of Media Law at Tbilisi State University at the Department of Journalism and Mass Communication Studies since 2020. Since 2019 Nina is a member of "Digital Constitutionalism Discussion Group" at HIIG. Nina is also heading a non-governmental organization Digital Democracy Center in Georgia and is a former fellow at Sector 3 where her work focused on Media Literacy, Disinformation and Regulation Policy Review. On behalf of Digital Democracy Center and Sector 3, Nina organized a Roundtable discussion on 'Legal Aspects of Content Management on Social Media, Disinformation and Media Literacy' in 2020. Nina alongside former HIIG fellow and professor Edoardo Celeste is also a co-organizer of a scientific conference "Human Rights in the Digital Age Regulating Online Disinformation: European Perspectives" Additionally, Nina has worked for the Georgian Media Regulator, Communications Commission and leading law firms in London, Herbert Smith Freehills and Stephenson Harwood.

MARIAM SHARANGIA

Mariam Sharangia holds a master's degree from the University of Sussex in Information Technology and Intellectual Property Law (LLM). The main areas of her research include artificial intelligence and ethics, internet platform regulations, rights and liabilities of online content-sharing service providers, big data, machine learning and algorithms, the role of patent flexibilities in healthcare innovation and access. Since 2017 she has been a member of the Georgian Bar Association. She is experienced in litigation and represents clients in all instances of courts concerning legal problems of civil and administrative law. Mariam advises clients and IT companies with a special focus on intellectual property law, data protection and GDPR legal compliance.

ABSTRACTS

Dr. Eileen Culloty

Regulating Online Disinformation: Reacting to digital problems or building a better Internet?

Abstract: This paper will argue that discussions about the regulation of online disinformation need to be set against a bigger perspective on the need for norms, standards, and oversight in the digital environment. Currently, policymakers are locked into a cycle of reacting to digital problems. Yet, these problems - disinformation, "online harms" - are difficult to define, not least because the way they manifest online is always evolving. Moreover, there are significant gaps in knowledge because the tech companies have largely declined to share data that would help researchers and policymakers understand the phenomena more clearly. The crisis-reaction cycle drowns out bigger policy questions about building a better, more democratic, Internet and the kind of norms and standards that are needed to achieve it. As lax regulation has enabled a small group of companies to dominate the digital world, alternative ways of organising digital life struggle to compete. In particular, the lack of interoperability impedes innovation and disincentivises better services. Meanwhile, 'community standards' and terms of service give tech companies an unaccountable power to determine what is and isn't permissible online. On this view, online disinformation is not simple about speech, it is fundamentally connected to wider of digital infrastructure. The question then is how to regulate digital services in ways that are conducive to civil participation and trustworthy communication while providing accountability for users. The paper will examine how wider proposals for competition regulation (anti-trust actions, interoperability rules) and new rights (data rights, privacy rights) offer a means to address online disinformation while establishing norms and standards for the future development of the Internet and online services.

Dr Clara Iglesias Keller

Title: Don't Shoot the Message: Regulating Disinformation Beyond Content in Brazil

Abstract: The paper examines the Brazilian framework for disinformation regulation by demonstrating the country's shift in policy proposals, from targeting content to measures aiming at the regulation of the platforms' business models. Section 1 builds on the existing literature in order to describe the rationales of both the relevant provisions in force and the proposal currently under discussion in Congress. Even though this is an ongoing process, Section 2 extracts two key takeaways from these national policy debates: (i) how disinformation practices are fueling the regulation of a broader range of online harms, allowing for a new paradigm of state action towards digital platforms; and (ii) how the adoption of platform structure-based regulation does not necessarily minimize risks for users' fundamental rights violation. Last, section 3 will

analyze the new framework's shortfalls and implementation challenges. This input on the new Brazilian bill benefits from previous work on regulatory strategies towards disinformation, that showed, inter alia, the importance of policies that do not encompass speech regulation, but privilege direct enforcement efforts towards the handling of data and business practices.

Dr. Giovanni Zagni

Disinformation and professional fact-checking: a practitioner's view

In the current debate on disinformation, fact-checkers are similar to first-line responders. Their experience is a useful point of view that can inform further research and policy choices. Building on many years of fact-checking work in the Italian projects Pagella Politica and Facta.news, some observations will be introduced. First, a fundamental division between different kinds of fact-checking needs to be clarified. Secondly, some practical "laws" in the everyday approach to disinformation will be presented and discussed, ranging from the limited influence of a large number of disinformation narratives to the key role of superspreaders and the small observable role of foreign actors.

Dr. Sergi Jorbenadze

Freedom of Expression on Social Media in Georgia – Case for the Urgent Need of Online Regulation

Abstract: A large majority of Georgian population are active users of social media, in particular Facebook. The Government, politicians, celebrities, media and broadcasting channels, corporations, physical persons including children, each have their own social media accounts. News and latest stories are broken via social media first. On the one hand, this is good for democracy, but on the other hand, this poses a big challenge from the legislative point of view. Human rights of many internet users are violated on daily basis. When a right is violated a user can report particular type of content in question on social media or go to court. Georgian judiciary is not ready for social media law cases. Cases concerning hate speech, which can be transmitted via words, pictures, videos, emojis and memojis is particularly problematic. Accordingly, there is no case law on hate speech in Georgia. There are some examples when the court struggled to adjudicate on matters involving hate speech and often the difficulty stemmed from the lack of technical understanding over operability of digital platforms. This article argues that Georgia needs regulation of online speech which will serve as a protective measure for internet users. The article analyses three cases of civil law and one case of criminal law and evidences necessity of the new legislation in Georgia.

Dr. Ushangi Bakhtadze

Disinformation and Crime: Can we Criminalize it?

Abstract: Article will examine the Georgian context of disinformation and the challenges it causes. Due to its prevalence and serious harms, there are talks within the legislative body and academia on regulating intentional spread of disinformation. Within the framework of regulation, the idea of criminalisation is also discussed. This conversation raises critical questions about the importance Georgians attach to democratic

values such as free speech and their willingness to put the fate of those values in the hands of the state. When it comes to criminalisation of certain acts, problem with Georgia is that there are no clear principles on criminalisation, or to put it another way, state can criminalise any act if it thinks that the act causes harm to society, or it is dangerous to society. Even though, there were several occasions when disinformation caused direct harm to individuals and caused serious threats to the work of police, question still remains whether it is logical for liberal democratic state to criminalise this act. Article takes into consideration that this is the debate it context of 'criminalisation'. We are not merely talking about censuring or criticising disinformation. We are talking about imposing criminal sanctions, which would usually entail putting people behind bars. Therefore, such sanctions should be applied only when the harm caused by the relevant activity is extremely severe. So, for instance, the very question 'should we criminalise disinformation?' is quite troubling, because it fails to understand that disinformation can entail a lot of things.

Nina Shengelia

What are the effects of online disinformation and fake news on a digital society in a fragile and unconsolidated democracy like Georgia?

Spread of disinformation is one of the core problems that stems from social media in Georgia. Russian Federation that has occupied territories within Georgia is involved in hybrid war against Georgia that aims to break up what is already a deeply polarized society. Disinformation is the key instrument employed by Russian Federation in the hybrid war. Georgia is facing internal and external disinformation. Internal disinformation is often motivated by political reasons. This is the reason why Georgia often features in Facebook's Inauthentic Coordinated Behavior reports. Facebook has detected numerous groups, pages and accounts that where fake accounts, bots and trolls are using social media to spread disinformation and fake news about their political opponents. Outbreak of Covid 19 in 2019 has resulted in the increase of fake news and hate speech content circulating on social media. Global society faces infodemic alongside pandemic and Georgia is no exception. Georgian society has been further polarized by internet users who are opposed to or supporting vaccination. Stream of disinformation spread by Russian media outlets ensures that Georgian population, especially ethnic minorities who do not speak Georgian language, have become easy targets for disinformation about potential effects of vaccination. Social media plays a pivotal role in the run up to elections, where bots and trolls employed by various political parties operate an ecosystem of disinformation to spread fake news.

There is no legislative framework to regulate disinformation in Georgia. Even though many European states have adopted legislation to regulate online speech, many states entirely delegate this function to online platforms. Social media platform operators have assumed functions that traditionally belong to the judiciary, as they are decision makers on whether to keep or delete a particular piece of online content which they deem to fall under their definition of "disinformation". This article argues that understanding local context that feeds online disinformation in fragile democracies such as Georgia instead of relying on algorithmic content moderation tools entirely is the key in fighting the spread of disinformation and fake news