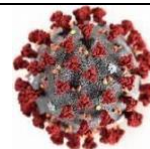


National COVID-19 Science Task Force (NCS-TF)



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Responses to Corona denial

Executive summary

(for German and French see below)

Over the pandemic second wave, trust in authorities' decisions is lower than in Spring 2020 and social consensus on how to respond to the COVID-19 pandemic has eroded over the summer. Conspiracy statements and misinformation contribute to this evolution and they are likely to reduce the adoption of protective behaviors. This brief focused on corona denial describes the profile and motivations of people more likely to support conspiracy theories and then brings in a legal approach on these views.

Different responses and strategies are proposed in reaction to conspiracy statements:

- To respond to misinformation, tools for fact-checking and critical thinking developed by a range of agencies (WHO, UNESCO, etc) should be largely relayed by national and cantonal institutions as well as by civil society representatives.
- Interactive communication formats across society should be encouraged, allowing people to discuss with experts, officials and task force members; this will help to foster a narrative of the pandemic that can be largely endorsed, acknowledging uncertainties, errors, costs but also emphasizing accumulating knowledge and payoffs of the enforced public health measures.
- Consistent and sustained commitment of the authorities regarding the importance of protective measures and their adoption by the whole population can contribute to reduce hesitancy among those having difficulties to make up their mind amidst contradictory messages.
- Conspiracy theories are inherent to the democratic debate generated by the pandemic management and it is important to not marginalize or demonize those holding these views to avoid exacerbating social divisions.

Main Text

From the beginning of the COVID-19 crisis, some discordant views have been voiced, in Switzerland and in the rest of the world. They question the official or expert approach to the diffusion of the virus, challenge the usefulness of masks, consider the lockdown and other restrictions as threats to individual freedom, and worry about the use of personal data collected through tracing devices and other public health measures. Beyond their presence in communities offline and online, people also

demonstrated in the streets, in several parts of Switzerland. A few figures have been singled out in the traditional media, including teachers, health professionals, scientists and journalists. Some documentaries have gained a lot of attention, such as 'Hold-up. Retour sur un chaos' in the French-speaking part of Switzerland, and 'Unerhört' in the German-speaking part of the country.

However, those raising discordant views bring together a fairly heterogeneous population, expressing a large diversity of positions. Next to those propagating conspiracy statements, critics are also formulated by single individuals, including scientists, or groups questioning the governmental decisions over the last months (for example: tous.ch, <https://www.coronadialog.ch/>). These often struggle to demarcate themselves from conspirators since they do not deny the pandemic but rather question its management.

Better understanding these discordant views matters. First, poll results in Switzerland show that trust in authorities has been declining since the spring (Sotomo 30.10.2020). Second, individuals holding conspiracy beliefs or embracing misinformation are less likely to follow behavioral recommendations, thus potentially facilitating the spread of the virus. In a complex and unstable situation, members of the general population exposed to multiple sources of information are likely to encounter difficulties in making up their mind¹. This brief is specifically focused on corona denial, describing the content of conspiracy statements and then the profile and motivations of those who support them. After taking into account a legal perspective on this issue, some possible responses are presented.

So much information, so much misunderstanding

From the very beginning of the pandemic, attention was paid to the infodemic associated with the spread of the COVID-19 virus, as pointed out by the World Health Organization in February 2020 already (Jamison et al. 2020). Indeed the overabundance of information has been challenging, with the rapid dissemination of information from multiple sources, including the scientific community, public institutions, the traditional and social media. In a context of rapidly changing evidence and emergence of new uncertainties, preoccupations about 'misinformation' have grown. In particular, in the rapid and constant circulation of information across audiences, attention needs to be paid to the potential for distortion and misunderstanding.

A number of terms are commonly used in this domain. Misinformation, referring to information inadvertently false and shared with no intention to cause harm, is different from disinformation created and shared with the explicit purpose to cause harm (Wang et al 2019). 'Fake news', also frequently present, is often politicized, notably being used to label any statement that its receiver does not like or disagrees with. Considering the difficulty to establish a clear distinction between intentional and unintentional purposes, the term misinformation is usually preferred in the literature and by official agencies like the World Health Organization. Conspiracy theories can be defined as "explanations of significant events as secret plots concocted by powerful and malevolent institutions, groups, and/or people" (Earnshaw et al. 2020, p.1/7).

In the context of the COVID-19 pandemic, an analysis of worldwide traditional media content was conducted on a sample of 38 million articles published in the English language between January 1st and May 26th 2020 (Evanega et al. 2020). Eleven main corona-related conspiracy theories were identified, reported below in order of decreasing volume:

¹ Including the misappropriation of official logos like those of BAG/OFSP: : https://cdn.website-editor.net/323b7286ff364e2ba48a5e90f150b55c/files/uploaded/Eltern_fuer_Aufklaerung_Statistik_A5_19102020.pdf

1. Miracle cures
2. New world order/deep state
3. Democratic party hoax
4. Wuhan laboratory/bioweapon
5. Bill Gates
6. 5G technology
7. Anti-semitic conspiracies
8. Population control
9. Dr Anthony Fauci
10. Plandemic
11. Bat soup

Another list of 8 myths was published in August 2020 by Scientific American (Lewis 2020):

1. The virus was engineered in a laboratory in China
2. COVID-19 is no worse than the flu
3. You don't need to wear a mask
4. Wealthy elites are using the virus to profit from vaccines
5. Hydroxychloroquine is an effective treatment
6. Increases in case numbers are the result of increased testing
7. Herd immunity will protect us if we let the virus spread through the population
8. A COVID-19 vaccine will be unsafe

The Swiss Federal Office of Public Health presents on its website a series of misinformation and fake news slides, based on WHO mythbusters material. All these different sources reveal the extent of COVID-19 misinformation, at the national and global scale.

In pre-COVID-19 times, a systematic review concluded that misinformation is not only prevalent on the internet, but that its volume on that support is even considered to exceed the amount of accurate information (Wang et al. 2019). This review had also revealed that health-related misinformation was most frequently associated with infectious diseases, including vaccine issues, Ebola and Zika. The COVID-19 pandemic misinformation is thus taking place in an environment already prone to misinformation. Research continues to find that the source of conspiracy theories and disinformation is quite small and the recent study of English language traditional media found that a single person was a major source of misinformation (Evanega et al, 2020).

Conspiracy statements existed before the emergence of new communication technologies; films, books and music also being important sources of conspiracy theories. However, the social media accelerate the dissemination of conspiracy beliefs and support the polarization of online communities (Douglas et al. 2019), especially since holders of conspiracy theories tend to collect information in echo chambers (Bavel et al. 2020). The possibility to discuss and interact offered by these channels seems important, as suggested by research emphasizing that anti-vaccination sites are much more interactive than official websites, thus offering people a chance to raise and discuss their concerns (Douglas et al. 2019). Research also pointed out the sense of community offered by conspiracy-related groups (Franks et al. 2017).

The profile and motivations of those supporting misinformation and conspiracy statements

Population surveys have tested support for conspiracy beliefs, reflecting some of the theories described above, such as for example (Pew Research Center 2020, Romer et al. 2020):

- “Powerful people intentionally planned the COVID-19 outbreak”,
- “The pharmaceutical industry created the coronavirus to increase sales of its drugs and vaccines”,
- “The coronavirus was created by the Chinese government as a biological weapon”,
- “Some in the U.S. Centers for Disease Control and Prevention, also known as CDC, are exaggerating the danger posed by the coronavirus to damage the Trump presidency.”

In studies conducted in the United States, about 25 to 30% of surveyed people believed – strongly or moderately – in the COVID-19 conspiracy statements tested (Romer & Jamieson 2020, Pew research center 2020, Earnshaw et al. 2020).

Similar support has been observed in Switzerland. A study carried out between June and July 2020 in three cantons (FR, VD, GE), with 1518 respondents assessed respondents' perceptions of the origins of the virus to evaluate adherence to conspiracy theories: 32.6% considered the virus may have accidentally escaped from a laboratory in China and more than 40% considered lifestyle responsible for the emergence of the virus (Gilles et al. 2020). Similarly, an online survey conducted by Tamedia with 26'145 respondents in whole Switzerland found that 30% of them were thinking that the virus was coming from a laboratory, 13% that the virus is no more dangerous than the seasonal flu, 12% that the virus has always existed, 8% that Bill Gates and the WHO dramatize the pandemic for their own profit, and 3% that the 5G technology would be the cause of the spread of the virus.

What are the characteristics of those agreeing with conspiracy statements? Stronger support was observed among younger people, with lower levels of education or income, and members of ethnic minorities in the United States (Romer & Jamieson, Earnshaw et al. 2020, Allington et al. 2020). Also, in the United States, such views were aligned with political affiliations with Republicans supporters reporting stronger beliefs in conspiracy statements (Pew research center 2020). Furthermore, stronger support for conspiracy statements was found among people using social media as their main source of information (Earnshaw et al. 2020, Allington et al. 2020).

Next to general population surveys, a study in France conducted in August 2020 aimed at providing a profile of those overtly refusing to wear masks. Participants were recruited through a link to an online questionnaire posted on dedicated Facebook pages. Members of these online groups had a strong mistrust towards institutions, elites, and the traditional media; they also preferred to rely on social media 'cognitive bubbles' (Bristielle 2020). While respondents were more often females and individuals with higher social positions, this profile must be taken with caution, considering a likely bias in the study recruitment.

What factors motivate support for conspiracy statements? In crisis situations, having potentially important consequences on their lives and characterized by uncertainty, people need to explain and elaborate meanings around what is happening (Bavel et al. 2020). In such circumstances, conspiracy theories can offer reassurance and help to restore some sense of safety and control (Earnshaw et al. 2020). Indeed, conspiracy beliefs act "as cognitive maps for people to comprehend social and political realities" (Douglas et al. 2019, p. 17). Their presence has been exacerbated by globalization and the power of elites, especially informal elites having gained power outside of public institutions. In addition, those supporting conspiracy theories express their disagreements with experts having adopted a logic of risk management focusing on the anticipated problems of future issues, rather than addressing current social and economic concerns of those who feel they have little power and say in society (Hagen et al. 2019).

More specifically, adopting conspiracy theories responds to different socio-psychological needs, including Douglas et al. 2019):

- Epistemic motives: people want to make sense and establish some patterns and meanings when confronted to situations characterized by uncertainty and contradictions;
- Existential motives: conspiracy theories can restore some sense of control, especially when people feel powerless and alienated from the political system;
- Social motives: such views allow to maintain a positive image of the self or the in-group, through external validation, especially among groups who encountered past experiences of discrimination or unfair treatment.

A number of the pandemic's characteristics are thus likely to support the formulation and success of conspiracy theories, they include: a crisis situation and needs for reassurance, the changing severity of the virus over time, an overabundance of conflicting information, and prevalent values of autonomy and individual freedom in the public (Bavel et al. 2020).

A legal perspective on conspiracy theories

From a legal point of view, expressing or propagating dissenting or discordant views with regard to the management of a public policy – or a crisis – by the authorities falls within the scope of freedom of expression and therefore benefits from the protection of fundamental rights (Schefer 2020). This protection is guaranteed both by the Federal Constitution (art. 16) and by international law, in particular the European Convention on Human Rights (art. 10) and the UN International Covenant on Civil and Political Rights (art. 19). This protection exists in principle irrespective of the content of the message – it allows not only opinions to be expressed or contested, but also facts, or opinions on facts – in other words, it protects both messages that are considered to be 'false' and those that are considered to be 'true'. According to the fundamental – and philosophical – idea underlying the freedom of expression, which is an essential condition of democracy, it is the pluralism of ideas and opinions and their confrontation that should make it possible "to reveal the truth" and "to allow the search for truth to flourish". In other words, it is accepted that binding normative definitions of the value of an expression or speech are the result of a democratic process of discussion and debate, and do not precede it; the truth or accuracy of statements are, at least under the conditions of actual political decision-making procedures, always only provisionally available and must always be open to reopening and discussion.

Freedom of expression aims to guarantee this possibility and can only do so if it also protects content that is of little value or even reprehensible according to the majority opinions of the moment (Schefer 2020). For the same reasons that the freedom of expression protects all speech, irrespective of its value, it also applies to views which are disagreeable or considered an imposition or danger. As the European Court of Human Rights famously states: "Freedom of expression...is applicable not only to 'information' or 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population" (Handyside v United Kingdom. 1976 (5493/72), paragraph 49).

However, freedom of expression, like all other fundamental rights, is not absolute and can be limited or restricted. But restrictions that are linked to the content of the statements in question are considered to carry a great risk of being misused for power purposes. This applies not only when the expression concerns matters of social or societal interest, but also to expressions of diverse, entertaining opinions which as such appear to be of little value, or also to opinions which are hurtful or even degrading. It follows that freedom of expression also protects, and must protect, false or misleading statements. A clear distinction between true statements, which would be protected, and false statements, which would not, would therefore infringe this fundamental right (Schefer, 2020, N 83 p. 1443).

This does not mean, however, that "anything is permitted", and there are times when certain expressions or statements are not protected, or do not enjoy absolute protection, in the sense that, for example, for certain professional categories, such as journalists, a duty of care is expected or required in the research and processing of information, in particular when it infringes on the personality rights of the persons concerned or of third parties (in the context of Art. 28 of the Civil Code, for example), or when the expression of certain opinions is likely to offend the fundamental rights of other persons, as in cases of denial of historical facts. On the other hand, certain types of expression, which also seriously infringe the fundamental rights of others, are sometimes prohibited or even criminalized. This is the case, for example, in Switzerland, of incitement to racial, ethnic or religious hatred or discrimination, or even on the grounds of sexual orientation (Article 261bis of the Criminal Code).

Even in these cases, however, the balance of interests is delicate, with respect for the fundamental rights of third parties directly or indirectly affected, on the one hand, and respect for freedom of expression, on the other hand. And it is not the truth or falsity of the statement that is decisive today. Thus, for example, in a 1998 judgment, the European Court of Human Rights still considered that the denial or revision of certain facts belonging to "the category of clearly established historical facts – such as the Holocaust – [is] excluded by Article 17 from the protection of Article 10". But, in 2015, some twenty years later, in the case of *Perinçek v. Switzerland*, the same Court relativized this case-law, considering that the justification for a criminal sanction against such expressions was to be seen not so much in the face of the historical truth of the existence of the Holocaust as in its antidemocratic and antisemitic nature. In the same vein, the UN Human Rights Committee expresses itself as follows: "Laws that penalize the expression of opinions about historical facts are incompatible with the obligations that the Covenant imposes on States parties in relation to the respect for freedom of opinion and expression".

With regard to the dissemination of misleading messages, including conspiracy theories, it is acknowledged that this practice has a long tradition, although it has become particularly topical with Internet networks and platforms transparency (Shefer 2020). From a legal point of view – and in Switzerland – this problem is particularly acute in the context of the freedom to vote (Article 34 of the Federal Constitution), but it has so far been accepted – also by the Federal Supreme Court – that there is no need to regulate and restrict the freedom of expression of individuals and private entities; rather, it is the information activity of the state and the authorities that is restricted and channeled in this context. Private interventions in voting campaigns, even with false or misleading content, are only considered problematic in this context if they involve serious misleading statements on key points of the bill and if they take place so shortly before the vote that they can no longer be contradicted – through democratic debate – and voters will consequently not or no longer have a reliable idea of reality. In principle, legal scholarship still adheres, rather, to the basic idea that the response to this practice of disseminating false information and conspiracy theories must result – as discussed above – from democratic debate and the confrontation of ideas, rather than from regulating or restricting these forms of dissemination.

Studies show – even if the extent of the phenomenon is controversial – that the more strictly the corresponding discussion forums on the Internet are sealed off from each other in terms of content (by 'filter bubbles' and 'echo chambers'), the more unreal this idea or ideal of free and open democratic debate is likely to be, since the ideas put forward in these networks do not – and cannot – confront public counter-arguments, nor can they become visible to all those concerned. If this were to be the case, and the ideal of democratic debate were indeed to become illusory, this could possibly be a reason to intervene to regulate such networks and information dissemination, but always with the effect or consequence – generally considered highly problematic – that the state becomes 'the guardian of truth and lies'. It is in response to this development that the European Union, for example, adopted a "Code of Practice on Disinformation" in 2018. Similarly, the French

legislature has also introduced restrictions against the manipulation of information (Law No. 2018-1202 of 22 December 2018 on combating the manipulation of information). Both of them emphasize an obligation of transparency. For their part, the various access providers are also working on measures to limit the impact of these selection biases.

From a legal point of view, research and regulation on this issue is still in its infancy. It is therefore understandably difficult, from a legal point of view, to distinguish – and to differentiate between – those who legitimately express their opinions or even doubts about a public policy dictated by the authorities and those who are labelled as "plotters" or "conspirators".

This creates a twofold difficulty. On the one hand, it is essential to avoid equating skeptical or critical voices with conspiracy theories. On the other hand, even conspiracy theories benefit from – and are protected by – freedom of expression. Therefore, conspiracy theories should not be 'demonized', and the response to conspiracy theories must be a rational response, a response through democratic debate, and not a response that limits or restricts freedom of expression.

How to respond to conspiracy theories and misinformation ?

Conspiracy theories and misinformation are very active around the COVID-19 pandemic and its management. Beyond the limited-in-size groups who intentionally elaborate and disseminate them, attention should be paid to the sizeable portion of people who struggle to make up their mind in the challenging pandemic context. The appeal for conspiracy statements is fueled by the legitimate need to elaborate meaning and re-gain some sense of control over a particularly unsettling situation. These statements are also often present in social interactions in which the response to adopt individually and collectively in front of COVID-19 are continuously debated. In other words, opinions are not only a matter of access to cognitively appropriate material or information, but also respond to psychosocial needs.

Scientific uncertainties, unstable official positions, critical voices towards the management of the pandemic can also contribute to make conspiracy theories appealing since these propose simple explanations and designate identifiable sources of the crisis. However, next to evacuating currently available scientific information with its limitations, these theories are likely to exacerbate social divisions and to undermine the collective response to the pandemic. In the context of disinformation and conspiracy theories, the following strategies are proposed to respond to the needs of the population to make sense of the situation, but also with the intention to favor dialogue with those struggling with discordant information.

Responding to misinformation

From the early days of the pandemic, the World Health Organization has been active in mitigating the harm of the infodemic. In September it produced a joint statement with a number of UN agencies calling Member states to act on misinformation. More concretely strategies for debunking and countering conspiracy statements have been developed (Bavel et al. 2020). Correcting misinformation has been shown to be associated with decline in misperceptions and misunderstandings (Bode & Vraga, 2018; van der Meer & Jin, 2020; Vraga & Bode, 2017). The European Commission and UNESCO offer ten educational infographics to help people identify, debunk, and counter conspiracy theories. These agencies propose tools to develop fact-checking and critical thinking. Institutions at the national and cantonal levels should be encouraged to further disseminate these strategies, individuals should also be incited to do so in their multiple social interaction formats.

2. Encouraging dialogue across society

Additional efforts need to be channeled towards providing alternative communication to the one proposed by conspiracy theories. This means that institutions and experts have to be very present in the information landscape, offering an overall narrative of the situation that can be adopted by the population. This implies to discuss overtly uncertainties while also emphasizing scientific consensus when it exists. The task force could for example explain why minority medical opinions (such as Didier Raoult's viewpoints), which are largely shared on social media, have been taken into consideration, but rejected by the majority of the scientific community. This would be useful to counter the common idea of a "one-track thinking" within medical authorities. In parallel, acknowledging the difficulty to make decisions in a context of real life trial-and-error should also imply to admit some errors in past decisions (for example as regard mask wearing dismissed in spring or quarantine measures for travelers).

Transparency and adopting a culture of error are likely to reinforce the trust of the population. In addition, opinion leaders can play a particularly important role in the reinforcement of trust in official communication, (Bavel et al. 2020). Along current principles in risk communication promoted by the World Health Organization, deliberative and interactive communication formats should be implemented, in which members of the civil society can raise their concerns, feel they are being heard and enter into a dialogue with specialists and authorities. Fostering such dialogue goes beyond scientists and officials accepting journalists' invitations, and implies active participation in face-to-face online and offline debates, to which members of the task force should contribute.

Supporting the adoption of protective behaviours

People will keep being exposed to abundant and contradictory information. What matters is the potential influence of the information they have on their actual behaviours. In this sense, a clear and consistent position of the authorities on the protective measures imposed, such as mask-wearing and social distancing, for example, accompanied where appropriate by sanctions in the form of fines, and provided that these are applied consistently and with respect for equal treatment, would make the commitment of the authorities to public health measures more visible. It could in addition minimize the appeal of conspiracy statements. Making sure that public health measures are respected and enforced in the public sphere can indeed reduce the hesitancy of those not being sure about who to listen to, and give them a justification for adopting recommendations.

Avoiding polarization

Those holding conspiracy theories as members of the society contribute to the debate about the COVID-19 pandemic management. The dangers of imposing the government position against alternative views have recently been pointed out by Amnesty International with protesters in France wrongly punished under special COVID-19 laws. Political scientists and sociologists call against the tendency to 'demonize' those holding conspiracy statements (Douglas et al. 2019). According to Daniel Kübler, political scientist at the University of Zurich, discordant views are to be expected since COVID-19 measures restrict regular everyday life and threaten individuals' economic resources. The traditional media indeed tend to maintain polarization, as a result of their role in society.

In such a context, social mobilization, online and on the streets, shows the strength of democratic contexts for public debate. While holders of conspiracy views reflect some mistrust in institutions, along the strengthening of populist movements, it is important to not dismiss or marginalize them in order to not exacerbate social divisions. In that context, the failure of the initiative against the Swiss COVID app to collect sufficient signatures can be seen as a sign of the democratic mechanisms, allowing dissenting views to manifest themselves without necessarily being followed by a majority.

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