

20/08/2023

Subject: Formal Opposition to Proposed Powers to Combat Misinformation and Disinformation

Dear Sir/Madam

I am writing to express my strong formal opposition to the proposed expansion of powers aimed at combating misinformation and disinformation. While I acknowledge the significance of addressing these issues, I firmly believe that the potential consequences of granting such powers must be critically evaluated in light of their implications for fundamental rights and democratic principles.

My opposition is rooted in the following concerns:

1. **Freedom of Expression and Speech**: The cornerstone of a democratic society is the protection of freedom of expression and speech. Granting extensive powers to combat misinformation and disinformation could inadvertently lead to the suppression of legitimate opinions, critical discourse, and the diversity of viewpoints that are essential for a healthy democracy.
2. **Subjectivity and Bias**: Determining what constitutes misinformation and disinformation is often a subjective process influenced by personal beliefs, cultural contexts, and societal norms. Any measures to combat these issues run the risk of being biased and unfairly targeting certain perspectives while neglecting others.
3. **Censorship and Chilling Effect**: Overreaching powers to combat misinformation and disinformation could pave the way for censorship and self-censorship. The fear of punitive actions may dissuade individuals from expressing their opinions openly, thus stifling open dialogue and impeding the advancement of knowledge.
4. **Government Overreach**: Granting substantial powers to government agencies or entities to police information raises concerns about the potential abuse of authority and the erosion of the separation of powers. It is essential to maintain checks and balances to prevent the concentration of power in a way that undermines democratic institutions.
5. **Unintended Consequences**: Draconian measures to counter misinformation and disinformation might inadvertently lead to the creation of underground platforms that further exacerbate the spread of false information, as individuals driven by dissent may seek refuge outside regulated spaces.
6. **Ineffectiveness**: History has shown that heavy-handed approaches to controlling information are often ineffective. The rapidly evolving nature of information dissemination makes it difficult to keep up with emerging channels and strategies.

Rather than advocating for expanded powers, I propose a multifaceted approach that upholds democratic values while addressing misinformation and disinformation:

- a. **Media Literacy and Education**: Investing in media literacy programs empowers individuals to critically evaluate information and discern fact from fiction.

- b. **Transparency of Algorithms**: Encouraging platforms to disclose their algorithms for content ranking can enhance public awareness of content curation and distribution.
- c. **Collaboration with Stakeholders**: Public-private partnerships involving technology companies, civil society, and academia can help develop balanced solutions that respect both freedom of expression and the need for accurate information.
- d. **Fact-Checking and Verification**: Promoting independent fact-checking organizations can provide an effective counterbalance to misinformation without compromising on freedom of expression.

In conclusion, I firmly believe that any measures to combat misinformation and disinformation must be based on a thorough consideration of the potential consequences for democratic values. Balancing the imperative to preserve the integrity of information with the preservation of fundamental rights is paramount. I urge you to reconsider the proposed expansion of powers and instead embrace collaborative, rights-respecting approaches to address this complex challenge.

Thank you for your attention to this matter. I remain committed to constructive dialogue and cooperation in safeguarding the principles that underpin our democratic society.

Sincerely,

Rieuwen Smit