

# **Submission to the Facebook Oversight Board in Case 2021-008-FB-FBR: Brazil, Health Misinformation and Lockdowns**

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# Background

The [Oversight Board](#) is an expert body created to exercise oversight over Facebook's content moderation decisions and enforcement of community guidelines. It is entirely independent from Facebook in its funding and administration and provides decisions on questions of policy as well as individual cases. It can also make recommendations on Facebook's content policies. Its decisions are binding on Facebook, unless implementing them could violate the law. Accordingly, Facebook [implements](#) these decisions across identical content with parallel context, when it is technically and operationally possible to do so.

In June 2021, the Board made an [announcement](#) soliciting public comments on case 2021-008-FB-FBR, concerning a Brazilian state level medical council's post questioning the effectiveness of lockdowns during the COVID-19 pandemic. Specifically, the post noted that lockdowns (i) are ineffective; (ii) lead to an increase in mental disorders, alcohol abuse, drug abuse, economic damage etc.; (iii) are against fundamental rights under the Brazilian Constitution; and (iv) are condemned by the World Health Organisation ("WHO"). These assertions were backed up by two statements (i) an alleged quote by Dr. Nabarro (WHO) stating that "the lockdown does not save lives and makes poor people much poorer"; and (ii) an example of how the Brazilian state of Amazonas had an increase in deaths and hospital admissions after lockdown. Ultimately, the post concluded that effective COVID-19 preventive measures include education campaigns about hygiene measures, use of masks, social distancing, vaccination and extensive monitoring by the government – but never the decision to adopt lockdowns. The post was viewed around 32,000 times and shared over 270 times. It was not reported by anyone.

Facebook did not take any action against the post, since it had opined that the post is not violative of its community standards. Moreover, WHO has also not advised Facebook to remove claims against lockdowns. In such a scenario, Facebook referred the case to the Oversight Board citing its public importance.

In its announcement, the Board sought answers on the following points:

- 1) 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](#)).
- 2) Whether Facebook's decision to take no action is consistent with the company's stated values and human rights commitments.
- 3) 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.

- 4) 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 organizations.
- 5) 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.
- 6) 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 this note, we answer these questions set out by the Board. The first section reflects our original submission (made on 16 June 2021). In the second section, our submission and rationale is laid out in greater detail.

## Submission to the Board

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.

First, 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,

Second, 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.

Third, 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.

# Explanation and deep-dive

**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.**

Facebook [provides for](#) three types of enforcement actions that it may take against content: remove, reduce, and inform.

## **Principles that must guide the use of enforcement actions**

Facebook’s [website](#) as well as all of the Board’s past decisions (for instance, see [here](#) and [here](#)) refer to the International Covenant on Civil and Political Rights’ (ICCPR) jurisprudence based [three-pronged test](#) of legality, legitimate aim and necessity-proportionality in determining whether Facebook’s community standards have been violated. The legality requirement provides that the rule restricting expression must be clear and accessible, such that people are able to foresee and understand when and how it will apply to them. The legitimacy requirement provides that the measure restricting expression must be in pursuance of a legitimate aim, including public health. The necessity and proportionality requirements provide that the measure must be appropriate to achieve the legitimate aim, proportionate to the interest to be protected, and least intrusive out of all the available options.

It is only logical that these *same principles*, particularly necessity and proportionality, are extended to determine whether and what enforcement actions must be taken. Additionally, Facebook must keep in mind that any enforcement action must be reasoned, non-arbitrary, and in accordance with its values on the paramountcy of free expression. In applying these principles, Facebook must consider the factors such as context, intent, tone and language, impact etc. of the content.

## **How the current enforcement framework measures up as against these principles**

[Generally](#), Facebook removes content that is violative of its community standards; and reduces the reach of, or provides more information for content that is not directly violative of its community standards per se but is still problematic. Facebook [explicitly mentions](#) misinformation among the categories of content that may be subject to reduction or information (see [here](#) and [here](#)). Reduction is done by methods like [cutting down](#) on recommendations and [reducing](#) newsfeed rankings. Providing additional information is [done by](#) showing third-party fact checker approved content along with the related story (known as the “related articles” feature), informing persons of how old the content is, or providing warnings for sensitive content, etc.

Facebook’s website [suggests](#) that this general framework has remained constant during the pandemic, i.e., Facebook removes content that is violative of its community standards

(which now *include content related to COVID-19*), and it reduces or provides more information about other problematic content that does not meet the threshold of removal (see [here](#) and [here](#)). Overall, since the COVID-19 Update provides for stricter standards to deal with misinformation, the scope for content removal is automatically enlarged during the pandemic.

*First*, Facebook's enforcement framework fails to satisfy the legality principle, since Facebook's enforcement policies are not present in one consolidated place. They are scattered across several web pages, with none providing the entire picture. Moreover, there is virtually no guidance on when Facebook decides to adopt the "reduce" approach and when the "inform" approach. Therefore, while a reasonable person can foresee when their potentially misinformative post is likely to be removed, they cannot foresee if and whether the "reduce" or "inform" option will apply to them. Hence, the legality requirement is not met. *Second*, Facebook's values clearly list out the aims behind restricting information. Hence, the legitimate aim requirement is met. *Third*, it is unclear whether Facebook looks at necessity and proportionality while making the choice between reducing or providing more information; in any event, we submit that it must ensure to do so.

### **Application of the principles and framework to the case at hand**

In the present case, it is clear that Facebook is not required to remove the post since its community standards are not violated. The question is whether Facebook should reduce the spreading of the content ("reduce approach") or provide more information about the post ("inform approach"), or leave the post as is. The aim behind the "reduce" approach and "inform" approach, if carried out, would be to ensure that misinformation does not harm public health. This aim must be appropriately balanced with the right to free speech, keeping in mind the context and tone of the speech.

In the present case, adopting a reduce approach has the effect of stifling public discussion on the efficacy of lockdowns. In contrast, the inform approach (i) presents a less restrictive alternative; and (ii) balances interests marginally better than leaving the post as is, since now people are aware of other sides of the debate on lockdowns, and are empowered to make an informed assessment rather than simply believing that lockdowns are ineffective. Therefore, in the present case, Facebook can consider implementing the inform approach through its [related articles feature](#). This can be done through Facebook's "related articles" feature, through which Facebook [provides](#) more context to a post by providing links of additional third-party fact checked articles along with it. Accordingly, Facebook can use this feature to provide verified articles explaining the benefits of lockdown along with the post in question, so as to ensure that its viewers have the means to gain additional context on the debate surrounding lockdown efficacy.

**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](#)).**

The [Oversight Board Charter](#) (“Charter”), at its Article 2, Section 2, titled “*basis of decision making*”, provides that the Oversight Board (“Board”) is bound by Facebook’s community standards and other policies while arriving at its decision.

Facebook’s community standards and other policies cannot be interpreted in isolation. They must be interpreted in consonance with Facebook’s [values](#) read with its [Corporate Human Rights Policy](#), which provide that Facebook’s commitment to expression is *paramount*, and reiterate the importance of giving people a *voice* to talk openly about the issues that matter to them, even if some may disagree or find them objectionable. However, free expression is not absolute; Facebook limits expression in furtherance of values such as authenticity and safety. Two community standards are relevant presently. They have been dealt with below.

**Community Standard on [Violence and Incitement](#), which in turn contains a link to [COVID-19 Policy Updates and Protections](#) (“Covid-19 Update”).**

This community standard read with the COVID-19 Update provides that Facebook removes misinformation “*when public health authorities conclude that the information is false and likely to contribute to imminent violence or physical harm.... The goal of this policy is 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.*” Further, the COVID-19 Update also specifically notes, “*For the duration of the COVID public health emergency, we also remove additional COVID-19 misinformation that public health authorities say could lead to negative outcomes.*” Subsequently, specific examples of false information that Facebook removes have been listed. Crucially, these examples mention false information relating to the “social distancing” but not “lockdown.” The [Announcement of Case](#) also clearly provides that World Health Organisation (“WHO”) has not advised Facebook to remove claims advocating against lockdowns.

At this point, it is pertinent to refer to case decision [2020-006-FB-FBR](#), which has *precedential value* as per Article 2 Section 2 of the Charter. In this case, Facebook removed a post questioning the French government policy’s denial of authorisation to hydroxychloroquine during the pandemic despite granting the same to remdesivir, calling the former a “harmless drug”. The Board applied the three-prong test of legality, legitimate aim and necessity-proportionality (*explained above*) to overturn Facebook’s removal and restore the post on the grounds that *first*, Facebook’s Community Standard on Misinformation was vague; *second*, that the harm did not rise to the level of “imminent”, and *third*, that less restrictive alternatives were not explored.

In determining the imminence of harm (*second* factor above), the policy logic to the community standard clearly provides, “*We remove content, disable accounts and work with law enforcement when we believe that there is a genuine risk of physical harm or direct threats to public safety.*” Further, in the aforementioned decision, the Board has noted,

*“Facebook's own standard of "imminent" harm requires an analysis of a variety of contextual factors, including the status and credibility of the speaker, the reach of his/her speech, the precise language used, and whether the alleged treatment or cure is readily available to an audience vulnerable to the message (such as the misinformation noted by Facebook about resorting to water or bleach as a prevention or cure for COVID-19).”* Several other decisions of the Board (see [here](#) and [here](#)), albeit in different contexts, have also highlighted the importance of factors like social and political context, status of the speaker, intent, content and form, extent and risk, etc.

The application of the aforementioned Rules to the present case shows that none of Facebook’s community standards have been violated.

*First*, the community standard along with the COVID-19 Update contains no specific prohibition on posting information related to effectiveness of lockdowns. There is also nothing to indicate that “misinformation”, which is undefined, includes within its scope information about the effectiveness of lockdowns. Moreover, assuming that this post indeed constitutes “misinformation”, there is nothing to suggest that public health authorities say such misinformation will lead to any negative outcomes. It is pertinent to note that WHO has [not advised](#) Facebook to remove claims advocating against lockdowns; it only notes that lockdowns “*can slow COVID-19 transmission by limiting contact between people*”. Accordingly, the WHO’s stance on lockdowns cannot be said to be one preventing posts questioning lockdown effectiveness. Further, the COVID-19 Update talks only about social distancing, which the post has in fact *explicitly endorsed*. In such a situation, in tandem with the requirement of legality, it is clear that any person cannot be expected to reasonably foresee that a post talking about the ineffectiveness of lockdowns is prohibited. Accordingly, a bare text reading of the concerned Rules along with the principle of legality show that the post in question is not violative.

*Second*, the post in question does not contribute to *imminent* violence or physical harm. It is true that the post has been made by a credible authority, i.e., a state-level medical council, whose posts have reasonable reach. However, a plain reading of the post clearly shows that its intent is to merely encourage informed public discussion and debate on the effectiveness of lockdowns. The post is not even remotely encouraging people to violate the lockdown restrictions, nor is it undermining the seriousness of COVID-19 as a whole. The language and tone used in the post is scientific and objective: a quote from a prominent expert and a case study have also been included. Accordingly, there is no direct nexus between the post and any violence or harm. The threshold of “imminence” of harm is therefore not met.

Hence, the post is not violative of the Violence and Incitement community standard read along with COVID-19 Update.

### **False News Community Standard**

The policy logic behind this community standard states, “*We also recognise that this (false news) is a challenging and sensitive issue. We want to help people stay informed without stifling productive public discourse. There is also a fine line between false news and satire*



*or opinion. For these reasons, we don't remove false news from Facebook, but instead significantly reduce its distribution by showing it lower in the News Feed [...] We are working to build a more informed community and reduce the spread of false news in a number of different ways, namely by.. Empowering people to decide for themselves what to read, trust and share by informing them with more context and promoting news literacy."*

At the outset, this community standard just lists out some steps Facebook is taking to curb fake news. Unlike the other community standards, it does not contain any stipulated prohibitions for persons using Facebook. It does not contain a direct link or reference to the COVID-19 Update. Hence, in its present form, it serves no purpose in helping a person identify what is considered "false news" that will be hit by the standard, making its efficacy questionable. We submit that this Board must recommend that Facebook make this community standard more specific, and include within it a link to the COVID-19 Update. In any event, assuming that the community standard has to be read together with the COVID-19 Update, it has been established above that the COVID-19 Update does not contain any prohibition on posting of information questioning the effectiveness of lockdowns either.

The False News community standard does not contain any explicit prohibitions at all, and hence there is no question of its "violation" per se. In fact, if the Board were to decide that this community standard has been violated, it in fact runs the risk of going against the standard's stated policy logic to "*help people stay informed without stifling productive public discourse.*" At this juncture, it is pertinent to mention that Facebook's website [notes](#), "*Facebook will implement the Oversight Board's decision across identical content with parallel context, if it exists and when it is technically and operationally possible.*" If the Board were to make a decision that the post is violative of this standard, Facebook might also deem other such posts as violative, which will create a chilling effect, thereby stifling any scientific decision on the efficacy of lockdowns at all. This will also set a problematic precedent for any future cases that may come before the Board, given that the Board is bound to adhere to its prior decisions under Article 2 Section 2 of its Charter.

Hence, the post is not violative of the False News community standard. The community standard's provisions about Facebook's "remove, reduce, inform" approach has been dealt with in question 1 above.

Therefore, overall, Facebook's decision to take no action against the content was consistent with its community standards and other policies.

### **Whether Facebook's decision to take no action is consistent with the company's stated values and human rights commitments.**

On March 16, Facebook adopted its [Corporate Human Rights Policy](#), which sought to consolidate and reiterate its human rights commitments towards its stakeholders.

Pursuant to this adoption, apart from its community guidelines, Facebook's decisions would also be bound by its several international human rights instruments and principles, including the [Universal Declaration of Human Rights](#) (UDHR), the [International Covenant](#)

[for Civil and Political Rights](#) (ICCPR) and the [United Nations Guiding Principles](#) (UNGP) on Business and Human Rights .

Article 19 of the UDHR guarantees “*the right to freedom of opinion and expression*”. Similarly, Article 19 of the ICCPR guarantees everyone the right to “*hold opinions without interference*” and the right to “*freedom of expression*” which would include “*freedom to seek, receive and impart information and ideas of all kinds*”.

Principle 11 of the Part A of the UNGP, or the ‘*Foundational Principles*’ mandates business enterprises to avoid infringing on human rights. Further, Principle 16 of Part B, or the ‘*Operational Principles*’ mandates enterprises to express their commitment to meet this responsibility via a statement that, among others, “*is publicly available*” and “*is reflected in operational policies and procedures necessary to embed it throughout the business enterprise.*” Commentary on Principle 16 provides that enterprises ought to strive for coherence between their responsibility to respect human rights and policies and procedures that govern their activities.

As we have discussed previously, the post had not violated Facebook’s community guidelines. Accordingly, its removal would have amounted to a violation of the user’s freedom of opinion and expression, including their “*freedom to impart information and ideas of all kinds*”, as guaranteed by the UDHR and the ICCPR. Therefore, Facebook’s decision to take no action is consistent with these international human rights instruments, which are in turn part of its adopted Corporate Human Rights Policy.

On the other hand, we note that Facebook’s policies on ‘Misinformation and Harm’, and ‘False News’, leave room to improve, vis-a-vis its commitments for human rights. Specifically, the terms utilized within these policies, including ‘*false news*’ and ‘*misinformation*’ are undefined, making it difficult for users to correctly interpret them. Further, Facebook’s information about its enforcement policies, including its policies regarding alternative measures, fails the test of legality under the ICCPR [see [question 1](#)], since these policies are not present in a single consolidated place, and are instead available across different web pages. Guidance regarding when Facebook chooses to apply its alternative measures is also missing, further contributing to the ambiguity around the enforcement policies.

This lack of clarity makes Facebook run counter to Principle 16 of the UNGP, since there is a clear lack of coherence between their human rights commitments, and the policies and procedures governing their activities. In case decision [2021-001-FB-FBR](#), this Board had emphasized on the necessity of Facebook to have “*rules and processes [that] are consistent with its content policies, its values and its human rights commitments.*” Accordingly, Facebook is obligated to provide more information around its enforcement policies, alternative measures, and any other procedures it adheres by while moderating speech, to be in-line with its obligations under international human rights instruments.

## **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 organizations.**

Subsequent to the announcement of this case, Facebook has updated its [Newsworthy Content Policy](#). Previously, this policy had allowed certain posts to remain on Facebook on public interest grounds, even if the content of such posts had violated Facebook's Community Standards. Following the decision in [2021-001-FB-FBR](#), however, Facebook has [sought](#) to be more transparent about how it enforces this policy, including striving to publish the instances when such allowance is made, and removing this exemption for posts made by politicians. In determining what posts would qualify for this allowance, Facebook would be [applying](#) a balancing test, where it would see whether the public interest of the information in the post outweighs the risks of harm. Other additional factors, including country-specific circumstances, the nature of the speech, and the political structure of the country, would be taken into account as well.

The Board had incorporated the [Rabat Plan of Action](#) in its decision in [2021-001-FB-FBR](#), which provides a six-prong test to determine whether restrictions on freedom of expression is required to prevent incitement or violence. In making the determination, consideration has to be paid to 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.

Finally, in the same decision, the Board had recommended that while evaluating posts from highly influential users, including government officials and heads of states, Facebook should *"rapidly escalate the content moderation process to specialised staff who are familiar with the linguistic and political context and insulated from political and economic interference and undue influence."* These recommendations had been subsequently [accepted](#) by Facebook.

In determining how content posted by national or sub-national health authorities, Facebook should therefore strive to follow its updated newsworthy content policy and the Board's recommendations in the relevant decision, and the test outlined in the Rabat Plan of Action.

## **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.**

Brazil is presently one of the three [worst affected](#) countries due to the COVID-19 pandemic, and one with a particularly high death rate. Further, Brazilian President Jair Bolsonaro has often been criticised for undermining the freedom of speech and expression in Brazil both prior to and throughout the pandemic, especially by invoking its dictatorship-era national security law to clamp down on those criticising the government. ([here](#), [here](#) and [here](#)). It is pertinent to note that Brazil has been struggling to battle fake news during the pandemic ([here](#) and [here](#)). In fact, Brazil's senate has approved a draft fake news legislation, [noting](#), *"Brazil is losing the battle against fake news."* This

legislation has been further [criticised](#) for undermining free speech. Meanwhile, President Bolsonaro's views on the pandemic have also been [questioned](#) by many. Specifically, Bolsonaro has called the virus a "small flu", advocated against vaccines, and most importantly, has *himself been* [advocating against lockdowns](#) and fighting Brazilian governors imposing such lockdowns in what has been a polarising controversy. Bolsonaro's handling of the pandemic has attracted wide [protests](#) from the Brazilians, and the senate has recently [launched](#) a probe into Bolsonaro's handling of the pandemic that could have major political consequences. Hence, overall, Brazil is undergoing a tumultuous time with polarising political discontent, fake news, and curbs on free speech and expression.

Against this backdrop, the post's claims are likely to add fuel to the existing political situation and generate polarising perspectives. Bolsonaro's critics are likely to disagree with it, and see it more as a political stance of support for Bolsonaro and his anti-lockdown statements, while Bolsonaro supporters are likely to agree with it. There is a possibility that the post will be perceived in a political colour rather than a scientific attempt at discussion.

As regards to its impact on COVID-19, the lockdown debate has been ongoing for a while. At this point, much has already been said and done about lockdowns, and the post is merely reiterating one side of the debate. Accordingly, it is unlikely that the post is going to directly prompt any lockdown violations. Hence, overall, we suspect that the post will be politically debated but will not really be a factor that makes people violate lockdowns.

### **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 the [2020-006-FB-FBR](#) decision, the Board had recommended that: "[...] *Facebook set out a clear and accessible Community Standard on health misinformation, consolidating and clarifying existing rules in one place (including defining key terms such as misinformation). This rule-making should be accompanied with "detailed hypotheticals that illustrate the nuances of interpretation and application of [these] rules" to provide further clarity for users.*"

Pursuant to this, Facebook has [notified](#) its implementation measures to these recommendations. Among others, these had included a) consolidation of information about health misinformation, b) addition of a 'commonly asked questions' section, dealing with more nuanced situations, and c) addition of further clarifications to the health misinformation policy, including more specific details and instances of misinformation when a removal may be initiated. These implementation measures, in our opinion, bring Facebook in compliance with the Board's recommendation.