# Misinformation, freedom of expression and COVID-19

# Tom Tabori, 39 Essex Chambers

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# Part 1:

# The problem

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https://archive.md/d3XrB [accessed 25.6.2020]



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#### 21 being played out in real life.

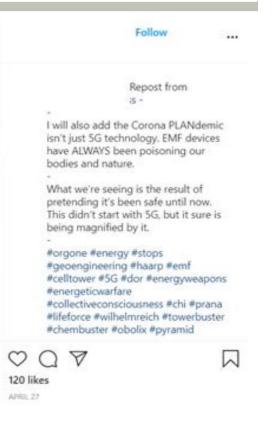
Add a comment...

#### PUSI

#### **5G POISONS THE CELLS IN OUR BODIES.**

OUR CELLS PRODUCE EXOSOMES AS AN IMMUNE RESPONSE TO INTERNAL & EXTERNAL STRESSORS SUCH AS TOXINS & RADIATION. THOSE EXOSOMES THEN TEST POSITIVE AS COVID-19 BECAUSE THIS NATURAL IMMUNE RESPONSE (WHICH IS NOT CONTAGIOUS) IS BEING REBRANDED AS COVID-19. IT IS A BAIT & SWITCH COVERUP...MEANWHILE 5G IS BEING WIDELY INSTALLED DURING THIS QUARANTINE BECAUSE IT IS CRUCIAL FOR AN AI TECHNOCRATIC SYSTEM.





Centre for Digital Hate and Restless Development, '#WilltoAct', 4.6.2020, p12.



### MYTH: "<mark>Garlic</mark> can cure COVID-19."

#### THE TRUTH:

The World Health Organization has stated, "Garlic is a healthy food that may have some antimicrobial properties. However, there is no evidence from the 2020 outbreak that eating garlic has protected people from the new strain of coronavirus."

#### HOW THE HOAX EMERGED:

The earliest example of this claim was a Jan. 31, 2020 post from an anonymous Twitter account based in the Philippines, sharing a recipe claiming the virus "can be cured by one bowl of freshly boiled garlic water," according to a February 2020 article from FactCheck.org.

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https://www.newsguardtech.com/covid-19-myths/#garlic [accessed 23.6.2020]

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# WHO, 'Novel Coronavirus(2019nCoV) Situation Report – 13', 2.2.2020:

#### **TECHNICAL FOCUS: Risk communication and community engagement**

#### Managing the 2019-nCoV 'infodemic'

The 2019-nCoV outbreak and response has been accompanied by a massive 'infodemic' - an over-abundance of information – some accurate and some not – that makes it hard for people to find trustworthy sources and reliable guidance when they need it.

Due to the high demand for timely and trustworthy information about 2019-nCoV, WHO technical risk communication and social media teams have been working closely to track and respond to myths and rumours. Through its headquarters in Geneva, its six regional offices and its partners, the Organization is working 24 hours a day to identify the most prevalent rumours that can potentially harm the public's health, such as false prevention measures or cures. These myths are then refuted with evidence-based information. WHO is making public health information and advice on the 2019-nCoV, including myth busters, available on its social media channels (including Weibo, Twitter, Facebook, Instagram, LinkedIn, Pinterest) and website.

https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200202-sitrep-13-ncov-v3.pdf [accessed 25.6.2020]

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### Fearing coronavirus, Arizona man dies after taking a form of chloroquine used to treat aquariums

By Theresa Waldrop, Dave Alsup and Eliott C. McLaughlin, CNN () Updated 1650 GMT (0050 HKT) March 25, 2020



https://edition.cnn.com/2020/03/23/health/arizona-coronavirus-chloroquine-death/index.html [accessed 23.6.2020]

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### Revealed: leader of group peddling bleach as coronavirus 'cure' wrote to Trump this week

Mark Grenon wrote to Trump saying chlorine dioxide 'can rid the body of Covid-19' days before the president promoted disinfectant as treatment

- Coronavirus latest US updates
- Coronavirus latest global updates
- See all our coronavirus coverage



https://www.theguardian.com/world/2020/apr/24/revealed-leader-group-peddling-bleach-cure-lobbied-trump-coronavirus, accessed 23.6.2020]

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#### Bloomberg

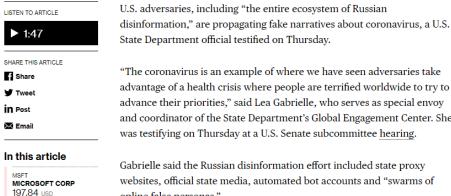


#### Politics

### **Coronavirus Is Fueling Nation-State Disinformation Campaigns**

By Alyza Sebenius March 5, 2020, 5:52 PM GMT

<ul> <li>Effort includes 'entire ecosystem of Russian disinformation'</li> </ul>	LIVE ON BLOOMBER
<ul> <li>Global Engagement Center seeks to counter false narratives</li> </ul>	Watch Live TV > Listen to Live Radio



"The coronavirus is an example of where we have seen adversaries take advantage of a health crisis where people are terrified worldwide to try to advance their priorities," said Lea Gabrielle, who serves as special envoy and coordinator of the State Department's Global Engagement Center. She THE WEWO

Gabrielle said the Russian disinformation effort included state proxy websites, official state media, automated bot accounts and "swarms of online false personas."

https://www.bloomberg.com/news/articles/2020-03-05/coronavirus-is-fueling-nation-state-disinformation-campaigns [accessed 24.6.2020]

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# Part 2:

# The UK response

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#### News

#### NHS takes action against coronavirus fake news online

🛗 10 March 2020

Emergency Preparedness, Resilience and Response Patient care Patient safety

The NHS has today unveiled a package of measures in the battle against coronavirus fake news – working with Google, Twitter, Instagram and Facebook – to help the public get easy access to accurate NHS information and avoid myths and misinformation.

The measures include Google providing easy access to verified NHS guidance when someone searches for coronavirus.

As well as helping to promote good advice, the NHS has been fighting bad advice and misinformation about the virus in the media and online, working with Twitter to suspend a false account posing as a hospital and putting out inaccurate information about the number of coronavirus cases; and publicly condemning homeopaths promoting false treatments.

The NHS is also working with Twitter, Instagram and Facebook to verify or 'blue tick' over 800 accounts belonging to NHS organisations including hospital trusts and local commissioning groups.

And following months of work, the NHS and Google will this week introduce new Knowledge Panels – prominent pop out boxes of information – as part of Google search on mobile, to ensure it provides the public in the UK with easy access to NHS information about more than 250 health conditions, including coronavirus.

Both Twitter and Facebook are directing users to the NHS website if they search for coronavirus.

The announcement comes alongside the government's action to crack down on fake news, including a cross-government team to engage with social media firms to monitor the

https://www.england.nhs.uk/2020/03/nhs-takes-action-against-coronavirus-fake-news-online/ [accessed 24.6.2020]

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Specialist units across government are working at pace to combat false and misleading narratives about coronavirus, ensuring the public has the right information to protect themselves and save lives.

The Rapid Response Unit, operating from within the Cabinet Office and No10, is tackling a range of harmful narratives online - from purported 'experts' issuing dangerous misinformation to criminal fraudsters running phishing scams.

Up to 70 incidents a week, often false narratives containing multiple misleading claims, are being identified and resolved. The successful 'Don't Feed the Beast' public information campaign will also relaunch next week, to empower people to question what they read online.

https://www.gov.uk/government/news/government-cracks-down-on-spread-of-false-coronavirus-information-online, 30.3.2020 [accessed 24.6.2020]

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### **IF YOU SEE COVID-19 MISINFORMATION**

### **DON'T ENGAGE**

and ask them not to.

If you reply, share, or quote misinformation, you help to spread it.

misinformation, message them privately

If someone you know is sharing

## **2** BLOCK THEM

If someone you don't know is sharing misinformation, block them.

### MESSAGE PRIVATELY **(4)** REPORT

Report misinformation to platforms or group admins asking them to remove that content.

### **INSTEAD, SPREAD OFFICIAL ADVICE**

Drown out fake news by sharing official scientific advice, as well as posts promoting good causes in tough times.

www.counterhate.co.uk Twitter @ccdhate | Insta @counterhate | FB @ccdhate CCDH

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### #WilltoAct

How social media giants have failed to live up to their claims on the Coronavirus 'infodemic'

Centre for Digital Hate and Restless Development, '#WilltoAct', 4.6.2020, cover.

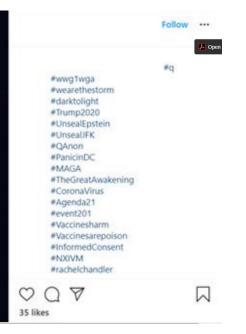
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# Example from the CCDH report:

### There is NO pandemic.

There is a virus less deadly than the flu, fake prediction models, recommended treatments that are killing people, unreliable and contaminated test kits, ridiculously inflated death counts, and media-induced hysteria to push an agenda whereby the end goal is to enslave humanity with forced vaccines, microchips, and police state surveillance.



Centre for Digital Hate and Restless Development, '#WilltoAct', 4.6.2020, p12.

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# Damian Collins MP, Hansard, 16.3.2020, vol 673, col 732

As I said in my question to the Secretary of State, we should look at the information that the public have access to. They need clear, accurate and reliable information, and people who seek to use social media to spread malicious disinformation with the particular purpose of undermining public health should be in a position where they have committed an offence. Under the emergency powers in the Bill that the Government will publish later this week, we should make it an offence to spread misinformation about coronavirus with the intention of undermining public health. In Australia, similar laws were introduced in response to the Christchurch terrorist attack last year. Spain has looked at a similar response to disinformation and misinformation about coronavirus, and we should do the same.

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# Part 3:

# International comparison

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Protection from Online Falsehoods and Manipulation Act 2019 (Pofma)

#### S 7 makes it an offence to:

"...do any act in or outside Singapore in order to communicate in Singapore a statement knowing or having reason to believe that —

- (a) it is a false statement of fact; and
- (b) the communication of the statement in Singapore is likely to —
- (C) ...
- (d) be prejudicial to public health, public safety, public tranquillity or public finances;
- (e) ...
- (f) influence the outcome of an election to the office of President, a general election of Members of Parliament, a by-election of a Member of Parliament, or a referendum"

On 3.3.2020, Singapore's Communications and Information Minister said "Our Covid-19 experience has reinforced, if anything, that conviction, and certainly, we have no reason to question the reason for doing so." [https://www.straitstimes.com/singapore/right-to-let-ministers-act-swiftly-on-

fake-news-says-iswaran, 4.3.2020, accessed 24.6.2020]

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#### PROTECTION FROM INTERNET FALSEHOODS AND MANIPULATION AND OTHER RELATED MATTERS BILL 2019

Sponsored by Senator Muhammad Sani Musa

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3 Transmission of false DECLARATIONs of fact in Nigeria

4 Making or altering bots for transmission of false DECLARATIONs of fact in Nigeria

5 Descriding complete for the section of COL DESCRIPTION

https://ndlink.org/download-protection-internet-falsehoods-manipulation-bill-2019/, 25.11.19 [accessed 24.6.2020]

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### Section 337

(1) Persons who at the site of a public emergency, before the grand public, claim or spread a falsehood or claim or spread a distorted truth in relation to the emergency in a way that is suitable for alarming or agitating a large group of people at the site of the emergency commit a crime that is punishable by up to three years of prison.

(2) Persons who under extraordinary rule of law claim or spread a falsehood or claim or spread a distorted truth before the grand public that is suitable for obstructing or preventing successful protection commit a crime that is punishable by one to five years of prison."

[translation by

https://hungarianspectrum.org/2020/03/21/translation-ofdraft-law-on-protecting-against-the-coronavirus/

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Federal Law of 01.04.2020 No. 100-FZ 'On Amendments to the Criminal Code of the Russian Federation and Articles 31 and 151 of the Criminal Procedure Code of the Russian Federation'

# "207 Public dissemination of knowingly false socially significant information, entailing grave consequences"

1. Public distribution under the guise of reliable messages of knowingly false socially significant information, which entailed through negligence harm to human health, -

shall be punishable by a fine in the amount of seven hundred thousand to one million five hundred thousand rubles, or in the amount of the convict's salary or other income for a period of up to eighteen months, or by correctional labor for a term of up to one year, or forced labor for a term of up to three years, or by imprisonment for same term.

2. The same act, which, through negligence, entailed the death of a person or other grave consequences, -

shall be punishable by a fine in the amount of from one million five hundred thousand to two million rubles, or in the amount of the convict's salary or other income for a period of eighteen months to three years, or by correctional labor for a term of up to two years, or forced labor for a term of up to five years, or imprisonment for the same term."



On 13.5.2020, France passing a 'Fighting hate on the internet' law, requiring social networks to remove certain hateful and illegal content within 24 hours. [https://www.dw.com/en/france-passesdisputed-law-on-online-hate-speech/a-53429587]

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Germany already had, before the pandemic, the Network Enforcement Act, adopted in 2017 and in force 1.1.2018, enacted in response to the US elections.

The 2017 Act applies to social networks ("telemedia service providers which, for profit-making purposes, operate internet platforms which are designed to enable users to share any content with other users or to make such content available to the public") of 2 million plus users [s 1].

Amongst other provisions, the Network Enforcement Act requires providers of social networks to maintain a procedure for handling complaints as to unlawful content, a procedure which must ensure the network removes or blocks access to content within one week, or 24 hours if it is manifestly unlawful [s 3].

Negligent or intentional failure to do so is a regulatory offence, which may be sanctioned by a fines of up to €5m [s 4].

[https://www.bmjv.de/SharedDocs/Gesetzgebungsverfahren/Dokument e/NetzDG\_engl.pdf?\_\_blob=publicationFile&v=2].

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Germany Director at Human Rights Watch said of the Network Enforcement Act at the time:

"It is vague, overbroad, and turns private companies into overzealous censors to avoid steep fines, leaving users with no judicial oversight or right to appeal." [https://www.hrw.org/news/2018/02/14/germany-flawed-social-media-law, 14.2.2018].

Adjustments have been made: the government has since published a bill that would give users a right to request a review by a network of its decision to retain or delete a post and gives users protection against unauthorized deletions and account locks

[https://www.bmjv.de/SharedDocs/Artikel/DE/2020/040120\_NetzDG.html;

https://www.bmjv.de/SharedDocs/Gesetzgebungsverfahren/Dokumente /RegE\_Aenderung\_NetzDG.pdf;jsessionid=D8952A9C53BA2715E7C5 04D2C0BE7A44.2\_cid297?\_\_blob=publicationFile&v=2, 1.4.2020].



Research commissioned by UNESCO, produced in collaboration with the International Centre for Journalists (ICFJ), by experts attached to the University of Sheffield's Centre for Freedom of the Media: "There is a grave risk that laws designed to curtail Covid-19 disinformation could also damage the ability of free and quality journalism to counter the **disinfodemic**".

https://www.sheffield.ac.uk/news/nr/fake-news-lawscould-damage-efforts-counter-disinformationunesco-journalism-study-1.888135, 5.5.2020]

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# Part 4:

# Back to the UK

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House of Commons Digital, Culture, Media and Sport Committee

#### Disinformation and 'fake news': Final Report

#### **Eighth Report of Session 2017–19**

Report, together with formal minutes relating to the report

Ordered by the House of Commons to be printed 14 February 2019

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### Online Harms White Paper

April 2019

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R (Williamson) v Secretary of State for Education [2005] UKHL 15; [2005] 2 A.C. 246 at 60, per Lord Walker:

# *"in matters of human rights the court should not show liberal tolerance only to tolerant liberals"*

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*R. v Central Independent Television Plc* [1994] Fam 192 at 203B, per Hoffman LJ:

"Freedom means the right to publish things which government and judges, however well motivated, think should not be published. It means the right to say things which "rightthinking people" regard as dangerous or irresponsible. This freedom is subject only to clearly defined exceptions laid down by common law or statute".

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R (TV-Novosti) v The Office of Communications [2020] EWHC 689 (Admin); [2020] E.M.L.R. 18

"23 There is nothing to suggest that the need for accuracy or impartiality in the broadcasting media, or the contribution that an adherence to those standards in broadcasting makes to a properly informed democratic debate, has diminished or is any less important to safeguarding the interests of citizens now than it was at the time of the White Paper or the enactment of the 2003 Act. Indeed, there is reason to consider that the need is at least as great, if not greater than ever before, given current concerns about the effect on the democratic process of news manipulation and of fake news."

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