



The Cost of Lies: We Need to Talk about the Freedom of Expression

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Abstract: Freedom of expression is in the eye of the storm created by the COVID-19 pandemic, clashing in particular with efforts to combat misinformation and disinformation that have been spreading online.

The COVID-19 pandemic has made us miss our liberties. It has also tested the idea that rights are interdependent, indivisible and interrelated: how do governments decide which freedoms to curtail, and why are some groups disproportionately hit by both disease and restrictions? At the same time, the pandemic has resoundingly reminded us how [important, relevant and threatened](#) many rights are.

Freedom of expression, in particular, is in the eye of the storm created by the pandemic, clashing with efforts to combat misinformation and disinformation, especially those spreading online. Misinformation and intentional disinformation encourage defiance of preventive measures, denial of the virus and vaccine hesitancy. Concern about their impact led the World Health Organization to start using the word [infodemic](#), which it defines as 'too much information including false or misleading information in digital and physical environments during a disease

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outbreak'. As the Organization explains, an infodemic causes confusion and risk-taking behaviours that can harm health. It also leads to mistrust in health authorities and undermines the public health response.

But how do we stop disinformation without violating the freedom expression, and who is responsible for doing this?

Recently, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression issued an important [reminder](#): 'While freedom of opinion is absolute, freedom of expression may be restricted under certain circumstances.' According to Article 19(3) of the [International Covenant on Civil and Political Rights](#), restrictions on freedom of expression are allowed as long as they are

provided by law and are necessary ... (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

The COVID-19 infodemic's devastating effects on public health demonstrate that democratic governments and societies need to reconcile counter-disinformation with the freedom of expression. This is crucial not just for public health but also because disinformation affects freedom of expression—the very right it often ducks behind. This right is compromised by disinformation's toolbox. Often, deliberately spread falsehoods simply flood the digital space causing professional journalism and truthful accounts to sink under the massive amount of lies. These lies can also silence [voices of opposition or grassroots movements](#), which may decide to back down due to disinformation-fuelled abuse and hate speech. Vulnerable communities' decision to go off the grid might leave them more marginalised—unable to tell their story or embark on a quest for justice. Their freedom of expression is worth protecting too, right?

Six building blocks

Below, I ponder upon (some) building blocks of a framework that might allow a peaceful coexistence between counter-disinformation and upholding the right to freedom of expression. The list is not exhaustive, but should be expanded and enriched.

1. Democracy: Any attempt to stop disinformation, especially when involving regulation, should be backed by a fully-fledged democracy, characterised by good governance, respect for the rule of law and human rights. Only a democratic society that endorses participation, active citizenship, equality, diversity, social innovation and responsible entrepreneurship, can produce and comply with ground rules on

avoiding censorship, persecution and suppression of opposition and advocacy while fighting disinformation.

2. Free and independent media: Clearly, [this is something](#) without which no solid democracy could be complete. [Traditional media has suffered](#) greatly under the blows of online disinformation, as it is often confined to a shrinking space, afflicted by diminishing audiences and their decreasing trust. Subscription to codes for preventing disinformation and hate speech, editorial autonomy, political independence, transparency of funding, dedication to improved media literacy and greater media pluralism are some of the [key characteristics](#) of free and independent media, to be regularly monitored and ensured. Recently, it [was suggested](#) that traditional media might have to rethink its understanding of impartiality, as it should not equal abstention from holding those in power accountable or from defending the truthfulness of information of public and social significance.

3. Responsible moderation: Social media and tech giants bear great responsibility for tackling disinformation. In fact, no remedy can and should be conceived without them. While some companies are trying to perfect content moderation, as well as their terms of use to eliminate hate speech and disinformation, many rightly suggest that these rules are often enforced '[subjectively and unevenly](#)'. Interestingly, [it is asserted](#) that social media companies, given their claim to be the new digital public square, have the duty to self-regulate to protect the right to democratic participation, embodied in:

expressing opinions, lending support to or contesting others' views, gaining knowledge in order to become informed as a citizen.

4. Transparency: This is a principle central to both a healthy democracy and any meaningful and efficient strategy to eliminate disinformation, online abuse and hate speech. It is a norm, which both governments and tech companies should stick to. However, transparency is also difficult to achieve. One of the best initiatives in this regard has been [the Santa Clara Principles](#). Coined in 2018, they focus on three key elements to increase transparency and accountability with respect to content moderation. These are:

- Numbers: Companies should publish the numbers of posts removed and accounts permanently or temporarily suspended due to violations of their content guidelines
- Notice: Companies should provide notice to each user whose content is taken down or account is suspended about the reason for the removal or suspension

- **Appeal:** Companies should provide a meaningful opportunity for timely appeal of any content removal or account suspension.

5. Engagement and cooperation: Resulting from the joint work of 'a private workshop of organizations, advocates, and academic experts', the Santa Clara Principles illustrate the pressing need for collaboration. To build, implement, monitor and continue to improve a robust strategy for combatting disinformation means engaging various stakeholders (governments, companies, academia, civil society, media, etc.) and ensuring their constant and productive dialogue and cooperation. This is the best way to try and achieve human-centred processes, products and services, as well as counter-disinformation measures that do not limit freedom of expression.

6. Literacy and empowerment: Importantly, [people should not be left out](#) of processes that affect their everyday life, health, family and future. Literacy and education, digital literacy, agency, the ability to control your digital presence and benefit from technology's advance without being manipulated or abused are key to a healthier and disinformation-resilient online environment. We should be trained to use the internet, social media, digital technologies to our advantage and our best interest, so that we learn, communicate and have fun whilst using them. We should be taught to take responsibility for our actions online and assisted in protecting and educating ourselves. This cannot happen without tech as well. An interesting initiative is [World Wide Web Foundation's effort](#) to bring together representatives of tech, civil society, policy and regulatory bodies, and academia to create safer online experiences for women.

What is the cost of lies?

Having some of the building blocks of a solid disinformation-countering framework is not enough, however. We need an elaborate construction plan, stable scaffolding, more bricks and good mortar to hold these together, as well as patience and hard work. Only then, we can be safe. Indeed, to capture this, I took the title of this post from the [TV series Chernobyl](#), which opens with the main character, Valery Legasov, asking:

What is the cost of lies? It's not that we'll mistake them for the truth. The real danger is that if we hear enough lies, then we no longer recognize the truth at all.

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