



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

## **Call for Expression of Interest on Online Disinformation**

**November 2023**

**The Northern Ireland Human Rights Commission is seeking to contract research relating to online disinformation.**

**The deadline for submitting a quotation is 12:00 noon on Thursday 30 November 2023.**

## 1.0 Background

- 1.1 The Northern Ireland Human Rights Commission (the Commission) is a national human rights institution (NHRI) accredited with A status by the Global Alliance of National Human Rights Institutions. In common with all national human rights institutions the Commission has a range of statutory functions aimed at promoting and protecting human rights. For example, the Commission, pursuant to section 69(1) of the Northern Ireland Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in Northern Ireland (NI). In accordance with section 78A(1) of the Northern Ireland Act the Commission monitors the implementation of Article 2(1) of the Protocol on Ireland/NI of the UK-EU Withdrawal Agreement (Protocol Article 2) to ensure there is no diminution of rights protected in the 'Rights, Safeguards and Equality of Opportunity' chapter of the Belfast (Good Friday) Agreement 1998 as a result of the United Kingdom (UK)'s withdrawal from the EU. The Commission exercises this mandate alongside the Equality Commission of Northern Ireland (ECNI), as part of the 'dedicated mechanism' framework.
- 1.2 Flowing from its statutory functions, the Commission is considering how it responds to the challenge posed by online disinformation.
- 1.3 Pursuant to Section 69(6)(a) of the NI Act 1998, the Commission is seeking to conduct research to explore the issue of online disinformation. This is also in line with the Commission's strategic objective to keep under review law and practice and advise government for the benefit of everyone in NI.
- 1.4 The research will consider incidents and trends in the prevalence of disinformation and its consequences, including specific groups, such as groups with protected characteristics. The research will consider the international legal framework relating to disinformation and relevant domestic frameworks, with specific reference to the United Kingdom (UK). It is intended that the research will consider the role of a national human rights institution in protecting and promoting human rights and how national human rights institutions can most effectively address disinformation.

## 2.0 Legal Developments

- 2.1 The Commission is conscious of existing international developments, including the United Nations General Assembly's Resolution on countering disinformation and the report of the Secretary General of the UN.<sup>1</sup> The Commission is aware of research by academics and several UN bodies on gender disinformation.<sup>2</sup> The Commission is also conscious of research that identifies disinformation about particular groups, such as migrants, as a form of discrimination.<sup>3</sup> Additionally, the Commission is conscious of developments in intergovernmental regional organisations including the European Union.<sup>4</sup>
- 2.2 The Commission notes developments at a national level, including the Online Safety Act 2023 in the UK.

## 3.0 Research Aims

- 3.1 The aim of the research is to establish the domestic and international legal framework relating to online disinformation that is relevant to NI. The research should have a particular focus on human rights standards. The research also aims to inform the Commission of the challenges presented by online disinformation, with consideration of the Commission's statutory functions and mandate. It is expected that the research will include three components, as set out below.

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<sup>1</sup> A/RES/76/227, 'UN General Assembly Resolution on Countering Disinformation for the Promotion and Protection of Human Rights and Fundamental Freedoms', 10 January 2022; A/77/287, 'UN General Assembly Report of the Secretary General: Countering Disinformation for the Promotion and Protection of Human Rights and Fundamental Freedoms', 12 August 2022; UN General Assembly, 'Press Release: Third Committee highlights spike in conflict-related torture, expresses concern over gendered disinformation threat to women, human rights defenders', 12 October 2023; US Department of State, 'Press Release: Summary of the UK-US Roundtable on Countering Gendered Disinformation at the 67<sup>th</sup> UN Commission on the Status of Women', 10 March 2023.

<sup>2</sup> Global Engagement Centre, 'Press Release: Gendered Disinformation: Tactics, Themes and Trends by Foreign Malign Actors', 27 March 2023; Nina Jankowicz et al, 'Malign Creativity: How Gender, Sex, and Lies are Weaponised Against Women Online' (Wilson Centre, 2021); A/78/288, 'Report of the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression', 7 August 2023; A/77/288, 'UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression: Disinformation and Freedom of Opinion and Expression During Armed Conflicts', 12 August 2022;

<sup>3</sup> Judit Szakács and Éva Bognár, 'The Impact of Disinformation Campaigns about Migrants and Minority Groups in the EU' (European Parliament, 2021).

<sup>4</sup> European Commission, 'Fighting Disinformation: 2022 Strengthened Code of Practice on Disinformation' (EC, 2022).

3.2 First, understanding the phenomenon of online disinformation more broadly, but through the lens of establishing the effects, good practice and notable poor practice regarding online disinformation to assist with addressing the issue in Northern Ireland. This includes establishing:

- The role of online disinformation in promoting conspiracy theories and hatred, with a consideration of the distinction between freedom of speech and hate speech/hate crimes;
- The effect of disinformation on specific groups;
- The use of online disinformation as a form of discrimination;
- The gender perspective as it relates to online disinformation;
- The use of online disinformation as a form of violence; and
- The effect of online disinformation on public discourse, including any challenges in balancing regulation of online disinformation and the right to freedom of expression.

3.3 Second, analysis of the legal framework in NI, particularly human rights standards, relating to online disinformation including:

- Consideration for how online disinformation is currently being regulated in NI, including how the right to freedom of expression is secured;
- Consideration of proposals for further regulation of online disinformation, including consideration of best practice or lessons learned elsewhere in the world, particularly in the European Union;
- Consideration of the relationship between any form of regulation and the right to freedom of expression, particularly in the context of human rights instruments that have been ratified by the UK; and

- Consideration for the role of international intergovernmental organisations.

3.4 Third, with consideration of the Commission's specific statutory functions and mandate, analysis of the role of NHRIs including:

- Consideration of what mitigating measures to tackle online disinformation a NHRI should recommend, including how any measures are monitored and evaluated;
- Consideration of how a NHRI could advise government on measures required to tackle online disinformation. This should include advice to government at numerous levels and advice to public authorities, with consideration of the devolved arrangements in NI;
- Consideration of initiatives which NHRIs can take to engage with civil society, including empowering individuals and organisations to record, report and respond to incidents of online disinformation; and
- Consideration of how a NHRI can engage with online service providers to ensure they address online disinformation.

## 4.0 Focuses

4.1 This research should focus on findings and proposed recommendations that are relevant in the context of the UK, with consideration of the devolved arrangements that are relevant to Northern Ireland.

4.2 Examples from other international legal frameworks are useful where they offer examples of best practice or notably poor practice, but human rights standards should be the core focus, particularly those relevant in a UK context. Consequently, the research should focus on the international legal framework that the UK has ratified or is obliged to adhere to. However, if there are

gaps created by lack of ratification it would be helpful for this to be highlighted and briefly explained. Furthermore, if there is best practice in other parts of the world with a different legal framework to the UK, it would be helpful if the best practice was highlighted and briefly explained. Further to paragraph 3.3, the Commission would welcome observations on the implications of the UK no longer being a member of the European Union.

- 4.3 If there are links to other forms of disinformation this should be highlighted, however the focus of this research is online disinformation.
- 4.4 The Commission seeks to ensure that this research adds to existing levels of knowledge and understanding and does not seek to duplicate existing research set out at paragraph 2.1. In addition, the Commission highlights the need to avoid duplication with the report 'European Union Developments in Equality and Human Rights: The Impact of Brexit on the Divergence of Rights and Best Practice on the Island of Ireland', an updated version of which is soon to be published.

## 5.0 Specification

5.1 The successful contractor will be required to:

- Engage with the NIHRC to clarify the parameters of the project;
- To undertake both desktop research and any potential interviews with key stakeholders, which may include civil society organisations, practitioners, service providers, academic or policy makers in this field; and
- to submit a robust draft report by **31 March 2024** at the latest and, having taken account of the Commission's comments and subject to discussion between the Commission and the contractor, a final report, which includes findings and proposed recommendations both on how to effectively address online disinformation and how an NHRI can assist in

achieving this by Friday 31 May 2024.

- 5.2 The Commission retains all rights to the intellectual property and will be responsible for future decisions regarding the publication of the report, this includes whether the findings of the research are published, the content and format of any publication and how publications or other outputs are disseminated. In all publications or other outputs, the role of the contractor will be duly acknowledged.
- 5.3 Further dissemination opportunities may follow from this research in the form of a seminar and/or round table event, which will be hosted and funded by the Commission.
- 5.4 The Director of Research, Policy and Investigations will be available to liaise with the successful contractor for the duration of the project, to resolve any queries concerning the research or the Commission's requirements in respect of the final draft.

## **6.0 Application**

6.1 Interested contractors are invited to:

1) Write a brief letter of motivation, alongside an annex of relevant experience and publications (no more than four pages in total). It is expected that interested contractors will provide an outline of the proposed approach to the project, including the methods they will employ for ascertaining and ensuring that the Commission's requirements are met. At minimum, the letter should demonstrate:

- experience of each member of the research team in undertaking research in one or more of the following fields (to ensure coverage across of the range of relevant experience):
  - domestic and international regulation of online service providers, with a knowledge of the UK policy and legislative framework (including Northern Ireland);
  - CoE European Convention on Human Rights; and
  - other relevant international human rights law.

- knowledge and understanding across the research team of key issues relating to online disinformation, including effects on specific groups;
  - ability to develop feasible proposals for action by NHRIs, with particular consideration of the Commission's statutory functions and mandate;
  - how they will conduct the research within the time available, including a proposed outline methodology and how the research team will ensure the research adds value to pre-existing research;
  - how they will ensure value for money; and
  - how quality assurance will be guaranteed.
- 2) Quote a fixed price of no more than **£25,000** (inclusive of VAT) for researching, writing and presenting a final report in line with the terms of reference. The proposed cost should provide a breakdown of how many days will be allocated to specific tasks undertaken by research team members, alongside a daily financial rate for each researcher. The proposals will be assessed for value for money.
- 3) Provide an example detailed workable timeframe, in line with the deadlines set out above for the interim and full report.
- 4) Provide details of two referees who can comment on the interested contractors' ability to deliver the research and output described in the above specification.

## 6.2 The award of the contract will be based on:

- the applicants' competence to undertake the work, judged from the content of the letter of motivation and previous experience;
- how effectively the proposal will be delivered in practice; and
- value for money.



6.3 The Commission reserves the right not to accept the lowest quotation.

## **7.0 Policies**

### **Human rights policy**

7.1 Tenderers must confirm that their organisation has a human rights policy. Tenderers who have been selected will be asked to provide a copy of their organisational human rights policy prior to award of contract.

### **GDPR policy**

7.2 Tenderers must confirm that their organisation has a GDPR policy. Tenderers who have been selected will be asked to provide a copy of their organisational GDPR policy prior to award of contract.

**Any questions about the project should be emailed to [Hannah.russell@nihrc.org](mailto:Hannah.russell@nihrc.org) who will arrange a prompt response.**

**Please email your application to [Accounts@NIHRC.org](mailto:Accounts@NIHRC.org) by 12 noon on Thursday 30 November 2023**

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