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The Fake News Virus Killing Democracy

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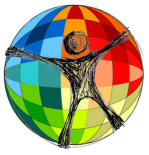

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ABSTRACT

The dawn of the internet era and AI technology has resulted in an under-regulated virtual information ecosystem corrupted by an attention-seeking economy that has little regard for information integrity. Online public forums have become inundated with misinformation and disinformation and intoxicated by algorithmic radicalization. Increasingly, high-profile political leaders and candidates in democratic states have sought to use disinformation strategically to advance personal interests with populist rhetoric to the detriment of democratic institutions. Absent a common and accessible repertoire of facts from which to engage in public and political dialogue and bring power-holders to account, democracy cannot prosper.

While this info-demic warrants urgent action, neither criminalization nor censorship have proven to be effective strategies to combat the fake news disorder, and contrarily tend to further threaten the fundamental freedoms essential to deliberative democracies. The multi-pronged pathway forward requires interdisciplinary collaboration among different stakeholders and advances harm reductions strategies that focus on resilience building, rooted in democratic values. These responses include the need to provide secure funding to local and independent journalism, enact stronger algorithmic and advertisement transparency requirements on media platforms, and pressuring corporate tech giants to provide equitable content moderation globally. Public education on the disinformation disorder, and knowledge on how to increase one's own immunity to it and halt contribution to it, will be among the most productive investments of all. These strategies rooted in democratic values will better allow us to maximize the internet's capacity to further human rights and freedoms everywhere.

CONTENTS

Introduction

The world continues wrestling to tame the ever-mutating detrimental ill of our time that knows no borders: fake news. The evolution and propagation of the internet has led to an increasing dependence on digital platforms for resource-sharing. It is undeniable that internet connectivity has become an essential way to access education, opportunities, and social inclusion. However, the unprecedented speed at which technology has transformed the communication sphere has proven difficult for legislators around the world to stay au courant. As a result, the largely underregulated virtual domain has enabled attention seeking algorithms to intoxicate the online public forum with proliferating disinformation. Perhaps due to its inescapability and intense onset, the COVID-19 pandemic helped both to expose and exacerbate the existing information disorder that has been fermenting for years. Likewise, recent democratic elections and high-profile political events have shed a brighter light on the fragile state of our information environment.

It has become alarmingly clear that the inability to control this "info-demic" has and will increasingly continue to cause harmful consequences. The immediate danger from manipulated or false information is that people become persuaded to act contrary to their individual or collective well-being. The non-immediate—but equally detrimental—damages result from the mounting distrust of vital democratic instruments such as journalism, scientific institutions, and human rights organizations. The deeper the tears to the democratic fabric, the more room there is for seeds of radicalization to grow and sow hatred among communities. This information disorder is effectively threatening the realization of human rights everywhere and, as such, urgent action is necessary. This paper posits that criminalization and censorship are ineffective strategies in combating fake news and calls for a robust harm reduction multi-pronged policy rooted in democratic values, involving public education, support for independent press, and regulation.

Part one of this essay will introduce the nature and scope of the "fake news" problem. To do so, it will explain the importance of reliable information for a functioning deliberative democracy, and then discuss the harms that online web designs brought with

the inundation of information and algorithmic radicalization. The harms resulting are twofold and interrelated: misinformation, the unintentional spread of false information, and disinformation, the intentional use of misinformation.

This section will include examples of political leaders who have taken advantage of this phenomenon to advance their interests with populist rhetoric to the detriment of democratic institutions. Subsequently, part two of this essay will analyze two prevalent responses that have been adopted around the world to combat false information: legislation which aims to proactively criminalize the spread of deceptive information, and the more extreme reactive approach of censorship via internet shutdowns, de-platforming, or content removal. A comparative study of how these techniques have been implemented, and a recount of Canada's own history with criminalizing false news, will clearly demonstrate why neither criminalization nor censorship is conducive to protecting democratic rights and freedoms. Finally, part three will conclude by exploring some of the promising proposals that move beyond these punitive and ineffective measures. The multi-pronged pathway forward focuses on resilience building and requires an interdisciplinary collaboration among different stakeholders involving public education, increasing funding for independent press, and new platform regulations.

Much like the COVID-19 pandemic, and the ongoing climate crisis, we may have to learn to live with the mischiefs of the information disorder for the foreseeable future, if not permanently. Accordingly, it is imperative to manage this crisis by constraining its reach and increasing our institutional and collective resilience to it. Doing so will impede it from permanently infecting the democratic institutions which afford human beings the possibility to live a life of dignity, freedom, and self-actualization.

I. NATURE & SCOPE OF THE PROBLEM

A) Importance of "Truthful" Information in Democracy

A healthy democracy cannot be realized in the absence of a citizenry that has access to reliable information on which to base decisions. Focusing for a moment solely on the individual, the

information one is exposed to can be said to shape one's own consciousness.[1] From infancy, the human experience appears to be an ongoing exercise of evaluating data and relying on that assessment to form opinions, which inform one's self-perception and guide prioritization.[2] For example, someone's political affiliation is typically at least partially shaped by how that person has come to understand themselves in relation to other people and the world at large.[3] Therefore, in the same way that consent is invalid if it is not free and informed, decisions based on opinions that were formed with inaccurate information could be characterized as flawed.[4] This is because a decision is a conclusion derived from pre-existing premises.[5] It is a logical reasoning exercise. It is possible for people to arrive at diverse opinions from the same information due to differences in values (recognizing that opinions are subjective, and not objectively wrong or right). Still, the integrity of one's own choice is compromised when the information considered in arriving at the decision is false. This is distinct from making decisions using limited information—since this is actually a conscious choice to take a risk and decide based on the information at hand, understanding that it may be incomplete. As such, access to reliable information

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[1] See generally Giulio Tononi, "Consciousness as Integrated Information: A Provisional Manifesto" (2008) Biol Bull 215 at 217 (on the theory that consciousness is fundamentally integrated information).

[2] See *Merriam-Webster Dictionary* (last visited 17 August 2022), online: *sub verbo* "self-perception" <www.merriam-webster.com/dictionary/self-perception> (defines self-perception as "the idea that you have about the kind of person you are"). See also SPCH 1311: Introduction to Speech Communication, "Interpersonal Communication and Self: Influences on Self-Perception", *Lumen* (last visited 17 August 2022), online: <courses.lumenlearning.com/atdcoursereview-speechcomm-1/chapter/influences-on-self-perception/> (idea that information cues we attain from social spheres, our culture, and the media, inform our own self perceptions).

[3] See generally Kristen Weird, "Politics is Personal" (2019) 50:10 APA 44, online: <www.apa.org/monitor/2019/11/cover-politics>

[4] See generally Benjamin Freedman, "A moral theory of informed consent" (1975) 5:4 Hastings Cent Rep. 32 at 32-33.

[5] See Daniel H Cohen, *Anyone Who Has a View*, Chapter: "Logical Fallacies, Dialectical Transgressions, Rhetorical Sins and Other Failures of Rationality in Argumentation" (Springer Dordrecht, 2003) at 111–12 (fallacious argument is one that fails in any of 3 ways: 1) uses false, dubious or unwarranted premises; 2) reasoning is inductively or deductively invalid; 3) it ignores counter considerations or supresses evidence).

directly impacts an individual's view of themselves and the world around them, and affects one's opportunity to engage in strategic decision-making that may bring about personally desired results.[6]

It is thus easy to appreciate how people's access to reliable and accurate information impacts their own democracy's health. The social contract posits that free and informed individuals can rationally advance their own interests by negotiating to make collective decisions that protect the common good.[7] In a deliberative democracy, the legitimacy of political decisions is founded on the ability and opportunity of the people affected by those decisions to engage in collective deliberation.[8] This manifests as communicative exchanges between people, in private and public forums, where issues and priorities are advocated for, and solutions are presented to be evaluated by the community.[9] As a result of this polygonal information exchange, people come to understand their fellow citizens, and shape or change a pre-existing opinion. Citizens then use their freedom of expression to voice their will via democratic elections. Factual information-sharing permits individuals to engage meaningfully in fruitful democratic deliberation and public affairs.[10]

Reliable information is likewise essential to hold power-holders accountable.[11] Elected officials are trusted by the public

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[6] See generally "Disinformation" (last visited 17 August 2022), online: *Centre for Free Expression* <cfe.ryerson.ca/issues/disinformation>.

[7] See Robert E Denton & Benjamin Voth, *Social Fragmentation and the Decline of American Democracy: The End of the Social Contract* (Cham, Switzerland: Springer Nature, 2017) at 19–20, 77.

[8] See Jennifer L Eagan, "Deliberative Democracy" *Encyclopaedia Britannica,* online at: <www.britannica.com/topic/deliberative-democracy>. See Spencer McKay & Chris Tenove, "Disinformation as a Threat to Deliberative Democracy" (2021) 74:3 PRQ 703 at 704.

[9] See McKay, *supra* note 8 at 704.

[10] See Nandini Ramanujam & Paula Martins Kurukawa, "Chapter: Populism, Information Disorders and Erosion of Democracy: The Case of Brazil" at 14, (McGill University Faculty of Law, 2021) [unpublished].

[11] See generally Angel Gurria, "Openness and Transparency – Pillars for Democracy, Trust and Progress" online: *Organization for Economic Co-operation and Development* <www.oecd.org/corruption/opennessandtransparency-pillarsfordemocracytrustandprogress.htm>.

to realize platform promises within a set period. Accordingly, the elected representative is answerable to the public who will evaluate their performance. The citizenry will re-elect leaders to continue their work or deem their performance as unsatisfactory and vote for an alternative option. Without access to information, the evaluation of a representative's performance will be vain. Clear and truthful information is necessary for transparent governing and, without it, state accountability and fighting corruption becomes exceptionally difficult.[12] When transparency is lacking, trust in the administration of governance and justice diminishes, which can foster a politically disengaged citizenry, and lower social cohesion.[13] Access to evidence-based knowledge empowers citizens to exert pressure on their governments to be efficient and fair, and answerable to their policy commitments.[14] This is why a healthy democracy requires it's electorate to have accessible factually accurate information.

B) Information & the Internet Era

i) Increased Access to Information

The advent of the internet era is celebrated for making information more broadly accessible and providing equal opportunity for those with internet access to create and receive content.[15] It is acknowledged that this democratization only applies to those with internet connectivity, and that the digital divide is a concerning issue warranting significant attention.[16] For

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[12] See generally Maira Martini, "U4 Expert Answers: Right to information laws: Impact and implementation" (2014) at 8, online (pdf): *Anti-Corruption Resource Centre* <www.u4.no/publications/right-to-information-laws-impact-and-implementation.pdf>. See also Transparent Governance & Anti-Corruption (2021), online: *The International City Management Association* <icma.org/transparent-governance-anti-corruption>.

[13] See generally "Trust in Government" (2021), online: *Organization for Economic Co-operation and Development* <www.oecd.org/gov/trust-in-government.htm>.

[14] See Gurria, *supra* note 11.

[15] See Kathleen Stansberry, Janna Anderson, & Lee Raine, "The internet will continue to make life better", (28 October 2019), online: *Pew Research Center* <www.pewresearch.org/internet/2019/10/28/4-the-internet-will-continue-to-make-life-better/>.

[16] Note on digital divide: the digital divide was boldly demarcated during the pandemic: see Karl Bode, "The Case for Internet Access as a Human Right", *Vice*

people with access, however, the internet has provided an infinite and economical library of education, entertainment, and resource-sharing.[17] The COVID-19 pandemic demonstrated how essential connectivity has become for societal functioning. During stringent lockdowns, the internet became the safest—and at times only—way for billions of people to continue social interaction, schooling, and employment.[18] In some countries, vital information on health-related updates, government announcements, and applications for financial relief or non-urgent medical services became primarily available online.[19]

The democratic potential of the virtual web has also been demonstrated by its role in providing evidence which fuels political engagement and social mobilization.[20] With internet access, people often otherwise marginalized gained a new means to exercise their freedom of expression, association, and assembly to collectively demand accountability.[21] For instance, it was a viral video and hashtag in May of 2020 that unleashed public fury around the world protesting against anti-Black police brutality.[22] Similarly, the Uyghur concentration camps in China could no

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(13 November 2019), online, <www.vice.com/en/article/3kxmm5/the-case-for-internet-access-as-a-human-right> (44% of the world remains without any access to the internet). See also "Report of the Secretary General – Roadmap for Digital Cooperation" (June 2020), online (pdf) *United Nations* <www.un.org/en/content/Roadmap_for_Digital_Cooperation_EN.pdf> (3.6 billion people lack online access, with women being 66% less likely than men to use and access internet, and migrants, refugees, children, older persons, persons with disabilities, rural and indigenous populations are disproportionately disconnected).

[17] See Stansberry, *supra* note 15.

[18] See e.g. Jack J Barry, "Covid-19 exposes why access to the internet is a human right" (26 May 2020), online: *Open Global Rights* <www.openglobalrights.org/covid-19-exposes-why-access-to-internet-is-human-right/>.

[19] See *ibid*. See e.g. "COVID-19 benefits and services" (4 November 2021), online: *Government of Canada* <www.canada.ca/en/services/benefits/covid19-emergency-benefits.html>.

[20] See Merten Reglits, "The Human Right to Free Internet Access" (2020) 37:2 Journal of Applied Philosophy, at 317.

[21] See *ibid*.

[22] See Nicholas Bogel-Burroughs, "How George Floyd Was Killed in Police Custody," *The New York Times* (31 May 2020), online: <www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>.

longer be denied once Google Map images, available to anyone with internet connection, could confirm their existence.[23] This ability to connect, share information, and organize led to the inception of the Uyghur Independent Tribunal.[24] The Tribunal collected evidence, conducted hearings, and created a permanent record of the human rights atrocities being committed against the Uyghurs, Kazakhs, and other Turkic Muslims in China.[25] Indeed, it cannot be denied that the internet has shown a remarkable ability to advance and protect people's right to liberty, life, and bodily integrity.

ii) Information Inundation & the Attention Economy

Activists warn that the internet is not a right in and of itself—it is merely a tool with equal capacity to advance or hinder the human rights of anyone engaging with it.[26] The dangers of the internet have surfaced as more online users inundate the media ecosystem, pushing established news publishers out of the conversation. Over the last decade, people have lost the incentive to pay print newspapers for information that aggregator sites offer and circulate freely online from summaries they put together using news reports.[27] This is worsened by the speed with which social media platforms allow users to provide "breaking news" with real-time updates of critical information at the scene via tweets, photos, or status updates.[28] These platforms enable viewers to immediately engage with the post, and share it with their own

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[23] See Sigal Samuel, "Internet Sleuths Are Hunting For China's Secret Internment Camps for Muslims," *The Atlantic* (15 September 2018), online: <www.theatlantic.com/international/archive/2018/09/china-internment-camps-muslim-uighurs-satellite/569878/>.

[24] See "Uyghur Tribunal: About" (last visited 17 August 2022), online: *Uyghur Tribunal* <uyghurtribunal.com/abouttribunal/>.

[25] See *ibid*.

[26] See TEDx Youth, "Sofia Abarca – Should the Internet be a universal fundamental right?" (29 October 2019), online (video): *YouTube* <www.youtube.com/watch?v=VKdg59zF8Ts>. See also Reglits, *supra* note 20.

[27] Joseph Ahrens, "The Decline in Newspapers: A Closer Look" (2016), online: *Wake Tech: Wake Review Literary Magazine & Club* <clubs.waketech.edu/wake-review/decline-in-newspapers>.

[28] See *ibid*.

networks at the click of a button.[29] The problem with this "citizen journalism" on social media is that it does not have the original research, nor the objective fact-checked standards that licensed journalists are obliged to adhere to.[30]

This virtual information system has led many independent and local newspapers to succumb to a financial crisis, and only the top-tier multinational newspapers have survived this shift online.[31] Across the board, aggressive cost-cutting measures have caused newsroom staff layoffs, and the increasing corporate ownership of the journalism industry.[32] Currently, the majority of entertainment and media platforms are controlled by a select few corporations: it is estimated that 90% of all media platforms in the North America are owned by only six corporations.[33] This has also created a news market model that needs to appeal to audiences across a wider geography, leaving large coverage gaps in highly technical and localized issues.[34] Critics note these shifts have resulted in reporting that is based on what attracts more readers, or keeps existing audiences happy.[35] The need to

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[29] See *ibid*.

[30] See Stephan Lewandowsky, "Climate Change Disinformation and How to Combat It" (2021) 42:1 Annu Rev Public Health at 7. See also James L Turk, "Making it illegal will not stop the spread of misinformation" (6 May 2020), online: *Centre for Free Expression* <cfe.ryerson.ca/blog/2020/05/making-it-illegal-will-not-stop-spread-misinformation>.

[31] See Ahrens, *supra* note 27.

[32] See Clara Hendrickson, "Local Journalism in Crisis" (2020), online (pdf): *Brookings Institution* <www.brookings.edu/wp-content/uploads/2019/11/Local-Journalism-in-Crisis.pdf> at 5.

[33] See Ashley Lutz, "These 6 Corporations Control 90% Of The Media In America" (14 June 2012), online: *Business Insider,* <www.businessinsider.com/these-6-corporations-control-90-of-the-media-in-america-2012-6>. See also Beryl Wajsman, " 'Big Brother' Media Canadian style Too much oligopoly, too little independence", *The Suburban* (17 February 2021), online: <www.thesuburban.com/opinion/editorials/big-brother-media-canadian-style-too-much-oligopoly-too-little-independence/article.html>.

[34] See Hendrickson, *supra* note 32 at 9–10.

[35] See Rasmus Kleis Nielsen, "The Decline of Newspapers and the Rise of Digital Media" (2015), online: *Bloomsbury Collections* <www.bloomsburycollections.com/book/local-journalism-the-decline-of-newspapers-and-the-rise-of-digital-media/introduction-the-uncertain-future-of-local-journalism>.

compete for audiences and the oligopoly behind the media ownership may be related to the increasing phenomenon of a politically inclined press, which is itself antithetical to the notion that journalism ought to be independent and impartial, and harms the quality of the information ecosystem.[36]

Advertisers capitalized on the business opportunity that the fast and trending digital media provided by quickly dropping physical newspapers for online tech giants.[37] In 2020, Google generated $147 billion USD in advertisement revenue, Facebook's advertising revenue was $84.2 billion, and YouTube followed at $19.77 billion.[38] Social media platforms have fully embraced the lucrative advertisement model built on the commercialization of user attention.[39] To compete for attention in a space incessantly inundated with more digital content, these platforms designed algorithms that seek to alter user behaviour subconsciously by "[reaching] down into the brain stem and [making] people addicted."[40] These algorithms exploit the human brain's attention to shocking, emotional and divisive content, and compel users to log on and stay on the platform longer.[41] These corporations have employed research proving that people

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[36] See *ibid*; Michael Hameleers, "Populist Disinformation: Exploring Intersections between Online Populism and Disinformation in the US and the Netherlands" (2020) 8:1 Politics Gov 140 at 146.

[37] See Hendrickson, *supra* note 32 at 16.

[38] See Megan Graham, "How Google's $150 billion advertising business works", *CNBC* (18 May 2021), online: <www.cnbc.com/2021/05/18/how-does-google-make-money-advertising-business-breakdown-.html>. See also Statista Research Department, "Facebook's advertising revenue worldwide" (5 February 2021), online: *Statista* <www.statista.com/statistics/271258/facebooks-advertising-revenue-worldwide/>; L Ceci, "Worldwide advertising revenues of YouTube from 2017 to 2020" (23 August 2021), online: *Statista* <www.statista.com/statistics/289658/youtube-global-net-advertising-revenues/>.

[39] See House of Commons, *Democracy Under Threat: Risks and Solutions in the Era of Disinformation and Data Monopoly: Report of the Standing Committee on Access to Information, Privacy and Ethics* (December 2018) (Chair: Bob Zimmer) at 33.

[40] *Ibid* at 32.

[41] See Ramanujam, *supra* note 10 at 12. See also Santiago Giraldo-Luque, Pedro Nicolas Aldana Afanador, & Cristina Fernandez-Rovira, "The Struggle for Human Attention: Between the Abuse of Social Media and Digital Wellbeing" (2020) 8:4 Healthcare 497 at 505.

engage in selective exposure to information, preferring to see information that confirms their pre-existing beliefs, and designed algorithms that feed users curated and narrow content, blocking alternative views and opinions.[42] The resulting echo-chambers blur the lines between fact, opinion, and rumour.[43] The online communication forum that once promised more accessibility of information and increased dialogue is now destabilizing deliberative democracy by prioritizing incendiary information such as hate speech and fake news that targets particular demographics.[44] The internet's potential to be a democratizing tool that fosters the freedom of opinion and expression, has been hijacked by the business model which seeks to maximize reach at all costs.[45]

C) Misinformation: An Unintended Consequence of Social Media

Misinformation refers to the spread of false or inaccurate information, by people or institutions who did not share the information with an intention to mislead.[46] The already weakened state of journalism, mixed with the attention-economy design of media platforms has fed misinformation the fuel to spread fast. There are a variety of reasons why people become prone to engage with or are victimized by misinformation. One explanation is simple convenience: there is such an overload of "information that distinguishing fact from fiction requires more time and energy than most are willing (or able) to invest."[47]

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[42] See Jenifer Whitten-Woodring et al, "Poison If You Don't Know How to Use It: Facebook, Democracy, and Human Rights in Myanmar" (2020) 25:3 Int J Press Polit 407 at 412.

[43] See Ramanujam, *supra* note 10 at 2.

[44] See Whitten-Woodring, *supra* note 42 at 413.

[45] See Maria Ressa, "Social media creating virus of lies, says Nobel winner Maria Ressa" *The Guardian* (18 November 2021), online: <www.theguardian.com/world/2021/nov/18/social-media-creating-virus-of-lies-says-nobel-winner-maria-ressa?CMP=Share_iOSApp_Other>.

[46] See Hameleers, *supra* note 36 at 148.

[47] Dax D'orazio, "Freedom of Expression: Misinformation, and Anti-Vaxxers: The Right Thing to Do Is not Obvious" (25 March 2020), online: *Centre for Free Expression*, <cfe.ryerson.ca/blog/2020/03/freedom-expression-misinformation-and-anti-vaxxers-right-thing-do-not-obvious>.

Another reason is fear, which studies find to be the linking denominator between times of crisis and the propagation of conspiracy theories.[48] Fear hinders rational judgment and can make people more susceptible to act on strong emotions over objective facts.[49] Often, misinformation provides a causal explanation or a reason for the crisis, which offers believers a craved sense of control and agency.[50] It appears many of those who consume false information and share it, do so believing it to be true, and in fact many see themselves as real victims, forgotten by the skewed and untrustworthy mainstream narrative.[51] While no one is immune from deception, misinformation preys on vulnerable demographics such as the elderly and isolated or marginalized people, and those living in states where there is more reliance on messenger apps for news and high distrust in government.[52] Some scholars note that populations who have been historically discriminated by authorities may carry traumas which informs their distrust of the establishment.[53] Consider the documented examples of Indigenous peoples in Canada being

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[48] See Seoyong Kim & Sunhee Kim, "The Crisis of Public Health and Infodemic: Analyzing Belief Structure of Fake News about COVID-19 Pandemic" (2020) 12 Sustainability 1 at 1, 15.

[49] See *ibid*.

[50] See Jillian Kramer, "Why people latch on to conspiracy theories, according to science" (8 January 2021), online: *National Geographic,* <www.nationalgeographic.com/science/article/why-people-latch-on-to-conspiracy-theories-according-to-science>. See also Melinda Wenner Moyer, "People Drawn to Conspiracy theories Share a Cluster of psychological Features" *Scientific American* (March 2019), online: <www.scientificamerican.com/article/people-conspiracy-theories-share-psychological-features/>.

[51] See generally Karen Douglas, "Why people believe in conspiracy theories, with Karen Douglas, PhD" (January 2021), online (podcast): *American Psychological Association* <www.apa.org/research/cons-theories>.

[52] See *ibid;* Anatoliy Gruzd, "News, Social media, and Misinformation Survey Report [Interactive summary]" (19 May 2020), online: *Social Media Lab, Ryerson University: Ted Rogers School of Management* <covid19misinfo.org/news-social-media-and-misinformation-survey-report-interactive-summary/>. See also Nadia Brashier & Daniel L Schacter, "Aging in an Era of Fake News" (2020) 29:3 APS 316 at 316, 321. See generally Ramanujam*, supra* note 10 at 4.

[53] See "Medical experimentation and the roots of COVID-19 vaccine hesitancy among Indigenous Peoples in Canada" (2021) 193:11 CMAJ 380 at 382.

subjected to forced sterilizations and medical experiments.[54] It is hardly unreasonable that these communities would be skeptical of government and medical officials.[55] Regardless of the reasons for people's vulnerability to misinformation, the political consequence of online fake news is to erode democratic institutions, and its social and health consequences can be deadly.

For instance, the COVID-19 pandemic proved the perfect catalyst to cement conspiracy theories regarding the virus's origin and mission, intersecting anti-science and anti-authority sentiments.[56] Anti-vaccine misinformation has led demonstrators to block hospitals, harass health care workers, and make ill-informed decisions to remain unvaccinated.[57] This delays herd immunity and further burdens the health care system, all which incurs substantial financial costs.[58]

While tensions between ethnic groups cohabiting in close proximity have existed long before the smart phone, the speed at which information travels on social media, and the inability to separate fact from rumour have made these inter-group tensions much worse. This seems particularly true in countries with lower trust for the "mainstream media" and for government institutions.[59] In these contexts, people may deem anecdotal evidence as more authentic because it comes directly from "real people" in comparison to reporting from journalism or international organizations which may be seen as partial or censored.[60] Consider the example of Peru, which has the largest population

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[54] See *ibid*.

[55] See *ibid*.

[56] See e.g. James Meese, Jordan Frith, & Rowan Wilken, "Covid-19, 5G conspiracies and infrastructural futures" (2020) 177:1 MIA 30.

[57] See *ibid*. See also Chris Fox, "Ontario Hospital Association says anti-vaccine protests outside hospitals went too far" *CTV News,* (3 September 2021), online: <toronto.ctvnews.ca/ontario-hospital-association-says-anti-vaccine-protests-outside-hospitals-went-too-far-1.5572629>.

[58] See Edward-Isaac Dovere, "Vaccine Refusal Doesn't Just Cost Lives. It Costs Money", *The Atlantic* (10 April 2021), online: <www.theatlantic.com/politics/archive/2021/04/vaccine-refusal-hesitancycosts>.

[59] See Katherine Ognyanova et al, "Misinformation in action: Fake news exposure linked to lower trust in media, higher trust in government when your side is in power" (2020) 1:4 HKS Misinformation Review at 3–4.

[60] See Whitten-Woodring, *supra* note 42 at 414.

of Venezuelan asylum seekers due to the ongoing refugee crisis.[61] Sadly, incendiary and accusatory media posts regarding crime have created a fictitious popular narrative blanketing all Venezuelan refugees as violent criminals.[62] This has fuelled xenophobia and endangered the safety of already vulnerable Venezuelan migrants within the country.[63] We can also look at Myanmar, where the majority of respondents in a survey cited Facebook as their primary source of news.[64] When asked how they assess the reliability of information, participants reported relying on friends, family or their intuition, and only a minority fact-checked by looking for corroborating news reports outside of the platform.[65] The proliferation of extreme hate speech on Facebook against the Rohingya Muslim minority group coincided with extreme violence against them, and eventually caused more than 730,000 Rohingya to flee the country in 2017.[66] Myanmar has become a tragic example of the real threat of genocide of misinformation and the risk of abuse these platforms have.

D) Disinformation: An Intentional Political Strategy

Disinformation describes the intentional multimodal spread of false or deceptive information to achieve a particular goal.[67] Although deceptive, decontextualized, or fabricated information is not new, current communication technologies have increased

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[61] See generally Duncan Tucker & Cecilia Niezen, "Peru: Authorities should regularize Venezuelans' migratory status in the context of the Covid-19 Crisis" (19 June 2020), online: *Amnesty International* <www.amnesty.org/en/latest/news/peru-should-regularize-venezuelans-migratory-status>.

[62] See Mia Armstrong, "Venezuelans in Peru worry that media focus on crime spurs lies, hatred", *Cronkite News* (2 May 2019), online: <cronkitenews.azpbs.org/2019/05/02/venezuela-migrants-media-resentment/>.

[63] See *ibid*.

[64] See Whitten-Woodring, *supra* note 42 at 414.

[65] See *ibid*.

[66] See *ibid* at 410. See also "Rohingya refugees from Myanmar sue Facebook for $150B for spreading hate speech" *CBC* (7 December 2021), online <www.cbc.ca/news/business/rohingya-refugee-meta-facebook3>.

[67] See McKay, *supra* note 8 at 704. See also Hameleers, *supra* note 36 at 148.

the speed and ease at which disinformation spreads.[68] Artificial intelligence ("AI") technology can masterfully create false audio or videos, called "deep fakes," to attack credibility and destabilize reality.[69] Disinformation actors also misrepresent their identities by using fake accounts operated by humans, or automated accounts that use algorithms to mimic real people, called "bots."[70] These accounts promote posts and create the semblance of popular support for harmful or unfounded claims.[71] Disinformation perpetrators also hire social media influencers to speak to their follower base on a particular issue as a trusted source.[72] This approach effectively takes advantage of the brain's tendency to pay more attention to people-centric experiences, emotions, and reasoning by intuition.[73]

It seems the strategic use of disinformation for political power has gained popularity as a communication strategy, where elected officials employ populist rhetoric to mobilize constituents.[74] A study looking at 87 elections in 30 European countries found that mobile internet has helped anti-establishment politicians spread false information to connect to disillusioned voters and advance their own political agenda.[75] Populists leaders have leveraged their media platforms to attack political opponents, the press, undermine social movements and defame civil society groups.[76] There are clear parallels between post-truth conspiratorial narratives and populist rhetoric: both offer a

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[68] See McKay, *supra* note 8 at 708.

[69] See Molly K Land & Jay D Aronson, "Human Rights and Technology: New Challenges for Justice and Accountability" (2020), 16 Annu. Rev Law Soc Sci 223 at 226–27.

[70] See McKay, *supra* note 8 at 706.

[71] See *ibid* at 709.

[72] See e.g. Charlie Haynes & Flora Carmichael, "The YouTubers who blew the whistle on an anti-vax plot", *BBC* (25 July 2021), online <www.bbc.com/news/blogs-trending-57928647>.

[73] See Hameleers, *supra* note 36 at 149.

[74] See Ramanujam, *supra* note 10 at 3.

[75] See Sergei Guriev, Nikita Melnikov, & Ekaterina Zhuravskaya, "Knowledge is power: Mobile internet, government confidence, and populism" (31 October 2019), online: *Vox Centre for Economic Policy Research* <voxeu.org/article/mobile-internet-government-confidence-and-populism>.

[76] See Ramanujam, *supra* note 10 at 3.

"binary scheme to understand events and [the] state of affairs, based on a similar polarized worldview, discursively creating an external threat to the inner group."[77] Populist narratives likewise prioritize feelings and experiences above empirical evidence or expert knowledge, including journalists, that are discredited as being part of the "corrupt elite."[78]

Donald Trump has become the archetype of post-truth politics. During his presidency, he perpetually disseminated falsehoods via Twitter, labelling mainstream news as the enemy of the people, and accusing journalists and scientific experts of lying to the public.[79] Trump's harm to American democracy was arguably most evidenced by his allegations that the 2020 election was fraudulent and illegitimate.[80] His disinformation led to the violent insurrection on Capitol Hill, where disgruntled citizens attempted to "stop the steal."[81] While he was ultimately unable to overturn the election, he set a new precedent where runner-up democratic candidates can claim election fraud absent any evidence as a tool to delegitimize an administration in which they lack power, without regard for the peaceful transfer of government.[82] It appears this Trump-playbook was used by right-leaning presidential candidate Keiko Fujimori when she lost the polarized 2021 election in Peru. Fujimori perpetuated the unfounded claim via her social media accounts that the election was fraudulent and demanded the nullification of 200,000 votes in favour of her opponent, and now Peruvian President Pedro Castillo.[83] Her now disproven claims, framed by Fujimori as a

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[77] Lewandowsky, *supra* note 30 at 3.

[78] *Ibid*. See also Hameleers, *supra* note 36 at 146.

[79] See Hameleers, *supra* note 36 at 151, 152.

[80] See "#StopTheSteal: Timeline of Social Media and Extremist Activities Leading to 1/6 Insurrection" (10 February 2021), online: *Just Security* <www.justsecurity.org/74622/stopthesteal-timeline-of-social-media-and-extremist-activities-leading-to-1-6-insurrection/>.

[81] See *ibid*.

[82] See generally Lois Beckett, "Corrosive to democracy what do Trump's baseless claims really mean", *The Guardian,* (13 November 2020), online: <www.theguardian.com/us-news/2020/nov/13/trump-election-voter-fraud-claims-attack-democracy>.

[83] See Simeon Tegel, "Unproven fraud claims delay election result, challenge Peru's fragile democracy", *The Washington Post,* (15 July 2021), online: <www.washingtonpost.com/world/2021/07/15/peru-election-delay-fujimori-

"call for transparency" delayed election results, planted distrust in the legitimacy of election officials and mobilized worried Peruvians who believed her.[84] Both candidates effectively used online disinformation to convince large parts of the public that free and fair elections are not so. Particularly curious about these two case studies is the fact that both politicians successfully employed populist anti-establishment and pro-nativism rhetoric, despite themselves being part of the elite class. Fujimori is the daughter of former Peruvian President Alberto Fujimori, whose authoritarian presidency was fraught with corruption and controversy.[85] Perhaps not coincidentally, criminal charges awaited both candidates if they lost the presidential immunity guaranteed had they won their respective races.[86]

Destabilizing elections is not the only way in which politicians have used disinformation to further their political goals. Jair Bolsonaro's presidency has been consistently marked by his "anti-political correctness" brand of spreading lies.[87] He has engaged coordinated disinformation strategies to perpetuate hateful and divisive rhetoric and is currently under investigation for his false claims regarding COVID-19 severity and treatments.[88] The harms from his speech have caused Brazilian senators to

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castillo/>. See John Sakellariadis, "Peru's Presidential election turns into a test for social media platforms", *The Record,* (3 July 2021), online: <therecord.media/perus-presidential-election-turns-into-a-test-for-social-media-platforms/>.

[84] See *ibid*.

[85] See generally "Alberto Fujimori profile: Deeply divisive Peruvian leader", *BBC* (20 February 2018), online: <www.bbc.com/news/world-latin-america-16097439>.

[86] See generally "Peru kicks off corruption case against Keiko Fujimori", *Al Jazeera* (31 August 2021), online: <www.aljazeera.com/news/2021/8/31/peru-kicks-off-corruption-case-against-keiko-fujimori>. See generally Simon Shuster & Vera Bergengruen, "Donald Trump Couldn't Be Prosecuted in Office. What Happens When He Leaves?", *Time* (12 November 2020), online: <time.com/5910879/trump-lawsuits/>.

[87] See "Brazil's Senate recommends Bolsonaro face criminal charges over COVID-19 response", *CBC* (26 October 2021), online: <www.cbc.ca/news/world/brazil-bolsonaro-senators-vote-covid-1.6225599>.

[88] See Ramanujam, *supra* note 10 at 4–6.

recommend that Bolsonaro be charged with crimes against humanity over his management of the pandemic.[89]

Canada is not immune to these tactics. In 2021, Albertan premier Jason Kenney, exploited the populist narrative that foreign interests were engaged in a secret "anti-Alberta" conspiracy to destroy the province's oil industry.[90] The 3.5 million taxpayer funded "Anti-Energy Report" published in 2021 found none of his claims were substantiated, but Kenney continues to label environmental organizations as corrupt and "anti-Albertan." [91] He has consistently denounced environmental defenders as "radical thugs" and "zealots" who want to "jeopardize public safety and throw the national economy into chaos." [92] His manipulation and disregard for scientific fact enabled him to enact, without any public backlash, an anti-protest law: the *Critical Infrastructure Defense Act*.[93] This law has been denounced by legal experts as profoundly unconstitutional, and is currently being litigated against for its various *Charter* breaches.[94]

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[89] See Juliana Kochs, "Brazil's top court opens investigation into Bolsonaro for linking Covid-19 vaccines to AIDS" *CNN,* (4 December 2021), online: <www.cnn.com/2021/12/04/americas/brazil-bolsonaro-covid-aids-intl-hnk/index.html>.

[90] See "Jason Kenney keeps picking the wrong fights, and he keeps losing", *The Globe and Mail* (27 October 2021), online: <www.theglobeandmail.com/opinion/editorials/article-jason-kenney-keeps-picking-the-wrong-fights-and-he-keeps-losing/>. See also Drew Anderson, "Anti-Alberta inquiry points finger at media and environmentalists but finds no wrongdoing", *The Narwhal* (21 October 2021), online: <thenarwhal.ca/alberta-public-inquiry-energy-findings/>.

[91] See *ibid*.

[92] See "Bill 1, Critical Infrastructure Defence Act" 2nd reading, Legislature 30-2 (26 February 2020), online: *Legislative Assembly of Alberta* <www.assembly.ab.ca/assembly-business/assembly-dashboard?legl=30&session=2&sectiona=c&sec=dc202103#dc202103> at 791, 793, 797.

[93] See *Critical Infrastructure Defence Act*, SA 2020, c C-32.7.

[94] See Jennifer Joshan, Lisa Silver, & Jonnette Watson Hamilton, "Protests Matter: A Charter Critique of Alberta's Bill 1" (9 June 2020) at 2, online (blog): *ABlawg* <ablawg.ca/2020/06/09/protests-matter-a-charter-critique-ofalbertas-bill-1/>. See also Samuel Mazzuca, "Bill 1: Suppressing Constitutional Freedoms in the name of Commercial & Property Rights" (8 July 2020), online (blog): *Canadian Civil Liberties Association* <ccla.org/fundamental-freedoms/freedoms-expression/albertas-bill-1-suppression-of-freedom-of-expression/>.

Disinformation is antithetical to deliberative democracy as it corrupts the information ecosystems of public discussion, needed for the true will of the people to be represented by their government.[95] The fight against misinformation and disinformation is indeed a fight to save the very principles and foundations needed for democracies to thrive.

II. RESPONSES SO FAR

Growing public attention to online disinformation tactics and their harms have prompted interventions by states via regulation and by private tech corporations with internal policy amendments.[96] In extreme cases, these actors have resorted to reactive censorship measures by shutting down or de-platforming disinformation perpetrators. This section will present select examples of such responses. While rigorous institutional measures are necessary to tackle this info-demic, neither punitive legislation nor band aid censorship can respond to the structural issues and culture that allow disinformation to contaminate the information ecosystems. Instead, these responses unjustifiably further endanger individual democratic rights and freedoms.

A) Punitive Legislation & Criminalization

i) Comparative look at recent anti-disinformation legislation

States worldwide have begun enacting legislation aimed at prohibiting fake news. Germany enacted the *Network Enforcement Act* in 2018, allowing the state to fine social media platforms up to 50 million euros if they fail to remove reported posts with obliviously illegal content within 24 hours.[97] The law has faced wide criticism domestically and by international human

[95] See generally Hameleers, *supra* note 36 at 146.

[96] See generally McKay, *supra* note 8 at 710.

[97] See *Act to Improve Enforcement of the Law in Social Networks (Network Enforcement Act)*, The Bundestag Germany, 1 October 2017, ss 2, 3, <perma.cc/7UCW-AA3A>.

rights organizations, which condemn it for being disproportional and undermining the freedom of expression.[98]

Similarly, in 2018, France enacted "*la lutte contre la manipulation de l'information*" law, aimed at targeting large-scale disinformation on the internet during the three months preceding an election.[99] The controversial law grants legislative and judicial authority to halt the dissemination of fake content spread via social media "in any proportional and necessary measure," and obliges platforms to publish the amounts paid for sponsored content or political advertisements.[100] In 2020 France doubled down and enacted the "Avia Law" which required social media platforms to remove hate speech within 24 hours of a complaint or be fined up to 1.25 million euros.[101] This core provision of the law was quickly struck down by a French Constitutional Court decision which deemed this section to breach the freedom of expression and opinion.[102]

Singapore enacted the *Protection from Online Falsehoods and Manipulation Act (2019)* targeting individual creators of disinformation that incites hatred between groups and is prejudicial to public safety, elections, or the public confidence in government.[103] Offenders can be fined up to $50,000 (SGD) or sentenced up to five years in prison.[104] If AI technology is used,

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[98] See "Germany: Flawed Social Media Law" (14 February 2018), online: *Human Rights Watch* <www.hrw.org/news/2018/02/14/germany-flawed-social-media-law#>.

[99] See *Loi n2018-1202 du 22 décembre 2018 relative à la lute contre la manipulation de l'information* (1), JO, 23 December 2018, 0297 <www.legifrance.gouv.fr/> . See also Michael-Ross Fiorentino "France passes controversial 'fake news' law" *Euronews* (22 November 2018), online: <www.euronews.com/2018/11/22/france-passes-controversial-fake-news-law>.

[100] *Ibid* [translated by author].

[101] See *ibid*.

[102] See "France's watered-down anti-hate speech law enters into force" (16 July 2020), online (blog) *Universal Rights Group Geneva* <www.universal-rights.org/blog/frances-watered-down-anti-hate-speech-law-enters-into-force/>.

[103] See *Protection from Online Falsehoods and Manipulation Act 2019*, Singapore (25 June 2019), part 2 <sso.agc.gov.sg/Acts-Supp/18-2019?ProvIds=P11-#P11->.

[104] See *ibid*.

punishment rises to $100,000 (SDG) and ten years.[105] The Act prohibits offering services for communicating falsehoods and enables the demonetization of pages circulating unlawful content.[106] The law has been criticized by human rights defenders for being primarily invoked against people criticizing government, and for its threat to free speech and freedom of assembly.[107]

Peru was fast to become one of the first countries to fight COVID-19 disinformation with prison time, as it struggled through one of the worst global COVID death rates.[108] In April 2020, the Peruvian Minister of Justice and Human Rights, declared that section 315-A (*serious disturbance of public tranquility)* and section 438 (*aggravated generic falsehood*) of the Peruvian Criminal Code, were now understood to include COVID-19 disinformation. [109] As such, people disseminating fake news causing injury to others would face a two to four year prison sentence, and three to six years if the falsehoods caused panic perturbing public tranquility.[110] It is unclear to what extent this law has been enforced as the legislation text was not amended, or whether this announcement alone was effective in deterring the spread of COVID-19 related disinformation.[111]

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[105] See *ibid*.

[106] See *ibid*.

[107] See "Singapore: 'Fake News' Law Curtails Speech", (13 January 2021), online: *Human Rights Watch* <www.hrw.org/news/2021/01/13/singapore-fake-news-law-curtails-speech>.

[108] See Jack Horton, "Covid: Why has Peru been so badly hit?" *BBC*, (1 June 2021), online: <www.bbc.com/news/world-latin-america-53150808>. See also Aldo Alvarez-Risco, et al, "The Peru Approach against the COVID-19 Infodemic: Insights and Strategies" (2020) 103:2 Am J Tropical Medicine & Hygiene 583 at 584.

[109] See *ibid*; Ministerio de Justicia y Derechos Humanos, "Quienes desinformen a la ciudadanía con noticias falsas para obtener un beneficio o perturbar la tranquilidad pública serán sancionados con pena privativa de la libertad. Comparte solo información oficial del #COVID19, ¡no difundas #FakeNews! #PerúEstáEnNuestrasManos" (8 April 2020 at 9:00), online: *Twitter* <twitter.com/minjusdh_peru/status/1247871817815150592?lang=en>. See also *Código Penal – Decreto Legislativo N 635,* Peru <diariooficial.elperuano.pe/pdf/0034/codigo-penal-29.07.2020.pdf>.

[110] See *ibid*.

[111] See Thais Arroyo et al, "4 January 2021 "#INFODEMIA: ¿Informar o condenar?" (last visited 17 August 2022), online: *Universidad del Pacifico* <clinicajuridica.up.edu.pe/infodemia-informar-o-condenar/> (translated: "There

ii) Canada's stance on criminalizing "fake news"

There are a few laws in Canada cited in the discussion of regulating false information. For example, paragraph 8(1)(*d*) of the *Federal Broadcasting Distribution Regulations*, prohibits a licensed broadcasting corporation from distributing false or misleading news.[112] However, disinformation via social media by user content falls outside of its scope.[113] Section 91(1) of the *Canada Elections Act* uniquely prohibits making false statements about whether a candidate has committed an offence, withdrawn from an election, their citizenship or other statements about their qualifications or group memberships.[114] The *Canadian Criminal Code* ("*Code*") makes hate propaganda illegal under section 318 (*advocating genocide*) and section 319 (*public incitement of hatred*).[115] However, the high threshold necessary for online communication to trigger a violation has rendered these sections inadequate for deterring cyber-related hate speech.[116] In fact, a Canadian 2020 report by the Institute for Strategic Dialogue found there is a growing extremist network online, citing 6,600 identified right-wing extremist channels, pages, and accounts on Twitter, Facebook and YouTube.[117] The defamatory libel provision in section 300 of the *Code* prohibits people from knowingly publishing false information that is aimed at insulting or

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is no data on any criminal process with reference to the dissemination of false information in the indicated period").

[112] See *Broadcasting Distribution Regulation,* CRC, c 11, s 8(1), (1991). (Note: A similar provision applies to television and radio under section 3(d) of Radio Regulations, 1986, and section 5(1)(d) of the Television Broadcasting Regulations, 1987).

[113] See *ibid*.

[114] See *Canada Elections Act,* SC 2000, c 9, s 91(1).

[115] See *Criminal Code,* RCS 1985, c C-46, ss 318, 319.

[116] See Maham Abedi, " 'Tip of the iceberg': Why Canada's online hate-crime data doesn't tell the full story", *Global News* (2 May 2019), online: <globalnews.ca/news/5227087/cyber-hate-crime-data-canada/>.

[117] See "Final Report 2020–2021 | Canadian Commission on Democratic Expression" (January 2021) at 18, online (pdf): *Public Policy Forum* <ppforum.ca/wp-content/uploads/2021/01/CanadianCommissionOnDemocraticExpression-PPF-JAN2021-EN.pdf>.

harming the reputation of another.[118] Research has found that between 2000 and 2015, defamatory libel criminal charges doubled.[119] Critics warn that this provision is being abused to criminalize political speech which criticizes government officials.[120] Opponents likewise believe that the benefits of this section are already brought by the civil tort of defamation, and that this criminal provision is ripe for unjustified censorship.[121]

Interestingly, a review of Canada's history reveals that the offence of "false news" was in the *Code*, long before the technology revolution, back in the 13th century.[122] Section 181 made it illegal "for any person to willfully publish a statement, tale or news that the person knew was false and that was likely to cause injury or mischief to a public interest."[123] While this provision was made to protect the elite from public slander, its language seems well suited to combat an "info-demic" related to a health or climate crisis, instead of narrowly targeting hate speech, election integrity or journalistic standards.[124] However, this provision was struck down by a slim majority of the Supreme Court in *R v. Zundel, 1992* for violating section 2(*b*) of the *Charter*—the freedom of expression.[125] The accused in this case had published a pamphlet denying the Holocaust.[126] The court's split decision reveals the long lasting tensions present when finding a balance between free speech and hate speech, as well as the divergent views of what is justifiable in a free and

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[118] See *Criminal code, supra* note 115, s 300.

[119] See Lisa Taylor & David Pritchard, "The process is the Punishment: Criminal Libel and Political Speech in Canada" (2018) 23:2 Communication Law and Policy 243 at 250.

[120] See *ibid* at 263.

[121] See *ibid* at 246, 264–65.

[122] See "Questions and Answers on – *An Act to amend the Criminal Code* (removing unconstitutional portions or provisions)" (1 September 2021), online: *Government of Canada* <www.justice.gc.ca/eng/csj-sjc/pl/cuol-mgnl/qa-qr.html>.

[123] *Ibid*.

[124] See *ibid*. See also Cassidy Bereskin, "Should Canada Adopt An Anti-"Fake News" Law?" (21 May 2020), online: *Centre for disinformation Studies* <natoassociation.ca/should-canada-adopt-an-anti-fake-news-law/>.

[125] See *R v Zundel,* [1992] 2 SCR 731, 95 DLR (4th) 202.

[126] See *ibid*.

democratic society.[127] At this point, it is unlikely that the Canadian government will attempt to re-criminalize online disinformation generated by citizens.

iii) *Criminalization & punitive legislation will not work*

Some call the criminalization of disinformation a "fool's errand."[128] Although from a public interest standpoint there is a strong impetus for governments to limit disinformation campaigns that sow distrust in the pillars of democracy, the deleterious impacts of such legislations appear to outweigh the intended benefits.[129] From the moment of their introduction, regardless of where they have been implemented and the small distinctions in between, most laws attempting to prohibit or criminalize fake news, have been met with stark criticism by civil rights defenders, who cite their chilling effect on speech. A state that fails to vehemently protect free speech is one that opens the door to the arbitrary targeting of political dissidents and weakens the independence of the free press. Without a free press, the public loses an essential mechanism to acquire information, transparency, and state accountability.

Moreover, preliminary research suggests these regulations have not successfully restricted the spread of fake news online.[130] This is likely related to the fact that these laws suffer from administrability and enforcement difficulties. The very nature of social media platforms obscure culpability because online space provides a degree of anonymity which creates a nearly unascertainable spectrum between misinformation and disinformation. The inability to clearly categorize an act and attribute it to a true and conscious perpetration is incompatible with criminalization. What are the varying degrees of fault of those merely sharing false content, compared to those creating it, and those who create it knowing it to be false, versus those believing it to be true? What about someone who by sharing misinformation reaches a broader audience and causes grave harms, versus someone who intentionally shares harmful

[127] See *ibid*.

[128] See Turk, *supra* note 30.

[129] See Bereskin, *supra* note 124.

[130] See *ibid*.

disinformation, but who lacks the breadth of reach and thus harms no one? The biggest weakness of legislation predominantly rests on definitions of the text: if it is too specific, then it fails to address the harms it purports to avoid.[131] If it is too broad, then it risks arbitrary application and encroachment on freedom of speech and introduces equal or worse threats to the protection of democracy and human rights.[132]

B) Non-Legislative Censorship

i) Internet shutdowns

Concerns regarding disinformation have led some states to implement emergency internet shutdowns in desperate attempts to stop the spread of rumours inciting violence via messenger platforms.[133] *Internet shutdowns* are defined as "intentional disruptions of internet or electronic communications, rendering them inaccessible or effectively unusable for a specific population or within a location, often to exert control over the flow of information."[134] Shutdowns can range from slowing down internet speed to total connectivity blackouts.[135] Unlike enacting legislation that prohibits future spread of false information online, internet shutdowns afford governments an immediate halt to the spread of falsehoods on social media platforms and encrypted messenger apps. This is significant because, unlike most other social platforms, encrypted apps, such as WhatsApp, provide secured messaging between users which renders the content inaccessible to fact-checkers.[136] This immunizes encrypted messenger apps from any third-party oversight strategies, and

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[131] See Turk, *supra* note 30.

[132] See *ibid*.

[133] See generally "A guide to anti-misinformation actions around the world" (14 December 2021), online: *Poynter* <www.poynter.org/ifcn/anti-misinformation-actions/>.

[134] Berhan Tate, "The state of internet shutdowns around the world: The 2018 #keeptiton Report" (2020) at 2, online (pdf): *Access Now* <www.accessnow.org/assets/uploads/2019/07/KeepItOn-2018-Report.pdf>.

[135] See Poynter, *supra* note 133.

[136] See Ramanujam, *supra* note 10 at 4.

makes them particularly fertile for the massive distribution of disinformation.[137]

The organization Access Now found that the majority of internet shutdowns in the world happened in India, documenting 134 incidents in 2018 alone.[138] Since 2012, half of the internet shutdowns imposed where in the politically turbulent states of Jammu and Kashmir, where government officials regularly use community violence from circulated falsehoods as grounds for internet shutdowns.[139] The Indian Supreme Court held in a series of rulings in 2019 and early 2020 that internet access is a fundamental right, subject only to temporary bans when immediate threat to national security is of concern.[140] Yet despite this, Indian authorities cut off the internet 109 times in 2020 alone, citing precautionary measures as the main justification.[141]

In July of 2021, for the first time in decades, hundreds of Cubans took to the street to protest the worsening economic crisis, lack of basic goods, the governments mishandling of the pandemic, and the dwindling civil liberties.[142] Videos and messages shared online with the hashtag #SOSCuba brought more demonstrators

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[137] See *ibid* at 6–7.

[138] See Tate, *supra* note 134 at 2.

[139] See *ibid* at 6; Shakir Mir, "J&K Internet Shutdown Based on 'Dubious' Legal Framework: Report" (26 August 2020), online: *The Wire* <thewire.in/government/jammu-and-kashmir-internet-shutdown-jkccs>.

[140] See "Shirin R.K. v. State of Karela" (19 September 2019), online: *Global Freedom of Expression, Columbia University* <globalfreedomofexpression.columbia.edu/cases/shirin-r-k-v-state-of-kerala/>; "Anuradha Bhasin v. Union of India January" (10 January 2020), online: *Global Freedom of Expression, Columbia University* <globalfreedomofexpression.columbia.edu/cases/bhasin-v-union-of-india/>; "Foundation of Media Professionals v. Union Territory of Jammu and Kashmir & Anr" (11 May 2020), online: *Global Freedom of Expression, Columbia University* <globalfreedomofexpression.columbia.edu/cases/foundation-for-media-professionals-v-union-territory-of-jammu-and-kashmir-anr/>.

[141] See Hanna Duggal, "Mapping internet shutdowns around the world", *Al Jazeera* (3 March 2021), online: <www.aljazeera.com/news/2021/3/3/mapping-internet-shutdowns-around-the-world>.

[142] See Jose Cordoba, Santiago Perez, & Drew Fitzgerald, "Cuban Protests Were Powered by the Internet. The State Then Pulled the Plug", *The Wall Street Journal* (15 July 2021), online: <www.wsj.com/articles/internet-powered-mass-protests-in-cuba-then-the-government-pulled-the-plug>.

to the streets and attracted significant international attention on the discontent of Cubans against their government.[143] In a desperate attempt to stop dissidents, the authorities deployed anti-riot military forces, arrested hundreds of protestors, and halted the country's internet immediately, as well as mobile and landline phone services.[144] In Cuba, the state runs the single phone and network monopoly in the country, and citizens already lack internet connectivity, often having to go to public areas to connect.[145] Shortly after the manifestations, the Cuban government introduced new regulations which oblige internet providers to cut access to those who "spread fake news or hurt the image of the state."[146]

These internet shutdown events cause more harm to the population than can be justified. They are a tool for the state to oppress political dissent, and are wholly incompatible with the freedom of expression, and encroach on the right to information, the freedom of association and the freedom of assembly. Research suggests that they tend to coincide with an increase in violent protests, and do not successfully stop the spread of misinformation.[147] The backlash from these blanketed and broad measures instead plant greater public distrust against governments.

ii) Censorship by corporations

The discussion on censorship on social media would be incomplete without considering the role of private companies. Here, censorship refers to the temporary or permanent removal of accounts and deleting of posts. Once again, Donald Trump comes to mind as the notorious recent example of an individual whose use of social media accounts to spew falsehoods led to his unprecedented permanent de-platforming by Twitter and

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[143] See *ibid*.

[144] See *ibid*.

[145] See *ibid*.

[146] "Cuba tightens control of internet after protests", *BBC* (18 August 2021), online: <www.bbc.com/news/world-latin-america-58255554>.

[147] See Tate, *supra* note 134 at 13.

Facebook.[148] While many welcomed his removal, civil right activists worry this is a concerning example of Silicon Valley's "unchecked power to remove people from platforms that have become indispensable for the speech of billions."[149] As the technology revolution has left governments perplexed, officials have increasingly normalized delegating authority to private companies to regulate expression online by enabling them to decide whether uploaded content evidences human rights violations, for example.[150] The main issue is one of accountability: government action is subject to public scrutiny, however, private actors are not duty-bearers accountable to the public—they are accountable to their shareholders and investors.[151] Private corporations have built their business models on data capitalism, not on protecting human rights and the democratic good.[152]

Another issue pertinent to Silicon Valley is the biases that AI inventor demographics tend to possess: supposedly neutral AI systems have been shown to replicate the racial or gender biases their creators hold, and they exhibit anglophone and western-centric investment in product quality.[153] For instance, Facebook services more than 3 billion users in over 100 languages, yet, the corporation disproportionately allocates content moderator teams in English-speaking countries.[154] This means that it is unable to fact-check as diligently in non-anglophone countries, and it does not apply its own content/platform removal policies equally across the globe. This is true even for high-profile disinformation perpetrators. Activists at PeruCheck, a Peruvian fact-checking consortium, highlighted tech companies' neglect to implement comparable steps to address Keiko Fujimori's efforts to overturn

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[148] See Kevin Roose, "In Pulling Trump's Megaphone, Twitter Shows Where Power Now Lies", *New York Times* (9 January 2021), online: <www.nytimes.com/2021/01/09/technology/trump-twitter-ban.html>.

[149] *Ibid*.

[150] See Land, *supra* note 69 at 226.

[151] See *ibid* at 224.

[152] See *ibid* at 233.

[153] See *ibid* at 226.

[154] See Kari Paul, "Facebook has a blind spot: why Spanish-language misinformation is flourishing", *The Guardian* (2 March 2021), online: <www.theguardian.com/technology/2021/mar/03/facebook-spanish-language-misinformation-covid-19-election>.

the election results, despite using the same disinformation tactics as Donald Trump.[155] It should not be acceptable that tech executives in Silicon Valley are making decisions at their discretion regarding election integrity worldwide.

The same risks exist with citizen-generated content. In the summer of 2021, Facebook came under fire for deleting at least 500 pro-Palestine posts during the eleven-day bombing of Gaza.[156] Free speech activists claimed that the censorship of media accounts was particularly harmful because mainstream news outlets were often blocked from covering events on the ground.[157] These are just a few examples of the concerns that arise when private business are able to control what the public gets to see, and who gets to use their voice. As a corporation, they are in the business of delivering a consumable good that can be negotiated, provided, or denied. They are not operating under the premise that internet connectivity and media platforms have become akin to a fundamental right needed for the realization of important political and democratic freedoms.[158] Governments should not be allowed to freely "circumvent checks on their power by outsourcing authority to private companies to censor content that they would not have been able to censor themselves."[159] After all, there are no democratic elections in which the public elects who sits on board of Tech Giant "Meta."

In 2016, the United Nations made a non-binding declaration recognizing the internet as a basic human right, which focused on defending against governments restricting internet access of their citizens.[160] Neither penalizing legislation nor internet shutdowns are compatible with this declaration.

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[155] See Sakellariadis, *supra* note 83.

[156] See Kari Paul, "Facebook under fire as human rights groups claim 'censorship' of pro-Palestine posts", *The Guardian* (26 May 2021), online: <www.theguardian.com/media/2021/may/26/pro-palestine-censorship-facebook-instagram>.

[157] See *ibid*.

[158] See Land, *supra* note 69 at 233.

[159] *Ibid* at 235.

[160] See Barry, *supra* note 18. See also "Covid 19 and Human Rights, We are all in this together" (April 2020), online (pdf): *United Nations* <www.un.org/victimsofterrorism_human_rights_and_covid_a2020.pdf>.

III. MOVING FORWARD: A MULTI-PRONG HARM REDUCTION APPROACH

The internet has wholly reinvented the ways in which communication and information are created, received, and shared and, accordingly, disinformation cannot be stopped with a simple state-centric nor tech-centric solution. This would ignore that both "the state and media corporations are simultaneously stewards and threats to free and democratic deliberation."[161] A holistic, transparent, multi-actor approach that engages both top-down and bottom-up interventions is the best way to maximize the internet's promise to advance deliberative democracy and human rights.[162] This section will present three recommendations advocated for by human rights defenders and civil rights experts, using an evidence-based harm-reduction approach.[163] Harm reduction seeks to minimize the negative social consequences of the info-demic, understanding that it is a phenomenon we may not be able to eradicate in the near future.[164] Two recommendations that will not be explored but are worth mentioning include: *i)* enacting stronger legislative protections for human rights defenders and whistle-blowers from retaliations by institutions; and *ii)* the amendment of parliamentary or legislative immunity which may be incentivizing high-ranking politicians to win power at all costs by using disinformation strategies.[165]

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[161] McKay, *supra* note 8 at 710.

[162] See *ibid*; Reglits, *supra* note 20.

[163] See generally on harm-reduction application to different policy domains: Daniel M Weinstock, "Disagreement, unenforceability, and Harm Reduction" (2020) 28 Health Care Analysis 314 at 314.

[164] See *ibid*.

[165] See e.g. Bereskin, *supra* note 124.

A) Publicly Fund Independent Journalism

Journalism is the strongest vaccine against the disinformation virus.[166] However, a 2021 survey revealed a high level of public distrust against journalists, with 59% of respondents in 28 countries believing journalists deliberately report misleading information.[167] Financial stability is needed for institutional news media to conduct rigorous, investigative reporting that the public can feel compelled to rely on. Without adequate funding, journalists will lack the resources to dispel *ad hominem* attacks from self-serving politicians that aim to distract the public from issues being reported on.[168] A large body of trusted, accessible, and quality journalism is imperative to steer the culture toward consuming institutional journalism.[169] Otherwise, click-bait "citizen journalism" will prevail and continue lowering the standards of our information ecosystem, and funnel advertisement revenue to social media platforms who are not researching or writing original news stories.[170]

Some propose that the best way governments can lessen the newsroom financial crisis is by assisting them transition from the failed business model to a non-profit model.[171] This would include adopting labour tax credits for journalists publishing original, researched content that is in the public interest.[172] It would also allow donations to be treated as tax deductible, including deductions for individual news subscriptions.[173] However, this

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[166] See "2021 World Press Freedom Index: Journalism, the vaccine against disinformation, blocked in more than 130 countries" (2021), online: *Reporters Without Borders* <rsf.org/en/2021-world-press-freedom-index-journalism-vaccine-against-disinformation-blocked-more-130-countries>.

[167] See *ibid*.

[168] See McKay, *supra* note 8 at 708, 709.

[169] See *Democracy Under Threat*, *supra* note 39 at 70.

[170] See Turk, *supra* note 30.

[171] See Hendrickson, *supra* note 32 at 13–14.

[172] See *ibid*.

[173] See *ibid*. See e.g. "Canadian journalism labour tax credit" (8 July 2021), online: *Government of Canada* <www.canada.ca/en/revenue-agency/services/tax/businesses/topics/corporations/business-tax-credits/canadian-journalism-labour-tax-credit.html>. See also Bill C97, *An Act to implement certain provisions of the budget* 1st Sess, 32nd Parl, 2019 (passed

would be most effective if the eligible deductions apply most favourably to local, independently owned media organization, so that consumers can be incentivized to pay for local journalism and not the existing giant news conglomerates.[174] This is necessary to ensure that institutional journalism is truly independent and free. Consider the Canadian media landscape, which is a good example of an oligopoly as 85% of media assets are owed by only five companies.[175] This harms the independence of the media, as journalists self-monitor to ensure that their stories cater to their corporate owners' beneficial status quo narratives. [176] Independently owned media is indispensable to report the truth, regardless of whom it favours, and it is also crucial to safeguard the inclusion of diverse perspectives that are often left out of circulating mainstream narratives.[177] Democracy itself relies on independent, pluralistic, and accessible journalism that can act as the trusted "eyes and ears" of the public.[178]

B) Better Regulate Social Media Platforms

The democratic freedom of expression is a right, not a privilege, but, like any other right, it is not absolute.[179] It is important to reiterate that the freedom of *speech* does not encompass the freedom of *reach*, particularly when it carries falsehoods broadly and causes real harm to people and democracies.[180] We cannot fall into the binary notion that any regulation or legislation necessarily curtails the freedom of speech—a balance must be worked toward. Media companies

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by the House of Commons 6 June 2019) <www.parl.ca/DocumentViewer/en/42-1/bill/C-97/third-reading>.

[174] See Hendrickson, *supra* note 32 at 13 (note: Canada's current tax deduction does not make this distinction of whether it is to a local newspaper).

[175] See Wajsman, *supra* note 33.

[176] See *ibid*.

[177] See McKay, *supra* note 8 at 705.

[178] Turk, *supra* note 30.

[179] See *Final Report*, *supra* note 117 at 13. See generally *International Covenant on Civil and Political Rights*, 19 December 1966, 999 UNTS 171 arts 19, 25 (entered into force 23 March 1976, accession by Canada 19 May 1976).

[180] See generally Ressa, *supra* note 42.

cannot be allowed to operate in a human rights-free zone; from a good governance standpoint, it is both justifiable and necessary, to regulate social media platforms.[181] The disinformation crisis has exhibited that corporate self-regulation is unsatisfactory. [182] However, bearing in mind the lacking expertise of most legislators in software engineering and technology, governments must meaningfully collaborate with tech corporations.[183] As discussed before, merely delegating authority to corporate boards to deal with public policy issues they are not democratically accountable for, is inappropriate.[184]

i) AI Transparency

It is imperative that regulation require more transparency from platform companies. [185] Platforms have the capacity to infringe on fundamental freedoms by acting as gatekeepers of information, removing content or silencing voices, and to amplify select voices and views by using AI algorithms.[186] Keeping data manipulation mechanism in a "black box," unobservable and inscrutable from public view, allows corporations to evade accountability for their algorithmic curation and decision-making.[187] Once the public and policy makers learn to understand the power and ways in which algorithms work, they will be better able to understand the limits and potential of algorithm technology. Without that knowledge, it is impossible to know if digital tech corporations are being asked to do something impossible, or contrarily whether not enough is being demanded of these incredibly fast developing technological advancements. This transparency could be achieved by enacting a regulatory

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[181] See Land, *supra* note 69 at 233. See Final Report, *supra* note 117 at 32.

[182] See McKay, *supra* note 8 at 706.

[183] See e.g. Amy Zegart &Kevin Childs "The Divide Between Silicon Valley and Washington Is a National-Security Threat", *The Atlantic* (13 December 2018), online: <www.theatlantic.com/ideas/archive/2018/12/growing-gulf-silicon-valley-washington>.

[184] See McKay, *supra* note 8 at 710. See also *Land, supra* note 69 at 226.

[185] See *Final Report*, *supra* note 117 at 34–35.

[186] See McKay, *supra* note 8 at 706.

[187] See *ibid* at 705; *Democracy Under Threat, supra* note 39 at 35.

body with the authority to access data of algorithm design, and audit it.[188]

Furthermore, states should require platforms to track, register, and publicly label the accounts or content that are exhibiting automated bot behaviour.[189] This would extend to imposing a duty to remove, within a reasonable time, fraudulent accounts using deep fakes or other manipulated content to maliciously impersonate, disperse lies, or harass others.[190] The balance of harm favours a stricter and more proactive removal of such accounts to stop and prevent viral spread of inflammatory disinformation, partly because studies show that exposure to false information diminishes the impact of subsequent exposure to correct, truthful information.[191] It is necessary to enact this obligation with an open and clear process to appeal the removals of these accounts and likewise require providing reasons for removal decisions to ensure they are not arbitrary and discriminatory.[192] While online anonymity more broadly does pose significant barriers to holding online wrongdoers accountable, a harm-reduction approach weighs in favour of maintaining the existing online confidentiality that affords protection to dissidents, victims of abuse, and whistle-blowers, for example.[193]

ii) Advertisement transparency

Governments should require more transparency regarding sponsorships and advertisements on social media platforms, political or not. This information should be easily accessible, and user-friendly, by conveniently placing the information succinctly and directly on the advertised post via a drop down menu or something similar.[194] It should include who paid for the advertisement, how much was paid, and how many people have

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[188] See *Democracy Under Threat, supra* note 39 at 40–41.

[189] See *Final Report*, *supra* note 117 at 36.

[190] See *Democracy Under Threat, supra* note 39 at 41.

[191] See Lewandowsky, *supra* note 30 at 8.

[192] See *Final Report 2020–2021*, *supra* note 117 at 27–28.

[193] See *ibid* at 40.

[194] See *Democracy Under Threat, supra* note 39 at 37.

been reached by the ad.[195] It is equally essential that the demographics of the target audience are also shared, so that content consumers can understand why they specifically received the ad.[196]

iii) *Close content moderation gaps*

Lastly, it is important to recognize that the transnational nature of social media renders democratic oversight more challenging.[197] Coordination among states is important in this regard. One issue which more powerful countries may be well placed to help address, however, is that of divergent content moderation by platforms.[198] It is possible to exert coordinated pressures on private corporations to implement more stringent moderation protocols equally across jurisdictions and push them to allocate resources accordingly to areas of identified risk of violence.[199]

For example, Facebook currently operates in over 190 countries with users posting content in over 160 languages.[200] Facebook has failed to hire the necessary number of workers with the prerequisite knowledge of the language, dialects, and culture needed to adequately moderate content that may be false or illegal.[201] The foreseeable harm of such negligence is evidenced by the tragic Rohingya genocide in Myanmar, and similar risks are present in other African and Asian countries, like India, where there are 22 officially recognized languages, and over

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[195] See *ibid* at 37–39.

[196] See *ibid*. See also *Final Report 2020–2021*, *supra* note 117 at 36.

[197] See McKay, *supra* note 8 at 705.

[198] See generally *Final Report 2020–2021*, *supra* note 117 at 42; *Report of the Secretary General, supra* note 14 at 25–26.

[199] See generally Thomson Reuters, "Facebook knew about and failed to police abusive content globally: documents", *CBC* (25 October 2021), online: <www.cbc.ca/news/world/facebook-documents-abuse-1.6223685>. See also Rishi Iyengar, "Facebook has language blind spots around the world that allow hate speech to flourish" *CNN* (26 October 2021), online: <www.cnn.com/2021/10/26/tech/facebook-papers-language-hate-speech-international/index.html>.

[200] See *ibid*.

[201] See *ibid*.

300 million Facebook users, and yet Facebook fact-checking partners only cover 11 languages.[202]

Until AI systems are adequately able to detect and remove hateful speech and circulating disinformation, social media companies must be pressured to invest and correct these dangerous gaps. While this will certainly come with a great financial cost to the corporation, this is no exculpation for two reasons. First, considering that it can lead to genocide, it is wholly warranted and justifiable. Second, these companies indeed have the capital to do so: Facebook had a revenue of $85 billion in 2020, of which $24 billion was profit.[203]

C) Strengthen Media Literacy

The reality is that government efforts could reap greater rewards by focusing on a cultural shift rather than by attempting to tame the wrath of the internet from the top-down. Acknowledging that the internet cannot be sanitized by a central authority and remain truly democratized supports focusing on empowering internet consumers to engage their reflexive capacities and learn to identify problems and find solutions.[204] A harm-reduction approach is aligned with rejecting censorship measures and focusing on long-term investment in media literacy and educational campaigns for the public at large.

The aforementioned strategies, involving stronger independent journalism and greater access to information for citizens via transparency requirements and resource allocation, are all certainty meant to expand fact-checking tools available to platform users.[205] Nevertheless, other grassroots initiatives should be designed according to the local context to complement other institutional strategies. For example, while battling the Ebola outbreak in 2018, the Democratic Republic of Congo opted to implement WhatsApp tip lines, where citizens could report

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[202] See *ibid*.

[203] See Iyengar, *supra* note 196. See also Paul, *supra* note 151 (on Facebook accused on relying on non-profit organization to flag misinformation on their cite, exhausting their limited resources and neglecting to invest themselves).

[204] See Turk, *supra* note 30. See also McKay, *supra* note 8 at 710.

[205] See generally Turk, *supra* note 30.

circulating false information.[206] Instead of blocking the source of disinformation, the tip line sent the receiver accurate information by communication experts that rebutted the falsehood, without repeating the misinformation itself.[207] In Peru, in the wake of the 2021 presidential run off, the National Elections Jury and the National Democratic Institute partnered up to offer a virtual certificate course of 30 hours where participants were provided conceptual and procedural tools to combat fake news during elections.[208] Similarly, a civil society partnership in Benin launched an anti-disinformation platform ahead of the 2021 elections, which sought to educate the public on how to read social media content critically, and allowed users to submit fact-checking requests on the platform.[209] Others advocate for digital literacy initiatives that generally seek to inform the public about the prevalence and risks associated with disinformation and misinformation.[210] This may better encourage people to adopt a greater sense of responsibility not to share unverified content.[211]

While digital education alone cannot provide "full immunity against sophisticated systems of disinformation," it does represent the greatest path to increasing the public's resilience against the information disorder which will likely morph into different variants in years to come.[212]

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[206] See Laura Spinney, "Fighting Ebola is hard. In Congo, fake news makes it harder" (14 January 2019), online: *Science* <www.science.org/content/article/fighting-ebola-hard-congo-fake-news-makes-it-harder>.

[207] See *ibid*.

[208] See Janett Talavera, "En Perú se Dictará Curso a Organizaciones Políticas sobre Desinformación y Fake News en las Campañas Electorales", *Revista Level* (22 November 2021), online: <www.revistalevel.com.co/contenido/en-peru-se-dictara-curso-a-organizaciones-politicas-sobre-desinformacion-y-fake-news-en-las-campanas-electorales>.

[209] See "Une information vérifiée, Un peuple en paix" (last visited 17 August 2022), online: *Anti Fake News* <anti-fakenews.bj>.

[210] See e.g. *Democracy Under Threat, supra* note 39 at 69–71.

[211] See generally, M. Laeeq Khan & Ika Idris, "Recognize Misinformation and Verify Before Sharing: A Reasoned Action and Information Literacy Perspective" (2019) 38:12 Behav. Inf. Technol 1194 at 1199.

[212] *Final Report 2020–2021*, *supra* note 117 at 45.

CONCLUSION

The health of a democracy depends on the willingness, capacity, and opportunity that its own citizens have to partake in public affairs. Absent a common repertoire of facts from which to engage in public and political dialogue, democracy cannot prosper. The dawn of the internet era has created an information ecosystem corrupted by the attention-seeking economy that has little regard for information integrity. Ultimately, it is up to us as citizens of our democracies, and as daily users of the internet, to demand that communication technologies prioritize the broader public good over special capitalist and political interests. Societies must be vigilant against that which corrodes democratic institutions and values. This includes rejecting short-sighted legislation and ad hoc censorship that, themselves, threaten the freedom of expression that is essential to deliberative democracies. Instead, efforts must be dedicated toward long-term investments that will produce long-term payoffs. A few first steps include saving local and independent journalism from extinction, enacting stronger algorithmic and advertisement transparency requirements on media platforms, and pressuring corporate tech giants to provide equitable content moderation globally. Public education on the disinformation disorder—and knowledge on how to increase one's own immunity to it—will be among the most productive investments of all. These strategies will enable us to dial up the internet's capacity to be of furtherance to the realization of democratic freedoms and human rights.

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