## Misinformation and Freedom of Expression: Is There a Made in Canada Solution?

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University of Ottawa, Faculty of Law



The problem is real

## Misinformation on social media linked to higher spread of COVID-19 in new study



Hannah Alberga CTV News Toronto Multi-Platform Writer

■ @Hannah Alberga | Contact

Published Friday, June 11, 2021 2:40PM EDT



#### **MOST-WATCHED**



Aerial footage captures scale of flood in B.C.

#### Just 12 People Are Behind Most Vaccine Hoaxes On Social Media, Research Shows

Updated May 14, 2021 · 11:48 AM ET 
Heard on All Things Considered







#### Marketplace flagged over 800 social media posts with COVID-19 misinformation. Only a fraction were removed







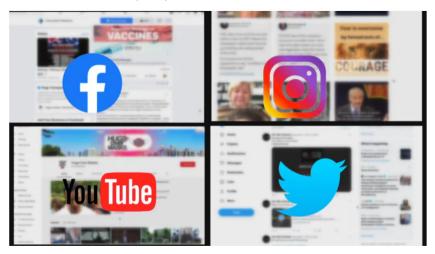




Claims that vaccines cause sterility, fake COVID treatments among posts Facebook hadn't removed as of March 29

Eric Szeto, Katie Pedersen, Asha Tomlinson · CBC News ·

Posted: Mar 30, 2021 7:30 AM ET | Last Updated: March 30



Despite promises to tackle COVID-19 misinformation from social media companies like Facebook, Twitter, YouTube, and Instagram, a Marketplace investigation still found plenty online. (CBC)

### Addressing the Challenges of Cancer Misinformation on Social Media

#### Subscribe

September 9, 2021, by NCI Staff

You or someone you love has just been diagnosed with cancer. You've met with the doctor and your head is spinning. You're overwhelmed and scared.

Like many people these days, you turn to the internet and social media for information. Someone you know points you to a scientific-sounding article or a video by a "medical expert" that offers new hope, perhaps by describing treatments that are "all natural" and don't have unpleasant or serious side effects.

And although the information may sound too good to be true, the site includes testimonials from patients or their family members who describe miraculous results.



Misinformation about cancer is pervasive on the Internet and social media. Researchers are trying to understand its impact on patients and cancer care. Credit: National Cancer Institute

## Climate misinformation on Facebook 'increasing substantially', study says

A new analysis reveals that thousands of climate misinformation posts received up to 1.36m views everyday



## We Asked for Examples of Election Misinformation. You Delivered.

Readers submitted more than 4,000 examples of misinformation. Here are the different types being spread this election season.





Nov. 4, 2018

Two months ago, The New York Times <u>asked readers</u> to send in examples of election-related misinformation they saw online.

## Companies fear rise of fake news and social media rumours

Annual Kroll fraud report finds 84% of businesses feel threatened by digital hearsay



Data gleaned from 588 large companies across 13 countries comes after several corporates suffered at the hands of internet disinformation © AP



There are no easy solutions



<1>Not just big tech

### Steven Guilbeault is trying to take on Big Tech. It's not going well.











Passing this bill was never going to be easy. Guilbeault's handling of it has made it far harder.



Aaron Wherry · CBC News · Posted: May 15, 2021 4:00 AM ET | Last Updated: May 15



## The president, not social media, is largely responsible for disinformation about mail-in voting

A new Harvard study shows that President Trump is the main vector of disinformation about mail-in voting.

By Rani Molla | @ranimolla | Oct 14, 2020, 10:20am EDT





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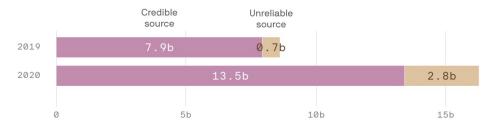




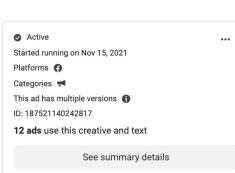
## "Unreliable" news sources got more traction in 2020



#### Social media interactions by source credibility



Data: NewsGuard; Chart: Sara Wise/Axios







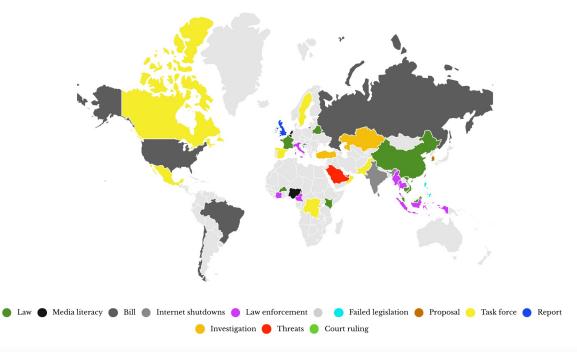
ON **GUN CONTROL.** 



<2>

Freedom of Expression:
Government policy

### Here's where governments are taking action against online misinformation



### New Laws Banning False News Threaten the Free Flow of Information Worldwide

BY NAOMI GILENS AND JILLIAN C. YORK | MAY 4, 2020



## Thailand: COVID-19 Clampdown on Free Speech

Critic Arrested, State of Emergency Censorship Threatened



#### MORE READING



March 17, 2020 | News Release

Thailand: Insurgents
Bomb Government
Agency in South



March 13, 2020 | News Release

Thailand: Drop Charges Against Opposition Leader

## Indonesia used Covid-19 to silence criticism of government

INDONESIA ASIA - PACIFIC

PROTECTING JOURNALISTS ONLINE FREEDOMS MEDIA INDEPENDENCE

COVID 19 JUDICIAL HARASSMENT



## Turkey detains 19 people over 'provocative' coronavirus posts

By Reuters Staff 2 MIN READ **f** 



## Bahrain charges lawyer of sharing "fake news" for his Tweets

By Associated Press



May 15, 2019

DUBAI, United Arab Emirates — Bahrain's Public Prosecution says it is charging a person, identified by a rights group as a prominent lawyer, for misusing social media and publishing fake news that can harm public order.

The prosecution did not name the individual in its statement, but the Bahrain Institute for Rights and Democracy identified him as lawyer

#### **MOST READ WORLD** >



### Twitter rules out French government advertising over anti-fake news law

Campaign #Ouijevote, which encourages voting in May's European Parliament elections, will not be able to post sponsored tweets on the site

Zoe Tidman | Wednesday 03 April 2019 18:20 | comments



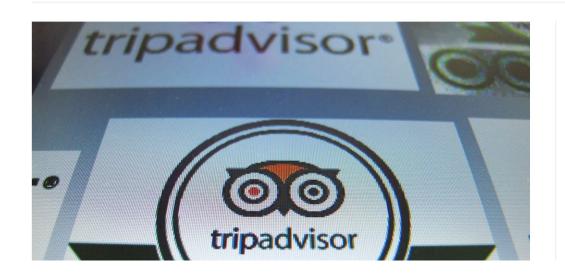








## A man was sentenced to 9 months in prison. His crime? Posting fake reviews on TripAdvisor.



MOST READ WORLDVIEWS - OLD >





<2>

Freedom of Expression: Tech company policy

#### Twitter adds 'manipulated' warning label to tweet from Liberal candidate Chrystia Freeland











Liberal party says it disagrees with label and is seeking explanation from Twitter



Ashley Burke · CBC News · Posted: Aug 23, 2021 12:04 AM ET | Last Updated: August 24



Twitter labelled a video tweeted by incumbent Liberal candidate Chrystia Freeland, who is seeking re-election, as having 'manipulated media.' She is pictured with Liberal Leader Justin Trudeau as they make a campaign stop in Markham, Ont., on Aug. 17. (Sean Kilpatrick/The Canadian Press)

#### **Local MPP Randy Hillier has Twitter** account temporarily suspended due to anti-COVID-19 tweets

Since the suspension was lifted, Hillier has resumed posting anti-COVID tweets, saying he is "recharged and ready for more."

Mar 1, 2021 8:51 AM By: Alex Goudge











Ontario Conservative MPP Randy Hillier speaks with journalists outside the Ontario Legislature in Toronto on Feb. 20, 2018. THE CANADIAN PRESS/Chris Young

## uOttawa professor Amir Attaran calls his Twitter ban astonishing, absurd, biased

The holder of a PhD in immunology from Oxford University, he was permanently banned from the social media platform Wednesday, one day after he issued a tweet in which he suggested Prime Minister Justin Trudeau should be "tarred and feathered" for the way in which his government has mishandled the approval and rollout of a vaccine for young children in Canada.

Andrew Duffy
Nov 03, 2021 ⋅ November 3, 2021 ⋅ 3 minute read ⋅ ☐ 15 Comments



## 'Yeeeah it's him': Vancouver writer sues Twitter over its rule against misgendering trans people

Meghan Murphy says Twitter has unfairly banned her

Joseph Brean
Feb 12, 2019 • February 12, 2019 • 4 minute read • ☐ Join the conversation



Meghan Murphy

#### Facebook Ends Ban on Posts Asserting Covid-19 Was Man-Made

Social media titan's policy shift reflects a deepening debate over the origins of the virus first identified in Wuhan, China



The World Health Organization's mission to Wuhan said the coronavirus most likely spread naturally to humans through an animal. WSJ's Jeremy Page reports on what scientists learned during their weekslong investigation. Photo: Thomas Peter/Reuters (Video from 2/9/21)

#### **UPCOMING EVENTS**

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1:00 PM - 1:30 PM EDT

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Behind the Headlines: Afghan Women Under Taliban Rule

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Dec

1

11:00 AM - 4:15 PM EDT

WSJ Pro Cybersecurity

#### You Tube Cancels the U.S. Senate

It censors testimony from physicians on early treatments for Covid-19 patients.

#### By Ron Johnson

Feb. 2, 2021 12:47 pm ET





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1,250 \\_\_

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## <3> Canadian Legislative Red Flags

#### Canada's Internet Regulation Plan

- Bill C-10 Broadcasting Act Reform
- Online Harms Legislation
- Paying for Links to News Articles

#### Heritage Minister asks senators to focus on passing Bill C-10



OTTAWA PUBLISHED JUNE 28, 2023

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#### Ditch 'fundamentally flawed' online harms bill, experts say in submissions to Heritage Canada

Anything less 'will jeopardize Canada's claim to being a leader in advancing free expression, a free and open internet, and ... human rights, one submission says

Oct 01, 2021 • October 1, 2021 • 4 minute read • 32 Comments



#### Legislation coming this year to force Google, Facebook to pay for news content



#### Newspapers publish blank front pages

Adrienne Batra, the editor-in-chief of the Toronto Sun, discusses why Canada's newspapers had blank front



















Published Thursday, February 4, 2021 10:42PM EST

#### Broadcasting bill targets online streaming services

# BILL CURRY > AND JANICE DICKSON > OTTAWA PUBLISHED NOVEMBER 3, 2020 UPDATED NOVEMBER 4, 2020 PUBLISHED NOVEMBER 3, 2020 This article was published more than 6 months ago. Some information in it may no longer be current. 174 COMMENTS SHARE A A + TEXT SIZE BOOKMARK 00:00 Voice 1x



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- 5 Coronavirus Update: Fully vaccinated Canadian travellers no longer have to quarantine

## Canada's Bill C-10 'Orwellian:' Senator

Controversial Internet regulation bill left in limbo after upper house rose for their summer break this week

#### **Postmedia News**

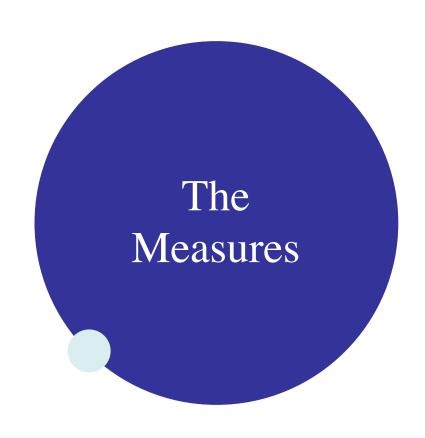
Jul 02, 2021 • 2 days ago • 1 minute read • 77 Comments



### Consultation closed: The Government's proposed approach to address harmful content online



Social media platforms and other online communications services play a vital and important role in Canada's society and economy. However, despite their many benefits, they can be abused and used to incite hate, promote violence and extremism or for other illegal activity.



- 24 hour takedowns
  - Speed over accuracy
- Proactive monitoring
  - AI bias
- Automated police reporting
  - Vulnerable group risks
- Website blocking
  - Thresholds, increased communications costs
- Enforcement
  - Broad investigative powers



## • Civil Society Groups

- CCLA
- Open Media
- LEAF
- Independent Press Gallery of Canada
- Joint Civil Society and Anti-Racism Groups
- International Organizations
  - Global Network Initiative
  - Ranking Digital Rights
  - Access Now



- Increased dependence on tech
- Increased dominance of big tech
- Canada's moral standing
- Freedom of Expression risks





- Transparency
  - Advertising
  - Algorithms
  - Policies
  - Decisions



- Corporate responsibility
  - Codes of conduct
  - Community guidelines
  - Transparent enforcement



- No profit from misinformation
  - Advertising databases
  - Block ads linked to misinformation



- Funding
  - Algorithmic research
  - Content moderation edge cases



- Accountability
  - Liability for legal violations
  - Liability for failure to enforce/implement policies
  - Ongoing transparency/disclosure requirements



## Legal Reform

- Privacy/data governance
- Platform liability with freedom of expression safeguards
- Content limited to "illegal content"
- Competition law



- Individual Responsibility
  - Very high standard for liability
    - Knowingly false
    - Intent to deceive/harm
    - Reasonable person would not find credible



- Harms are real
- Harm from poorly conceived legislative reform is real too
- Finding a Canadian balance on safeguards vs. freedom of expression

