



Public Comment Appendix for

2021-008-FB-FBR

Case number

Case description

In March 2021, the Facebook Page of a state-level medical council in Brazil posted a picture of a written notice with messaging on measures to reduce the spread of COVID-19. The notice claims that lockdowns are ineffective, against the fundamental rights of the Constitution and condemned by the World Health Organization (WHO). It includes an alleged quote from Dr David Nabarro of the WHO stating that "the lockdown does not save lives and makes poor people much poorer." The notice also claims that the Brazilian state of Amazonas had an increase in the number of deaths and hospital admissions after lockdown, evidence of the failure of lockdown restrictions. The notice claims that lockdowns would lead to an increase in mental disorders, alcohol and drug abuse, and economic damage, amongst other things. It concludes that effective preventative measures against COVID-19 include education campaigns about hygiene measures, the use of masks, social distancing, vaccination and extensive monitoring by the government – but never the decision to adopt lockdowns.

The content was viewed around 32,000 times and shared over 270 times. No users reported the content. Facebook took no action against the content and referred the case to the Board. The content remains on the platform.

In its referral to the Board, Facebook said that the case is "difficult because this content does not violate Facebook's policies, but can still be read by some people as advocacy for taking certain safety measures during the pandemic." It states that under its Misinformation and Harm policy, it removes content containing misinformation "when public health authorities conclude that the information is false and likely to contribute to imminent violence or physical harm." Facebook says that "this content does not meet that standard. While the World Health Organization and other health experts have advised Facebook to remove claims advocating against specific health practices, such as social distancing, they have not advised Facebook to remove claims advocating against lockdowns."

The Board would appreciate public comments that address:

- Whether Facebook's decision to take no action against the content was consistent with its Community Standards and other policies, including the Misinformation and Harm policy (which sits within the rules on violence and incitement).

- Whether Facebook's decision to take no action is consistent with the company's stated values and human rights commitments.
- Whether, in this case, Facebook should have considered alternative enforcement measures to removing the content (e.g. the False News Community Standard places an emphasis on "reduce" and "inform", including: labelling, downranking, providing additional context etc.), and what principles should inform the application of these measures.
- How Facebook should treat content posted by the official accounts of national or sub-national level public health authorities, including where it may diverge from official guidance from international health organisations.
- Insights on the post's claims and their potential impact in the context of Brazil, including on national efforts to prevent the spread of COVID-19.
- Whether Facebook should create a new Community Standard on health misinformation, as recommended by the Oversight Board in case decision 2020-006-FB-FBR.

In its decisions, the Board can issue policy recommendations to Facebook. While recommendations are not binding, Facebook must respond to them within 30 days. As such, the Board welcomes public comments proposing recommendations that are relevant to this case.



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The Oversight Board is committed to bringing diverse perspectives from third parties into the case review process. To that end, the Oversight Board has established a public comment process.

Public comments respond to case descriptions based on the information provided to the Board by users and Facebook as part of the appeals process. These case descriptions are posted before panels begin deliberation to provide time for public comment. As such, case descriptions reflect neither the Board's assessment of a case, nor the full array of policy issues that a panel might consider to be implicated by each case.

To protect the privacy and security of commenters, comments are only viewed by the Oversight Board and as detailed in the [Operational Privacy Notice](#). All commenters included in this appendix gave consent to the Oversight Board to publish their comments. For commenters who did not consent to attribute their comments publicly, names have been redacted. To withdraw your comment, please email contact@osbadmin.com.

To reflect the wide range of views on cases, the Oversight Board has included all comments received except those clearly irrelevant, abusive or disrespectful of the human and fundamental rights of any person or group of persons and therefore violating the [Terms for Public Comment](#). Inclusion of a comment in this appendix is not an endorsement by the Oversight Board of the views expressed in the comment. The Oversight Board is committed to transparency and this appendix is meant to accurately reflect the input we received.



Public Comment Appendix for

2021-008-FB-FBR

Case number

30

Number of Comments

Regional Breakdown

3 Asia Pacific & Oceania	1 Central & South Asia	0 Europe	9 Latin America & Caribbean
0 Middle East and North Africa	0 Sub-Saharan Africa	17 United States & Canada	

2021-008-FB-FBR

Case number

PC-10067

Public comment number

United States and Canada

Region

Sheila

Commenter's first name

Nelson

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Certainly this is false information and public harm

Full Comment

False information and public harm

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10068

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Doing nothing is negligent and complicit.

Full Comment

I am strongly opposed to government organizations leveraging Facebook as a tool for propaganda and "twisted" information. Facebook has wandered into Anti Trust territory and must be broken up. That said, on this matter, I would prefer removal of misinformation when it involves public health issues, but I know it isn't a strong enough case standing alone. Although, the repercussions may have a more destructive affect as the misinformation begins to proliferate. My opinion is, attach a disclaimer and provide links to counter information.

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10069

Public comment number

United States and Canada

Region

Dr. Brett

Commenter's first name

Prince

Commenter's last name

English

Commenter's preferred language

Neurobehavioral Rehabilitation
Associates

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

See below

Full Comment

1. Except for outrageous and obvious, specifically targeted and planned physical violence and terrorism, and already existing child pornography laws, there is no reason for FB to engage in this too often-hyperpartisan quasi-governmental censorship activity. A general disclaimer at the top of a FB page can generally declare that FB does not endorse any position, and encourages each FB to do their rightful due diligence and research any relevant topic ON THEIR OWN. FB may even require any user to sign/check off this disclaimer prior to joining. As a doctor who treats thousands of patients and has engaged in scientific and psych research, it is obvious that many statements, articles, and strongly held public FB opinions, authored by relevant authorities (medical/scientific, political, etc.), have become, unfortunately highly politicized. FB should not be in the business of acting as an Orwellian super-government for all thoughts, opinions, or statements offered by others, especially those that the FB censors politically disagree with for whatever reason. Free speech and the free and open airing and debate of all ideas and opinions without fear of bias, censorship, and suppression is essential. 2. A general, top-of-page warning about ongoing medical/scientific opinions is enough. There is very little, 'consensus' in science/medicine. Growth and advancement is the hallmark of modern medical/scientific change and progress. FB cannot continue to allow its small, non-representative, narrow band of Orwellian censors to stifle opinions (or worse, mislabel them as unacceptable threats or hate speech) they may find unpleasant/against a current faddish belief system (often a divisive and elitist upper middle class one). Forcing one's own subjective/personal opinions prohibits the natural and positive flow and growth of ideas and events.

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10070

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Simply voicing my support for new guidelines that cover misinformation about health issues on a broader level than simply this specific post.

Full Comment

As a member of a disability community, I strongly support the suggestion that Facebook/Instagram should amend policies to make sure all users can be confident in information about health and wellness that is shared on these platforms. This extends beyond COVID and to many other issues that are often misrepresented on social media— mental healthcare, disability, sexually transmitted infections, abortion, LGBTQ+ health issues such as medically-recommended treatment for transgender people, and more. The ways health and medical information is often misrepresented in ways that impact underrepresented minorities can be dangerous and even lead to bigotry against people whose health needs are misunderstood in ways that lead people to pass uneducated judgment against them or block people from getting the health care they need. This is just as applicable to, for example, posts that claim abortion clinics sell body parts or that doctors are performing gender-related surgeries on young trans children, as it is to posts that claim the best measures for fighting COVID are not effective: all of these things prevent people from being able to make informed decisions about their own health care or the health care of a loved one, if they are unchecked. Please consider broadening the scope of requirements for what sorts of medical information can be presented as fact on social platforms.

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10071

Public comment number

United States and Canada

Region

Diane

Commenter's first name

Lemieux

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

I think that Facebook should have removed the post. Failing that, they should have taken alternative measures on the post.

Full Comment

First, I would research this alleged quote by "Dr. David Nabarro of the WHO stating that "the lockdown does not save lives and makes poor people much poorer." to determine if it's true. Certainly other scientists and countries have determined that lockdowns helped to slow the spread of COVID-19, even if the WHO did not. These "public health authorities" would say that Brazil's information was false, and would lead to death (harm). I think Facebook's decision to take no action against the content was not consistent with its Community Standards and other policies, including the Misinformation and Harm policy and I think it should be removed. At the very least, Facebook should have considered alternative enforcement measures to removing the content. Facebook should treat content posted by the official accounts of national or sub-national level public health authorities through a scientific consensus lens, even if it may differ from WHO guidelines. I think that, like many in the US, Brazil officials may make posts that reaffirm their actions so that they will be seen as "right". That doesn't necessarily make it so. Yes, I think that Facebook should create a new Community Standard on health misinformation, as recommended by the Oversight Board in case decision 2020-006-FB-FBR. **Just wondering why we don't get referred cases identical to this from the US?

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10072

Public comment number

United States and Canada

Region

James

Commenter's first name

Casavant

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Misinformation is misinformation and it's harmful regardless of whether it comes from individuals sharing memes or state actors like the Bolsonaro government.

Full Comment

Misinformation is misinformation and it's harmful regardless of whether it comes from individuals sharing memes or state actors such as the Bolsonaro government, but really any government. Both are harmful in their different ways. A friend sharing misinformation is harmful because people tend to listen to their friend and peers more than anyone else and that should be removed. However, coming from a state actor is likely worse, because that affects a broader scope of people when it comes from an "official letterhead", so to speak. Not only does this instance violate the government's duty to protect it's citizens, but it was made even worse when it comes from the state's medical authority clearly parroting the ruling party line, especially since such things are easily disproven with a simple Google search.

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10073

Public comment number

United States and Canada

Region

Sandra

Commenter's first name

Yukman

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

It is my opinion that state-level leaders should be held to a much higher level of responsibility regarding misinformation. Clearly, the official responsible for this post was spreading misinformation. It is not appropriate for this officer to state that WHO should not be trusted and that lockdowns do not work. It would be fine to state that lockdowns have an economic impact and therefore should be a part resort but they do and they did work as shown by data from are world .In my opinion, FB should, at the very least, flag this 's post as containing misinformation. While this won't be effective with some readers, it would help others with sorting through what is true or false.

Full Comment

It is my opinion that state-level leaders should be held to a much higher level of responsibility regarding misinformation. Clearly, the official responsible for this post was spreading misinformation. It is not appropriate for this officer to state that WHO should not be trusted and that lockdowns do not work. It would be fine to state that lockdowns have an economic impact and therefore should be a part resort but they do and they did work as shown by data from are world .In my opinion, FB should, at the very least, flag this 's post as containing misinformation. While this won't be effective with some readers, it would help others with sorting through what is true or false. I would add that Brazil did a very pot job off protecting it's citizens from Covid-19 which is an even greater reason to be av voice of reason. FB, you are in ac tough spot with all the misinformation around. All you can do is try to flag it with truth. Thank you

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10074

Public comment number

United States and Canada

Region

Randy

Commenter's first name

Johnson

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

As a professional engineer in Texas and former supervisor of a data analytics group in the oil industry, I understand statistics and objectivity. Texas and Florida had the least restrictive lockdown measures whereas Michigan and New York had some of the strictest measures, yet they were more adversely affected by COVID.

Full Comment

The CDC has reversed its position on nearly every COVID decision. Why? Because they lacked sufficient data to make good decisions and they were heavily politicized by their anti-Trump employees and spokesmen (e.g. Dr. Fauci). For example, now that we have accumulated more data, a recent CDC-sponsored university led study determined that masks were ineffective and likely caused other health issues. Data from Texas and Florida shows that their open policies resulted in fewer per capita Covid problems than observed in the closed States of Michigan and New York. Of course, the media downplayed these results because Texas and Florida are Red States. President Biden went so far as to call Texas' Gov Abbott "a Neanderthal". The results show that Abbott's decision to reopen the State was correct and Biden was wrong. Oregon was heavily locked down and had lower cases than many States, but recently it has experienced an explosion of cases. Why? It is catching up with the other States. You can flatten the curve, but the same total number of cases (I.e., the area under the curve) will likely be the same unless vaccines are effective and accepted. Facebook lacks the balanced technical perspective to decide who is right and wrong in a dynamic situation! Facebook is staffed by far left liberals, as proven by campaign donations, who are inexperienced (I.e., young) and not statisticians. They are easily swayed by liberal propaganda and appear to reinforce it. Brazil is right, lockdowns cause more harm than good. You cannot just look at COVID cases and deaths. You also have to look at mental health considerations.

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10075

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Labelling, downranking, providing additional context are ineffective. People continue to share false posts despite these.

Full Comment

My opinion is that the most effective way to deal with posts that promote lies is to remove them. From what I've seen on Facebook, people continue to share false news posts even if they are labelled, downranked or have additional context provided. Most people don't bother to read the additional context. They only want to spread views that align with their own regardless of the truth of them.

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10076

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Countries that did not lock down for a period of time had a lower incident of death from covid. This is general knowledge.

Full Comment

The doctor mentions the WHO agreeing with him. I would like to know if that is factual. We hear so much inaccurate info on the news and social networks, that it is difficult to know what is true. Between Fauci and the WHO waffling in their advice, and the denial that the virus originated in the Wuhan lab; I would suggest that they are liars, and somehow (in Fauci's case) making money off of this. I'm actually surprised that Facebook didn't just remove it. Maybe they are trying to make an impression on Congress that they are not the despots we know they are. I think the post should stay up; if only to let people make up their own minds.

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10077

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Opinions are important. And to make an informed opinion, everyone should have the information required to to form a reasonable, truthful, and unbiased opinion.

Full Comment

I am quite concerned by tech companies (such as Facebook, news agencies, and social media) are making decisions about information posted or published on their sites, and feeling free to censor information posted due to the opinions expressed. It seems that if Facebook sees a post which is an opinion that someone in its management does not agree with, it will block or remove it. I can remember the Free Speech movement beginning at UC Berkely, California, and that eventually censorship was forbidden. Now it has raised its ugly head again. Do you remember when workers trying to organize a union in their company, had their pamphlets and speeches blocked by the business management? That behavior was quite rightly declared unlawful. But now, it seems that a new group of managers is doing that same evil behavior. Now many opinions and postings are blocked by Big Tech companies for no good reason, except that some executive doesn't like, or is offended by ideas and wants to squash them. Free Speech is guaranteed by the US Constitution, and only in the past few years have I seen corporations contend that such free speech is only guaranteed from government entities, and not from civil entities. I would have expected Facebook and Google etc to be champions of free expression of ideas, and opinions. What has happened to our elite Tech and Media companies. And now, you take it upon yourself to censor foreign government statements. And even block US elected politicians from discussing the important issues of today. Of which a big one is CENSORSHIP!!! When Facebook began, I was so happy, that now there was a great new way for friends and families to connect, communicate, and have open, free discourse about whatever issue they pleased. I am so disappointed by whats happening now.

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10078

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

It would improve the reliability of Facebook if it would consistently label untruths or half-truths as just that--misleading, incomplete information, or partially untrue. Snopes has such a system. Facebook should adopt one, and apply a standard such as "partially misleading health information" it to this case.

Full Comment

Brazil is #3 in Covid-19 cases because of its active disinformation campaign against common-sense health measures adopted by most other countries in the world. To remain silent about a claim that lockdowns don't work, when they have been employed with success during the pandemic, is clearly false and misleading, and politically motivated. Facebook has stood up to the political misinformation of Trump supporters and has helped to save lives and even to help save the American government. To append a tag that states that this is misleading medical information would not be a heavy lift for Facebook, but the company could expect to receive the full force of the Brazilian government's fury for doing so. If that is not too onerous a prospect to take on, Facebook should be consistent and label content like this for what it is. Over time, Facebook users will come to trust the platform more, knowing that misleading and erroneous information will be tagged consistently.

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10079

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

All censorship is bad

Full Comment

While I agree on the need to curb public commentary, I think this case as others like it represent an opportunity for the way we control shared opinions. Instead of teetering on the edge of a ban of expression, I think the better option is to create a Facebook dictated tagging system with a review process and staff similar to your team. I feel that some appropriate tag examples would be: unverified fact, medical opinion, controversial (could use numerous subcategories). By using a tagging system like this, out-right banning or removal of content becomes far more limited, while giving Facebook a methodology for continuing to screen it's platform. This also allows Facebook to promote links or ads to correct information as it is available and relevant.

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10083

Public comment number

United States and Canada

Region

Randy

Commenter's first name

Johnson

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

If you are looking for scientific proof that lockdowns do not work, please get a copy of the study referenced in this article: <https://summit.news/2021/06/04/german-study-finds-lockdown-had-no-effect-on-stopping-spread-of-coronavirus/>

Full Comment

I submitted my input a few days ago, but a German Study was just released that proves lockdowns had no effect on the spread of Covid. Follow the science. <https://summit.news/2021/06/04/german-study-finds-lockdown-had-no-effect-on-stopping-spread-of-coronavirus/>

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10084

Public comment number

United States and Canada

Region

Robbee

Commenter's first name

Fian

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Stopping Fake News and the spread of disinformation should be a goal for FB. Living in NYC , a high density area, through the pandemic, has proven to me that the lockdown made a huge difference in the control and containment of COVID.

Full Comment

Stopping Fake News and the spread of disinformation should be a goal for FB. Living in NYC , a high density area, through the pandemic, has proven to me that the lockdown made a huge difference in the control and containment of COVID.

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10086

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Check the truth of some statements

Full Comment

" ... condemned by the World Health Organization (WHO). It includes an alleged quote from Dr. David Nabarro of the WHO stating that "the lockdown does not save lives and makes poor people much poorer." " Is this a true statement ? If not, the post should be flagged as false.

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10088

Public comment number

Latin America and Caribbean

Region

Ronald

Commenter's first name

Mondelo Junior

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

lockdown is constitutional. The post must be taken down.

Full Comment

1. The Brazilian Constitution provides that the right to life is inviolable (Article 5) and determines that health is a right of all and a duty of the State, guaranteed through social and economic policies aimed at reducing the risk of disease and other injuries and universal and equal access to actions and services for their promotion, protection and recovery. 2. RECOMMENDATION No. 036, OF MAY 11, 2020 of the National Health Council (CNS) Recommends the implementation of more restrictive social distancing measures (lockdown), in municipalities with accelerated occurrence of new cases of COVID-19 and with a rate service occupancy reached critical levels. 3. The case in question did not technically violate the Misinformation and Harm policy: rules of Violence and Incitement. 4. The case violates Facebook's Fake News Policy, as WHO recommends isolation and social distance as a preventive measure against Covid-19 contamination (<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>), as it resulted in a rapid spread of polarization of opinions, supporting a line of thought aligned with radical ideologies (<https://g1.globo.com/mundo/blog/sandra-cohen/post/2021/01/27/how-the-far-right-incites-protests-against-lockdown-in-the-holland.ghtml>) 5. Facebook must always be guided by the technical understandings and recommendations of world and national authorities, as they are understandings derived from consensus obtained by the most influential and respected people on the subject. 6. It is recommended that Facebook consult with organizations with the greatest international respect and create a Community Standard regarding health misinformation. The company has an existential duty to seek the best possible social dialogue, as it plays a critical role in the communication and education of the global population with the mission of avoiding polarization; emergence of radical

groups, attack on the institutions of society. 7. Therefore, the post must be taken down by Facebook, because the isolation, social distancing and lockdown measures are legal and in accordance with the Brazilian Constitution. Any information in the opposite direction is fake news and must have its content taken down.

Link to Attachment

No Attachment

2021-008-FB-FBR

Case number

PC-10089

Public comment number

Asia Pacific and Oceania

Region

Grace

Commenter's first name

Lee

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Measures to reduce the spread of COVID-19 remain a grey area where information cannot be definitively sorted into "truth" or "fake news", creating uncertainty of how such information should be displayed on the platform. This comment explores the third and fourth point on alternative enforcement measures to removing the content and how contradicting content by national level and international health organisations can be managed.

Full Comment

Content moderation on grey areas in the COVID-19 pandemic (for example, social distancing, quarantine, and vaccination) presents a difficult challenge for platforms as there is no objective "truth". For example, the Pfizer vaccine had a staggered release to the public. When it was first cleared for use amongst older adults barring those with allergies, it was uncertain if a statement claiming that the vaccine is effective amongst the youth would be fake news or not. A few months after its initial release, the Pfizer vaccine has since been opened to adolescents. Time allows for empirical evidence to be accumulated and for new information to gain further validity and credibility. While the COVID-19 vaccine is a pandemic issue that has gathered sufficient and undisputed proof for a black-and-white answer on its efficacy, there has not been enough research conducted into other issues like the effectiveness of lockdowns. I Alternative enforcement measures A Additional context/ labelling Some have had the privilege to make weighted decisions about grey areas of the pandemic based on objective evidence. They can analyse facts, self-filter misinformation and importantly, discard preconceptions. When one can view a situation without any assumptions that have been created by one's upbringing or influenced by his surrounding peers, one forms a better objective view on a subject. However, many users on social media platforms do not possess the same guarded wariness when they face new information that contravene their

personal ingrained beliefs. Providing additional context is the worst action that can be adopted as it forms a breeding ground for attitude polarisation. By providing evidence on the debatable issue, disagreement risks becoming more extreme as the user views such evidence with rose-tinted lenses, and would be inclined to find the facts to better fit the cause that they already believe in. In this context, Brazilians who have a strong internal belief that lockdowns are against their fundamental human rights would likely find that their state-level medical council's endorsement of the ineffectiveness of lockdowns is more accurate than an international health body's advisory (the additional context provided). They may justify this on their familiarity with the local organisation, or that the local organisation also included a quote from an international source (Dr David Nabarro of the WHO) or the statistics from the Brazilian state of Amazonas. There is a tendency for those who have preconceived notions on an ambiguous issue to interpret new evidence in a manner that reinforces their existing beliefs.

B Downranking Downranking is a much more insidious method of content moderation that is also not encouraged, not because of its unsuitability but potential for causing a great divide and attaching an arbitrary value to knowledge. The act forces the existence of a "preferred" opinion, with the less preferred one being downranked. However, in the territory of such grey areas, platforms themselves must assume the role of judge and jury to determine which is the preferred opinion. One person's decision hence inevitably creates a skewed experience for most users on the platform, impacting freedom of expression. Moreover, any criteria for determining the preferred opinion are merely arbitrary. In this case, the advice from the WHO and international health experts is favoured over the contrary opinion of the Brazilian state-level health authority. However, there is no clear evidence that international health authorities have better or more qualified professionals than their local equivalent. While the former may possess larger scale of research, the latter have the advantage of understanding their environment better. It could potentially be that Brazil is not as densely populated and lockdowns consequently have no effective use in preventing spread; it could also be that lockdowns drive people away from their sources of help and cause more harm than good. International health organisations cannot offer a one-size-fits-all guidance, and it may be better to rely on local health guidance at times. Downranking cannot be carried out effectively to ensure a proper promotion of accurate information, since what information is accurate in that context is not clear.

II Content by public health authorities: contradiction between national level and international organisations On the other extreme, leaving the public to upvote or downvote content that they believe to be more accurate would easily render the platform a cyber cesspool. There must be certain enforced policies or Community Standards that guide the suitability of content hosted on the platform, especially with news surrounding the pandemic that spreads much faster. It is suggested that regarding pandemic news where there is a contradiction between national and international level, platforms should act as a neutral host, focussing on engineering a friendly and informative user interface. The difference between such consolidation of material versus the previous disproved methods of providing additional context or labelling is its presentation. More explanations and labels on a post suggest that there is a "superior" opinion that someone is trying to convince the

user of and institutes conflict, creating a need for users to defend their existing beliefs. In this open interface where information is displayed as equal – international and national public health organisations’ advice occupying the same amount of space – it is mainly a map of information and not writing over any organisations’ advice. It is suggested that such an approach can only be adopted for truly grey areas where there is no proof that either side is the truth. On the contrary, regarding vaccines where there is definite evidence that being vaccinated is beneficial, the usual downranking and labelling of posts is preferred.

Link to Attachment

[PC-10089](#)

2021-008-FB-FBR

Case number

PC-10100

Public comment number

Latin America and Caribbean

Region

Pablo

Commenter's first name

Ortellado

Commenter's last name

Portuguese

Commenter's preferred language

Universidade de São Paulo

Organization

No

Response on behalf of organization

Short summary provided by the commenter

A publicação de uma entidade médica brasileira contrária ao lockdown está inserida em um contexto político no qual entidades governamentais e médicas têm feito recomendações de saúde pública que contrariam o consenso científico. Estudos sugerem que esse tipo de recomendação equivocada pode estar produzindo mais contaminação e mais mortes por Covid-19. É preciso aprimorar a política sobre Covid-19 e aplicá-la com mais rigor e atenção no caso de autoridades políticas, autoridades médicas e grandes influenciadores. É preciso, porém, diferenciar contextos: embora seja necessário excluir recomendações equivocadas de saúde pública, não se deve excluir publicações que estão debatendo o assunto de maneira técnica ou científica.

Full Comment

Em relação ao caso 2021-008-FB-FBR sobre publicação de uma entidade médica estadual brasileira condenando a adoção de lockdowns para combater a Covid com base em três alegações falsas: i) de que lockdowns são ineficazes, ii) que são contrários à Constituição brasileira e iii) e são condenados pela Organização Mundial de Saúde, gostaríamos de considerar o seguinte: 1. Sobre o contexto brasileiro: medidas de política pública baseadas em evidências para o combate à Covid-19 como a adoção de lockdowns, isolamento social e o uso de máscaras têm sido contestadas por forças políticas organizadas no Brasil, afetando recomendações do governo federal brasileiro, assim como recomendações de associações médicas. Além de contestar medidas referendadas pelo consenso científico internacional, essas forças políticas têm recomendado tratamentos sem comprovação científica, como o uso de hidroxiclороquina e ivermectina no tratamento da Covid-19. 2. Sobre as publicações de autoridades médicas e políticas com recomendações de saúde pública: publicações de autoridades políticas e de

autoridades médicas não devem ser dispensadas do processo de moderação, pelo contrário, a moderação de suas publicações deve ser ainda mais cuidadosa e rigorosa. Embora os cidadãos tenham o direito de saber o que dizem as autoridades, plataformas como o Facebook precisam moderar o conteúdo pois não são capazes de oferecer um contexto a essas declarações, como faz o jornalismo. Na ausência de contexto crítico, essas publicações atuam como simples recomendações equivocadas de saúde pública e podem ter consequências concretas. Brasileiros que votaram mais no presidente Bolsonaro (que tem criticado lockdowns, distanciamento social e o uso de máscaras) têm i) observado menos o distanciamento social , ii) se contaminado mais de Covid-19 e iii) morrido mais de Covid-19 . É por isso bastante razoável esperar que a manutenção de publicações de autoridades políticas ou médicas com recomendações flagrantemente equivocadas de saúde pública esteja matando pessoas. O Facebook tem sido bastante negligente na aplicação de suas políticas relativas à Covid-19 ao presidente brasileiro. Levantamento da Agência Lupa , a maior agência de fact-checking do Brasil, mostrou que o presidente Bolsonaro violou pelo menos 29 vezes as políticas sobre Covid-19 do Facebook em 2021 sem que tenha sido punido uma única vez. 3. Sobre a observação da diferença de contexto entre o debate público e científico, de um lado e a recomendação autoritativa, de outro: a aplicação de medidas mais rigorosas de moderação como o apagamento de mensagens pode ter impactos indesejados sobre a liberdade de expressão e a esfera pública. É preciso, por isso, uma política que leve em conta o contexto das conversações, separando, por exemplo, um debate técnico sobre pesquisas mais recentes sobre a hidroxicloroquina de publicações orientadas ao público em geral recomendando o uso de hidroxicloroquina. O primeiro tipo de conversação deve ser mantido na plataforma, enquanto o segundo tipo deve ser objeto de uma moderação rigorosa, sobretudo se o autor for uma autoridade política ou médica ou for um grande influenciador. Com base nessas observações sugerimos: I) A reformulação da política relativa à Covid-19 para incluir contextos nacionais, pelo menos no caso de países com grande população como o Brasil, de modo a prever situações como o de autoridades médicas e políticas criticando lockdowns ou recomendando a adoção de medicamentos como hidroxicloroquina e ivermectina. II) Aplicação rigorosa das medidas de moderação quando autoridades políticas ou médicas fizerem recomendações equivocadas de políticas de saúde. A aplicação da moderação de conteúdo sobre autoridades precisa ser mais atenta e mais rigorosa do que sobre usuários comuns. Em caso de reincidência grave, como aconteceu com o presidente Bolsonaro, é preciso que o Facebook tome medidas mais extremas como a suspensão e até mesmo o cancelamento da conta. III) A aplicação dessas medidas de moderação precisa levar em conta o contexto, protegendo a esfera pública e o debate técnico e científico, mas limitando a recomendação pública de políticas de saúde equivocadas, principalmente quando vier de autoridades políticas e médicas ou grandes influenciadores.

Link to Attachment

[PC-10100](#)

2021-008-FB-FBR

Case number

PC-10103

Public comment number

Central and South Asia

Region

Torsha

Commenter's first name

Sarkar

Commenter's last name

English

Commenter's preferred language

Centre for Internet and Society

Organization

No

Response on behalf of organization

Short summary provided by the commenter

1) Facebook's decision to take no action against the post is the correct decision, since the post does not violate any of Facebook's Community Standards, and is in consonance with Facebook's values and Corporate Human Rights Policy. 2) Facebook's enforcement action framework must consider principles of legality, legitimacy and necessity-proportionality, which presently entail providing more context to the post. 3) Facebook's treatment of content by official accounts must be as per its Newsworthy Content Policy and the Rabat Plan of Action's test including factors like context, speaker status, intent, tone etc. 4) In Brazil's context, the post will be perceived in a political colour but will be unlikely to invoke lockdown violations.

Full Comment

Facebook's decision to take no action against the post is consistent with its (i) Violence and Incitement community standard read with the COVID-19 Policy Updates and Protections; and (ii) False News community standard. Facebook's website as well as all of the Board's past decisions refer to the International Covenant on Civil and Political Rights' (ICCPR) jurisprudence based three-pronged test of legality, legitimate aim, and necessity and proportionality in determining violations of Facebook's community standards. Facebook must apply the same principles to guide the use of its enforcement actions too, keeping in mind the context, intent, tone and impact of the speech. Firstly, none of Facebook's aforementioned rules contain explicit prohibitions on content questioning lockdown effectiveness. There is nothing to indicate that "misinformation", which is undefined, includes within its scope information about the effectiveness of lockdowns. The World Health Organisation has also not advised against such posts. Applying the principle of legality, any person cannot reasonably foresee that such

content is prohibited. Accordingly, Facebook's community standards have not been violated, Secondly, the post does not meet the threshold of causing "imminent" harm stipulated in the community standards. Case decision 2020-006-FB-FBR, notes that an assessment of "imminence" is made with reference to factors like context, speaker credibility, language etc. Presently, the post's language and tone, including its quoting of experts and case studies, indicate that its intent is to encourage informed, scientific debate on lockdown effectiveness. Thirdly, Facebook's false news community standard does contain any explicit prohibitions. Hence there is no question of its violation. Any decision to the contrary may go against the standard's stated policy logic of not stifling public discourse, and create a chilling effect on posts questioning the lockdown efficacy. This will set a problematic precedent that Facebook will be mandated to implement. Presently, Facebook cannot remove the post since no community standards have been violated. Facebook must not reduce the post's circulation since this may stifle public discussion around lockdown effectiveness. Further, its removal would have resulted in violation of the user's right to freedom of opinion and expression, as guaranteed by the Universal Declaration of Human Rights (UDHR) and the ICCPR, which are in turn part of Facebook's Corporate Human Rights Policy. Instead, Facebook can provide additional context along with the post through its "related articles" feature, by showing fact checked articles talking about the benefits of lockdown. This approach is the most beneficial since (i) it is less restrictive than reducing circulation of the post; (ii) it balances interests better than not taking any actions by allowing people to be informed about both sides of the debate on lockdowns so that they can make an informed assessment. Further, Facebook's treatment of content posted by official accounts of national or sub-national health authorities should be circumscribed by its updated Newsworthy Content Policy, and the Board's decision in the 2021-001-FB-FBR, which had adopted the Rabat Plan of Action to determine whether a restriction on freedom of expression is required to prevent incitement. The Rabat Plan of Action proposes a six-prong test, that considers: a) the social and political context, b) status of the speaker, c) intent to incite the audience against a target group, d) content and form of the speech, e) extent of its dissemination and f) likelihood of harm, including imminence. Apart from taking these factors into consideration, Facebook must perform a balancing test to determine whether the public interest of the information in the post outweighs the risks of harm. In the Board's decision in 2020-006-FB-FBR, it was recommended to Facebook to: a) set out a clear and accessible Community Standard on health misinformation, b) consolidate and clarify existing rules in one place (including defining key terms such as misinformation) and c) provision of "detailed hypotheticals that illustrate the nuances of interpretation and application of [these] rules" to provide further clarity for users. Following this, Facebook has notified its implementation measures, where it has fully implemented these recommendations, thereby bringing it into compliance. Finally, Brazil is one of the worst affected countries in the pandemic. It has also been struggling to combat the spread of fake news during the pandemic. President Bolsonaro has been criticised for curbing free speech by using a dictatorship-era national security law., and questioned on his handling of the pandemic, including his own controversial statements questioning lockdown

effectiveness. In such a scenario, the post may be perceived in a political colour rather than as an attempt at scientific discussion. However, it is unlikely that the post will lead to any-knee jerk reactions, since people are already familiar with the lockdown debate on which much has already been said and done. A post like this which merely reiterates one side of an ongoing debate is not likely to cause people to take any action to violate lockdown.

Link to Attachment

[PC-10103](#)

2021-008-FB-FBR

Case number

PC-10104

Public comment number

Latin America and Caribbean

Region

Raquel

Commenter's first name

Recuero

Commenter's last name

English

Commenter's preferred language

MIDIARS Research Lab - Universidade
Federal de Pelotas

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

Facebook should take action. Research shows authorities like this have a huge impact on disinformation spread, particularly, by legitimating problematic content.

Full Comment

My comment on this case is very specific. I'm the director of MIDIARS Research Lab, an interdisciplinary research laboratory located at Universidade Federal de Pelotas, Brazil. We congregate researchers from different areas and different expertizes, and our main research focus is disinformation and social media. Last year, we published more than 15 papers about how Covid-19 disinformation spread on Brazilian social media and its impact. The results of our research were published in a research report to Brazilian media and authorities a few weeks ago.

Unfortunately, it is still in Portuguese (we expect an English translation for July). The report is available here:

<https://wp.ufpel.edu.br/midiars/files/2021/05/Desinformac%CC%A7a%CC%83o-covid-midiars-2021-1.pdf> Our research data on Facebook, Twitter, Instagram, and WhatsApp has shown that public authorities, and particularly, politicians and medical authorities, have a much higher impact when they share disinformation, both because their statements have particular forms of social capital (for example expertise and authority). These types of authorities respond for more than 91% of the total disinformation we were able to find circulating on these channels. We also found that this type of post has an important role in legitimating the disinformation, thus, making it 1,5 times more likely to circulate beyond the original group/page where it was posted and are more likely to generate cascades. Thus, these authorities, when speaking publicly should be held responsible for what they say. It is not just an opinion, but it legitimates the discourse of disinformation. Thus, when they post public comments against public policies that are saving lives, they contribute to disinformation, even if that wasn't their intention. It is, our opinion that Facebook should label posts like this as "disinformation" (as other research has

shown, this increases the reservations for people to share) and even take it out. We also think Facebook is co-responsible for these types of disinformation, for both providing the means to publish and the means to spread these types of content. We also agree that Facebook should take action and should either delete or label as disinformation posts that affect public health policies, particularly the ones that go against WHO determinations. Thus, not only Facebook should create a new Community Standard on health disinformation, as it should do this as soon as possible. Facebook has a huge power of influence on public discourse in Brazil and with this power, comes also the responsibility to moderate and to interfere where public authorities can't or won't. It is unethical for Facebook to remain neutral when people are dying.

[Link to Attachment](#)

No Attachment

2021-008-FB-FBR

Case number

PC-10105

Public comment number

Latin America and Caribbean

Region

Danielle Anne

Commenter's first name

Pamplona

Commenter's last name

Portuguese

Commenter's preferred language

PUCPR's Human Rights Clinic

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

O comentário público ao caso 2021-008-FB-FBR, submetido pela Clínica de Direitos Humanos da PUCPR, analisa suas circunstâncias sob a ótica do contexto da pandemia no Brasil. A partir da exposição destes fatos, argumenta que a decisão do Facebook em não agir é condizente com sua Política de Comunidade. Todavia, sugere-se, com fundamento no direito internacional dos direitos humanos, a adoção de medidas alternativas como o fornecimento de contexto em tópicos controversos. O comentário se encerra sugerindo a complementação dos Padrões da Comunidade relacionados ao COVID-19.

Full Comment

A pandemia de Covid-19 no Brasil se destaca, em relação a outros países, não apenas pelos altos índices de contaminação e mortalidade, mas também pela politização da emergência sanitária e pela disputa de narrativas. Desde o início essa disputa se deu com a descentralização da competência dos entes políticos no combate à pandemia, com a confirmação do princípio federativo pelo Supremo Tribunal Federal (STF). Neste cenário, a Corte também precisou intervir em uma campanha de desinformação veiculada pelo Governo Federal, que transmitia sensação de segurança ante a pandemia com o título "o Brasil não pode parar". Dentro deste cenário de desinformação e disputa política, membros e organizações da sociedade civil foram alçados a um importante posto de difusão de informações seguras a respeito do combate à pandemia. No caso em discussão, mediante análise da Política de Comunidade do Facebook, a Clínica de Direitos Humanos afirma que a empresa agiu nos limites de suas diretrizes ao não remover o conteúdo objeto deste Comentário, ainda sim, poderia ter tomado medidas menos gravosas. As Proteções e atualizações da política em relação à COVID-19 do Facebook expõem nitidamente que a remoção do conteúdo relacionado à COVID-19 se refere apenas àqueles com “potencial para causar danos no mundo real (...) bem como

desinformação que contribua para o risco de violência iminente ou danos corporais”, além de “aumentar a probabilidade de exposição ou transmissão do vírus”. A postagem não se utiliza do argumento de ineficácia do lockdown como maneira de incentivo à realização de atividades presenciais, ao uso de tratamentos precoces ou para diminuir a gravidade do vírus - possibilidades listadas como aptas à remoção da rede. Pelo contrário, a postagem incentiva as medidas preventivas comprovadas: higiene, uso de máscara, vacinação e monitoramento do governo. Dessa forma, sua remoção seria incompatível com as regras do Facebook. Todavia, é relevante ressaltar que apesar de a postagem em questão não se subsumir aos critérios de remoção, ainda requer contexto adicional por sua natureza controversa. No Brasil, postagens como esta podem aflorar comprovadas desinformações já recorrentes no país. Argumentos contrários ao lockdown devem ser feitos com responsabilidade, considerando o tratamento que a pandemia tem recebido no país. Esta opinião, atrelada à crescente convicção da eficácia de tratamentos precoces, e aliada à legitimidade do emissor da notícia, pode gerar graves consequências à saúde pública. Dos Princípios Orientadores sobre Empresas e Direitos Humanos, conclui-se que corporações devem respeitar e reparar violações de direitos humanos. A omissão corporativa não foi consistente com estes princípios, considerando as problemáticas que a postagem, indiretamente, pode trazer ao direito à saúde. Neste íterim, ainda que possa haver um aparente conflito entre a liberdade de expressão e direito à saúde, cabe destaque que, conforme diversos tratados internacionais, e particularmente neste caso a Convenção Americana de Direitos Humanos e o Pacto Internacional dos Direitos Civis e Políticos, a liberdade de expressão não é compreendida apenas em sua esfera individual, mas também em sua dimensão coletiva de obtenção de informações. Os mesmos documentos também permitem a tomada de ações restritivas à liberdade de expressão para garantir a proteção da saúde pública. É imprescindível observar que aspectos da postagem podem dar margem a interpretações equivocadas quanto às medidas de combate ao COVID-19 - já tão contestadas no país - ao politizar declarações da OMS, mesmo que a opinião pública do órgão reconheça tanto seus benefícios, quanto malefícios. Apesar de não se encaixar nas políticas do Facebook contra manipulação de mídia, tratando-se da edição ou omissão das palavras originalmente proferidas, é importante considerar que os efeitos da postagem podem ser agravados pelo fato de ter sido emitida por uma autoridade local de saúde. O Facebook poderia tomar medidas alternativas ou, ao menos, diminuir o alcance da mensagem e alertar sobre seu contexto controverso, considerando que o Distrito Federal é uma das localidades brasileiras com maior incidência de desinformação durante a pandemia. Nesse sentido, lembra-se que quaisquer restrições de conteúdo, e por consequência à liberdade de expressão, devem ser, dentre outras coisas, necessárias e proporcionais, como garantem os documentos internacionais de proteção aos direitos humanos e reafirmam os princípios do GNI sobre liberdade de expressão. Portanto, seria particularmente relevante fazer uso das Regras de Violência e Incitação, assim como do terceiro e do quarto tópico do item 21 dos Padrões da Comunidade sobre notícias falsas do Facebook, que dispõem sobre rotulagem e fornecimento de contexto adicional, em rumores potencialmente destrutivos gerados pela desinformação. Tendo em vista que no Brasil o debate

sobre a eficácia do lockdown ultrapassou a discussão científica e ingressou na esfera político-ideológica, entendemos que a melhor conduta é o fornecimento de contexto adicional, inclusive seguindo os próprios compromissos assumidos pelo Facebook. A análise de conteúdo é medida pouco eficaz no combate à desinformação, mas o contexto em que a informação é veiculada e compartilhada é relevante para o estabelecimento da conduta adequada da empresa. Portanto, se mostra necessária uma complementação dos Padrões da Comunidade, prevendo a necessidade de indicação da existência de uma controvérsia, com a disponibilização de links para “saber mais” sobre o conteúdo. O Oversight Board, entendido como um mecanismo de reclamação não-estatal, conforme previsto nos Princípios Orientadores, encontrará sua legitimidade no diálogo e participação dos distintos stakeholders, pelo que é bem-vinda a presente chamada para apresentação de comentários públicos.

Link to Attachment

[PC-10105](#)

2021-008-FB-FBR

Case number

PC-10106

Public comment number

Latin America and Caribbean

Region

João

Commenter's first name

Arhegas

Commenter's last name

English

Commenter's preferred language

Institute for Technology and Society
of Rio

Organization

No

Response on behalf of organization

Short summary provided by the commenter

To fully grasp the complexity of the case referred by Facebook to the Oversight Board, it is necessary to understand how public authorities at different levels of the Brazilian federal system reacted to the Covid-19 pandemic. In this public comment, we call this Board to consider how federal decentralization is an important contextual factor for deciding the case at hand. Furthermore, we also highlight a previous Supreme Court order that offers some insights on the Brazilian socioeconomic setting.

Full Comment

To fully grasp the complexity of the case referred by Facebook to the Oversight Board, it is necessary to understand how public authorities at different levels of the Brazilian federal system reacted to the Covid-19 pandemic. In this public comment, we call this Board to consider how federal decentralization is an important contextual factor for deciding the case at hand. Furthermore, we also highlight a previous Supreme Court order that offers some insights on the Brazilian socioeconomic setting. One of the traits of Brazil's ongoing response to the pandemic is the federal decentralization around public health policy among the union, states and municipalities. While the federal government claims that lockdowns should be avoided because they create unemployment and deepen the economic crisis in developing countries, some state and local governments have implemented lockdowns to fight the spread of the virus. Therefore, a key aspect of the pandemic in the country is the tension between federal, state and local governments around the safety measures that should be adopted. The Supreme Court was called to weigh in on this dispute on two occasions. In the first case, after the federal government challenged the legality of lockdowns, the Court issued a provisional order reinforcing the concurrent authority of the union, states and municipalities to independently enforce their public health policies. This allowed

mayors and governors to adopt more restrictive measures according to their particular contexts. In the second case, after the national government launched a TV campaign entitled "Brazil cannot stop", the Court issued a provisional order mandating its immediate suspension due to potential harm to fundamental rights (i.e., the right to health). As a result, "lockdown" became a focal point for the discussion around public health policy in Brazil during the pandemic. The federal administration indicates that the governors and mayors that have closed down local businesses may not have lowered the number of infections. On the other hand, the argument is that business shutdowns and wider lockdowns are necessary to lower the infection rates. With this context in mind, we believe that this Board should consider two important contextual implications. First, although the state-level medical council does not have the mandate per se to order (or suspend) a lockdown - after all, the council's authority is restricted to regulating the medical profession within its jurisdiction -, its proximity to and influence over state authorities cannot be overlooked. As this Board asserted in Case Decision 2020-006-FB-FBR, it is necessary to turn to contextual factors to evaluate whether misinformation meets Facebook's imminent harm standard. We call this Board to consider the degree of federal decentralization around public health policy during the pandemic in Brazil as a key contextual factor to determine whether the post is likely to contribute to imminent harm. To put it differently, the Board should be mindful of the context described above, for it may impact its analysis on the likelihood of imminent harm. Second, the Board should also look to the Supreme Court for contextual guidance on Brazil's socioeconomic environment. See, for example, the following excerpt from the provisional order granted by Justice Barroso to suspend the "Brazil cannot stop" campaign, in which he underscores the risk of discrediting lockdown orders through misinformation in a developing country: "[...] nothing suggests that measures to curb the spread of the virus should be eased in developing countries. Quite the opposite, these measures are urgent and must be rigorous in low-income contexts, where living conditions - such as urban agglomerations and the lack of adequate sanitary infrastructure - favor infections and the spread of the virus. [...] The dissemination of this campaign can undermine the institutional capacity to explain to the population the challenges we are facing and to promote their engagement around the severe measures that must be adopted." Although it may be true that the medical council's post is a borderline case that cannot be said to clearly violate Facebook's policies against misinformation and harm, it still has some similarities to the "Brazil cannot stop" campaign that Justice Barroso found to be treacherous enough to warrant a provisional and urgent "cease and desist" order. In other words, in the specific context of Brazil where "lockdown" became a political buzzword and sanitary conditions are precarious, claims advocating against lockdowns should be carefully considered as they may increase the likelihood of imminent harm for two reasons: (1) it encourages defiance of other safety measures that are also deemed by some as encroachments upon private life by the government (like social distancing and mask requirements) and (2) it places marginalized communities that live under precarious sanitary conditions at a greater risk of being exposed to the virus. To be sure, the medical council's post argues that other safety measures are still needed, including social distancing and

the use of masks. Nevertheless, assessed against this background, the post can also reinforce claims that other safety measures are ineffective and should be resisted. To avoid harm, this gap could be bridged in terms of providing more context to the post. Therefore, it is our understanding that an alternative enforcement measure is appropriate in this case. Although removing the content would likely be inconsistent with Facebook's policies, labelling the post and offering additional context could offset some of the harms involved while upholding the medical council's ability to express its position on the efficiency of lockdowns as a measure to tackle the Covid-19 pandemic in Brazil within its mandate to regulate the medical profession.

[Link to Attachment](#)

No Attachment

2021-008-FB-FBR

Case number

PC-10107

Public comment number

Latin America and Caribbean

Region

Artur Pericles

Commenter's first name

Lima Monteiro

Commenter's last name

Portuguese

Commenter's preferred language

InternetLab

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

Em sua recém-divulgada política corporativa de direitos humanos, o Facebook promete "identificar e priorizar as principais questões de direitos humanos em cada contexto", reconhecendo que os "potenciais impactos de direitos humanos dos produtos e operações do Facebook varia[m] consideravelmente segundo momento, lugar, conteúdo e comunidades afetadas". Ao remeter este caso ao Comitê de Supervisão, contudo, o Facebook não mostra ter satisfeito tal compromisso assumido publicamente. A despeito da gravidade da situação da pandemia no Brasil, o Facebook menciona apenas ter se aconselhado com "a Organização Mundial de Saúde e outros especialistas em saúde"; nada indica que tenha feito consultas apropriadas para compreender a realidade brasileira.

Full Comment

[continuação depois do resumo; o anexo contém links e rodapé] A nota do conselho regional de medicina republicada no Facebook neste caso parte de afirmações enganosas para concluir pela rejeição absoluta de lockdowns. Fact-checkers brasileiros já apontaram que a fala de David Nabarro, da OMS, tem sido distorcida para fazer parecer que ele seria contrário a lockdowns em qualquer situação. Na verdade, sua fala foi de que lockdown não deveria ser "o meio primário de controle do vírus"; embora destacando os efeitos adversos (sociais e sanitários) da medida, Nabarro foi expresso em afirmar que "o lockdown é justificado [quando necessário] para ganhar tempo para reorganizar, reagrupar e rebalancear seus recursos; proteger seus profissionais de saúde que estejam exaustos". Também é falso que o aumento do número de internações e mortes por Covid-19 após a decretação do lockdown em Manaus seja prova de seu fracasso. Em razão do tempo de evolução da doença e da sobrecarga do sistema hospital da região, seria incorreto esperar que o número de contaminados caísse antes de pelo menos quinze dias após o fim de um

período de lockdown (considerando o tempo mínimo para que a medida seja efetiva); assim, quedas no número de internações e mortes não seriam esperadas por pelo menos um mês depois desse momento. Além disso, a medida em Manaus, prevista para quinze dias, foi interrompida antes desse prazo, após pressões políticas. (A cidade sofreu um colapso hospitalar em seguida.) Em suma, o aumento nos números não pode ser atribuído ao lockdown. Essas distorções são graves porque contam com a credibilidade que a população atribui a um conselho de medicina. O potencial impacto negativo desse conteúdo baseado em desinformação é consideravelmente maior. Ainda que não se verifique risco iminente à integridade física a justificar a exclusão ou limitação de sua visibilidade no news feed, seria apropriado que o Facebook rotulasse o conteúdo como desinformativo, proporcionando informação adequada a usuárias e usuários (cf. caso 2020-006-FB-FBR, para 9.2, II(b)). Considerando que o Facebook adota políticas contra desinformação sanitária "que pode[] levar a resultados negativos", mesmo quando ausente risco iminente, tais como aquelas a respeito da origem do vírus, essa rotulagem seria esperada. Especialmente num momento em que, ao contrário dos Estados Unidos e outros países no Norte Global, o Brasil vive um momento de agravamento da pandemia, segundo o Observatório Covid-19 da Fundação Oswaldo Cruz (Fiocruz). Em vez disso, o Facebook afirmou que não adotou nenhuma medida porque não recebeu orientação da "Organização Mundial da Saúde e outros especialistas em saúde" a respeito de lockdowns especificamente. O Facebook não esclarece quais seriam tais especialistas, porém nada indica que sejam pessoas ligadas à realidade brasileira. O que levanta preocupação no conteúdo não é a expressão de opinião contra lockdowns, mas, como dito, a desinformação disseminada por uma entidade médica. A afirmação enganosa sobre a fala de David Nabarro já foi desmentida em inúmeras ocasiões. O colapso hospitalar em Manaus teve repercussões consideráveis no Brasil. Motivou até mesmo a instauração de uma comissão parlamentar de inquérito (CPI) no Senado, que apura a resposta de autoridades da saúde pública e eventuais responsabilidades na condução da pandemia. Esses dois elementos de desinformação no conteúdo do conselho regional de medicina seriam bastante familiares a especialistas brasileiros. Isso aponta para uma potencial razão para o Facebook não ter consultado experts brasileiros: a crise institucional no próprio Ministério da Saúde e a polarização política que afeta inclusive organizações médicas, como este caso mostra. De fato, é preciso evitar que a moderação de conteúdo seja contaminada pela disputa político-partidária. E, embora a situação política no país o prejudique, a responsabilidade pela qualidade da informação sobre a pandemia não deve ser exigida apenas de empresas como o Facebook, mas também de autoridades públicas e pessoas com deveres ético-profissionais, como médicos e outros profissionais da saúde. (Com efeito, parte da comunidade médica tem se mobilizado para isso, inclusive frente aos conselhos de medicina.) No entanto, isso não é uma razão para o Facebook se omitir. O princípio 23 dos Princípios orientadores sobre empresas e direitos humanos da ONU (POs), com que o Facebook se comprometeu publicamente, exige que, mesmo diante de um contexto local adverso, as empresas "[a]dotem estratégias de prevenção e mitigação que respeitem direitos humanos reconhecidos internacionalmente na maior extensão possível (A/HRC/38/35, para 11(d)). No

contexto brasileiro, isso pode se traduzir na criação, pelo Facebook, de um grupo de assessoramento sanitário composto por experts independentes — incluindo, por exemplo, especialistas da Sociedade Brasileira de Infectologia, organização médica que promove parâmetros profissionais nessa área. O Brasil vive um momento difícil na pandemia, assim como uma crise que tem afetado muitas de suas instituições. Não esperamos nem desejamos que o Facebook se substitua a essas instituições para resolver problemas brasileiros. No entanto, se pretende honrar sua promessa de "garantir que [suas] políticas ajudem a proteger as pessoas de conteúdo prejudicial e de novos tipos de abuso relacionados à COVID-19", não basta que se fie em especialistas externos ao Brasil; o Facebook precisa ter estratégias apropriadas à realidade brasileira, dando transparência quanto às suas escolhas.

Link to Attachment

[PC-10107](#)

2021-008-FB-FBR

Case number

PC-10111

Public comment number

Latin America and Caribbean

Region

João Pedro

Commenter's first name

Favaretto Salvador

Commenter's last name

English

Commenter's preferred language

Center for Education and Research
in Innovation (CEPI-FGV Direito SP)

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

We believe Facebook's decision to not remove the content was correct. Even though it goes against the opinion of international health authorities, the content of the post does not violate the Facebook Misinformation and Harm Policy. Also, Facebook should not remove government health authorities' posts unless they undoubtedly violate policies by providing clearly false information. While the decision regarding the post was correct, we still believe Facebook could intervene to reduce the potential damages of less clear cases such as this by adopting alternative, non-restrictive measures. One such measure, mentioned on the False News Community Standards, is "providing additional context".

Full Comment

The Center for Education and Research in Innovation of the FGV São Paulo Law School (CEPI-FGV Direito SP) wishes to offer some comments on the 2021-008-FB-FBR case, regarding a post by a state-level medical authority in Brazil. For the following reasons, we believe Facebook's decision to not remove the content was correct. • Even though it goes against the opinion of international health authorities, the content of the post does not violate the Facebook Misinformation and Harm Policy: as Facebook states on its COVID19 Updates and Protections section, it's policies aim to "reduce health harm to people, while also allowing people to discuss, debate and share their personal experiences, opinions and news related to the COVID-19 pandemic". It specifically removes content that are "false" and "likely to contribute to imminent physical harm", to avoid excessive interference. The post in question argues lockdowns could be harmful, and, by doing that, it could steer the Brazilian debate on public health measures in a direction that is against the WHO recommendations. However, it does not sustain that position with false information. Instead, it offers legitimate arguments that could be proved or

disproved by future research. It even concludes that other measures such as education campaigns, the use of masks, vaccination and social distancing are effective and necessary, which could be seen as evidence of the absence of harmful intent. One could argue that the post decontextualizes the quote from Dr. David Nabarro, which could be seen as a less obvious form of misinformation. However, as we argue below, Facebook can deal with this kind of decontextualization by adopting alternative enforcement measures.

- Facebook should not remove government health authorities' posts unless they undoubtedly violate policies by providing clearly false information: in cases such as this one, where there is considerable doubt regarding whether the content violates the community standards, Facebook should not remove content posted by government authorities. Although Facebook adopted the WHO recommendations for its health misinformation policies, government authorities must be able to disagree with such recommendations, especially considering the novelty that is COVID-19. If these authorities are not providing clearly false information to uphold their claims, they should be free to express their concerns and dictate their policies. If we accept a higher degree of interference from Facebook, that will mean platforms could reshape national health policies at will. That is especially true when we consider that health authorities use social network platforms to inform citizens and to engage in educational campaigns. Since WHO's recommendations are not binding for national authorities, there is no reason why Facebook should be the one to enforce them. We believe Facebook should only remove health authorities' posts in extreme cases, such as conspiracy theories, anti-vax propaganda and advertising false treatments.
- While the decision regarding the post was correct, we still believe Facebook could intervene to reduce the potential damages of less clear cases such as this by adopting alternative, non-restrictive measures. One such measure, mentioned on the False News Community Standards, is "providing additional context". Since Facebook adopts the WHO recommendations as its standards, it could provide such recommendations to its users to "empower them to decide for themselves what to read, trust or share by informing them with more context and promoting news literacy". When in contact with posts such as the one we are discussing here, users could also be offered the WHO's opinion on the controversial topic. Doing so would ensure authorities remain able to inform their citizens while also providing users with the knowledge that the topic is controversial.

Link to Attachment

[PC-10111](#)



Public Comment Appendix for
2021-008-FB-FBR

Case number

End of public comments