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Disinformation and propaganda: impact on the functioning of the rule of law and democratic processes in the EU and its Member States

- 2021 update -

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STUDY

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ABSTRACT

Between January 2019 and January 2021, the impact of disinformation actions and responses to them were considerably different than in previous years. Our research showed that disinformation actions increasingly merged with genuine content, and their sources became even more difficult to identify. Particularly strong impacts were seen in cases where disinformation and manipulative propaganda were spread by individuals with high levels of political authority, who enjoy the trust and attention of citizens. Diverse legislative and policy measurements were introduced by various Member States and third states, and civil society responses also flourished, particularly in relation to increasing resilience against disinformation. Ongoing research into the psychological mechanism of manipulation and resilience gives more detailed results. This study aims to provide recommendations on legislative and policy measures to protect democracy, the rule of law, and fundamental rights from the impact of disinformation, as well as to create a structured informational ecosystem which promotes and protects these values.

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List of abbreviations

ABC	Australian Broadcasting Corporation
ACMA	Australian Communications and Media Authority
ACT	Australian Capital Territory
AEC	Australian Election Committee
AfD	Alternative for Germany
AFP	Australian Federal Police
AI	Artificial Intelligence
AMLA	Australian Media Literacy Alliance
ARD	Working group of public broadcasters of the Federal Republic of Germany
ASIO	Australian Security Intelligence Organisation
Bpb	Federal Agency for Civic Education
CDC Act	Communicable Disease Control Act
CDCs	Centres for Disease Control and Prevention
CECC	Central Epidemic Command Center
CEE	Central and Eastern Europe
CSIC	Cognitive Security Intelligence Center
DART	Microsoft Detection and Response Team
DMA	Digital Markets Act
DPP	Democratic Progressive Party
DPP Act	Disaster Prevention and Protection Act
DSA	Digital Services Act
DSC	Digital Services Coordinator
EBU	European Broadcasting Union
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court of Human Rights

EDAP	European Democracy Action Plan
EDL	Estonian Defence League
EDMO	European Digital Media Observatory
EEAS	European External Action Service
EIATF	Electoral Integrity Assurance Task Force
EP	European Parliament
ERGA	European Regulators Group for Audio-visual Media Services
ERJK	Estonian Supervisory Committee on Party Financing
EU	European Union
FANDANGO	FAke News discovery and propagation from big Data ANalysis and artificial intelliGence Operations
GDPR	General Data Protection Regulation
GRU	Main Intelligence Directorate
ICCPR	International Covenant on Civil and Political Rights
IFCN	International Fact-checking Network
IUVM	International Union of Virtual Media
KAVI	Finnish National Audiovisual Institute
KGB	Committee for State Security
KPI	Key performance indicators
MEP	Member of the European Parliament
MS	Member State
MStV	Media Services Agreement
NATO	North Atlantic Treaty Organization
NCCIO	National Commission for Countering Influence Operations
NDAA	National Defense Authorization Act
NGO	Non-governmental organisation
NRW	State Media Authority

NSW	New South Wales
OLAF	Court of Auditors and the European Anti-Fraud Office
RAN	Radicalisation Awareness Network
SARS	Severe acute respiratory syndrome
SNV	New Responsibility Foundation
SOMA	Social Observatory for Disinformation
TEU	Treaty on European Union
TFC	Taiwan's Central Epidemic Command Center
UK	United Kingdom of Great Britain and Northern Ireland
USA	United States of America
VLOPs	Very large online platforms
WHO	World Health Organization
ZDF	Zweites Deutsches Fernsehen - German public-service television broadcaster

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Executive Summary

Objective, scope

This study's objective is to provide an update on disinformation in the period of 2019–2020, and the first month of 2021. An overview and analysis of the disinformation actions and campaigns in this time span serves as a basis for assessing the tendencies of changing disinformation practices, and the social and political background against which they take place.

The study focuses on disinformation actions, many of them foreign influence operations; its scope does not extend to misinformation and cyber operations. The mapping of disinformation actions extends to global events, but the legal assessment focuses more on the European Union and its Member States, adding three third states for comparison.

State of play

Mapping of disinformation actions and campaigns has identified increasing difficulty in attributing disinformation sources to foreign state actors. Disinformation campaigns **rely on domestic resources to a greater extent**, aiming to create the impression of organic news sources. Potemkin personas, for example, are inauthentic users who build a credible online presence across multiple platforms and mix their political messaging with banal posts about their supposed daily life. Identifying the inauthenticity of these accounts is complicated, even for professional investigators. Disinformation agencies create entire networks of inauthentic actors, or combine both authentic and fake contributors. They also build on radical voices from within EU Member States and amplify them through a foreign instructed 'troll' network within those states. Opinions from both ends of the political spectrum are utilised to increase polarisation.

Within the European context, issues of genuine insecurity, such as the COVID-19 vaccine and other aspects of the pandemic, or controversial political issues, have been addressed and amplified by disinformation agents without needing to state factual falsities.

Recent legislative actions

The draft regulations for a Digital Services Act (DSA) and Digital Markets Act (DMA) provide a promising regulatory scheme; however, the scope of compulsory, sanctionable regulations extends to only a subset of the rules that would be necessary to tackle disinformation. The rest of the measures are referred for co-regulation, where the Commission, and in one case the Board of Digital Coordinators, would have a facilitating role in creating three Codes (a general Code of Conduct, a Code of Conduct for online advertising, and a Crisis Protocol). Compliance with these Codes would be regularly supervised by independent audit organisations, however, non-compliance or negative audit does not appear to entail any consequences. Therefore, it is recommended that if an **independent audit** finds that a platform does not fulfil its commitments under the Code of Conduct, the Digital Services Coordinator should decide whether attempts from the platform to justify departure from the Code are acceptable or not. In the latter case, it should have **the right to impose an order**.

This study provides case studies from countries in which policies and measures are tackling disinformation directly, including by increasing citizens' resilience to them through citizens' initiatives and sharing of best practices. The jurisdictions covered include **Germany, France, Finland, and Estonia** (and shorter descriptions from other Member States such as Hungary, Slovakia, Spain, and Sweden) within the EU, as well as **Taiwan, Australia, and the US** as third countries. The selected states represent different and creative approaches to disinformation and platform regulation.

Assessment of self-regulation

Platforms' activities and self-regulation are presented and evaluated based on the Commission and ERGA's assessments of the Code of Practice on Disinformation, as well as the platforms' self-assessment reports. The study identifies three categories of platform's proactive measures: content moderation, contributions to balance the informational ecosystem (donations, grants, and technical supports), and prioritisation or verification, which combines elements of the first two categories. The self-regulatory measures of platforms are briefly summarised and evaluated, including the suspension of then-US President Donald Trump's account. Major techniques, like fact-checking and verification, are extensively analysed and evaluated, revealing that the practice of fact-checking itself struggles with inherent problems. The primary problems relate to credibility; whether independent, NGO, industry-financed, official, or institutionalised, all these circumstances may question the credibility of the fact-checking body in the eye of various groups. Moreover, the label of 'fact-checking' has been abused by disinformation agencies to deny true facts and to accuse independent and trustworthy news sources of what they themselves are guilty of. Besides, most fact-checker organisations do not have a model for reaching audiences, and this includes the EUvsDisinfo service. As a result, the reached audiences are limited in size and do not correspond with the groups that are exposed to disinformation.

Psychological mechanisms

Even the most current literature on psychological manipulation lacks conclusive answers, in terms of the effect mechanism of manipulation and persuasion, but a number of factors could be identified: an entertaining story; the trustworthiness of the source; repetition; personal characteristics; and trust levels. The research results conclude that among the various instruments **to prevent the effects** of disinformation, the **most robust is critical media literacy**. People who are able to process information in an analytically reflective and ethically judgmental way can see through manipulation attempts. There is wide professional agreement on the necessity of compulsory media literacy education in schools and beyond. This needs to be a transnational project, offering target group-specific education for people across all age groups (see below).

The psychological mechanisms of counter-narratives may themselves function similarly to disinformation; good storytelling, authentic and personal stories, credible and trustworthy protagonists, attractive and target group-specific presentation (especially through video), empathy with a character, and longer exposition have all been identified as key aspects of successful persuasion, while information overload has the opposite effect. Nevertheless, the **personal and situational characteristics** of recipients have been found to be more decisive; or at least, they give more solid research results. Thus, strategic communicators must understand their audience in order to build credibility and be persuasive. This underlines the importance of micro-targeted, issue-based advertising, anecdotally called the 'nuke' of persuasion (referring to its effectiveness). To keep election advertising fair and inclusive, it is strongly recommended **that micro-targeting is not used** for political and issue-based advertising.

Impacts on democracy, the rule of law, and fundamental rights

Among the impacts of disinformation on democracy and the rule of law, special weight needs to be given to the role of political authority. In the past five years, the effects of disinformation **disseminated by official authorities and credible political figures** have been observable. Words expressed by individuals of authority should be regarded as impactful on their audience, and have an effect on policies as well. This power is extended to disinformation disseminated by them, which penetrates societies faster and more deeply, having more robust effects. Moreover, **it becomes futile** to fight against such disinformation with

national policies, as the policymakers themselves would be affected by countermeasures. In this situation, only a few options are left open:

(1) Applying the general rule of law mechanism, in which the systematic dissemination of disinformation and propaganda by politicians or state authorities is considered **as an anti-democratic behaviour, which violates the rule of law**.

(2) Relying on **transnational networks** to foster civil society cooperation to promote journalism, investigative journalism and media literacy.

(3) Reacting **immediately and unambiguously** to those disinformation actions which reach the threshold of hate speech, incitement to hatred, discrimination, or violence.

Compared to pre-2019, recent disinformation campaigns have had a **direct effect on individual fundamental rights**, demonstrating meaningful change. Along with political disinformation, the 'infodemic' has endangered people's health and livelihoods, including creating discrimination and hostility towards various minority groups, such as Asians, migrants, refugees, and elderly people. In January 2021, manipulation and conspiracy theories led to an unprecedented attack on the Capitol building in Washington, which claimed the lives of five people and caused several others injuries. This event is a notable example of the impact that disinformation and incitement to violence can have when disseminated by prominent political figures.

How much 'laundered disinformation' has influenced European democracy and trust in Europe cannot be measured, especially when such manipulation campaigns address real controversies and pressing insecurities among citizens; even if opinion polls would show decline in the trust, cause and effect between disinformation events and any changes in opinion could not be proven. Importantly, the official statistics **do not show a significant change** among European citizens in relation to their **trust in European integration**.

Recommendations to protect democracy, the rule of law, and fundamental rights

Analysis shows that in the future, a lack of restrictions might represent a bigger threat to democracy, the rule of law, and fundamental rights than over-regulation. One of the reasons for this is that platforms' activism has already resulted in an intensive interference with users' freedoms, without legal safeguards, limits, or remedies. The role of legislation should be to make platform regulation calculable, and protect individual rights against the power of large online platforms. In this sense, it is recommended that the DSA obliges online platforms to act expediently in order to pay full respect to fundamental rights, in particular the right to freedom of expression, freedom of information, equality and non-discrimination, privacy, and dignity – especially in their content moderation decisions. To help enable this process, it is recommended that at least the dominant social media platforms employ Freedom of Expression Officers, professional experts in international, European, and national standards for freedom of expression, who can be expected to make responsible decisions on content removal and labelling.

With this logic – and to ensure a healthy informational ecosystem – the DSA should oblige online platforms to maintain **ideologically neutral services** by ensuring that their algorithms do not systematically favour any political, ideological, or religious opinions, or give preference to content that is their own or by an affiliated company. It should also ensure that algorithms do not discriminate between users or users' content based on protected characteristics, such as race, gender, or political opinion. Beyond what has already been provided by the DSA (Article 29), content recommendation algorithms should offer at least one further option aimed at increasing diversity, and at least one further option to prioritise content that is found to be trustworthy by independent news organisations.

Platforms should not pursue experiments that involve humans. Algorithms that affect a very large number of users should be **transparent and tested**, even if this means that the pace of innovation must slow down.

To minimise the impact of disinformation on European democracy, **political and issue-based advertising** should be regulated at the European level, and should not involve the use of micro-targeting. The European Court of Auditors and European Anti-Fraud Office should supervise campaign finances, including sponsorship of social media advertisements.

Social media platforms should actively monitor political and issue-based advertising during election campaigns or crisis situations, and it is recommended that '**election war-rooms**', comprising of teams of interdisciplinary experts, are established.

Very large social media platforms should maintain the requirement for verification of identity for party politicians, while users who regularly reach large audiences with public issue content (including NGOs, media actors, and politicians) should be labelled with an 'influencer' tag (without compulsory identification). Content provided by such users should enjoy a specific **public interest privilege** and should not be removed for violating terms and conditions, such as occasional vulgarity. However, in cases of incitement to hatred or violence, or repeated events of imparting disinformation, **prompt removal** of the content and – if appropriate – suspension of the account should be applied.

Design a better informational ecosystem

In this post-truth era, the previously known hierarchies and entry-barriers of the traditional media system have vanished. **The resulting new communicative structure must now be developed**, and this has been actively formed by platforms and advertisers. it is now high time that the state, representing citizens, also establishes relevant principles.

Two related packages of instruments are recommended to design a better informational system, and increase critical media literacy.

A **better informational ecosystem** is one in which networks of trustworthy, quality information are easily accessible. Instead of individual actors, regulation should think in terms of networks; this includes communication networks, education networks, value chains, and technology-neutral, as well as content-neutral, solutions.

The lucrative value chain of generating disinformation should be interrupted, and all actors involved in the value chain should bear responsibility for participating. Providers of personal data, creative designers, PR companies, and political consultants should all face legal restrictions, or even sanctions.

Public service media

Public service media is a natural pillar of trust in the post-truth era; however, its capture and abuse to spread illiberal propaganda should not be tolerated.

The Communication from the Commission on State aid to public service broadcasting (2009) should be transformed into hard law, and **rule out abuse of public financial resources by captured public media**.

New models to generate public service content with the help of information technology must be actively sought, including mobile phone applications and video channels with short videos to help inform and educate citizens of all ages.

Models for supranational **European public service media** should be developed to address citizens across all Member States and to provide information about the operation of the common Europe (whether by a transnational European Online News Agency, which generates a pool of public service content in all

languages of the EU, or by a joint public service media provider), and should consider the application of a content quota to news related to supranational European issues.

Affirmative information

To effectively fight disinformation, a multi-layered network of affirmative information systems is recommended. Affirmative information is halfway between fact-checking and counter-narratives, addressing a public matter which might be subject to disinformation. Ideally, it should **precede disinformation and cover the same issue with accurate, relevant, and engaging information**. The network should consist of a central node, which represents trustworthiness, and is able to rapidly and professionally uncover disinformation actions; the European Union External Action Service (EEAS) is a good candidate for this. The decentralised network nodes should be local organisations which enjoy the trust of the local population, whether that is the local authorities, scientific institutions (including as CDCs), the police, or NGOs. The central node's raw information should be processed into short messages according to various target audiences (e.g. memes, videos, intellectual news content, etc.). Dissemination is key. Social media, television, or other appropriate means (dependent on the locality) should be used to reach wide population segments.

Networks of trusted media, science communication, and critical media literacy

Beyond strategic affirmative actions, quality media organisations should be encouraged and supported to create voluntary cooperative networks, combining hierarchical and horizontal network structures. They should develop **protocols of trust** (based on both technological and professional methods) to verify the authenticity and trustworthiness of content throughout the product distribution chain, including sharing.

As the **traditional architectures of trusted knowledge have evaporated**, these need to be replaced with the help of new communication structures. The pandemic and the related 'infodemic' have demonstrated that **organisation of science communication** is an inevitable part of the new, 'post-truth' era of information.

Specific **EU scientific communication agencies** should be established and supported to share information about scientific discovery in an accessible and engaging way – through short videos, for example. These should be disseminated in local languages and through appropriate channels. Dedicated **scientific communication hubs** should be established, and these should enjoy prioritised social media status. The hubs should maintain an interactive media presence, with the capacity to respond to inquiries. Among the diversity of scientific topics, those relevant for democratic values should also be represented, in order to provide scientific, factual evidence in questions which polarise society, and which are regular topics of disinformation (e.g. the climate crisis, vaccination, homosexuality, etc.).

Education in **critical media literacy** should be a massive programme for the whole population of all European Member States across all age groups, from compulsory school education, to travelling buses and social media apps. **'Superspreaders'** of information, such as influencers, teachers, priests, and governmental officials must be educated, as well as the elderly generation, who are vulnerable targets of disinformation and an active voter cohort.

1   Introduction

This study aims to provide an update on disinformation and propaganda (including legislative, industry, and civilian responses to these phenomena) in the years 2019–2020, and to give recommendations that reflect on achievements in countering disinformation actions and the tendencies of the phenomenon. In particular, it builds on the 2019 study, 'Disinformation and propaganda – impact on the functioning of the rule of law and in democratic processes in EU and its Member States'.[1]

The specific objectives of this study are to provide an overview of disinformation actions in the target period, taking COVID-19 related 'infodemics' into consideration; to analyse and assess European and national legislative and policy responses; and to review the achievements of industry self-regulation. The study provides an analysis of the psychological mechanisms of susceptibility to manipulation, and offers in-depth review of civil society responses (which address, in particular, awareness-raising and media literacy). The current and relevant legislative drafts of the European Union, particularly the draft DSA, are also analysed and evaluated in detail. The suggestions for improvement propose slight but meaningful changes.

1.1   Scope of the study

The study's research scope is limited to the years 2019 and 2020, including the first month of 2021. Mapping exercises focus on the events that influenced operations; the legislative and policy response to them; civil society initiatives; as well as self-regulative measures and good practices covering several European Member States and three third states (Australia, Taiwan, the USA).

The definition of 'disinformation' has crystallised in recent years. It was described in 2017 by Wardle and Derakshan as 'information that is deliberately false, with the intention to harm people as a social group or society'. In contrast, 'misinformation' was defined as 'organically-created and unintentionally-spread false information', while 'malinformation' was defined as 'information that is based on reality, but is used to inflict harm on people through its manipulative nature (leaks, harassment or hate speech)'.[2]

A study commissioned by the EEAS added two more categories: '**influence operations**' by third countries, and '**foreign interference**'. 'Influence operations' refers to 'coordinated efforts to influence a target audience using a range of illegitimate and deceptive means, in support of the objectives of an adversary', while 'foreign interference' is 'a range of coercive, deceptive, and/or non-transparent efforts by a foreign state actor or its agents to disrupt the free formation and expression of political will' (during elections, for example).[3] This study focuses on disinformation, some of which is part of foreign influence operations, while in other cases it cannot be attributed to foreign actors. As will be discussed below, the latter is the type which has had the most impact in the EU.

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[1] Judit Bayer, et al., 'Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States', Study for the Policy Department C: Citizens' Rights and Constitutional Affairs, 2019.
[2] Claire Wardle and Hossein Derakhshan, 'Information Disorder: Toward an interdisciplinary framework for research and policy making', Council of Europe, report DGI(2017)09, 2017, p. 20.
[3] J. Pamment, 'The EU's Role in Fighting Disinformation: Taking Back the Initiative', Carnegie Endowment for International Peace, 2020, p. 16-17.

1.2   Outline of the study

Chapter 3 of the study provides a summary of the trends in disinformation actions and events, highlighting relevant cases.

Chapter 4 introduces the most relevant recent disinformation actions within and outside the European Union.

Chapter 5 gives a brief overview of how freedom of expression standards could apply to the restriction of disinformation and assesses legal and policy developments in eight Member States of the European Union and three third states, as well as some good practices.

Chapter 6 describes policies and measures, as well as civil society responses, aimed at increasing citizens' resilience to disinformation.

Chapter 7 discusses the role of media platforms by addressing platforms' self-regulatory actions, reviewing their reports, and categorising their initiatives.

Chapter 8 provides in-depth analysis of current knowledge on the psychological mechanisms of manipulation, as well as the resilience-building potential of education.

Chapter 9 analyses the impacts of recent disinformation events on democracy, the rule of law, and fundamental rights, with particular regard to future threats.

Chapter 10 summarises findings and concludes with suggestions.

Chapter 11 contains policy recommendations for the design of a new, democratic information ecosystem.

2   Methodology

The primary objectives of this study were to provide:

i) an overview of effective measures to counter disinformation and best practices implemented, both in the EU Member States and in the third countries;

ii) recommendations on how to counter disinformation more effectively – departing from the 2019 report on 'Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States', the research focused on disinformation campaigns in light of recent developments, such as the COVID-19 'infodemic' or European Elections (February 2019– January 2021).

The main focus of the study is mirrored in the following research questions:

i) What is the (potential) impact of disinformation on democracy, the rule of law, and fundamental rights?

ii) How can disinformation be effectively combatted?

The design of the methodology was guided by a utilisation-focused approach, with the study intended to serve as a 'ready reference' for European Parliament (EP) and EU officials. The methodological concept aimed to utilise the best mix of data gathering tools to yield the most reliable and valid answers to the research questions, and generate maximum learning within the constraints of timeline and data availability. In order to serve this purpose, the study followed a mixed-methods approach and applied triangulation of findings to ensure their relevance. The data collection tools selected were qualitative and included in-depth desk research, mapping exercises, and case studies.

In the first phase of the study, two desk research-based mapping exercises were conducted, on the subject of:

i) foreign-originated disinformation campaigns;

ii) civil society efforts to fight disinformation.

During the mapping of foreign-originated disinformation, action entries in the EUvsDisinfo database were reviewed, as well as academic and grey literature, relevant reports produced by the EUvsDisinfo team, and newspaper and magazine articles. Reports written by intelligence firms and investigative groups were also consulted. During the mapping of civil society initiatives, over 200 civic initiatives and organisations active in the EU to fight disinformation were identified. Alongside existing databases on civil society efforts, initiatives discussed in previous research from the period 2019–2021 and reported in the news media were consulted. The mapping also used the 'snowball' sampling method; once an organisation was identified, its partners and other projects were also explored. A full list of the databases that were consulted during the mapping exercises is included in Appendix 1.

During the second phase, a series of original case studies have been conducted in order to analyse the best counter-disinformation practices implemented in EU Member States and third countries. The countries that have been chosen as exemplary are Germany, Estonia, Finland, the United States of America, Australia, and Taiwan. They were chosen based on the following criteria:

- equitable geographical distribution (North–South, East–West);

- potential risk to the rule of law and system of democracy based on election results and societal phenomena;

- strength of foreign influences;

- whether the country had developed efficient and effective approaches to counter-disinformation activities (which was decided based on whether these approaches brought results, had transferability potential, were located within a wider strategy, and reached a large audience);

- the pandemic situation and government's response with respect to COVID-19.

Limitations of the study

While the study followed a rigorous and tailor-made approach to maximise the validity and reliability of findings, it is important to acknowledge the following limitations:

- **Temporal scope:** As the study is an update to a previous study (2019), it only covers events and disinformation campaigns that occurred between February 2019 and January 2021.

- **Type of disinformation actions covered by the mapping:** The study covered the most impactful disinformation campaigns that met the following criteria:

  i) they originated outside of the EU (though conclusively proving the origins of disinformation campaigns is often impossible as they are covert operations, while the research can only rely on publicly available assessments as to their origins);

  ii) they were conducted between February 2019 and January 2021;

  iii) they targeted the EU as a whole, or its Member States;

  iv) they aimed to interfere with elections or referenda, discredit the EU or its Member States, or target individuals in public positions in the EU, or if they were related to the COVID-19 pandemic.

- **Definition of the disinformation 'impact':** The study aimed to establish the impact of disinformation and propaganda on democracy, fundamental rights, and the rule of law. Measuring impact and attributing causality with certainty under non-laboratory circumstances is near-impossible, however. The data collected were analysed for best evidence of impact, yet definitive conclusions in this regard are difficult to draw.

- **Limitations in terms of civil society mapping:** The data collection focused on civil initiatives that are currently active, and that are either based in an EU Member State, or target the EU/a Member State. This means that large-scale global efforts operated or funded by US organisations were not included. In addition, due to the nature of the methodology and time limits of the study, the resulting list of civic responses is treated as indicative, rather than exhaustive.

3 State of play

This chapter will review recent developments that have taken place in the field of information manipulation. In many disinformation campaigns today, the true/false dichotomy is simply irrelevant. A significant portion of the EUvsDisinfo database's[4] entries reviewed for this study contain no 'verifiably false or misleading' information. Stories such as, 'The EU will split in half within five years and Latvia will want to join Russia'[5], targeting the Russian-speaking minority in Latvia, are not verifiable. The goal of many of these campaigns is not to convince their target audiences of alternative narratives; rather, they aim to create or deepen social division, as the example above shows. Many campaigns aim to pit social groups against each other by disseminating highly polarised content, often on both sides of an issue. In such cases, they usually rely on pre-existing social tensions and fears. They also often aim to 'muddy the waters', creating confusion and distrust by putting forward 'alternative facts'. The resulting erosion of trust can have far-reaching consequences for democratic societies, reducing civic participation in the political process and decreasing the legitimacy of institutions in the eyes of citizens.

3.1 Old techniques updated

'Troll farms' or 'cyber troops', such as Russia's 'Internet Research Agency'[6], China's '50 Cent Army'[7], or Turkey's 'AK Trolls'[8], have been around for years, aiming to manipulate public discourse. Such 'trolls' spread messages to achieve a particular goal while masquerading as authentic users or commentators. In the early days of this phenomenon, researchers were able to spot foreign trolls with relative ease.[9] In the years since, however, foreign trolls have become much more sophisticated.[10]

Potemkin personas

Research and journalistic investigations, often highly technical in nature and carried out mostly in the US, have, in recent years, identified a large number of 'Potemkin personas', faux newsrooms, pseudo-think tanks and fake grassroots organisations[11]. 'Potemkin personas' are foreign, and in this context, typically Russian trolls who build a credible online presence across multiple platforms, and mix their political messaging with banal posts about their supposed daily life, much like an authentic user would do.[12] Nowadays, they are much more difficult to identify as inauthentic than in previous years. At a level higher than this, fake personas are created to pose as experts, writers, or journalists, authoring articles either for

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[4] European External Action Service's East StratCom Task Force, EUvsDisinfo.

[5] EU vs DISINFORMATION, 'The EU Will Split in Half within Five Years', December 30, 2020.

[6] Andrew Dawson and Martin Innes, 'How Russia's Internet Research Agency Built Its Disinformation Campaign', The Political Quarterly, Vol. 90, No. 2, 2019, pp. 245–256.

[7] Gary King, Jennifer Pan and Margaret E. Roberts, 'How the Chinese Government Fabricates Social Media Posts for Strategic Distraction, Not Engaged Argument', American Political Science Review, Vol. 111, No. 3, August 2017, pp. 484–501.

[8] Ergin Bulut and Erdem Yörük, 'Mediatized Populisms | Digital Populism: Trolls and Political Polarization of Twitter in Turkey', International Journal of Communication, Vol. 11, 2017, p. 25.

[9] Aric Toler, 'How (Not) To Report On Russian Disinformation', Bellingcat, April 15, 2020, https://www.bellingcat.com/resources/how-tos/2020/04/15/how-not-to-report-on-russian-disinformation/.

[10] Darren L. Linvill and Patrick Warren, 'Russian Trolls Can Be Surprisingly Subtle, and Often Fun to Read', Washington Post, March 8, 2019, sec. Perspective. https://www.washingtonpost.com/outlook/russian-trolls-can-be-surprisingly-subtle-and-often-fun-to-read/2019/03/08/677f8ec2-413c-11e9-9361-301ffb5bd5e6_story.html.

[11] Renée Diresta and Shelby Grossman, 'Potemkin Pages & Personas: Assessing GRU Online Operations, 2014-2019', White paper, Stanford Internet Observatory Cyber Policy Center, Stanford, 2019.

[12] A particularly successful example is a Twitter handle @PoliteMelanie, whose snarky post about then-US President Donald Trump won a Chicago Tribune's Tweet of the Week contest in 2019. Some of the persona's posts went viral, and at one point it had 25 000 followers. See, Zorn, Eric, 'What Are You Going to Do? A Russian Troll Won My Tweet of the Week Poll', Chicago Tribune, August 2, 2019, sec. Column.

faux media outlets set up for this purpose, or for unsuspecting genuine media sites.[13] These articles are shared by lower-level ('shell') trolls to amplify the message and give it the appearance of legitimacy. Likewise, front media outlets and organisations posing as independent think tanks or grassroots groups[14] have been found to be established by the Russian military intelligence service G.U. (previously GRU) as 'a home for original content […] and primary affiliation for sock puppet personas.'[15] Two recent and striking examples of front operations paid for by the Internet Research Agency[16] are an entity named 'Peace Data', which posed as a left-leaning independent news site and hired unsuspecting journalists in Europe[17], and another called 'NAEBC', a pro-Trump news site purportedly based in Hungary, which solicited articles from unwitting American journalists.[18] The journalists writing for these publications were unaware that they were being paid for by the Internet Research Agency. The mechanism of legitimising disinformation content through intermediaries and obscuring its origin is known as 'information laundering', an old KGB tactic that has been updated for today's digital age.[19] In the most successful cases, the manipulated content makes its way to mainstream news media and is spread by authentic social media users.

Russian information laundering has been studied in the European context by the NATO Strategic Communications Centre of Excellence, which recently published reports on the phenomenon in the Nordic-Baltic region[20] and Germany.[21] Both reports found the method to be prevalent, and conducted through a large number of state-funded Russian media outlets, pro-Kremlin actors, and proxies. In some countries, such as Sweden and Denmark, 'accidental' actors also played an important role. Such 'accidental' actors (mainstream news media outlets, for example) may not know that they are participants in the process, but amplify disinformation content nonetheless.

A report by the Warsaw Institute points out why this kind of information manipulation tactic can be particularly effective.[22] For historical reasons, many people in Poland are fairly resilient to overt pro-Russian propaganda and view openly pro-Russian media with suspicion. Mainstream media also seem 'immune' to overt Russian propaganda.[23] Laundered through other media outlets, however, Russia-aligned 'patriotic' disinformation (for example, against Ukraine) does find its way to the Polish audience.

Troll farms for hire

Another way fake personas are utilised are for-profit 'troll farms', which seem to be an increasingly prevalent phenomenon worldwide.[24] These businesses have adopted methods from the Internet Research

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[13] Adam Entous, 'The Rise and Fall of a Kremlin Troll', The New Yorker, July 19, 2018.

[14] In February 2021, Twitter removed two networks of Russian disinformation operations. Several of the accounts were for pseudo-think tanks and media fronts. Renée Diresta and Shelby Grossman, 'Fronts & Friends: An Investigation into Two Twitter Networks Linked to Russian Actors', Stanford Internet Observatory, February 23, 2021.

[15] Diresta and Grossman, 2019, op. cit., p. 26.

[16] Max Seddon and Hannah Murphy, 'Russian Troll Farm Makes US Comeback', Financial Times, September 4, 2020.

[17] Jack Stubbs, 'Duped by Russia, Freelancers Ensnared in Disinformation Campaign by Promise of Easy Money', Reuters, September 3, 2020.

[18] Jack Stubbs, 'Exclusive: Russian Operation Masqueraded as Right-Wing News Site to Target U.S. Voters – Sources', Reuters, October 1, 2020.

[19] Diresta and Grossman, 2019, op. cit., p. 5.

[20] Belén Carrasco Rodríguez, 'Information Laundering in the Nordic-Baltic Region | StratCom', NATO Strategic Communications Centre of Excellence, Riga, November 2020.

[21] Belén Carrasco Rodríguez, 'Information Laundering in Germany | StratCom', NATO Strategic Communications Centre of Excellence, Riga, October 2020.

[22] Małgorzata Zawadzka, 'Today's Potemkin Village: Kremlin Disinformation and Propaganda in Poland', The Warsaw Institute Review, May 15, 2018.

[23] Łukasz Wenerski and Michal Kacewicz, Russian Soft Power in Poland, Political Capital, Budapest, 2017.

[24] A journalistic investigation in 2020 found sporadic cases of publicly revealed operations since 2011, with the figure jumping to 19 in 2019. How much of the jump is due to increased prevalence and how much to increased attention and efforts to reveal the

Agency's playbook, relying on fabricated personas to spread seemingly authentic agreed-upon messages on social media. One such disinformation operation, named 'Cat@Net', was exposed in Poland. The operation was part of services provided by a marketing agency whose customers included Polish public television, as well as politicians; it is unclear whether they knew about the covert practices used on their behalf. The firm's employees cultivated hundreds of leftist and rightist personas, who built up a follower base, then trolled social media, spreading pre-defined talking points, as instructed by managers. The personas conducted heated conversations, often with each other, to attract and provoke authentic users, sometimes even politicians, to join the discussion and generate engagement.[25]

Similar operations have been exposed worldwide. A US intelligence firm, for research purposes, hired a Russian troll service to build up the reputation of a company, and another one to destroy it.[26] A Google subsidiary also conducted a similar experiment.[27] Journalists found widespread use of such inauthentic networks in Ukraine ahead of the 2019 parliamentary elections.[28] In the Philippines, the practice has grown into an industry.[29] A similar operation was identified in the 2020 US Presidential elections campaign, when a troll farm based in Arizona was hired to create and spread content for political figures on Facebook and Twitter.[30] Many of its operatives were teenagers who used their own accounts to spread the paid-for messages.[31] An example of both information laundering and hiring trolls involved the Internet Research Agency 'outsourcing' some of its US-focused operations to organisations in Ghana and Nigeria in 2020.[32] Importantly, unlike earlier-identified influence operations, most of these trolling enterprises were local companies, aimed at influencing the public discourse in inauthentic ways domestically. This is in line with the finding discussed in Chapter 4 that disinformation in the European parliamentary elections appeared to be a mostly home-grown affair, rather than a result of foreign influence operations. Research into the 2020 US presidential elections identified similar trends. In addition to the existence of local troll farms, an analysis of the disinformation that questioned the results of the elections on Twitter found that highly-placed American politicians, rather than foreign trolls, were the disinformation 'superspreaders'. Then-US President Donald Trump, his two older sons, and other prominent political figures were the most prolific producers and disseminators of election-related disinformation.[33] Video sharing app TikTok also found that disinformation in the US 2020 elections was 'driven by domestic users' rather than foreign actors. In most of these cases, any potential connection to foreign actors is not possible to prove with open-source data. Local activists, politicians, or simply voters whose conviction aligns with foreign interests, may act as 'useful idiots' for foreign actors without any link to such actors.[34]

operations is, however, impossible to know. Craig Silverman, Jane Lytvynenko, and William Kung, 'Disinformation For Hire: How A New Breed Of PR Firms Is Selling Lies Online', BuzzFeed News, January 6, 2020.

[25] Katarzyna Pruszkiewicz, Wojciech Cieśla and Konrad Szczygiel, 'Undercover at a Troll Farm', Investigate Europe, November 1, 2019.

[26] Recorded Future, 'The Price of Influence: Disinformation in the Private Sector', Insikt Group, September 30, 2019.

[27] Andy Greenberg, 'Jigsaw Bought a Russian Twitter Troll Campaign as an Experiment', Wired, June 12, 2019.

[28] Yevheniia Motorevska, Dmytro Replianchuk and Vasyl Bidun, 'Inside a Ukrainian Troll Farm', Organised Crime and Corruption Reporting Project, September 20, 2019.

[29] Shibani Mahtani and Regine Cabato, 'Why "Crafty Internet Trolls in the Philippines May Be Coming to a Website near You', Washington Post, n.d.

[30] DFRLab, 'Op-Ed: In the United States, the Threat of Election Disinfo Is Mostly Home-Grown', Medium, October 27, 2020.

[31] Isaac Stanley-Becker, 'Pro-Trump Youth Group Enlists Teens in Secretive Campaign Likened to a 'Troll Farm,' Prompting Rebuke by Facebook and Twitter' , Washington Post, September 16, 2020..

[32] Taylor Hatmaker, 'Russian Trolls Are Outsourcing to Africa to Stoke US Racial Tensions', TechCrunch, March 12, 2020.

[33] Stanford Digital Repository, "The Long Fuse: Misinformation and the 2020 Election", Stanford Digital Repository: Election Integrity Partnership. v1.2.0, Center for an Informed Public, Digital Forensic Research Lab, Graphika, & Stanford Internet Observatory, 2021.

[34] TikTok, 'TikTok Global Transparency Report', 2020, n.d.

3.2 New technology utilised

Private spaces

A trend that started before 2018, but has since accelerated, is the shift to more private forms of discussions, away from public Facebook pages towards messaging apps including WhatsApp and Telegram, as well as private Facebook groups. Discussions that take place in these spaces are unchecked and un-researchable. From the perspective of disinformation, this is worrisome; as fact-checkers in Spain highlighted before the 2019 elections, lots of disinformation in Spain originated from, and was spread through, WhatsApp[35], not necessarily making its way into 'fact-checkable' media. The Reuters Digital Institute found that an increasing number of people turn to these messaging apps for news, even for information about COVID-19.[36] Intelligence investigators studying a network exposed as a Russian influence operation on Facebook noted that the accounts had minimal engagement publicly, but may have been active in private messaging and private groups, not visible to researchers.[37] In a similar manner, while many arguments can be made to de-platform radical voices, as Twitter did with then-US President Donald Trump in January 2021, one of the dangers of this is that they move to less open, more underground networks, such as 'Parler', beyond the reach of checked information.

Audio messaging

Although they are not particularly popular in Europe yet, disinformation experts are already warning against audio-based messaging apps as the next disinformation frontier. 'Clubhouse', the most popular of such apps, works as a kind of live talk radio, allowing users to live-stream audio feeds to a maximum of 5 000 people at a time. The streams are not recorded. The ephemeral nature of the content created in the app makes it difficult to monitor. This is exacerbated by the fact that audio messages are 'nearly impossible to trace, attribute, and counter'.[38] Yet the structure of the app, and the lack of a 'share' or retweet button **limits the virality** of the content, which works against the dissemination of disinformation.[39]

Artificial intelligence and deepfakes

The disinformation potential of artificial intelligence and deepfakes – deep machine-learning technology used to fabricate realistic media, primarily audio or video – has received much public attention, but so far these technologies have not lived up to the hype. Fabricated personas now generally use AI-generated profile pictures on social media[40] and on the front companies' websites, making them impossible to detect with reverse image searches; experts, however, can still recognise the pictures as inauthentic.[41] Additionally, there are now efforts to deploy AI in the fight against disinformation, for example in the Horizon 2020-funded 'FANDANGO' project.[42] As for deepfakes, to date, **no politically malignant use of deepfake videos** has been exposed[43], however the techniques are increasingly normalised by the

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[35] Rory Smith, 'Venezuelan Bots, WhatsApp and Disinformation in Spain', First Draft, May 21, 2019.
[36] Reuters Institute 'Reuters Institute Digital News Report', Digital News Report, n.d.
[37] Graphika, 'From Russia With Blogs: GRU Operators Leveraged Blogs, Social Media Accounts and Private Messaging to Reach Audiences Across Europe', February 12, 2020.
[38] Roberto Braga, 'Op-Ed: The next Big Wave of Disinformation Will Be Heard, Not Seen', Medium, March 3, 2021.
[39] Alicia Cohn, 'Clubhouse's Rising Popularity Raises Misinformation Concerns', Text, The Hill, February 21, 2021.
[40] Raphael Satter, 'Experts: Spy Used AI-Generated Face to Connect with Targets', AP NEWS, June 13, 2019, sec. Technology.
[41] Graphika, 'Fake Cluster Boosts Huawei. Accounts with GAN Faces Attack Belgium over 5G Restrictions', January 2021.
[42] FANDANGO, 'FANDAGO: Fake News discovery and propagation from big Data Analysis and artificial IntelliGence Operations'.
[43] In April 2020, environmentalist group Extinction Rebellion Belgium posted a deepfake video of then-Belgian Prime Minister Sophie Wilmes making a speech in which she links COVID-19 to the climate crisis, but the video made it clear that it was fictitious. Gabriela Galindo, 'XR Belgium Posts Deepfake of Belgian Premier Linking Covid-19 with Climate Crisis', The Brussels Times, April 14, 2020.

commercial sector in the form of automated customer service chats and call systems.[44] Additionally, the first AI-generated news anchors have been introduced in China. For disinformation operation, the most imminent danger may be posed by deepfake text; 'algorithmically-generated messages flooding recipients to give a false impression of political consensus'.[45] Russia experimented with such automated texts in the 2010s, but found them inadequate; this may not be the case for much longer.[46]

While deepfakes may not be a practical problem of information manipulation yet, on a more abstract level, they present a significant challenge for democracies. Using an experimental method, researchers have found that 'political deepfakes may not necessarily deceive individuals, but they may sow uncertainty which may, in turn, reduce trust in news on social media'.[47] The researchers argue this would hinder civic participation in online debates. Taken a step further, deepfakes may produce a feeling of general distrust, contributing to an information environment where the veracity of information feels impossible to know. This lack of trust may have far-reaching consequences for democracies.

[44] Brad Birnbaum, 'The Rise of Human Agents: AI-Powered Customer Service Automation', Forbes, June 19, 2019.
[45] Keir Giles, Kim Harmtann and Mustaffa Munira, 'The Role of Deepfakes in Malign Influence Campaigns | StratCom' NATO Strategic Communications Centre of Excellence, Riga, 2019, p. 22.
[46] Giles et al., op. cit., p. 11.
[47] Cristian Vaccari and Andrew Chadwick, 'Deepfakes and Disinformation: Exploring the Impact of Synthetic Political Video on Deception, Uncertainty, and Trust in News', Social Media + Society, Vol. 6, No. 1, January 1, 2020, p. 2056305120903408.

4 Recent disinformation actions: selected examples

As an update to the 2019 paper, this chapter will review the most important publicly identified foreign-initiated disinformation actions that have been launched against the EU and its Member States since February 2019. The list is not exhaustive, but the cases signal important trends.

4.1 Issue-based operations

4.1.1 The Notre-Dame de Paris fire

On 15 April 2019, a fire broke out in the Notre-Dame de Paris cathedral in Paris that destroyed most of the building. Within hours, social media was flooded with a vast range of false information about the fire. Researchers found that in France, Germany, Italy, and Spain, far-right activists instrumentalised the incident to spread anti-Muslim hate.[48] Official and pro-Russian media outlets were also prolific in their contribution; the EUvsDisinfo database contains 26 disinformation articles blaming the fire on terrorists, the Yellow Vest movement, Ukraine, the intelligence services, or even aliens or divine intervention (as punishment for gay marriage in Europe).[49] No information was found about any potential overlap between the content produced by the two groups.

4.1.2 Germany 'stealing' Russian children

Reminiscent of the 'Lisa case' from 2016, the pro-Kremlin Russian-language media in Russia and Germany have been running stories since February 2021 about three young children removed from their Russian parents in Berlin by German authorities, in which their father claims to have been beaten up by the police and their mother claims the police officers yelled "This is for Navalny!" when taking the children. The German authorities say the children had been taken into state care because they were in danger. The police deny both the violence and the yell.[50] Nonetheless, a Russian lawmaker, Duma Deputy Speaker Pyotr Tolstoy, has asked the Russian embassy to intervene.[51]

4.1.3 The Navalny-case

According to a report compiled by NATO, disinformation stories around Russian politician Aleksei Navalny combine three 'traditional' narrative elements of Russian disinformation: the NordStream 2 pipeline, Russophobia, and EU sanctions.[52] The EUvsDisinfo database contains 262 entries about Navalny in the time period studied, 124 of them linked to Germany. The database identifies some recurrent narratives in the news stories about Navalny, including a deflection of responsibility from Russian authorities in his poisoning, and portraying Navalny as a western puppet. The stories also claim that Navalny was not poisoned at all, or that he was poisoned at the request of the west, to serve as a pretext to attack Russia.[53]

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[48] Chloe Colliver, 'Click Here for Outrage: Disinformation in the European Parliamentary Elections 2019', Institute for Strategic Dialogue, London, June 26, 2020.

[49] EU vs DISINFORMATION 'Building Blocks of Disinformation: Case of Notre Dame', April 18, 2019.

[50] TASS, 'Lawmaker Calls on Diplomats to Protect Russians Whose Kids Were Taken Away in Germany', n.d..

[51] EU vs DISINFORMATION, 'Vilifying Germany; Wooing Germany', March 9, 2021.

[52] Rodríguez, Belén Carrasco, *Information Laundering in Germany | StratCom*, NATO Strategic Communications Centre of Excellence, Riga, October 2020. https://www.stratcomcoe.org/information-laundering-germany, p. 30.

[53] EU vs DISINFORMATION, 'The German Statement Follows Goebbel's Laws on Propaganda' The Kremlin, the Navalny Case and the Art of Denial', September 4, 2020.

4.1.4   Belgium's 5G plans

In late 2020, in response to the Belgian government's plans to restrict the access of 'high-risk' providers to the country's 5G network, a coordinated network of inauthentic Twitter accounts amplified and created news stories that attacked this decision. Some of the stories were retweeted by the official European Huawei account, but network analysis firm Graphika found no evidence definitively linking the fake Twitter accounts to any entity.[54]

4.1.5   Bonanza Media, the Netherlands

Investigative journalism collective Bellingcat claims that Dutch 'alternative' media outlet Bonanza Media has close ties with the Russian military intelligence service GRU.[55] Bonanza Media, operating since 2019, describes itself as 'a platform for independent journalists'. It focuses on the crash of Malaysian Airlines Flight MH370 in 2014, questioning the findings of the five-country Joint Investigation Team that implicate Russia. Bellingcat found evidence that Bonanza Media were in close contact with a senior official of the Russian army, and sent articles to the GRU before publishing them. Bonanza Media content has been amplified by Russian state media, and even Russian officials[56], and has been introduced as evidence in the defence team of Oleg Pulatov in the ongoing trial of the plane crash in the Hague.[57] Bellingcat claims that Bonanza Media is a 'disinformation project run by the GRU', although it is unclear whether the outlet was set up by the GRU. The people involved with Bonanza Media and implicated by Bellingcat deny the charges, claiming to be victims of a smear campaign by Bellingcat and the Dutch mainstream media.[58]

4.2   Long-term operations

4.2.1   Ghostwriter influence campaign

An intelligence firm uncovered influence operations in Latvia, Lithuania and Poland that had been running since 2017, and were 'aligned with Russian security interests; it named it Ghostwriter'.[59]The campaign primarily spreads NATO-related disinformation, often relying on forged documents attributed to political and military figures, which are reported on in 'news' articles written by made-up personas masquerading as journalists. The articles are disseminated via spoofed email chains as well as by hacking genuine news sites' content management systems and planting the pieces there. Examples include a fabricated story in September 2019, with a manipulated photo, reporting that German soldiers desecrated a Jewish cemetery in Lithuania; or a report, complete with a made-up quote, that claims Lithuania's first COVID-19 case was a NATO soldier. In Poland, the operation involved hacking the website of the Polish War Studies Academy in April 2020 and posting a forged letter there attributed to Brigadier General Ryszard Parafianowicz. The document urged Poles to reject the 'American occupation' of Poland. Shortly after, three news sites ran identical articles about the document, which were widely shared on Facebook first by fake personas, then by genuine users. Two of the three news sites plausibly claim they were hacked and did not post the articles. On the same day, an English version also appeared on a Russia-affiliated website. By the time the

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[54] Graphika, '[Fake Cluster Boosts Huawei. Accounts with GAN Faces Attack Belgium over 5G Restrictions'](#), January 2021.

[55] Bellingcat, ['The GRU's MH17 Disinformation Operations Part 1: The Bonanza Media Project',](#) November 12, 2020.

[56] Adam Robinson, ['Analysis: Kremlin Media Amplify MH17 Truthers Ahead of Hague Trial – BBC Monitoring',](#) BBC Monitoring, February 3, 2020.

[57] DutchNews.Nl, ['Bellingcat: Dutch MH17 Journalist Is Connected to Russian Military',](#) November 12, 2020.

[58] Bonanza Media, ['RealTalk with Yana Y. 'GRU ASSETS' Part I',](#) December 21, 2020.

[59] Mandiant Threat Intelligence, ['''Ghostwriter' Influence Campaign: Unknown Actors Leverage Website Compromises and Fabricated Content to Push Narratives Aligned with Russian Security Interests',](#) July 29, 2020.

articles were removed, they received over 8,500 Facebook shares, likes and comments.[60] The Polish intelligence services claimed the operation 'correspond[ed] to Russian actions'.

4.2.2   Operation Secondary Infektion[61]

Investigators uncovered a large-scale Russian operation, which had been running since at least 2014, targeting primarily (in order of frequency) Ukraine, the US, and the EU. Its operators posted on at least 300 platforms and forums in numerous languages, from English to Spanish to Swedish. The operation often relied on forged documents, impersonating Western leaders. For example, it forged a letter in which European Commissioner Johannes Hahn called Russian opposition politician Alexei Navalny 'an odious nationalist'. One of the central themes of the operation was the EU's weakness and internal division; it also tried to increase tension between Member States. For example, it published articles saying that Sweden could have prevented the terrorist attacks in Brussels in 2016, or that the EU was making Germany pay reparations to Poland for the Nazi occupation. It launched attacks on German Chancellor Angela Merkel, then-Lithuanian President Dalia Grybauskaitė, Polish leader Jarosław Kaczyński, and then-presidential candidate in France, Emmanuel Macron. Of the Member States, Poland, Germany, the UK (which was still a member), and Sweden were the most often targeted, followed by Lithuania, Latvia, and France. Investigators concluded that the campaign was run by a Russian operator, but not by the GRU or the Internet Research Agency. Despite the persistence and effort, the operation had minimal reach and impact[62] in the investigators' assessment.

4.2.3   Operation Pinball

In April 2020, an intelligence firm uncovered a 'covert intelligence operation' in Estonia, and another in Georgia, that bore striking similarities to Operation Secondary Infektion. In November 2019, this involved a forged letter by Estonian Minister of Economic Affairs and Infrastructure, Taavi Aas, purportedly addressed to then-European Commissioner Dimitris Avramopoulos, which was reported on in an article[63]. Similar to Operation Secondary Infektion, it appears unlikely that the disinformation action had any impact.

4.3   COVID-19

The COVID-19 pandemic and the surrounding infodemic have provided foreign actors with fertile grounds to plant their own narratives about the crisis. Both Russia and China have taken this opportunity, with China taking the leading role[64]. The disinformation campaigns prompted the European Commission to publicly identify the two countries as the main perpetrators of online disinformation. This was the first time the Commission had explicitly named China as being engaged in influence operations targeting the EU.

COVID-related disinformation linked to foreign influencers has been identified everywhere in the EU, from Italy to the Baltics. The main message was the same: the EU and its Member States failed to manage the crisis, the EU's credibility is questionable, while Russia and China were successful. Moreover, Russia and

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[60] Daniel Bush, Anna Gielewska and Maciej Kurzynski, 'How a Mysterious Website Supported a Disinformation Operation Targeting the Polish Military', Stanford Internet Observatory, May 8, 2020.
[61] The investigators claim that the operation is reminiscent of the infamous 1980s Operation 'Infektion', in which the Soviet Union tried to convince the world that the US created AIDS; hence the name. See, @DFRLab, 'Top Takes: Suspected Russian Intelligence Operation', Medium, June 22, 2019. https://medium.com/dfrlab/top-takes-suspected-russian-intelligence-operation-39212367d2f0.
[62] Ben Nimmo, Camille François, C. Shawn Eib, Léa Ronzaud, Rodrigo Ferreira, Chris Hernon and Tim Kostelancik, 'Exposing Secondary Infektion', Graphika, June 16, 2020.
[63] 'Intent to Infekt: Operation Pinball – Tactics Reminiscent of 'Operation Secondary Infektion', Recorded Future, Insikt Group, 20200408.
[64] Kinetz, Erika, 'Anatomy of a Conspiracy: With COVID, China Took Leading Role', AP NEWS, February 15, 2021, sec. AP Fact Check.

China were also benevolent – the only true hope of Member States let down by the lack of European solidarity. In the campaigns in Italy, Russia became 'Italy's trustful ally'[65], while China was depicted as the recipient of an outpouring of gratitude under the #grazieCina hashtag. Researchers uncovered that at least some of this grateful reaction to the 'mask diplomacy' was inauthentic[66]. Russia also planted and disseminated disinformation claiming that not only was the EU refusing to help Italy, but Poland would not let a Russian plane carrying medical aid to Italy through its airspace. Polish denial did little to curb the spread of the story.[67]

Moreover, within the larger campaign of 'discrediting the EU', Russia also constructs smaller narratives. In March and April 2020, for example, pro-Russian media in at least 7 countries and on at least 11 channels reported the 'end of the Schengen zone' as a sign of the imminent collapse of the EU.

Both Russia and China updated their information operation strategies. Throughout the first several months of the pandemic, China's main goal was to shift the blame away from itself. As if it had learned from Russia, China spread conflicting conspiracy theories about the origins of the virus. The goal was not necessarily to put the responsibility on the US, but to muddy the waters. For this aim, a 'global PR campaign' was started, utilising the state media, social media, and diplomatic tools. State-controlled publications run articles blaming the US for the virus. The Chinese state engaged in an undercover operation on Twitter[68], an overt campaign on Facebook[69], and also utilised Instagram.[70] It engaged in highly assertive diplomacy, not shying away from high-profile diplomatic rows (in France, for example[71]), not typical of Europe. An analysis of China's disinformation campaigns in the Visegrád countries found that Chinese efforts in the Czech Republic, Slovakia and Poland have increased since the pandemic hit, but their effectiveness is doubtful.[72]

Russia started its virus-related information operation against the US earlier than China; it began sowing disinformation about the virus being a US-made weapon in January 2020[73]. On Twitter, Russia changed its earlier strategy. Instead of creating content to sow discord, it now simply relied on existing conspiracy theories by retweeting US users, amplifying them.[74]

More recently, the virus origin stories have been replaced by 'vaccine diplomacy'. China is trying to depict itself as a 'responsible great power' with no geopolitical or economic interest linked to its vaccine distribution.[75] As far as Russia is concerned, it is 'busy leveraging diplomatic channels, state-controlled media, and networks of supportive and alternative media outlets to support its narrative of Sputnik V vaccine supremacy'.[76] The main narrative is that the 'west' rejects the Sputnik V vaccine for political

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[65] @DFRLab, 'Russia Exploits Italian Coronavirus Outbreak to Expand Its Influence', Medium, April 14, 2020.

[66] @DFRLab, "China Exploits Italian Coronavirus Outbreak to Expand Its Influence', Medium, April 10, 2020.

[67] @DFRLab, 'Russia Exploits Italian Coronavirus Outbreak to Expand Its Influence', Medium, April 14, 2020.

[68] Jeff Kao and Mia Shuang Li, 'How China Built a Twitter Propaganda Machine Then Let It Loose on Coronavirus', ProPublica, March 26, 2020.

[69] Vanessa Molter and Renee Diresta, 'Pandemics & Propaganda: How Chinese State Media Creates and Propagates CCP Coronavirus Narratives', Harvard Kennedy School Misinformation Review, Vol. 1, No. 3, June 8, 2020.

[70] Dodds, 'China Floods Facebook with Undeclared Coronavirus Propaganda Ads Blaming Trump', Daily Telegraph, April 5, 2020.

[71] Rym Momtaz, Hans Von der Burchard and Barbara Moens, , 'Beijing Doubles down in EU Propaganda Battle', POLITICO, April 27, 2020.

[72] Ivana Karásková, Alicja Bachulska, Matura Tamás, Filip Šebok and Matej Šimalčík, 'China's Propaganda and Disinformation Campaigns in Central Europe, MapinfluenCE. Mapping Chinese Influence in Central Europe', AMO, National Endowment for Democracy, August 28, 2020.

[73] Kinetz, op. cit.

[74] Luiza Bandeira, Nika Aleksejeva, Tessa Knight and Jean Le Roux, 'Weaponized: How Rumors about COVID-19's Origins Led to a Narrative Arms Race', The Atlantic Council of the United States, 2021, p. 19.

[75] Yanzhong Huang, 'Vaccine Diplomacy Is Paying Off for China', Vol. 11 March 2021, March 12, 2021.

[76] EU vs DISINFORMATION, 'The Battle For Shoulders - Which Vaccine Should Be Injected?', February 1, 2021.

reasons.[77] It includes criticism of the EU's slower vaccine roll-out, as well as significant efforts in Russian state media, Russia-aligned media, and fringe media outlets to discredit the 'western' vaccines. Most of the articles focus on adverse effects reported about the Pfizer/BioNTech and Moderna vaccines, and these are not disinformation in the sense that they are not usually fabricated or manipulated. Instead, they are subject to highly selective reporting. In the pro-Russian media, Sputnik V has no undesirable side effects, while all cases of adverse reactions or death after a Pfizer shot are reported. Researchers found that many of these articles are picked up by anti-vaccination groups.[78]

In addition to Russia and China, in the context of COVID-19, disinformation targeting the EU originating in Iran has also been implicated. Iran's long-running influence operator, the International Union of Virtual Media (IUVM), has been active since at least 2018, and subject to numerous take-downs by Facebook, Google, and Twitter. Its primary targets are the United States, Israel, and Saudi Arabia. In 2020, it expanded its operation to cover COVID-19, and featured stories about Italy being abandoned by the EU and helped by Russia and China on some of its inauthentic Facebook pages.[79] In April 2020, the European External Action Services said it found 'trilateral convergence of disinformation narratives' promoted and amplified by China, Iran, and Russia.[80] The US State Department came to the same conclusion.[81]

4.4 Electoral interventions

4.4.1 The 2019 European elections

Although this chapter is about the main disinformation actions identified against the EU or Member States, the 2019 European Parliamentary elections are important due to the lack of significant foreign disinformation action observed. Before the elections, experts[82], politicians[83], and the public[84] alike were concerned about foreign electoral interference through disinformation. Yet no large-scale coordinated action comparable to the 2016 US Presidential elections was identified. The European External Action Service's East StratCom Task Force EUvsDisinfo project documented only 32 Kremlin-originated news stories from 1 February to 26 May 2019 concerned explicitly with the elections, although it did record a significant increase in manipulative news stories linked to Russia compared to the same period a year earlier.[85] While a Joint Communication by the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy shortly after the election stated that 'continued and sustained disinformation activity by Russian sources aiming to suppress turnout and influence voter preferences' was revealed, even this Communication admitted that no 'distinct cross-border disinformation campaign from external sources' was identified in the context of the elections.[86] One isolated example of this was a

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[77] EU vs DISINFORMATION, 'The Culture of Resentment Revisited', March 11, 2021.

[78] @DFRLab, 'How Pro-Kremlin Outlets and Blogs Undermine Trust in Foreign-Made COVID Vaccines', Medium, January 27, 2021.

[79] Ben Nimmo, Camille François, C. Shawn Eib, Léa Ronzaud, 'Iran's IUVM Turns To Coronavirus: Long-Running Iranian Influence Operation Returns to Social Media with Anti-US and Pro-China Messaging', Graphika, April 15, 2020.

[80] Rikard Jozwiak, 'EU Monitors See Coordinated COVID-19 Disinformation Effort By Iran, Russia, China', RadioFreeEurope/RadioLiberty, April 22, 2020.

[81] Betsy Woodruff Swan, 'State Report: Russian, Chinese and Iranian Disinformation Narratives Echo One Another' , POLITICO, April 4, 2020.

[82] Hannah Illing, 'The Likelihood of Disinformation Campaigns during the European Elections Is High',The New Federalist, March 12, 2021.

[83] European Parliament News, 'Propaganda: 'The Weapons Used against Us Are Continuously Evolving.', Interview with MEP Anna Fotyga', May 2, 2019.

[84] 'Special Eurobarometer 477: Democracy and Elections', European Union, September 2018.

[85] This, however, may be a question of sampling.

[86] European Commission and High Representative of the Union for Foreign Affairs and Security Policy, "Joint Communication to the European Parliament, The European Council, The Council, The European and Social Committee and Committee of the Regions. Report on the Implementation of the Action Plan Against Disinformation", June 14, 2019, p. 3.

suspected, but not definite, link to Russia and two 'murky' Berlin-based anti-fascists websites. These shared a server used by Russian hackers, but this is not used by Russians exclusively.[87] Another one was a forged letter attributed to Anna Maria Corazza Bildt, then-MEP, from Sweden, calling for cooperation against far-right candidates.[88]

Yet the vast majority of influence operations uncovered in the research that the Joint Communication referred to was linked to far-right European activists, rather than foreign state or non-state actors.[89] These local activists may or may not have links to foreign actors. While in some cases clear financial and personal ties have been established between far-right parties and Russia[90], in other cases it appears that local parties' ideological congruence with Russia leads them to spread pro-Kremlin disinformation. Other researchers also found that 'homegrown', hyper-partisan actors, rather than Russia, dominated the disinformation landscape in the electoral campaign period.[91] Others found no evidence of coordinated disinformation networks[92], or very limited reach.[93] This does not mean that Europeans did not encounter information manipulation during the elections campaign. In fact, a large-scale investigation of Facebook pages and groups by US-based activist group Avaaz found that Europe was 'flooded' with disinformation. The 500 manipulative pages uncovered by Avaaz had altogether 32 million followers; the disinformation content posted by these pages was viewed nearly 6 million times a day in the three months leading to the elections.[94] The difference is that these pages were not linked to Russia or other foreign actors.

Experts have put forward a number of possible factors that may have affected why Russia appears to have refrained from interfering with the European elections in a significant way. It has been argued that the European elections are of relatively low significance for Russia compared to national elections, since European decision-making is much easier to influence through pro-Russian Member State governments than through political groups in the Parliament.[95] National elections are also much simpler to manipulate than decentralised European elections; the European elections in 2019 were, in reality, 28 simultaneous elections, each with its own distinct local topics, rather than one election with a common theme.[96] It has also been suggested that with the generally low turnout, the European elections are simply not interesting enough for Russia.[97] Some suggest that the political transparency tool introduced by Facebook, Google, and Twitter against secretive targeted advertising played an important role in cutting back foreign

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[87] Matt Apuzzo and Adam Satariano, 'Russia Is Targeting Europe's Elections. So Are Far-Right Copycats', The New York Times, May 12, 2019, sec. World.

[88] @DFRLab, 'Russian Op 6: EU Elections', Medium, June 22, 2019. https://medium.com/dfrlab/russian-op-6-eu-elections-892c6b5fecb7.

[89] Chloe Colliver, op. cit.

[90] Miles Johnson, Henry Foy, Valerie Hopkins, Adrienne Klasa, and Guy Chazan, 'Russia's Long Arm Reaches to the Right in Europe', Financial Times, May 23, 2019.

[91] Nahema Marchal, Bence Kollanyi, Lisa-Maria Neudert and Philip N. Howard, 'Junk News During the EU Parliamentary Elections: Lessons from a Seven-Language Study of Twitter and Facebook', Oxford Internet Institute, University of Oxford, Oxford, 2019.

[92] Cinelli, Matteo, Cresci, Stefano, Galeazzi, Alessandro, Quattrociocchi, Walter and Tesconi, Maurizio 'The Limited Reach of Fake News on Twitter during 2019 European Elections', PLOS ONE, Vol. 15, No. 6, June 18, 2020, p. e0234689.

[93] Pierri, Francesco, Artoni, Alessandro and Ceri, Stefano, 'Investigating Italian Disinformation Spreading on Twitter in the Context of 2019 European Elections', PLOS ONE, Vol. 15, No. 1, January 17, 2020, p. e0227821.

[94] 'Far Right Networks Of Deception: Avaaz Investigation Uncovers Flood of Disinformation, Triggering Shutdown of Facebook Pages with over 500 Million Views Ahead of EU Elections', Avaaz, 2019.

[95] Szicherle, Patrik, Lelonek, Adam, Mesežnikov, Grigorij, Syrovátka, Jonáš and Štěpánek, Nikos, 'Investigating Russia's Role and the Kremlin's Interference in the 2019 EP Elections', Political Capital, Budapest, May 2019.

[96] Chan, Kelvin, Cook, Lorne and Parra, Aritz, 'Fake News Changes Shape as EU Heads into Elections', AP News, May 22, 2019, sec. European Union.

[97] Chan et al., op. cit.

disinformation[98], although journalists found that political groups on Facebook managed to circumvent it[99]. Finally, it is also possible that Russia has simply changed its strategy from 'visibly foreign-led campaigns to more discrete, domestic operations'.[100] Some researchers believe that most of these local operations are run by 'useful idiots', rather than Russian agents, even though they 'play a much more important role in spreading pro-Russian narratives in the EU than the Kremlin itself'.[101]

4.4.2   Member State elections

In the time period covered, 22 Member States held general, municipal, or presidential elections. While data are not readily available in most cases, some of these Member States, such as Denmark and Finland, are reported to have prepared for potential electoral interference from a foreign power. These countries, as well as Lithuania, experienced no major attempt to influence their elections.[102]

This was not the case everywhere. The Slovak presidential elections were held in March 2019. Research on Russia-aligned disinformation outlets' Facebook activity found that the liberal candidate, Zuzana Čaputová, was the target of an intense character assassination campaign. Moreover, disinformation was used to undermine voters' trust in electoral integrity.[103]

Spain held general elections on 28 April 2019. In 'the grey zones of foreign and domestic disinformation activities'[104], researchers found a Twitter network of 2 882 accounts managed by non-state activists in Venezuela in an attempt to influence the Spanish elections. The network had a very large output, averaging nearly 153 000 tweets a day, which suggests automation. The accounts posted tweets in support of far-right party Vox, as well as anti-immigrant, anti-Muslim, and anti-Soros content. They regularly shared links of Vox-supporting Telegram channels.[105] Some of the falsified content shared by the network, such as a video of a riot in Algeria manipulated to appear to have taken place in France, was re-shared by official Vox channels.[106]

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[98] Meyer-Resende, Michael,'[Opinion] Six Takeaways on Digital Disinformation at EU Elections', *EUobserver*, June 4, 2019, sec. Opinion.
[99] Scott, Mark, 'Inside Facebook's European Election War Room', *POLITICO*, May 5, 2019.
[100] Bradshaw, Samantha, and Howard, Philip N, *'The Global Disinformation Order: 2019 Global Inventory of Organised Social Media Manipulation. Case Studies'*, Oxford Internet Institute, University of Oxford, 2019.
[101] Szicherle et al., op. cit., p. 29.
[102] Rodríguez, Belén Carrasco, *'Information Laundering in the Nordic-Baltic Region | StratCom'*, NATO Strategic Communications Centre of Excellence, Riga, November 2020.
[103] Sawiris, Miroslava, and Klingová, Katarína, *'Character Assassination, Conspiracies and Manipulation: Slovak Presidential Election through the Lens of Disinformation Channels on Facebook'*, Globsec Strategic Communication Programme, National Endowment for Democracy, 2019.
[104] Colliver, op. cit., p. 9.
[105] Colliver, op. cit., p. 11.
[106] Smith, op. cit.

Table 1

Event	Originator(s)	Target/Event to be influenced/Objectives	Methods	Funding	Influence on public opinion/Impact on core values
Notre-Dame de Paris fire (April–May 2019)	Foreign government	To sow discord, to amplify anti-Muslim, anti-immigrant, anti-LGBTQI sentiment	Spreading fabricated, manipulated, decontextualised content on social media and in news media	Sputnik, RT: Russia The rest: Unclear	Societal division, racism, homophobia
	Local far-right groups	To amplify anti-Muslim, anti-immigrant sentiment	Spreading fabricated, manipulated, decontextualised content on social media	Unclear	Racism
Slovak presidential elections (March 2019)	Foreign government (suspected); local far-right	Electoral interference (to win the elections): to undermine citizens' trust in the integrity of the election	Spreading fabricated, manipulated, decontextualised content on Facebook	Unclear	Mostly failed
Spanish general elections (April 2019)	Non-state actors from Venezuela	Electoral interference: to support the Vox party	Semi-automated network on Twitter, spreading fabricated, manipulated, decontextualised content	Unclear	Vox gained seats in the Parliament
German authorities 'stealing' Russian children (2021–)	Foreign government	To discredit the EU, to create distrust	Manipulated, fabricated content on news sites	Russia	Potentially creating distrust among Russian minority in Germany; discrediting the EU in Russia
Navalny-case (2019–)	Foreign government	To discredit the EU, to smear political opponent	Manipulated, fabricated content on news media	Russia	Diplomatic conflict, fundamental rights not respected

Ghostwriter (2017–), against Latvia, Lithuania, Poland	Foreign government (identified by Polish intelligence services)	To create division, to discredit the EU/NATO, to pit Member States against each other	Forged documents, hacks, articles by fake personas shared on social media	Russia	Social division, division between Member States
Operation Secondary Infektion (2014–), against several Member States	Foreign government	To discredit the EU, electoral interference, to attack European leaders	Publishing fabricated, manipulated content on a wide variety of platforms	Russia (suspected)	Mostly failed
Operation Pinball (2019–), Estonia	Foreign government (suspected)	To discredit the EU, to create division	Forged document, hack, articles by fake personas	Russia (suspected)	Mostly failed
Belgium's 5G plans (2020–)	Either foreign government or hired trolls	To convince the Belgian government to change its plans	Fake Twitter network creating and amplifying pro-Huawei messages	Unclear, possibly foreign company	Failed
Bonanza Media (2019–), the Netherlands	Foreign government (suspected)	To spread alternative narratives about the crash of MH17	Information laundering	Crowdfunding	Create distrust
COVID-19 (2020–), against every member state and EU	Foreign governments	To discredit the EU, to create distrust, to pit Member States against each other	PR campaign, which is amplified through other means (fake personas, bots, trolls on social media), diplomacy	Foreign governments	'Infodemic', distrust, division between Member States
2019 European Parliamentary elections	Local groups ('useful idiots' and witting participants)	To discredit the EU, electoral interference, to create societal division	Large-scale campaign on social media	n/a	Mostly failed

As discussed in Chapter 3, foreign information operators have become increasingly sophisticated. They often operate through elaborate pseudo-organisations and fronts, with carefully cultivated personas. They fully take advantage of the ever more diverse media landscape. The traditional newsroom is being replaced with freelancers, citizen journalists, and independent investigative groups. Innovative forms of cooperation are developed, often partly motivated by fiscal pressure, or in order to adapt to the changing environment. While some of these changes are a welcome development, the dynamic landscape makes it difficult to spot inauthentic figures and groups. This is especially true for cases when the lines are deliberately blurred and media fronts or pseudo-think tanks hire real journalists or experts, whether witting or unwitting, and when unsuspecting media outlets collaborate with fake personas. Of the examples mentioned above, Bonanza Media may be particularly sophisticated. Another intra-EU example is French news site 'France Libre 24', which was a covert operation of Polish far-right activists.[107] The instances

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[107] Kayali, Laura and Wanat, Zosia, 'French Far-Right Site Powered from Poland', *Politico*, January 14, 2020.

mentioned also show that disinformation campaigns that rely on 'old-school' methods, such as 'burner' (i.e. one-time) accounts rather than properly made-up personas, see only very limited success (e.g. Operation 'Secondary Infektion' and 'Pinball').

In Europe, Russia still appears to be the major foreign state actor behind disinformation campaigns. China's intensive participation in the European context is a new development. Iran has not been a key actor. The participation of non-state actors (activists) from Venezuela appears to be an isolated incident and not part of a major trend, at least as far as foreign actors are identified in publicly available sources.

5   Legal and policy developments since February 2019

5.1   Update of existing legal framework with regard to freedom of expression and its limitations

When scrutinising the available legal tools to tackle disinformation, we should start with the question of definition. As has been clarified above, disinformation is used for strategically disseminated, intentionally forged, or distorted allegations. Some of these information actions would exhaust the conditions for other traditionally-existing speech restrictions, such as defamation or libel, incitement to hatred, or holocaust denial (or denial of genocide). If this is the case, then the respective disinformation action can be countered on the basis of existing legal rules, for which a wide legal practice has already been developed. Fox News and Donald Trump's lawyers, for example, were sued by voter technology companies manufacturing the voting machines for defamation, after they disseminated disinformation alleging that the voting machines were rigged.[108] However, more typically, disinformation does not violate the rights of one specific natural or legal person, and would not reach the threshold of illegal hate speech. Below, we will focus on those types of disinformation, which fall outside of the 'traditional' restrictions on speech, and see whether the restriction of disinformation per se can be justified within the human rights logic.

Tackling disinformation by way of new legal rules faces challenges primarily because of the difficulties of defining what the subject of prohibition is. Let's analyse the elements of disinformation to see an entry point for regulation.

Definitional elements are inappropriate anchors for regulation:

1) The emblematic element, **falsity** of the allegation alone, is an **insufficient basis for prohibition**, as verification of truth is not a pre-condition of exercising the right to freedom of expression. Content-based restrictions almost always require an inquiry into the context and the speaker. While journalistic ethics require that all reasonable efforts are made to double-check public information, this is not a legal obligation. Especially when writing about matters of public interest, good faith of the writer alone should be sufficient to relieve the journalist from liability, and no objective truth is required.[109] Besides, ordinary users are not subject to journalistic codes of ethics. In the new information environment, there is a blurred line between journalists, bloggers, activists, and ordinary users, as even the latter may reach masses of people. Moreover, speech with political opinion enjoys the highest privilege among protected expressions. Finally, not all disinformation is objectively false information; sometimes, true information is presented in a false light, or in a manipulative context.

2) The second element of disinformation, the **intention** to strategic manipulation, is an **elusive criterion** as well. It requires one to inquire into the state of mind of the perpetrator, which may entail a complex evidentiary procedure.

3) The third element would be the **impact on society**, namely the deception of a significant number of individuals in a manner which harms democracy, individual rights, and group rights (e.g. minorities) or public health (in the case of COVID-19-related disinformation). Protection of these values can be regarded as a legitimate aim for legislative restriction of disinformation, which would also be necessary for a democratic society to achieve its goal, where necessity would include the promise of efficiency. At

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[108] Grynbaum, Michael M., 'Lawsuits Take the Lead in Fight Against Disinformation', The New York Times, Section A, Page 1, 2021.
[109] McGonagle, Tarlach, '"Fake news": False fears or real concerns?', Netherlands Quarterly of Human Rights, Vol. 35 No.4, 2017, pp.203–209.

this point, it is the **fragility of the cause-and-effect relationship** between a particular piece of disinformation and its social effect which becomes an obstacle for regulation. On the one side, there is growing evidence about the impact of disinformation on human behaviour in general.[110] On the other, the cause-and-effect relationship between disinformation consumption and electoral behaviour or political opinion is contested.[111] The European Court of Human Rights (ECtHR) has accepted restriction of freedom of expression based on allegation of false facts without regard to its context in just one very specific matter: holocaust denial. This has been the only cause when the Court has found the objective historical facts so well-proven, and the implications of negation so wide and harmful to the rights of others, that it denies protection of such speech without examination of the context, and has usually[112] rejected these claims on the basis of Article 17, abuse of rights.[113] The Armenian Genocide has not been found to be as equally straightforwardly-proven, and is not so widely accepted as historical fact; the restriction of its negations was regarded as a violation of Article 10.[114]

In sum, the current protective system of freedom of expression, with pillars such as Article 10 of the European Convention on Human Rights[115], Article 11 of the European Charter of Fundamental Rights, and Article 19 of the International Covenant on Civil and Political Rights, protects speech, even if false, and restrictions must therefore be so narrowly-defined that the currently accepted definition of disinformation is not applicable.[116] However, potential **entry points for regulation** can be identified by:

a) addressing contextual elements, leaving the content element untouched;

b) relying on another human right as a balance.

Addressing contextual elements: The typically aggressive methods of online dissemination (e.g. micro-targeting and bots) may be restricted in certain cases. Even though the European Convention on Human Rights (ECHR) protects not only the content of information, but also the means of dissemination[117], restriction of the micro-targeting technique would theoretically not be contrary to the ECHR's practice.[118] For example, as restricting the dissemination of political advertisements on television was not considered a violation of Article 10 (TV Vest v. Norway), restricting the application of micro-targeting, of bots, or of other aggressive dissemination techniques for political advertising may be similarly proportionate. Along

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[110] Bastick, Zach, 'Would you notice if fake news changed your behavior? An experiment on the unconscious effects of disinformation', Computers in Human Behavior, Volume 116, 2021.

[111] Curini, Lugi and Pizzimenti, Eugenio, 'Searching for a Unicorn: Fake News and Electoral Behaviour', Democracy and Fake News: Information Manipulation and Post-Truth Politics, 2020; see also: Cantarella, Michele, Fraccaroli, Nicolo and Volpe, Roberto, 'Does Fake News Affect Voting Behaviour?', CEIS Working Paper No. 493, 2020.

[112] The court practice is not entirely consistent, for example it can be used either at the admissibility stage (direct application, European Court of Human Rights, 'Glimmerveen and Hagenbeek v The Netherlands, Judgement of 11 October 1979, nos. 8348/78, 8406/78') or in the balancing phase (indirect application, European Court of Human Rights, 'Féret v. Belgium', 15615/07, 16/07/2009).

[113] See more in: Bayer, Judit, Bárd, Petra, 'Hate speech and hate crime in the EU and the evaluation of online content regulation approaches', Study for the European Parliament, Policy Department C: Citizens' Rights And Constitutional Affairs, 2020.

[114] See more in Bayer et al., 2019.

[115] Katsirea, Irini, '"Fake news": reconsidering the value of untruthful expression in the face of regulatory uncertainty', Journal of Media Law, Vol.10 No. 2, 2018, pp. 159-188.

[116] Katsirea, op. cit.

[117] ECtHR, 'Autronic AG v. Switzerland', 12726/87, 22.05.1990; ECtHR, 'Öztürk v. Turkey', 22479/93, 28.09.1999; ECtHR, Ahmet Yildirim v. Turkey', 3111/10, 18.12.2012.

[118] See in more detail: Bayer, J., 'Double harm to voters: data-driven micro-targeting and democratic public discourse', Internet Policy Review, Vol. 9 No.1, 2020; in particular: VgT v. Switzerland, 2001; Vest v. Norway, 2008; Animal Defenders v. UK, 2013.

the same logic, restricting the application of deep fakes for purposes other than artistic may be proportionate (especially if restricting is limited to labelling).

From another viewpoint, but still remaining within the context of addressing contextual elements, the role of the speaker may be decisive, in terms of the impact of speech. There appears to be substantially wide agreement that the expressions of public figures with political power – in the context of hate speech – have an impact on society, public opinion, and the behaviour of others. The ECtHR applied such an argument[119], as well as the European Commission against Racism and Intolerance's (ECRI) Declaration on the use of racist, anti-semitic, and xenophobic elements in political discourse[120], the ECRI's no. 15. Recommendation on combatting hate speech[121], and the Rabat Plan of Action[122]. Consequently, if a person of authority disseminates disinformation, it should be presumed without further evidence that it will have a social effect[123].

Balancing with other human rights: Article 8 of the ECHR on the Right to respect for private life, Article 8 of the Charter on the Protection of personal data, and Article 17 of the International Covenant on Civil and Political Rights (ICCPR) on the Protection of private life could be invoked against data-driven dissemination methods of persuasive content, in the absence of opt-out systems. (see discussion of the DSA below.) In addition, Article 25 of the ICCPR, and Article 39 of the Charter, as well as Article 3 of Protocol no. 1. of the ECHR on the Right to free elections, could also by relied on.[124] The most specific of these is the last, which adds that free elections should be held 'under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature'. According to the ECtHR's practice, preceding elections it is particularly important that opinions and a variety of information circulate freely[125] and that the information on candidates is accurate, to enable voters to make an informed choice.[126]

To conclude, while it does not seem possible to impose a legal restriction on disinformation solely on the basis of its content, there are other, objective criteria which may serve as anchors of regulation. This would, in particular, allow for the restriction of disinformation preceding political elections, by restricting aggressive dissemination techniques and imposing higher standards for speakers of authority.

5.2   Policies and measures at the EU level

Overview

Since the beginning of 2019, several European legal and policy instruments have addressed the information ecosystem, and each made mention of disinformation. Evaluation of the Code of Practice against Disinformation found that self-regulation is insufficient to deal with this complex issue efficiently

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[119] ECtHR, 'Féret v. Belgium'; ECtHR, 'Seurot v. France', Application no.: 57383/00, 18 May 2004; even a famous football player was considered as an influencer in this respect: ECtHR , 'Šimunić v. Croatia', Application no.: 20373/17, 22.01.2019.
[120] ECRI, 'Declaration on the use of racist, antisemitic and xenophobic elements in political discourse', 17.03.2005.
[121] ECRI, 'ECRI General Policy Recommendation N. 15 on Combating Hate Speech', 8.12.2015.
[122] 'Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence', in: United Nations, Human Rights Council, 'Annex to the Annual report of the United Nations High Commissioner for Human Rights', 11.01.2013 See more in 2.5.2. Political hate speech in: Bayer, Judit, Bárd, Petra 'Hate speech and hate crime in the EU and the evaluation of online content regulation approaches', Study for the European Parliament, Policy Department C: Citizens' Rights And Constitutional Affairs, 2020.
[123] Barendt, Eric, 'What Is the Harm of Hate Speech?', Ethic Theory Moral Practice, No. 22, 2019, pp. 539-553.
[124] See also: Pamment, James, 'The EU's Role in Fighting Disinformation: Taking Back the Initiative', Carnegie Endowment for International Peace, 2020.
[125] ECtHR, 'Bowman v. the United Kingdom'141/1996/760/961, § 42, 19.02.1998,
[126] ECtHR, 'Krasnov and Skuratov v. Russia', 17864/04, 19.07.2007.

(see below in 5.3). The European Democracy Action Plan[127] defined various types of disinformation, and identified certain strategies to be applied. These include further developing the 'toolbox' by sanctioning against opportunities for foreign interference, increasing awareness of the commonly used techniques, reinforcing existing cooperation structures, and investing in a robust media and information ecosystem. It set out a more robust approach towards platform providers, envisaging the Digital Services Act (see below in more detail), a more robust co-regulation framework, and its recurrent monitoring (European Democracy Action Plan).[128] Important elements of this envisaged framework include Key Performance Indicators (KPIs) and their regular control,[129] as well as access for researchers to data.[130] Some very promising elements set out by the EDAP have not been addressed by the DSA. These currently form parts of self-regulatory policies, including adequate visibility of reliable information of public interest and plurality of views; reducing the monetisation of disinformation; measures to limit the artificial amplification of disinformation campaigns; and collaboration between fact-checkers and platforms. This contradicts the evaluation of the Code of Practice on Disinformation, which found self-regulation insufficient as a tool to fight disinformation, and for the ambitions of the EDAP.

The EDAP also foresees the issuing of guidance to revise and strengthen the Code of Practice on Disinformation, as well as the establishment of a permanent framework for monitoring of the code.

The EDAP's strategy to build upon civil society, the education sector, research and media actors is an appropriate approach to achieve this goal. The Commission's various Action Plans to support media literacy and quality journalism can all contribute to a healthy informational environment, and a lively and flourishing democratic discourse within the European Union.

Based on the EDAP[131], the Commission Work Programme 2021[132] has envisaged issuing a proposal on greater transparency in paid political advertising, and revision of the statute and funding of European political parties and European political foundations, for the third quarter of 2021.[133] Greater transparency of political advertising is a key factor in tackling disinformation and propaganda, which often appears as sponsored, targeted content.

Earlier in 2020, the Joint Communication to tackle COVID-19 was issued.[134] This reinforced the consistent auditing of compliance with the Code of Practice against disinformation, by requesting monthly reports

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[127] European Commission, 'Communication from the Commission to the European Parliament, The Council, The European Economic and Social Commitee of The Regions on the European democracy action plan (EDAP) COM/2020/790 final' Chapter 4, 3.12.2020.

[128] European Commission, On the European Democracy Action Plan, COM(2020) 790 final, p. 22.

[129] European Commission, On the European Democracy Action Plan, COM(2020) 790 final, p. 23, European Commission, "Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC", COM(2020) 825 final, Article 35.

[130] European Commission, "Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC", COM(2020) 825 final, Article 31.

[131] Ibid.., 2.1. and 2.2., and EDAP, 2.1., 'Transparency of political advertising and communication', and 2.2., 'Clearer rules on the financing of European political parties'

[132] European Commission, ANNEXES to the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, Commission Work Programme 2021, A Union of vitality in a world of fragility.

[133] See also: 'European Parliament Legislative Train 02.2021, A New Push For European Democracy'.

[134] European Commission, JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, 'Tackling COVID-19 disinformation - Getting the facts right. JOIN/2020/8 final.', 10.06.2020.

on several commitments in the Code.[135] Inclusion of new platforms as signatories, such as WhatsApp and TikTok, were also decided.[136] The Joint Communication held that Member States should use the Rapid Alert System more extensively. This has not been 'triggered'[137], but has been used in relation to the COVD-19 pandemic to share knowledge between Member States[138]. It also states that this should be extended with a special section to exchange COVID-19-related communication materials.

Proposals on the Digital Services Act and the Digital Markets Act

The proposal on the Digital Markets Act (DMA) establishes a framework to ensure fair competition in the market of digital services. It does so by first providing a legal definition of 'gatekeepers', and then, by ordering gatekeeper platform services to refrain from using codes or technological solutions which would limit the freedom of other market actors or the flexibility of market actions. It also orders them to allow business users access to their platforms to use as a vehicle for their transactions.

These requirements respond to a growing need and reflect an expanding opinion among academia that the services of the dominant platforms should be regarded as core infrastructure and should be treated somewhat as 'commons'[139]. Of course, DMA's move in this direction is very cautious and gradual. For example, it does not foresee obliging platforms to ensure neutrality and non-discrimination between users, or to have the same obligations towards non-business users, in order to create and maintain a fair marketplace of information and ideas.

While caution and forethought are desirable qualities in market regulation, taking too few steps may result in the Regulation being weightless by the time it enters into effect, which is expected to be at least a couple of years from the draft's publication.

The DSA Proposal focuses more specifically on the services of social media platforms. Its hard provisions are mainly reserved for dealing with illegal content, and disinformation is referred to self- and co-regulation. Nevertheless, some disinformation content may be also illegal (defamation or incitement to hatred), and thus may be tackled under Article 14 of the DSA. Removal or disabling access to content based on its alleged incompatibility with the terms and conditions of the provider is also subject to transparency requirements and redress possibilities (Articles 15 and 17).

Articles 24 and 30 provide for more transparency in advertising, but do not rule out aggressive or manipulative advertising techniques, nor do they make micro-targeting conditional on user opt-in, or exclude its applicability for issue-based advertisements. Mere transparency cannot be expected to achieve meaningful changes in the fight against disinformation and propaganda, even if it is coupled with investment into media literacy programmes, as aggressive advertising practices (as well as manipulative propaganda) are designed to surpass users' rationality.[140] As the General Data Protection Regulation's

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[135] The first COVID-related baseline reports were published in August 2020. European Commission, 'First baseline reports – Fighting COVID-19 disinformation Monitoring Programme', the second in September, European Commission, 'Second set of reports – Fighting COVID-19 disinformation Monitoring Programme'.

[136] European Commission, JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, 'Tackling COVID-19 disinformation - Getting the facts right. JOIN/2020/8 final.', p. 8-9, 10.6.2020.

[137] Stolton, Samuel, 'EU mulls disinformation regulation but admits alert system has "never been triggered"', EURACTIV SERVICES, 2019.

[138] Stolton, Samuel, 'EU Rapid Alert System used amid coronavirus disinformation campaign', EURACTIV SERVICES, 2020.

[139] Lalíková, Laura Federica, 'DSA, DMA and „Access to…"', Utrecht University, 2021.

[140] Morozovaite, Viktorija, 'Setting the dark on fire', Utrecht University, 2021.

(GDPR) has shown, in practice, making users aware of the process does not result in a change in their behaviour.[141]

The DSA's main novelties are the co-regulative framework that it provides in Articles 26 and 27 on online platforms' obligations to identify and mitigate systemic risks, including disinformation; in Article 35 on the code of conduct addressing these systemic risks; in Article 36 on the code of conduct for online advertising; and in Article 37 on a crisis protocol. The crisis protocol appears to be the most invasive interference with (very large) online platforms' sovereignty as conveyors of information, and makes a step towards recognising them as public utilities. The DSA's Explanatory Memorandum mentions a revised and strengthened Code of practice on disinformation, which is foreseen for the spring of 2021.[142] It is not yet entirely clear whether the Code of Practice Against Disinformation and the envisaged Code of Conduct Addressing Systemic Risks will relate to each other as a general and a specific rule, but this interpretation sounds reasonable. According to DSA, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk-mitigating measure.

Thus, the content of the Codes of Conduct is key, as this will define the actual rules that platforms will have to abide by. These documents will regulate platform behaviour in relation to the systemic risks posed by disinformation, among other things. The revised Code of Practice against Disinformation would certainly incorporate the critical findings and suggestions of the Assessment of the Code of Practice.[143] The co-regulatory features ensure transparency and dialogue; in its current form, however, it may still lack 'teeth'. More transparency will be granted, as an independent yearly audit must be organised at the expense of the platforms (Article 28), and if the report is not positive, platforms are required to undertake operational measures to comply with the recommendations and give account of these within a month. This arrangement lacks 'teeth', however, because there are no sanctions foreseen if compliance is not ensured.

The crisis protocol might be a more invasive measure, potentially providing tools for the Commission to push out 'corrective' information in cases of natural catastrophes or other serious 'cross-border threats to public health, war, and acts of terrorism'. However, it is not defined what the 'rapid, collective and cross-border response' could be. It can be assumed that the intervention would include dissemination of public service information, and might also include restriction or removal of false or illegal information (see Article 37).

The clear advantage of the co-regulatory system is that it can be more flexibly adjusted to the changing technological and social environment than legal regulation, and that rules can be developed in cooperation with the stakeholders. This convenience would make it all the more expected that compliance with the negotiated and voluntarily accepted rules is obligatory. The foreseen co-regulatory process is almost like a contract between the state and the (very large online) platforms. Regarding their function, a contextual analogy may be observed between this negotiation and the theoretical social contract concluded between the people and the state, considering the public function that very large online platforms fulfil. While they are privately owned companies, 80–98 % of their revenues comes from

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[141] Also called 'consenting fatigue', users consent to providing their data. No research shows the level of consciousness with which the 'OK' buttons are pushed in the course of pursuing online information. Besides, the options offered to users when deciding about consenting to give their data or not, are not equal choices, but effective nudges towards resigning of their data protection rights.
Yeung, K., '"Hypernudge': Big Data as a mode of regulation by design', Taylor & Francis Online, 2016.
[142] European Commission, 'Digital Services Act Explanatory Memorandum', point 1, third bullet point: 'Consistency with other Union policies', p. 5. 15.12.2020.
[143] European Commission Staff Working Document, 'Assessment of the Code of Practice on Disinformation - Achievements and areas for further improvement', SWD(2020) 180 final.

advertising, which monetises personal data. Users pay with their data in every move of theirs, similar to paying VAT to a state.

Defending democratic elections

In January 2019, the Commission created the European Cooperation Network on Elections, which consists of the Member States' authorities with competence in electoral matters. Its aim is to strengthen the protection of democratic elections, safeguard fairness and transparency, and to exchange information about disinformation campaigns and hate speech.[144] The diversity of the members' list leaves questions as regards its professionalism and efficiency, however, as not all Member States have delegated their authorities (or official bodies) which are responsible for election supervision.[145] Nevertheless, this network is supposed to collaborate with the Network and Information Systems Cooperation Group and the EU's Rapid Alert System (established in March 2019) to support resilient electoral processes by joint expert teams and joint efforts in cybersecurity.[146] The European Commission has suggested that, in relation to the 'infodemic', exchange of practices on issues such as micro-targeting should also take place.[147]

Developing the media ecosystem

A complex set of measures and initiatives have been established with a view to develop and foster a more healthy and lively media and information environment, which is a cornerstone of democracy. This includes the Digital Education Action Plan,[148] the Media and Audiovisual Action Plan[149], the Media Literacy Expert Group, the European Digital Media Observatory (EDMO)[150], and other initiatives in civil society and academia.[151] The revised Audiovisual Media Services Directive also requires Member States to promote the development of media literacy skills, and video-sharing platforms to set up effective media literacy tools and raise user awareness. The Digital Education Action Plan will include the development of common guidelines for teachers and educational staff to foster digital literacy and tackle disinformation through education and training.

To spread authentic information, it was recommended that EU institutions strengthen strategic communications and cooperation between the diplomatic network of Member States and of EU Delegations, in particular, and that Commission Representations play a more active role in national debates, including through social media.[152] The European Commission and the EEAS have developed their

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[144] European Cooperation Network, "Terms of Reference, European cooperation network on elections".

[145] Overview of membership: For example, Ireland's member is the Department of Housing, Hungary's member is the Prime Minister's Office.

[146] See also 2.3. EDAP. and European Commission, 'JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Tackling COVID-19 disinformation - Getting the facts right'. JOIN/2020/8 final p.6. 10.6.2020.

[147] European Commission, 'JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Tackling COVID-19 disinformation - Getting the facts right'. JOIN/2020/8 final p.6. 10.6.2020.

[148] COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, 'Digital Education Action Plan 2021-2027 Resetting education and training for the digital age'. COM/2020/624 final.

[149] COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, 'Europe's Media in the Digital Decade: An Action Plan to Support Recovery and Transformation', COM/2020/784 final.

[150] European Digital Media Observatory (EDMO): A hub for fact-checkers, academics and other relevant stakeholders to collaborate with each other and actively link with media organisations, media literacy experts, and provide support to policymakers.

[151] For example by way of research grants.

[152] European Commission, JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, 'Tackling COVID-19 disinformation - Getting the facts right.' JOIN/2020/8 final p.6. 10.6.2020.

activities to work against disinformation in the form of staff training and strategic communications. The European Parliament (EP) has improved analysis and assessment of disinformation risks, and engaged in awareness-raising and resilience building, including through its news site[153], which has provided transparent reporting on the actions of the EU in response to COVID-19.[154] The EP also operates a Science-Media Hub, which is present on a wide range of social media platforms. The scope for improvement of this lies in growing its reach – Chapter 11 offers recommendations for this purpose.

5.3   Policies and measures at Member State level

5.3.1   Germany

In Germany, disinformation and misinformation are regarded as a serious problem.[155] Blogs, web pages, or other press-like online offerings often make statements that are not properly researched according to journalistic standards; the rules on the separation of facts and opinions are disregarded, for example.[156] The trust of the user community that such offerings' reporting is correct and truthful is shaken. The COVID-19 pandemic has shown that misinformation can also endanger health, for example when ineffective 'therapies' are reported.[157]

The Media Services Agreement from 2021 addressed the fight against disinformation and misinformation with one section. According to Section 19 (1) sentence 2, existing journalistic due diligence obligations will be extended to all commercially offered, journalistic-editorial telemedia that regularly contain news or political information,.[158] State media authorities recently initiated 13 proceedings in this matter, against KenFM and the AfD-affiliated 'Deutschlandkurier', among others.[159]

Recently, political, ideological, and religious advertising content in telemedia and content or messages created automatically by means of a computer program (social bots) must also be marked. (Sections 18 (3), 22 (1) sentence 3 MStV).[160] Accordingly, political microtargeting also falls within the scope of advertising subject to labelling requirements. In addition, advertisers or clients must be clearly indicated in an appropriate manner.[161] Platform operators have a duty of care to encourage providers of social blogs to comply with this regulation.

From a constitutional perspective, public service broadcasting also has the task on the Internet of forming a 'counterweight' to the advertising-financed offerings, which provides guidance and should ensure diversity. They must provide 'authentic, carefully researched information that distinguishes between facts

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[153] '[Disinformation: how to recognise and tackle COVID-19 myths](#)', European Parliament, 30, March, 2021.
[154] '[Coronavirus: a timeline of EU action in 2021](#)', European Parliament, 19, March 2021.
[155] See the EUvsDisinfo study on Germany: '[Vilifying Germany; Wooing Germany](#)', March 2021. For an overview of the legal instruments see Ferreau, "Desinformation aus rechtwissenschaftlicher Perspektive" in: Möller, Hameleers, Ferreau, "Typen von Desinformation und Misinformation", 2020, 44 ff.
[156] Bader, 'Einleitung', in: Steinbach, Bader, Rinsdorf, Krämer, Roßnagel, (Eds.), 'Desinformation aufdecken und bekämpfen', 15, 27, 2020. ; Löber, Roßnagel, "Desinformation aus der Perspektive des Rechts" in: Steinbach, Bader, Rinsdorf, Krämer, Roßnagel, (Eds.), 'Desinformation aufdecken und bekämpfen', 149, 161, 2020. ; Holznagel, 'Phänomen „Fake News" – Was ist zu tun? Ausmaß und Durchschlagskraft von Desinformationskampagnen', 18, 21, MMR 2018.
[157] European Commission, 'Tackling COVID-19 disinformation – Getting the facts right', Communication from 10.6.2020.
[158] Lent 'Paragdigmenwechsel bei den publizistischen Sorgfaltspflichten im Online-Journalismus – Zur Neuregelung des § 19 Medienstaatsvertrag', ZUM, 593, 599, 2020. On the other hand, sees 'hardly any cases of application' for § 19 Abs. 1 Satz 2 MStV.
[159] Süddeutsche Zeitung, '[Medienaufsicht geht gegen Online-Medien vor](#)' , February 2021.
[160] The use of social bots through state election has been analysed by Neudert, Lisa-Maria N., '[Computational Propaganda in Germany: A Coutionary Tale](#)' in: Woolley, Samuel, Howard, Philip N. (Eds.), 'Computational Propaganda Research Project', Working Paper 2017.1, Oxford, UK, 2017.
[161] Explanatory Memorandum to the Medienstaatsvertrag, April 2020, LT-Drs. Nordrhein-Westfalen 17/9052, 137.

and opinions, does not distort reality, and does not focus on the sensational'.[162] To ensure that these offerings do not get lost in today's flood of information, they must be made easy to find in the user interfaces.[163] The prerequisite is that the apps of the privileged offers are preinstalled on smart TVs, streaming sticks, and voice assistants, such as Alexa.[164]

5.3.2   France

While there is no specific legal act to prohibit the dissemination of fake news per se, the law on Freedom of the Press has been in place since 1881 to prohibit the spreading of fake news that 'could disturb public peace'.[165] Besides, some parts of the Electoral Code can provide protection against disinformation that may influence election results. However, it has become more and more obvious that these earlier laws cannot fully contain the dissemination of manipulative information on the internet.[166]

In 2018 a law was passed to combat the manipulation of information, which aimed to tackle disinformation in campaign periods before elections.[167] In these campaign periods (three months before elections), a judge should make a decision about the falseness of a piece of content within 48 hours.[168] In addition, this law orders online platforms to take measures to avoid the spreading of disinformation that could otherwise alter the validity of an election. Serious debates marked the consultations before passing the law as the high chamber 'had doubts on the efficiency of these proposals and feared possible further risks to the freedom of communication'.[169] There were concerns about the possible overload of judges and the poor definition of disinformation. Since its entry into force, no overload has been reported and the judicial system has not been blocked –however, the real test of the law will come at the next presidential elections in 2022. The law was also criticised for risking harm to and restricting freedom of expression, and some have claimed that it cannot keep up with the extremely fast pace that fake news goes viral.[170] Similarly to in Germany, this law requires social media platforms to submit a report on their activities in fighting against fake news on a yearly basis to a government authority.[171] An important role was given to users themselves, as platforms are required to make it possible for users to flag content if they consider it manipulative disinformation. The main aim of this bill is to make algorithms more transparent, fight against entities that disseminate false information, and make people more aware of online information. A particularly important new regulation was also introduced by a law on education: 'French public schools should teach students how to navigate online information including the skills for 'critical analysis of available information', and how to evaluate the reliability of information.'[172]

Twitter informed the French Government in Spring 2019 before the European Parliament elections that it would not allow the presence of advertisements from the Interior Ministry to raise awareness among people to vote. The basis for this decision was Twitter's policy of dismissing all sponsored content by

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[162] BVerfGE 149, 222, 261. Rundfunkbeitrag Decision of the German Constitutional Court. 2018.

[163] § 84 MStV. (German Media State Contract), 'Auffindbarkeit in Benutzeroberflächen'.

[164] Explanatory Memorandum to the Medienstaatsvertrag, April 2020, LT-Drs. Nordrhein-Westfalen 17/9052, 126.

[165] Boring, Nicolas, 'France', in: 'Library of Congress: Government Responses to Disinformation on Social Media Platforms', September, 2019a, Report for Congress, LL File No. 2019-017919, p. 74.

[166] Boring, Nicolas, 'Initiatives to Counter Fake News: France', Library of Congress, 2019b.

[167] Law no. 2018-1202 of the 22nd of December 2018 on the fight against information manipulation (LOI no 2018-1202 du 22 décembre 2018 relative à la lutte contre la manipulation de l'information).

[168] Jaursch, J, Lenoir, T, 'Disinformation: The German Approach and What to Learn From It', Institut Montaigne, February 28, 2020.

[169] Bayer, J, Bitiukova, N, Bárd, P, Szakács, J, Alemanno, A, Uszkiewicz, E, 'Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States', 28 February 2019, pp. 100-101.

[170] Ibid, p. 101.

[171] Boring, 2019a.

[172] Boring, 2019b, pp. 77-81.

political entities. The French Government argued, however, that it was a public information campaign and not one sponsored by a political party.[173]

In 2020, the online hatred bill ordered online platforms to delete illegal contents, publish regular transparency reports, and to appoint accountable representatives. The Constitutional Council of France annulled a large part of this bill considering it a threat to free speech.[174]

5.3.3 Estonia

In February 2021, the procedure for amendment of the 'Media Services Act' was initiated in Estonia. The goal of this amendment is to enable the transposition of Directive 2018/1808 amending the Audiovisual Media Services Directive[175] into Estonian legislation.[176] The 'Media Services Act' is one of two pieces of legislation that regulate the broadcasting sector in Estonia (the other being the 'Estonian Public Broadcasting Act').[177] According to the February 2021 draft[178], the amended bill will extend beyond the scope of the original Media Services Act and will also regulate video-sharing platforms, such as YouTube, Vimeo, and Dailymotion, thus taking into consideration the changes in the media and technology markets from the past ten years.[179] The draft bill is also looking at promoting media literacy and equipping consumers with skills to critically evaluate media content. According to the draft, the Ministry of Education and Research will be responsible for promoting media literacy in national education policy planning and related areas.[180]

No specific legislation was identified related to countering online disinformation[181], but when it comes to digitalisation and information, Estonia also relies on the 'Cybersecurity Act' (adopted in May 2018)[182] and the 'Information Society Services Act'[183], passed in 2004.

According to experts' opinions, the existing legislation provides a strong base for media activities in the country, however, there might still be unregulated issues that could be exploited by disinformation campaigns.[184]

During the COVID-19 health emergency, Estonia declared a state of emergency on 13 March 2020, which ended on 17 May 2020.[185] In a period when several countries were passing legislation related to spreading

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[173] Tidman, Zoe, 'Twitter rules out French government advertising over anti-fake news law', Independent, April 3, 2019.

[174] Rosemain, M, 'France's top court rejects core of law targeting online hate speech', Reuters, June 2020.

[175] Official Journal of the European Union, 'DIRECTIVE (EU) 2018/1808 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities'. Last consulted 12 March 2021.

[176] Parliament of Estonia, 'Meediateenuste seaduse muutmise ja sellega seonduvalt teiste seaduste muutmise seadus 327 SE'. Last consulted 12 March 2021.

[177] Foreign Policy Council - 'Ukrainian Prism', 'Estonia: Disinformation Resilience Index', last consulted 12 March 2021.

[178] In March 2021, the draft law was public only in Estonian, therefore an unofficial translation had to be used for this report.

[179] Parliament of Estonia, 'Meediateenuste seaduse muutmise ja sellega seonduvalt teiste seaduste muutmise seadus 327 SE'.

[180] Ibid.

[181] Poynter, 'A guide to anti-misinformation actions around the world'. Last accessed 12 March 2021.

[182] State Gazette, 'Cybersecurity Act', available at https://www.riigiteataja.ee/en/eli/523052018003/consolide. Last accessed 12 March 2021.

[183] State Gazette, 'Information Society Services Act', available at https://www.riigiteataja.ee/en/eli/504112013008/consolide. Last accessed 12 March 2021.

[184] Foreign Policy Council, 'Ukrainian Prism' in: 'Estonia: Disinformation Resilience Index'.

[185] ERR news, 'Government extends emergency situation', available at https://news.err.ee/1082079/government-extends-emergency-situation, last accessed 12 March 2021.

misinformation, no such changes in legislation were identified in Estonia.[186] However, at the time of writing of the report, the situation is very much ongoing and dynamic, with Estonia having entered a new lockdown on 11 March 2021.[187]

5.3.4   Hungary

Hungary is one of the few Member States where disinformation is very prevalent, but it cannot be attributed to external interference. The reason for this is that Russian propaganda is taken over by the domestic mainstream media, including the public service media, and featured as organic content. This phenomenon has been observed in other countries as well. At the same time, independent news organisations accuse the Hungarian government of disseminating disinformation, especially during election campaigns.[188] During the last municipal elections in October 2019, the government-controlled media started a broad disinformation campaign against the opposition, and it was successful in the sense that they mobilised pro-government voters. While Russian influence is notable in Hungary, the main disseminator of fake news is the government-friendly media, with the aim of gaining popular support and discrediting opposition parties.[189] This process is also evident in communication about suspected threats from the EU to Hungary, especially when it comes to the rule of law criteria in connection with EU funds. The disinformation was about 'the left-liberal network [that] launched an attack in Brussels directed against the Poles and Hungarians who were willing to protect their nation's sovereignty'.[190]

A demonstrative amendment in Hungarian legislation affected the Criminal Code in 2020, when Article 337 on 'fearmongering' was broadened to 'a person who, during the period of a special legal order and in front of a large audience, states or disseminates any untrue fact or any misrepresented true fact that is capable of hindering or preventing the efficiency of protection, is guilty of a felony and shall be punished by imprisonment for one to five years.'[191] The new regulation gives room to arbitrary interpretation of 'fearmongering' and dissemination of disinformation. That leads to a 'chilling effect' and self-censorship on media platforms.[192]

5.3.5   Other states

Finland has not specifically targeted disinformation with legal regulation, despite the fact that foreign disinformation came to be seen as a significant problem by the Finnish government after the Russian annexation of Crimea in 2014. In 2016, the head of the government's communication department said they had identified 20 disinformation campaigns targeting Finland that originated from Russia, and 30 that were very likely to be Russian disinformation operations.[193] In 2017, the Finnish government adopted a cyber-

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[186] International Press Institute, 'Rush to pass 'fake news' laws during Covid-19 intensifying global media freedom challenges', available at https://ipi.media/rush-to-pass-fake-news-laws-during-covid-19-intensifying-global-media-freedom-challenges/, last accessed on 12 March 2021.

[187] Emerging Europe, 'Estonia, Hungary lock down as Covid-19 third wave hits region', available at https://emerging-europe.com/news/estonia-hungary-lock-down-as-covid-19-third-wave-hits-region/, last accessed 12 March 2021.

[188] Most recently, the liberal left is falsely accused by captured media of being anti-vaccine. Hirado, 'Álságos, amit az oltásellenes baloldal művel', 12 March 2021.

[189] Political Capital, 'The Hungarian government's disinformation campaign during the 2019 municipal elections', 5 November 2019.

[190] Szopkó, Z,, 'Monthly disinformation roundup – Eastern vaccines and attacks directed against Hungary', Átlátszó, 3 February 2021.

[191] Act C of 2012 on the Criminal Code of Hungary (as in force on 31 March 2020).

[192] Petra Bárd, Sergio Carrera, 'Showing true illiberal colours – Rule of law vs Orbán's pandemic politics', CEPS POLICY INSIGHTS, 2020: 10, 1-17 (2020).

[193] Forsell, Tuomas, and Juossi Rosendahl, 'Finland Sees Propaganda Attack from Former Master Russia', Reuters, October 19, 2016. https://www.reuters.com/article/us-finland-russia-informationattacks-idUSKCN12J197.

security strategy for 2017–2020.[194] In 2018, they decided on a national media policy programme, with a timeframe ending in 2023.[195] According to this policy, the state does not interfere with media content, and media outlets and journalists in Finland self-regulate. The document calls for measures to increase media literacy as an effective way to prepare for hybrid threats, and to raise awareness and counter the spread of disinformation, hate speech, and illegal content. It also emphasises fact-checking, and calls for the development of a fact-checking service in cooperation with industry.[196] The document states that the goal is to respond to disinformation with reliable information, which is grounded in media self-regulation, reliable news delivery practices, and the provision of services in different languages. The policy document also expresses the expectation that many issues regarding the regulation of online platforms will be resolved at the European level.

The new **Slovakian** government was elected in March 2020 and put the fight against disinformation and hybrid threats high on the agenda. The government named 'the fight against disinformation' as 'a priority in foreign politics, defence, education and the media' and stated that Slovakia 'will prepare an action plan for coordinating the fight against hybrid threats and spreading of disinformation and build adequate centralised capacities to carry it out'.[197] However, concrete steps or actions have not yet been taken. Nonetheless, a **good practice** emerged in Slovakia in 2020 when the Slovak police force's Facebook page was heavily dedicated to dispelling fake news, hoaxes, and disinformation of any kind. The page has 85 000 followers and shares verified information on topics related to fake news.[198]

Spain has put emphasis on cybersecurity and fact-checking. In 2018, a committee recommended that the government tackled misinformation online, although in November that year Spain signed an agreement with Russia 'to create a joint cybersecurity group aimed at preventing misinformation from affecting diplomatic relations between the two.'[199] The agreement was signed after Spain accused 'Russian-based groups' of 'trying to affect the outcome of a Catalan referendum for independence by spreading disinformation on social media platforms'. Russia refused to accept these accusations and proactively initiated the cooperation with Spain so as to avoid diplomatic damage.[200]

In the spring of 2019, before the general elections, a **100-strong official team was set up to monitor social media platforms** and search for potentially misleading political posts.[201] The last major attempt in Spain to tackle disinformation online happened in November 2020, when the National Security Council adopted a regulation on preventing the dissemination of disinformation. The document allows the

[194] 'Implementation Programme for Finland's Cyber Security Strategy for 2017-2020', Turvallisuuskomitea Puolustusministeriö, The Security Committte, 2017: https://turvallisuuskomitea.fi/wp-content/uploads/2018/10/Implementation-programme-for-Finlands-Cyber-Security-Strategy-for-2017-2020-final.pdf.

[195] 'Valtioneuvoston periaatepäätös mediapoliittisesta ohjelmasta', Ministry of Transport and Communications, Finland, July 5, 2018. https://valtioneuvosto.fi/delegate/file/43235 (in Finnish). For an English summary, see: Harrie, Eva, 'New Media Policy Guidelines in Finland', Nordicom, September 13, 2018. https://www.nordicom.gu.se/en/latest/news/new-media-policy-guidelines-finland.

[196] Harrie, Eva, 'New Media Policy Guidelines in Finland', Nordicom, September 13, 2018. https://www.nordicom.gu.se/en/latest/news/new-media-policy-guidelines-finland.

[197] Sirotnikova, MG, Pandemic Pushes Slovakia to Finally Target Disinformation, Balkan Insight, 20 October 2020.

[198] Ibid.

[199] Funke, D, Flamini, D, 'A guide to anti-misinformation actions around the world'. Poynter, 2018-2019.

[200] Grigoryan, A, 'Russian Federation, in: Library of Congress: Government Responses to Disinformation on Social Media Platforms', September 2019, Report for Congress, LL File No. 2019-017919, p. 139.

[201] Funke, Flamini, 2018-2019.

government to launch communication campaigns to fight fake news, but it has raised controversies, since decision about what 'fake news' is rests exclusively with the government.[202]

In **Sweden**, civil liberties, particularly freedom of expression, enjoy high priority, and legal steps have always been taken in this spirit. Disinformation and dissemination of fake news regarded as a global threat played a considerable role in casting light on the importance of civil liberties during the 2018 Swedish national election period. Private entities are free to block any content considered misleading or deceptive on social media platforms, but only content, and not fake accounts. Nevertheless, dissemination of false information has been criminalised. It is essential that while some forms of publication of contents are criminalised and prohibited on different platforms, the state and its authorities are not allowed to block media content, which would be seen as a violation of freedom of expression. Sweden has historically taken a stance against blocking or limiting internet access, arguing that 'crimes should be prosecuted, not hidden.'[203] Disinformation attempts have not been able to achieve the intended results and, in Sweden, successful disinformation campaigns were not present at the 2019 EP elections, either.[204]

5.4 Policies and measures in third states

5.4.1 Taiwan

Taiwan's legislative framework relates to foreign interference and disinformation targeting elections and democratic processes.

According to Swedish democracy watchdog V-Dem's 2019 global report, Taiwan is the world's most targeted place for disinformation tactics.[205] In recent years, numerous disinformation campaigns have been spread, mostly as a means to influence Taiwan elections.[206] The approach adopted by Taiwan to fight disinformation, alongside the use of new innovative digital tools and creating a robust and healthy civil society, involved strengthening legal regulations.

Although spreading rumours has been penalised in Taiwan since 1991[207], recent years have seen significant development of the legal framework regarding disinformation and foreign interference. One of the most significant acts is the Anti-infiltration Law[208], passed on 31 December 2019 by Taiwanese Legislative Yuan.[209] Although the proposal of this legal measure came two days after confessed former Chinese spy William Wang Liqiang openly accused China of infiltrating Taiwanese politics by paying three major news networks (CitiTV, China Television and Eastern Broadcasting Co) to broadcast news designed to discredit pro-independence party ahead of 2020 elections[210], the legislation was part of a years-long effort to combat Chinese propaganda aimed at influencing Taiwanese politics and democratic process through

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[202] González, M, Junquera, N., Spain to monitor online fake news and give a 'political response' to disinformation campaigns, El País, November 9, 2020.

[203] Hofverberg, E, Sweden, in: 'Library of Congress: Government Responses to Disinformation on Social Media Platforms', September 2019, Report for Congress, LL File No. 2019-017919, pp. 142-143.

[204] Ibid, p. 145.

[205] 'V-DEM ANNUAL REPORT 2019, Democracy Facing Global Challenges', University of Gothenburg, V-Dem Institute, 2019.

[206] Blanchette, Jude, Livingston, Scott, Glaser, Bonnie S. and Kennedy, Scott, 'Protecting Democracy in an Age of Disinformation: Lessons from Taiwan', CSIS, 2021.

[207] According to Article 63, point 5 to the Social Order Maintenance Act 'spreading rumors in a way that is sufficient to undermine public order and peace' is penalised with the sanction of up to three days in jail or a fine of up to NT$ 30 000 New Taiwan dollars (approx. EUR 900), see: 'Social Order Maintenance Act'.

[208] Mainland Affairs Council of Taiwan, 'Legislative Yuan Passes Anti-Infiltration Bill to Strengthen Defense for Democracy and Preserve Stable and Orderly Cross-Strait Exchanges'.

[209] Taiwanese equivalent of parliament

[210] McKenzie, Nick, Tobin, Grace and Sakkal, Paul, 'The moment a Chinese spy decided to defect to Australia', The Age, November 23, 2019.

illicit funding of politicians and the media, and the spreading of disinformation.[211] The Anti-Infiltration Act prohibits and punishes the following activities, provided that they are directed, funded, or supervised by or on behalf of a foreign principal: political canvassing or campaigning; lobbying; making donations to a political party; disrupting rallies and assemblies; undermining social order; and spreading disinformation related to elections[212]. The new law empowers government agencies to investigate an individual, group, or organisation suspected of engaging in the above-mentioned activities. If found guilty, they face a penalty of a maximum five-year imprisonment and a fine up to NT$ 10 million (approx. EUR 300 000).[213] Importantly, the Anti-Infiltration Act does not regulate the distribution of information since the authorities impose sanctions only after the interference of foreign powers is found and investigated. This allows for fighting disinformation without disproportionately limiting freedom of expression and hence, can be a type of regulation suitable for countries where the right to freedom of expression is paramount. Such a solution, however, also has its downsides – identifying and attributing the activity to foreign forces is required in order for it to be applicable, which is increasingly difficult.[214] It is yet to be seen how successful the regulation is. However, its initial impact was visible. Immediately after it became law, Master Chain (大師鏈), the only Taiwanese media that had an office in China, criticised the law, closed its Taiwan operations, and relocated to Beijing.[215]

The new law in the form of the Anti-Infiltration Act is accompanied by two already existing acts – the Civil Servants Election and Recall Act, and the Presidential and Vice-Presidential Election and Recall Act.[216] Under Article 104 of the Civil Servants Election and Recall Act, 'those who cause others or the public at large to suffer losses by disseminating false information through text, images, videos, audio, or speeches shall be punished by up to five years in prison'.[217] Under Article 90 of the Presidential and Vice-Presidential Election and Recall Act, 'anyone who spreads rumours or false sayings by text, picture, audio tape, video tape, speech, or other method for the purpose of influencing the election or recall prospects of a particular candidate, and thus causing damages to the public or others, shall be condemned to fixed-term imprisonment of not more than five years.'[218]

In parallel, Taiwan's National Communications Commission more strictly enforced already existing laws on reporting for television and radio. For example, CTi TV, a prominent television channel suspected to be under Chinese influence and a member of the Want Want Group, was fined more than NT$ 5.63 million (approx. EUR 165 000) in 2019, mostly for broadcasting and disseminating falsehoods.[219]

Policies implemented as a response to disinformation

In May 2019, Taiwan's Political Warfare Bureau of the Ministry of Defence and its National Security Bureau delivered a report to the Legislative Yuan entitled 'Countermeasures Against Chinese Disinformation

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[211] 'Taiwan passes law to combat Chinese influence on politics', Reuters, December 31, 2019.
[212] Yimou, Lee and Hamacher, Fabian, 'Taiwan: Freedom in the World 2020 Country Report', Freedom House, 2020.
[213] Nagasako, Tomoko, 'Global disinformation campaigns and legal challenges', International Cybersecurity Law Review, Vol.1, 2020, pp. 125–136.
[214] Ibid.
[215] '反滲透法剛過…大師鏈插旗北京急了　宣布：放棄台灣市場,', SETN, 2019, available at: https://www.setn.com/News.aspx?NewsID=664029.
[216] Blanchette, et al., op. cit.
[217] Blanchette, et. al., op. cit.
[218] Blanchette, et. al., op. cit.
[219] 'Chinese disinformation is ascendant. Taiwan shows how we can defeat it', Washington Post. ; Huang, Aaron, 'Combatting and Defeating Chinese Propaganda and Disinformation A Case Study of Taiwan's 2020 Elections'.

Psychological Warfare'.[220] According to the report, the People's Republic of China is utilising the freedom of Taiwan's democratic society and information networks to disseminate 'disputed information' and conduct 'cognitive warfare', with the aim of splitting Taiwan's military strength and consuming the energy of Taiwan's government and national security teams.[221] As part of the strategy described in the report, a 'rapid handling team for false information' was established, guided by the principle of 'fighting every false message' and 'clarifying every false message'. The report included five potential countermeasures to be implemented by Taiwan, such as utilising big data systems analysis to understand and analyse Chinese disinformation tactics in real time.[222]

Table 2 - Counter-disinformation measures to be implemented by Taiwan

Adhere to principles of law	Leverage human rights, freedom of speech, and administrative neutrality.
Increase network defence	Enlist the aid of defence and tech industries; educate the public on disinformation awareness; launch real-time counter-messages to dispel fake news.
Learn adversary's tactics	Understand the China Communist Party's (CCP) disinformation tool kit.
Form global coalition	Establish an alliance of open democracies to fight against false information and cyber-warfare.
Develop offensive strategy	Leverage big data technology to monitor internet activity of CCP-backed disinformation agents and proactively strike.

Also, the ruling Democratic Progressive Party (DPP) created a cross-government communication group that searches for propaganda and disinformation around the clock.[223] This social media group analyses trends in online political discussions and studies how information is disseminated and consumed on the internet. Once someone finds a fake news story, top officials determine its validity and harm, and decide whether to respond. The two must-respond criteria are if the fake news is reported on television and if there are many online engagements with that story.[224]

Taiwan's efforts to ensure the quick dissemination of authoritative content is not limited to the digital space. Throughout the COVID-19 pandemic, Taiwan's Central Epidemic Command Center (CECC) held daily briefings between January and June (and weekly from June onwards) to keep the public informed and respond to disinformation. These daily press conferences allow the government to consolidate its public messaging around one official source.

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[220] 'Countermeasures Against Chinese Disinformation Psychological Warfare'[中國假訊息心戰之因應對策], National Security Bureau, May 2, 2019, https://lis.ly.gov.tw/lydbmeetr/uploadn/108/1080502/01.pdf?fbclid=IwAR0ApykPJIB6pBcxpullep NTCN3JXWMH6vektu7PlHvTo8SvVjk2dLFbJfM; 'To counteract China's false information, the Ministry of Defense established a rapid processing team' [反制中國假訊息 國防部成立快速處理小組], CNA News, May 1, 2019.
[221] Ibid.; Ibid.
[222] Blanchette, et al., op. cit.
[223] Huang, op. cit.
[224] Ibid.

COVID-19 'infodemic'

As COVID-19 evolved into a global pandemic, Taiwan witnessed a steady increase in disinformation efforts centred around the disease.[225] These, however, have been successfully addressed, mostly due to Taiwan's previous epidemiological experience. After being hard-hit by the SARS epidemic in 2003, Taiwan revised its legal framework in terms of preparedness to respond to public health emergencies.[226] It has developed a framework for detecting and reporting epidemics in accordance with the International Health Regulations (IHR), the global legal architecture for infectious disease control.[227] The core elements of this legal framework are the Communicable Disease Control Act (CDC Act) and Disaster Prevention and Protection Act (DPP Act). According to Article 63 of the CDC Act, 'persons who disseminate rumours or incorrect information concerning epidemic conditions of communicable diseases, resulting in damages to the public or others, shall be fined up to NT$ 3 000 000'[228] (approx. EUR 89 000). Similar provisions are included in the DPP Act. Under Article 41 of the DPP Act, 'anyone who spreads rumours or untrue information about disasters and thus causes damage to the public or other people shall be subject to imprisonment for not more than three years, detention or a fine not more than NT$ 1 000 000'[229] (approx. EUR 29 700). Moreover, Article 251 of the Criminal Code penalises disseminating false information with the intention of affecting the transaction price of products declared as necessities by the Executive Yuan.[230]

In addition to already existing laws, a new 'Special Act for Prevention, Relief and Revitalization Measures for Severe Pneumonia with Novel Pathogens' was enacted in February 2020. Under Article 14 of the Act, 'anyone spreading misinformation regarding the epidemic is punishable by imprisonment for up to three years, a fine of up to NT$ 3 000 000 (approx. EUR 89 000), or both.'

5.4.2   Australia

Australia has an advanced stance in the fight against disinformation and enhancing media literacy. The freedom of political expression has been recognised as an implied part of the Constitution by the High Court of Australia, as it is not explicitly declared in any law or the Constitution.[231]

The government started to step up against disinformation in 2017 when the 'Electoral and Other Legislation Amendment Bill' was introduced, and the amendments came into force in March 2018. The main points of the bill, among others, were to address 'modern communication channels' and the requirement of all paid electoral advertising to be authorised, regardless of the source.[232] The process of authorisation is detailed in part XXA of the Commonwealth Electoral Act 1918 (Cth) and the Commonwealth Electoral (Authorisation of Voter Communication) Determination 2018 (Cth), and also in part IX of the Referendum (Machinery Provisions) Act 1984 (Cth). The Australian Electoral Commission (AEC) prepared a document in which they explain the requirements, which also concern social media, and among others, they require social media posts to show the required details at the end of the message, in an image in the post, or on a website accessed through a URL in the post.[233]

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[225] Blanchette, et. al., op. cit.
[226] Gostin OL, Sapsin WJ, Vernick SJ, et al., 'Sars and international legal preparedness', 2004.
[227] Lee, T. L., 'Legal preparedness as part of COVID-19 response: the first 100 days in Taiwan', BMJ global, 2020.
[228] Ministry of Health and Welfare, 'Communicable Disease Control Act', June 19, 2019.
[229] Ministry of the Interior, 'Disaster Prevention and Protection Act', May 22, 2019.
[230] 'Criminal Code of the Republic of China' - Article Content - Laws & Regulations Database of The Republic of China (moj.gov.tw).
[231] Buchanan, K, 'Government Responses to Disinformation on Social Media Platforms: Australia Library of Congress', September 2019. See also: Bartlett, P, Hurley, D, 'False Information in the Time of Coronavirus: Law and Regulation in the U.S. and Australia', Just Security, August 3, 2020.
[232] Buchanan, 2019.
[233] Ibid.

In 2018, amendments to the laws on national security and foreign interference were passed to address foreign influence operations. New secrecy provisions to the Criminal Code Act 1995 (Cth) were passed, aimed at curtailing harmful actions that 'damage the security or defence of Australia' through foreign interventions, and at defending political or governmental processes from influence that is directed or funded by a foreign principal.[234] The 'Foreign Influence Transparency Scheme Act 2018' (Cth) was also adopted in June 2018, and this established a 'new system that introduces registration obligations for persons and entities who have arrangements with, and undertake, certain activities on behalf of foreign principals.'[235] Besides, certain disclosure requirements were introduced to entities that 'undertake communications activity in Australia on behalf of the foreign principal for the purpose of political or governmental influence, or produce information or material on behalf of a foreign principal for the purpose of being communicated or distributed to the public.'[236] These provisions concern the distribution of information in any form, including communication through social media platforms. Although then-Prime Minister Malcolm Turnbull denied allegations that the new laws preventing foreign interference were aimed at China, diplomatic relations deteriorated between the two countries in 2018.[237]

In 2018, the government set up a task force to identify potential cyberattacks and foreign influence campaigns targeting upcoming Australian elections, and to defend against malicious cyberactivity, physical means, electoral fraud, foreign interference, and disinformation[238] – the 'Electoral Integrity Assurance Task Force' (EIATF)[239]. The EIATF works under the guidance of the Department of Home Affairs together with the Australian Security Intelligence Organisation (ASIO) and the Australian Federal Police (AFP).[240]

In 2019, the AEC ordered Facebook and Twitter to mark and notify illegal advertisements on their platforms, while social media platforms were notified about possible legal steps, like court injunctions, in cases where they do not comply. According to a document sent by Facebook and Twitter to the AEC, both companies sufficiently fulfilled the obligations stipulated before the elections. Facebook claimed that it banned electoral advertising financed from outside Australia during the campaign period before the 2019 federal elections. A fact-checking provider was also involved that rated and labelled false stories as 'false'. In addition, Twitter requested political campaign advertisers to apply for certification and comply with specific requirements on profiles and, similarly to Facebook, it prohibited financing political ads from foreign payment sources.[241]

John Zhang, a political staffer who worked for NSW Labor MP Shaoquett Moselmane, claimed in court the cancellation of search warrants used by the Australian federal police against his property, arguing that foreign interference laws violated the freedom of political communication.[242] The federal states of New South Wales and South Australia intervened, claiming that the laws promoted transparency in politics. This current issue is a reason for political tensions between Australia and China.[243]

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[234] Ibid.
[235] Ibid.
[236] Ibid.
[237] BBC, 'Australia passes foreign interference laws amid China tension', 28 June 2018.
[238] Buchanan, 2019.
[239] Funke, D, Flamini, D., 'A guide to anti-misinformation actions around the world'. Poynter, 2018–2019.
[240] Ibid.
[241] Ibid.
[242] Hurst, D., 'NSW and South Australia back foreign interference laws against high court challenge', The Guardian, 21 January 2021.
[243] Ibid.

Another local initiative was a new law introduced in 2020 in the Australian Capital Territory (ACT – Canberra and its direct surroundings) that banned false political advertising. The law stipulates that, from July 2021, 'an individual could be fined up to AUD 8 000, and a corporation up to AUD 40 500, for false political advertising.'[244] This legislation also enables people 'to complain about political material to the ACT Electoral Commission, which will have powers to investigate and ask for the removal of the advertisement.'[245]

5.4.3   USA

In the United States, media regulation is delegated to the states, as the First Amendment prevents federal media regulation.[246] Since 1996, Section 230 of the 'Communications Decency Act' grants social media platforms immunity for third-party content.[247] Section 230 states that 'no provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.'[248] However, Section 230 also lets these platforms 'remove or moderate content deemed obscene or offensive, as long as it is done in good faith (the Good Samaritan provision).'[249] Possible reform of Section 230 has been on the agenda for a while now. In 2018, social platforms were called to apply measures against online sex trafficking.[250]

As a response to the disinformation crisis prior to the 2016 presidential election, Congress announced a bill that orders 'online platforms, such as Facebook and Google, to keep copies of ads, make them public, and keep tabs on who is paying – and how much'.[251] The 'Honest Ads Act' (S.1989) was a landmark bill on the road to a more transparent online world. In the absence of its rules, only television and radio advertisements were subject to strict disclosure measures (since 2002). The Honest Ads Act also ordered websites with at least 50 million monthly viewers (such as Facebook, Google, and Twitter) to maintain a public list of any organisation or person who spends at least USD 500 in election-related ads.[252] Opponents of the law found the disclosure obligations excessive and feared a chilling effect on free speech.[253] It is noteworthy that the bill has been supported openly and directly by Facebook and Twitter.[254]

In 2019, the Digital Citizenship and Media Literacy Act was passed by Congress, with the view to fight disinformation. It is a vital law that stipulates that the Department of Education can 'award grants to state and local educational agencies to promote media literacy and digital citizenship'.[255] It was the first legal document to define **digital citizenship** as 'the ability to safely, responsibly, and ethically use communication technologies and to participate in the political, economic, social, and cultural aspects of life related to technology and the digital world.'[256]

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[244] Evans, J., 'ACT passes new political advertising laws to ensure voters are not 'deceived on the way to the ballot box'', ABC News, 28 August 2020.

[245] Ibid.

[246] Epstein, B., '8 - Why It Is So Difficult to Regulate Disinformation Online' in: *Politics, Technology, and Disruptive Communication in the United States*. Online publication date: October 2020, pp 190-210.

[247] Cusumano, M.A, Gawer, A,, Yoffie D., 'Social Media Companies Should Self-Regulate. Now.', *Harward Business Review*, 15 January 2021.

[248] Ibid.

[249] Ibid.

[250] Bradley, S, Securing the United States from Online Disinformation—A Whole-of-Society Approach Carnegie Endowment for International Peace, 24 August 2020.

[251] Funke, Flamini, 2018-2019.

[252] Govtrack, S. 1989 (115th): Honest Ads Act, 25 October 2017.

[253] Ibid.

[254] Lau, T, 'The Honest Ads Act Explained', Brennan Center for Justice, 17 January 2020.

[255] US Congress, 'H.R.4668 - Digital Citizenship and Media Literacy Act', 10 November 2019.

[256] Ibid.

The 2020 National Defense Authorization Act (NDAA) established the Social Media Data and Threat Analysis Center to combat fake news, responding to scandalous events before, during, and after the presidential election of 2016. The Cognitive Security Intelligence Center (CSIC) was set up in the spirit of the NDAA, however, it has not yet been working at its full potential to address disinformation. A National Commission for Countering Influence Operations (NCCIO) has also been recommended, to support the work of the CSIC.[257]

5.5 Good practices in the EU and third states

This chapter discusses the best practices that have been encountered through our research. The examples have been ordered according to their novelty.

5.5.1 Taiwan

Taiwan's response to disinformation attacks is perceived as unprecedented and highly innovative, as the country managed to introduce successful counter-disinformation measures without restricting free speech of individuals or the media.[258] Many of the central problems relating to disinformation stem from the existence of powerful new distribution tools that serve as a vehicle for misinformation. Taiwan decided to use this as a weapon for its advantage.

'Meme engineering'[259]

The government of Taiwan decided to utilise the language of the modern internet to craft their response.[260] Firstly, Taiwan's administration has developed several new and innovative techniques to push back false information with equally engaging content, by creating true information 'packaged in such a way that you can't help but want to share it.'[261] In December 2019 during a speech at Pingtung University, Taiwan's digital minister, Audrey Tang, noted that Taiwan had installed 'meme engineering' teams in each government department to quickly respond to disinformation efforts within 60 minutes with 'easily digestible' messages, which are true, but light in form. For example, in the first days of the pandemic, people were panic-buying toilet paper
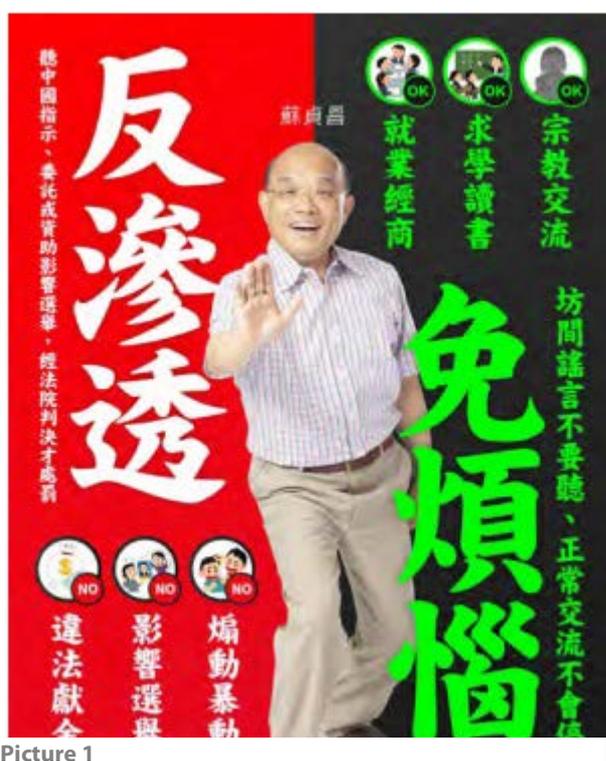
Picture 1

In this meme, Taiwanese Premier Su Tseng-chang debunks fake news about the Anti-Infiltration Act.
Source: The Prime Minister's official Facebook page.

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[257] Bradley, 2020
[258] Blanchette, et. al., op. cit.
[259] Taiwan's digital coronavirus campaign used humor, viral memes, mascots (businessinsider.com); "A coronavirus 'spokesdog' in Taiwan delivers crucial information to the public — part of a 'humor over rumor' strategy that helped stop the country's outbreak", Insider, June 11, 2020.; Mahdawi, Arwa, "Humour over rumour? The world can learn a lot from Taiwan's approach to fake news", The Guardian, February 17, 2021.
[260] Blanchette, et. al., op. cit.
[261] Zheng Yangzhe, "Memes Engineering' is a good way to deal with cyber armies! Audrey Tang: Clarify within the hour", " [迷因工程」是對付網軍的好辦法！唐鳳：1小時內及時澄清], Newtalk, December 8, 2019.

because of a rumour that it was being used to manufacture face masks and supplies were running out. In response, Taiwanese premier, Su Tseng-chang, released a cartoon of him wiggling his bum, with a caption saying: 'We only have one pair of buttocks'[262], which went viral in the media and turned out to be far more effective than serious fact-checking.

Minister Tang has labelled this 'the humour over rumour' approach[263] and explained that each department had adopted a '2-2-2' system to respond to rumours trending on social ministry. According to Tang, within an hour, each department should create a clarifying meme with no more than 20 words in its title, utilising less than 200 characters in its text, and containing only two images.[264] In Tang's own words:

> 'We have evidence to show that everybody who have seen this clarification through the community will never share the original disinformation again. In a sense, it acts as an inoculation, as a memetic vaccine, so that when we phrase something as very funny instead of correcting people's mistakes, then people would actually, naturally, voluntarily share our counter-disinformation clarification message.'[265]

Another reason for the choice of humour is that it attracts young citizens, who can then share the meme with their less media-literate family members. This is particularly important due to the fact that, according to the trusted messenger theory, people tend to accept clarifications more from those they trust.[266] Moreover, memes have the potential to overcome the problem of closed social media groups where a lot of disinformation is disseminated (such as alumni groups). Such a solution helps to bridge the gap between privacy protections and policy responses.

Rapid response system

As time is crucial when fighting disinformation, Taiwanese authorities have set a time limit of two hours for debunking fake news. This system of rapid response, combined with the constant monitoring of media space, allows the government's clarification to precede false news. This has several positive implications:

- the government's clarification is reported by traditional media, such as TV or newspapers, because it falls within the news cycle;

- early timing helps to overcome the so-called 'familiarity bias trap' (i.e. repeating a false claim strengthens the claim), because people hear the facts before they are exposed to the falsehoods. In other words, the rapid response weakens the power of fake news and strengthens the position of true information.

The response system is a multi-layered one. First, the government releases a press statement providing the accurate information. Second, it uploads a debunking meme on its social media pages. Following that, it requests its online followers and supporters to share the meme as broadly as possible. If the fake news is severe, the appropriate Minister will host a high-level press conference to draw on traditional media's attention and debunk the falsehood. The goal of these steps is to make facts dominate the information space before falsehoods do.[267]

[262] Shiroma Silva, 'Coronavirus: How map hacks and buttocks helped Taiwan fight COVID-19', BBC, June 6, 2020; Taiwan's digital COVID-19 campaign used humour, viral memes, mascots (businessinsider.com); 'A coronavirus 'spokesdog' in Taiwan delivers crucial information to the public — part of a 'humour over rumour' strategy that helped stop the country's outbreak', *Insider*, June 11, 2020.
[263] Anne Quito, 'Taiwan is using humour as a tool against coronavirus hoaxes', *Quartz*, June 5, 2020.
[264] '2019-09-25 Finding facts in a world of disinformation', YouTube video, posted by PDIS, October 22, 2019, 20:20,
[265] Ibid.
[266] Huang, op. cit.
[267] Ibid.

How effective is the government in these efforts? Taiwanese journalists report that they generally do not hear about a fake news story until they see the government's response; Facebook stated that the government's debunking responses spread more broadly on the platform than fake news.[268]

Limiting the binary dimension

The Taiwanese government has designed its method of raising public awareness of propaganda and disinformation by applying a specific narrative, which **strives to avoid further polarisation**. The idea is to create a public mindset that fake news is simply a virus, which can be caught by anyone. People who believe in it and share it are not bad people; rather, they simply caught the virus.[269] Similarly to combating COVID-19, a disease that can be caught and spread by anyone, combating disinformation requires the joint effort of the whole society to detect and prevent its spread.[270] As stated by Aaron Huang, author of a report on 'Combatting and Defeating Chinese Propaganda and Disinformation; A Case Study of Taiwan's 2020 Elections', this framing takes away the good-bad binary from fake news and thereby removes fake news' polarisation effect. There is no shame or blame for being tricked by fake news, or for spreading it, because anyone can be a victim.'[271]

5.5.2   Germany

In their comparative study on 'Resilience to Online Disinformation', Humprecht et al. identify factors that significantly influence resilience to political disinformation: polarisation of society; populist communication; low trust in news; weak public service media; fragmented audience; large advertising market; and high use of social media. The legal framework of communication can be aligned to address some of these in order to minimise the impact of disinformation. First and foremost is the importance of public service media. Empirical surveys show that the credibility of the news offerings of ARD[272] and ZDF[273] have increased significantly since the beginning of the COVID-19 pandemic[274]. The public service media also have high trust ratings overall. At the same time, it must also be acknowledged that around 15% of respondents are no longer attracted by their offerings and are in alternative media ecosystems. It is positive for the Federal Republic that the regulatory authorities are making intensive efforts to strictly enforce the requirements of journalistic diligence in news and information services on the Internet. With regard to the labelling requirements for social bots and political advertising, no empirical values are yet available. Educational institutions in particular are trying to counter the effects of populist communication and polarisation by means of education, based on a broad consensus in German society. Civil society is also making efforts here to promote rational discourse with fact checks or educational campaigns. Noteworthy here in Germany are the initiatives of civil society, such as publications by the Federal Agency for Civic Education, state media institutions, and some NGOs (see above). Considerable research efforts are funded by ministries or even private foundations.[275]

An important insight of the economic analysis is that a large advertising market strongly favours the emergence of disinformation. This is because attention can be achieved, in particular, through the dissemination of radical views and scandalisation. It is critical to note that in the Federal Republic of Germany, no instruments are yet being used to intervene in this business model. However, this may be remedied by the Digital Services Act, which provides for a risk analysis and corresponding

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[268] Ibid.
[269] Ibid.
[270] Ibid.
[271] Ibid.
[272] ARD, https://www.ard.de.
[273] ZDF, https://www.zdf.de.
[274] Jakob et al. "Medienvertrauen in Krisenzeiten" 2020.
[275] For example, see here.

countermeasures, and also with regard to the dangers of disinformation for the democratic will-forming process. It would be desirable if the Digital Services Act would provide that such measures could also be taken ex ante.

5.5.3   Finland

Finland has been touted as the poster child for resilience to disinformation, but the potential for transferability of the Finnish examples is, unfortunately, doubtful. Finland is a small, largely homogenous country, and a stable democracy.[276] It has one of the highest levels of press readership in the EU, with an outstandingly high level of trust in the news media.[277] The public service broadcaster 'Yle' enjoys a high reach in the population and remains the most trusted media brand. At the same time, trust in news on social media is only 16%. Finland is also world-leader in media literacy.[278] These factors significantly contribute to Finnish resilience to disinformation.

That said, some of the practices could be emulated in other Member Sates, most notably its educational approach. As discussed above, Finland ranked top in media literacy, and in a study measuring critical thinking skills, Finnish secondary school students clearly outperformed American students. The scientists running the study explained the 'drastic differences' between the performance of the two groups with differences in the school curricula. They argued Finnish pupils performed better because the Finnish system 'explicitly facilitates **critical thinking skills** as a separate course while embedding [it] into subject coursework', whereas pupils in the US learned critical thinking skills only implicitly in subject coursework.[279] The researchers recommend the introduction of coursework on critical thinking as a separate and mandatory part of the school curricula. At the same time, the Finnish system has been widely praised for integrating critical thinking skills as 'a core, cross-subject component of the curriculum'[280] from kindergarten onwards.

The Finnish government's campaign before the 2019 elections to raise awareness about disinformation may also be an example to be followed. The media campaign featured public figures and celebrities, urging citizens to recognise 'information operations'.[281] Although its effect is difficult to measure, in a questionnaire-based survey of voters after the 2019 Parliamentary elections, which was conducted by researchers and published by the Ministry of Justice[282], the vast majority of respondents said they had not observed any electoral interference, but they were aware of the possibility of it.[283] In another survey conducted by the Newspaper Association and the Prime Minister's Office, 11 % of respondents said they had detected efforts by an outside party to try and influence voting behaviour.[284] At the same time,

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[276] 'Freedom in the world 2020: Finland', Freedom House, 2020.

[277] Newman, Nic, Richard Fletcher, Anne Schulz, Simge Andi, and Rasmus Kleis Nielsen, 'Reuters Digital News Report 2020: Finland', May 23, 2020. https://www.digitalnewsreport.org/survey/2020/finland-2020/.

[278] Open Society Institute's Media Literacy Index 2019 https://osis.bg/wp-content/uploads/2019/11/MediaLiteracyIndex2019_-ENG.pdf Lessenski, Marin, 'Just Think about It! Findings of the Media Literacy Index 2019', Policy Brief 55, Open Society Institute Sofia, November 2019. https://osis.bg/wp-content/uploads/2019/11/MediaLiteracyIndex2019_-ENG.pdf.

[279] Horn, Shane, and Koen Veermans, 'Critical Thinking Efficacy and Transfer Skills Defend against 'Fake News' at an International School in Finland', *Journal of Research in International Education*, Vol. 18, No. 1, April 1, 2019, pp. 23–41.

[280] Jon Henley, 'Finland Enlists Social Influencers in Fight against COVID-19', The Guardian, April 1, 2020, sec. World news. https://www.theguardian.com/world/2020/apr/01/finland-enlists-social-influencers-in-fight-against-covid-19.Henley, 2020.

[281] 'Finland Has the Best Elections in the World. And Why Is That', Government Communications Department, Ministry of Justice, Finland, March 25, 2019.

[282] Borg, Kestilä-Kekkonen, and Wass, Politiikan ilmastonmuutos. Eduskuntavaalitutkimus 2019. (in Finnish; short description in English on p.5)

[283] Borg et. al, 2019. p.371 (in Finnish)

[284] Jääskeläinen et al., 2020, p.21 (in Finnish)

respondents' assessment of the risk of electoral interference was high, which can be seen as a sign of awareness.[285]

Enlisting social media influencers in the fight against disinformation can also be implemented in other national contexts. In the context of the COVID-19 pandemic, the Netherlands[286], the UK, Indonesia[287], and Québec have already enrolled influencers, and there were reports about the Irish government having similar plans[288]. Most recently, the US city of Minneapolis decided to enter into paid partnership with six local influencers to spread 'city-generated and approved messages' during the trial of the police officers charged in the killing of George Floyd.[289] The initiative, however, was quickly dismissed as 'propaganda' by local activists, prompting the city to abandon the plan.[290] The Dutch efforts also backfired when some of the said influencers abandoned the official message and started supporting dubious groups.[291] Additionally, there is no empirical evidence of the efficacy of these campaigns.

5.5.4   Slovakia

The Slovakian Health Ministry appointed a **journalist**, Jakub Goda, to set up long-term communication strategies to debunk hoaxes. His main task is to shed light on the way fake news is generated in Slovakia, and to mitigate the risk of disinformation concerning COVID-19. Goda finds that social media is the main platform for spreading disinformation, and advises the ministry to 'broaden and deepen its communication with the public, monitoring disinformation on health matters and debunking it as it is disseminated'.[292]

5.5.5   Estonia

Estonia's gains in its fight against disinformation seem to be based in its interinstitutional and intergovernmental cooperation, giving the fight against disinformation a whole-of-society aspect.

Network thinking

In 2017, prior to local elections, the State Electoral Office set up an election communication task force, composed of representatives of the Government Office, the Information System Authority, the Ministry of Foreign Affairs and the Ministry of the Interior.[293] The State Electoral Office adopted a **network approach**[294], where it engaged partners from other institutions and government agencies, which in turn engaged with tech and social media platforms (established a **working level direct 'hot line'**), journalists and citizens.

As part of their engagement with citizens and journalists, the Government Office produced an **online Disinformation Handbook** ('A Guide to Dealing with Information Attacks'), which had the purpose of providing basic tips for recognising disinformation and how to respond to it, if necessary.[295] It was purposely kept brief and written in a language than could reach a broad audience. The handbook had

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[285] Borg et al, 2020, , pp.376-377 (in Finnish)

[286] van Dijck, José, and Donya Alinejad, 'Social Media and Trust in Scientific Expertise: Debating the COVID-19 Pandemic in The Netherlands', Social Media + Society, Vol. 6, No. 4, October 1, 2020, p. 2056305120981057.

[287] Abidin et al., 2021

[288] 'Best COVID-19 'influencers' will avoid hectoring', 2020.

[289] Levenson, Michael, 'Minneapolis Will Pay Influencers to Fight Misinformation During Officers' Trials', The New York Times, February 27, 2021, sec. U.S.

[290] Vigdor, Neil, 'Minneapolis Abandons Plan to Pay Influencers During Officers' Trials' The New York Times, March 1, 2021, sec. U.S.

[291] van Dijck and Alinejad, 2020.

[292] Hrabovska Francelova, N,,'Jakub Goda: The Faker-in-Chief Exposing Disinformation in Slovakia', *Balkan Insight*, 8 October 2020.

[293] Tyler McBrien, op. cit., p. 6.

[294] Ibid, p. 1.

[295] Ibid, pp. 13-14.

several parts, including preparation for disinformation attacks, common methods of influence, and identification of bots. The handbook also had a section on responding to unfamiliar journalists.

The election communication task force also organised **frequent meetings with journalists** in order to share information, but also to prepare a rebuttal if false information arose. This cooperation with journalists during election period would give the task force the opportunity to have their message reach a wide audience.[296]

Cooperation between representatives of civil society and journalists is common as well, with 'Propastop' often collaborating with investigative journalists for investigation pieces, but also with newspapers to have the result of their analyses published.

Inter-ministerial cooperation is also in a place when it comes to the media literacy education of young people of the country. According to the national legislation, the Ministry of Education and Research is tasked with promoting media literacy in national education policy planning. This includes designing a curriculum that will support pupils in developing their digital competences and give them the capacity to think critically about what they read online. But media literacy is also supported by efforts from other governmental bodies and civil society. For example, **the election communication task force developed a 35-hour course on Media and Manipulation[297] for high school students** to increase their ability to separate fact from fiction.[298] The Estonian Defence League (EDL, see below in 5.1.8) is also known for offering courses on topics such as the use of information as a weapon, part of their wider lessons in the curriculum dedicated to hybrid threats.[299]

International cooperation

When it comes to the online disinformation handbook produced by the task force, it was partially based on a guide from an existing handbook written by experts at Lund University and the Swedish Civil Contingencies Agency.[300] The original handbook[301] was written for a narrower public – communication specialists. The task force found an example in it, but decided they should produce a shorter, simpler version, dedicated to a wider audience, by limiting the handbook to its essentials.

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[296] Ibid, p. 14.
[297] Ibid.
[298] Ibid, p. 1.
[299] Foreign Policy Council, 'Ukrainian Prism'.
[300] Tyler McBrien, op. cit., pp. 13-14.
[301] Swedish Contingencies Agency, 'Countering information influence activities – A handbook for communicators'.

6 The role of citizens and civil society - Civic responses to disinformation: Design of the informational ecosystem

This chapter will provide a brief overview of how civil society has responded to the 'information disorder' and what some of the existing ways to improve societal resilience to disinformation are. The data collection involved a desk research-based mapping exercise, which identified over 200 civic initiatives and organisations currently active in the EU to fight disinformation. Due to the nature of the methodology, the resulting list of civic responses is indicative, rather than exhaustive.

It is clear from our data that there is no shortage of organisations and initiatives in the EU that aim to tackle the problem of disinformation. They range from one-person operations to large-scale EU-wide projects, and show a wide variety in terms of approaches, organisational forms, and funding. Although the methodology does not allow for sweeping generalisations, some trends have been identified.

6.1 Assessment of most prominent instruments to correct distortions of the informational ecosystem

6.1.1 Fact-checking

Once simply a part of the legwork of journalists, fact-checking (or the practice of assessing the accuracy of public statements) has become one of the most salient methods to fight disinformation. According to the most recent count, there are more than 300 fact-checking initiatives in 84 countries in the world.[302] Originating in the United States in the early 2000s[303], the 'new democratic institution [of] the independent political fact-checker'[304] has clearly become a global phenomenon. This is evident in our non-representative data pool, in which nearly 70 of the 200 initiatives identified are either fact-checking projects and organisations, or are involved in fact-checking as part of their activities.[305]

Fact-checking in the United States was spearheaded by journalists and established media outlets[306], and there are examples in Europe, too, of legacy media-operated fact-checking initiatives. One of them is 'Les Décodeurs', the fact-checking blog of French newspaper *Le Monde,* or 'Konkret24', run by Polish television network TVN. In several countries, the public service media have also launched fact-checking projects, such as 'ARD-Faktenfinder' in Germany, 'Melu detektors' run by the Latvian public broadcaster LSM, or 'Verifica RTVE' of the Spanish public broadcaster. Yet another type of fact-checking as a journalism-related enterprise is the initiatives of investigative journalism groups, such as 'Re:check' by the Baltic Centre for Investigative Journalism Re:Baltica, or the project run by 'Oštro', a Ljubljana-based investigative journalism centre for the Adriatic region.

Yet the fact-checking landscape in Europe features many civic organisations that are not in the journalism business. For example, the Greek 'Ellinika Hoaxes', the Romanian 'Factual', and 'Faktograf' in Croatia, which

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[302] Mark Stencel and Joel Luther, 'Fact-Checking Count Tops 300 for the First Time', Duke Reporters' Lab, October 14, 2020. https://reporterslab.org/fact-checking-count-tops-300-for-the-first-time/.

[303] Lucas Graves, Deciding What's True: The Rise of Political Fact-Checking in American Journalism, Columbia University Press, New York, 2016.

[304] Lucas Graves and F. Cherubini, 'The Rise of Fact-Checking Sites in Europe', Reuters Institute for the Study of Journalism, 2016. https://ora.ox.ac.uk/objects/uuid:d55ef650-e351-4526-b942-6c9e00129ad7, p. 6.

[305] News organisation Deutsche Welle is working on a complete map of the EU fact-checking landscape, to be released in the spring of 2021, for the European Digital Media Observatory EDMO. For details, see Alexander Plaum, 'Mapping the EU Fact-Checking Scene: Our Contribution to EDMO, the European Digital Media Observatory', Deutsche Welle Innovation, January 28, 2021, available at https://innovation.dw.com/edmo-fact-checking-map-dw/.

[306] Graves, pp. 23-24.

are all run by independent NGOs specialising in fact-checking. Many of these NGOs operate under grants, while in some cases, such as Italy's 'Pagella Politica', fact-checking is partially financed through the provision of services and content for third parties. Likewise, Spanish start-up 'Newtral' produces content to generate revenue.

Many of the initiatives appear to be temporary, popping up around elections and focusing on verifying or debunking the claims or campaign promises of political parties and candidates. This is how the fact-checking page of Irish 'TheJournal.ie' started.[307] The now-defunct Swedish Faktiskt fact-checked the 2018 Swedish elections. This approach is taken a step further by the French 'Luipresident', which tracks the fulfilment, or lack thereof, of French President Emmanuel Macron's campaign promises, and the Spanish 'Polétika', which analyses the fulfilment of claims made in the 2015 and 2019 Spanish elections. The largest scale of such electoral initiatives to date is a project of 19 European fact-checking groups from 13 Member States that teamed up under the name of 'FactCheckEU' before the 2019 European Parliamentary elections in order to effectively debunk disinformation Europe-wide.[308] The anti-disinformation coalition First Draft has also facilitated a number of such temporary collaborations around elections, though not all of them have been a resounding success.[309]

Fact-checking started out as a method to counter political disinformation, and politics and politicians remain the focus of many organisations. Yet some of them debunk non-political statements either exclusively, such as Italy's 'Facta', or in addition to political claims (for example, the Polish 'Fake News').

The traditional focus on politics has been upset by the COVID-19 pandemic. The COVID-19-related 'infodemic' has motivated the majority of fact-checkers to cover claims made about the pandemic. Some do so only in so far as politicians' claims about the pandemic go, but most fact-checkers have taken up the task of debunking any type of COVID-19 disinformation, dedicating extra resources to it.[310] Several fact-checking websites, such as the Portuguese 'Poligrafo', or the Austrian 'Mimikama' added a special section on their website on pandemic-related disinformation. Additionally, in 'the largest collaborative project of the fact-checking world', 100 fact-checkers in 74 countries joined forces and created the 'CoronavirusFacts Alliance'[311] to fight the 'infodemic'. The alliance publishes weekly reports on the most common claims fact-checked by its members globally. For example, in January–February 2021, the disinformation scene was dominated by vaccine-related claims, which made up a third of the false news items the fact-checkers encountered.[312] In a smaller-scale European collaboration, a report by fact-checking groups in five Member States on COVID-19 disinformation in March–April 2020 also found that several common themes of disinformation emerged in all participating Member States.[313]

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[307] Graves and Cherubini, p. 10.

[308] Daniel Funke and Susan Benkelman, 'Factually: A New Fact-Checking Project in Europe', American Press Institute, March 21, 2019, available at https://www.americanpressinstitute.org/uncategorized/factually-a-new-fact-checking-project-in-europe/.

[309] Bella Palomo and Jon Sedano, 'Cross-Media Alliances to Stop Disinformation: A Real Solution?', Media and Communication, Vol. 9, No. 1, March 3, 2021, pp. 239–250.

[310] For example, two fact-checking groups in Spain reported an 'exponential' growth in claims to be checked; additional staff had to be hired or the resources reorganised. See Xosé López-García, Carmen Costa-Sánchez, and Ángel Vizoso, 'Journalistic Fact-Checking of Information in Pandemic: Stakeholders, Hoaxes, and Strategies to Fight Disinformation during the COVID-19 Crisis in Spain', International Journal of Environmental Research and Public Health, Vol. 18, No. 3, January 2021, p. 1227.

[311] In addition to a searchable database of false claims debunked by the alliance members, the website offers stunning visualisations on how particular hoaxes spread in the world.

[312] Harrison Mantas, 'Vaccine Gaslighting, Mask Falsehoods and Fake Cures Dominate Recent Claims Added to the CoronaVirusFacts Alliance Database', Poynter, March 2, 2021, available at https://www.poynter.org/fact-checking/2021/vaccine-gaslighting-mask-falsehoods-and-fake-cures-dominate-recent-claims-added-to-the-coronavirusfacts-alliance-database/.

[313] These include, among others, unsubstantiated claims about cures and prevention, software billionaire Bill Gates' alleged connection to the virus, and 5G technology. Some themes were country-specific, such as untrue claims in Germany about migrants

Below, some inherent problems of fact-checking are explained.

Credibility of fact-checking

While the organisations and initiatives mapped have honourable goals, such as 'cultivating public debate'[314] or 'strengthening the democratic dialogue'[315], there are a number of problems inherent in fact-checking. The most important problem is the credibility of fact-checkers. In a survey of 30 fact-checking groups globally, only three said credibility is not really an issue for them[316]. Yet credibility is what 'distinguishes [fact-checkers] from yet another voice in the information landscape'[317]. This is a problem particularly in polarised societies, where the independence and trustworthiness of fact-checkers are often questioned. As a large-scale meta-analysis in the American context puts it, 'it seems that the quality of objectivity often ascribed to fact-checking organisations does not transcend political and ideological divides'.[318] In the 'post-truth' era of politics, where the concept of 'fake news' has been regularly weaponised by politicians, fact-checkers face an increasing credibility problem. Fact-checkers, operating online, are also part of an ecosystem plagued by an 'information disbelief'; that is, people feeling scepticism towards any online content[319], which exacerbates the problem.

Most organisations try to overcome the credibility issue by meticulously stating their finances, methodology, and correction policies. Additionally, and as a sign of institutionalisation of the 'fact-check industry'[320], international standards and norms have been developed,[321] and some organisations on our list have committed to adhere to them.

Yet several fact-checking groups have ties to social media platforms, and some receive government funding or grants that can be seen as problematic. 'There is now a sector of fact-checking philanthropy, fuelled by Google, Facebook, and non-profit foundations'[322], an observer remarked. Many organisations mapped participate in Facebook's 'Third-Party Fact-Checking Program'[323], which provides them with a steady stream of revenue. Such income streams and links may be seen as undermining the independence of fact-checkers. This is part of the reason why fact-checkers were wary of EU support when it was offered before the 2019 elections.[324]

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being secretly brought into the country under the cover of lockdown. Spain and Germany also had unverified claims not seen elsewhere about criminals using chemically treated masks to incapacitate people. See, FP, CORRECTIV, Pagella Politica/Facta,Full Fact and Maldita.es, 'Infodemic COVID-19 in Europe: A Visual Analysis of Disinformation. A Fact-Checking Report', 2020, available at https://covidinfodemiceurope.com/report/covid_report.pdf. Last accessed on 16 March 2021.

[314] Demagog (Czech Republic).

[315] Tjekdet (Denmark).

[316] Róbert Németh, Marius Dragomir, and Mihaela Groza, 'What Keeps Fact-Checking Organizations up at Night', Center for Media, Data and Society, Central European University, Budapest, 2021.

[317] Németh et al. p. 7.

[318] Nathan Walter, Jonathan Cohen, R. Lance Holbert, and Yasmin Morag, 'Fact-Checking: A Meta-Analysis of What Works and for Whom', Political Communication, Vol. 37, No. 3, May 3, 2020, pp. 350–375.

[319] Petter Bae Brandtzaeg, Asbjørn Følstad, and María Ángeles Chaparro Domínguez, 'How Journalists and Social Media Users Perceive Online Fact-Checking and Verification Services', Journalism Practice, Vol. 12, No. 9, October 21, 2018, pp. 1109–1129.

[320] Emily Bell, 'The Fact-Check Industry', Columbia Journalism Review, Fall 2019, available at: https://www.cjr.org/special_report/fact-check-industry-twitter.php/.

[321] Poynter, 'International Fact-Checking Network's Code of Principles', available at https://www.ifcncodeofprinciples.poynter.org/, Last accessed on 16 March 2021.

[322] Bell, op. cit.

[323] Facebook Journalism Project, 'Facebook's Third-Party Fact-Checking Program', available at: https://www.facebook.com/journalismproject/programs/third-party-fact-checking. Last accessed 16 March 2021.

[324] Poynter, 'The EU Wants to Support Fact-Checking- but Fact-Checkers Aren't Sure They Want It', October 26, 2018, https://www.poynter.org/fact-checking/2018/the-eu-wants-to-support-fact-checking-—-but-fact-checkers-arent-sure-they-want-it/, Last accessed 16 March.

Institutional ties, and more generally, institutionalisation, works against fact-checkers' credibility, particularly in an important target group; people with anti-elite views.[325] A study conducted in six Member States concluded that anti-elite attitude was a strong predictor of viewing fact-checking unfavourably.[326] It is possible, the researchers hypothesised, that people with anti-establishment attitudes view the increasingly well-established fact-check industry as part of the media, which they generally distrust. [327]

This credibility problem is further complicated by the fact that label of 'fact-checking' has, inevitably, been hijacked. For example, Russian state-affiliated RT has a gamified 'Fakecheck' on its website, while its self-proclaimed 'sister agency'[328], Ruptly, has a [Verification Unit], offering guides and fact-checking. In an even more obvious example, China's official state-run news agency Xinhua occasionally publishes articles under the 'Fact Check' label, most recently on how 'anti-China forces in the West, […] have concocted […] false information about China's Xinjiang Uygur Autonomous Region'[329]. These cases exemplify the age-old manipulation technique of accusing others of what one is guilty of. They also point to the 'reverse' nature of illiberal regimes, where the meaning of concepts is turned upside down.[330]

Efficacy of fact-checking

Another related challenge is fact-checking's efficacy. This issue has been thoroughly researched, and the results are mixed at best.[331] Studying over two dozen fact-checking groups in five Member States for a three-month period before the 2019 EU elections, big data firm Alto Data Analytics found that fact-checkers had **minimal reach online**. Moreover, the audience they did reach was not one that was inclined to believe disinformation; the communities that shared the debunked content proved rather impenetrable for fact-checkers.[332] Another study on fact-checking claims by French extreme right candidate Marine Le Pen in 2017 has found that, even when fact-checking reaches people and informs them that a political candidate has not been truthful, it **may not have a significant effect on their support for that candidate**.[333] Two experiments on the effect of fact-checks of then-US presidential candidate Donald Trump also found that the fact-checks reduced factual misperceptions, even among his supporters, yet they 'had no measurable effect on attitudes toward Trump'.[334] A meta-analysis of previous research has concluded that the more the study design resembles real-life rather than experimental circumstances, the less effect fact-checking seems to have.[335]

Moreover, a journalistic investigation by the Washington Post found that those tweets of former US President Donald Trump that Twitter marked as disputed in November 2020 were shared longer and more

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[325] Ben Lyons, Vittorio Mérola, Jason Reifler, and Florian Stoeckel, 'How Politics Shape Views Toward Fact-Checking: Evidence from Six European Countries', The International Journal of Press/Politics, Vol. 25, No. 3, July 1, 2020, pp. 469–492.
[326] Lyons et al.
[327] In a similar manner, EU efforts to address disinformation may easily backfire, particularly among Eurosceptic groups.
[328] Ruptly, 'About | Ruptly', available at: https://www.ruptly.tv/en/about-ruptly. Last accessed on 16 March 2021.
[329] Xinhua Net, 'Fact Check: Lies on Xinjiang-Related Issues versus the Truth', February 5, 2021, available at: http://www.xinhuanet.com/english/2021-02/05/c_139723816.htm.
[330] Judit Bayer, Petra Bárd, 'Hate Speech and Hate Crime in the EU and the Evaluation of Online Content Regulation Approaches', European Parliament, Brussels, 2020.
[331] For a summary, see Sakari Nieminen and Lauri Rapeli, 'Fighting Misperceptions and Doubting Journalists' Objectivity: A Review of Fact-Checking Literature', Political Studies Review, Vol. 17, No. 3, August 1, 2019, pp. 296–309.
[332] Alissa de Carbonnel, 'Exclusive: Echo Chambers - Fake News Fact-Checks Hobbled by Low Reach, Study Shows', Reuters, July 11, 2019. Available at https://www.reuters.com/article/uk-eu-disinformation-exclusive-idUKKCN1U60PL.
[333] Oscar Barrera, Sergei Guriev, Emeric Henry, and Ekaterina Zhuravskaya, 'Facts, Alternative Facts, and Fact Checking in Times of Post-Truth Politics', Journal of Public Economics, Vol. 182, February 1, 2020, p. 104-123.
[334] Brendan Nyhan, Ethan Porter, Jason Reifler, and Thomas J. Wood, 'Taking Fact-Checks Literally But Not Seriously? The Effects of Journalistic Fact-Checking on Factual Beliefs and Candidate Favorability', Political Behavior, Vol. 42, No. 3, September 2020, pp. 939–960.
[335] Barrera et al.

widely than those that received no label.[336] A 'backfire effect' of correcting disinformation has long been documented in the scientific literature on fact-checking[337], but its existence has also been questioned by many researchers'[338]. A recent review of the extensive literature on the phenomenon concluded that it is highly unlikely for fact-checking to backfire, but it is of high importance that the false claim is 'clearly and saliently paired with' the fact-checker's correction.[339]

The EU has embraced fact-checking as an effective weapon against disinformation. EUvsDisinfo, 'the flagship project of the European External Action Service's East StratCom Task Force', is a fact-checking enterprise refuting claims linked to the pro-Kremlin media. The Social Observatory for Disinformation (SOMA) was set up at the end of 2018 with the explicit goal of supporting fact-checkers. In mid-2020, another project, the European Digital Media Observatory, was launched with the goal of becoming a hub for European fact-checkers. Yet, as is clear from what has been argued above, institutional support for fact-checking, and particularly institutional fact-checking (as in the case of EUvsDisinfo), are rather problematic. Institutional support threatens fact-checkers' credibility and, consequently, their impact. Moreover, being a part of a strategic communication task force makes EUvsDisinfo vulnerable to charges of being (counter-)propaganda, so its fact-checking efforts may easily backfire.

6.1.2　Verification

A second group of initiatives identified during the mapping to address disinformation relate to verification, which is closely related to fact-checking. While fact-checking may be conceptualised as groups or individuals evaluating the veracity of claims, verification services are tools 'that support the authentication of online items'.[340] Instead of assessing the truthfulness of a particular claim, these tools generally aim to provide information that can help in the assessment. They usually rely on algorithmic solutions, machine learning, or Artificial Intelligence, and the services they offer range from the fairly basic to the extremely complex. One German company's 'Metadata2Go' service, for example, simply extracts the metadata of files for users, which can reveal where and when a photo was taken, or a document was created. On the other end of the spectrum, one finds projects such as the Horizon 2020-funded 'WeVerify', which is working on 'collaborative, decentralised content verification, tracking, and debunking' tools, including a Deepfake Detector, Visual Location Estimation and Near Duplicate Detection for videos, currently still under development. What is available now for the general public is an extension for the Chrome and Firefox browsers, 'a Swiss army knife' to verify information. Utilising the 'InVid' algorithm developed in an earlier Horizon 2020 project, the plug-in can, among other things, provide forensic data of images and videos, perform reverse image searches, extract the metadata of images, and provide contextual information for videos. As is very often the case with these types of tools, the InVid extension is not easy to use, and the results require specialist knowledge to interpret.

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[336] Megan A. Brown, Zeve Sanderson, Jonathan Nagler, Richard Bonneau, and Joshua Tucker, 'Twitter Put Warning Labels on Hundreds of Thousands of Tweets. Our Research Examined Which Worked Best', *Washington Post*, n.d., available at https://www.washingtonpost.com/politics/2020/12/09/twitter-put-warning-labels-hundreds-thousands-tweets-our-research-examined-which-worked-best/.
[337] Brendan Nyhan and Jason Reifler, 'When Corrections Fail: The Persistence of Political Misperceptions', *Political Behavior*, Vol. 32, No. 2, June 1, 2010, pp. 303–330.
[338] Thomas Wood and Ethan Porter, 'The Elusive Backfire Effect: Mass Attitudes' Steadfast Factual Adherence', *Political Behavior*, Vol. 41, No. 1, March 1, 2019, pp. 135–163.
[339] Briony Swire-Thompson Joseph DeGutis, and David Lazer, 'Searching for the Backfire Effect: Measurement and Design Considerations', *Journal of Applied Research in Memory and Cognition*, Vol. 9, No. 3, September 1, 2020, pp. 286–299.
[340] Brandtzaeg et al.; other conceptualisations are also used.

6.1.3   Science communication

The mapping exercise revealed the long-standing traditions of science communication in Europe. Associations of science journalists exist in numerous Member States, from Italy to Hungary. Many of them, such as one Dutch organisation, offers grants to their members; some, such as an association in France and the European umbrella group, recognise outstanding achievements in the field with awards. Many of them also organise conferences, seminars, and workshops to disseminate best practices and promote innovation in science communication.

The mapping has also found a number of business ventures active in the science communication field. For example, the French 'Agent Majeur' offers communication services to scientists, while 'Science Communication Lab' in Germany can help with the visualisation of scientific results. Several EU-funded projects are also running to improve science communication.

While scientists have long argued for the importance of effective science communication, the public discourse about climate change[341], and more recently, the 'infodemic' surrounding the COVID-19 pandemic, have attracted considerable attention from the general public, too. Under the new spotlight, the goals of science communication have shifted. Whereas a seminal paper in 2003 named goals such as raising awareness, and generating enjoyment, interest, opinion, and understanding of science, as the aims[342]. Today, science communication is often seen as crucial for democracy and considered to have a key role in the fight against misinformation.[343]

There is little doubt that profound technological changes that have transformed the media environment have also greatly impacted science communication. Some argue that the growing distrust in science and 'misperceptions of scientific knowledge increasingly stem less from problems of communication and more from the widespread dissemination of misleading and biased information'.[344] This dissemination of biased information has mostly been unleashed by the internet, and it has led to an environment in which science claims compete with 'alternative facts'. As extensively documented by research, the inherent features of online communication (and particularly of social media) favour emotionally charged, sensationalised messages over nuanced communication, putting science at a clear disadvantage.

The COVID-19 pandemic hit this rather chaotic field of science communication and introduced yet another radical transformation: the rise of the pre-print publication[345] rapidly disseminated on social media. This has demonstrably contributed to the spread of conspiracy theories and false scientific information.[346]

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[341] For an overview, see Max Boykoff and Dyson Perrins, 'Media and Scientific Communication: A Case of Climate Change', Geological Society, London, Special Publications, Vol. 305, January 1, 2008, pp. 11–18.

[342] T. W. Burns, D. J. O'Connor, and S. M. Stocklmayer, 'Science Communication: A Contemporary Definition', Public Understanding of Science, Vol. 12, No. 2, April 1, 2003, pp. 183–202.

[343] As a Horizon 2020 project description states, 'science communication is more than ever a key factor in facilitating democratic deliberation and in fighting misinformation', Engagement and Journalism Innovation for Outstanding Open Science Communication | ENJOI Project | H2020 | CORDIS | European Commission, n.d. Available at: https://cordis.europa.eu/project/id/101006407.

[344] Shanto Iyengar and Douglas S. Massey, 'Scientific Communication in a Post-Truth Society', Proceedings of the National Academy of Sciences, Vol. 116, No. 16, April 16, 2019, pp. 7656–7661.

[345] Under 'normal' circumstances, scientific papers are subject to the quality control of peer-reviewing. These reviewed articles form the basis of science journalism. This has not been the case during the COVID-19 pandemic. In order to accelerate the dissemination of potentially life-saving scientific information, researchers have taken to publishing and sharing their papers before peer-review. Some of the papers have not stood up to scientific scrutiny. Yet, by the time these papers were retracted, their erroneous messages had gained traction on social media.

[346] Amy Koerber, 'Is It Fake News or Is It Open Science? Science Communication in the COVID-19 Pandemic', *Journal of Business and Technical Communication*, Vol. 35, No. 1, January 1, 2021, pp. 22–27.

Science communication has an ambivalent relation to social media. On the one hand, social media platforms play a significant role in spreading disinformation, including scientific and COVID-19-related disinformation. On the other hand, scientific institutions and scientists are increasingly reliant on social media to disseminate research results.[347] Yet, 'for public institutions to become dependent on […] channels whose technological features and business models are squarely at odds with their own institutional processes' is inherently risky.[348] Their engagement is also used by platforms to enhance their own public image.[349]

Science communication has proved clearly insufficient in the disinformation crisis, and especially during the infodemic. New ways of advancing the communication between the rapidly growing body of scientific knowledge and the diminishing attention capacity of the audience should be found.

6.1.4   Investigative journalism

Experts have been sounding the alarm bell over independent journalism for years;[350] and there is consensus in the field that the COVID-19 pandemic has had a devastating effect on journalism. This impact is not yet visible in our data; we found a large number of investigative journalism projects and organisations all over Europe. Investigative journalism centres operate in nearly every Member State, from Hungary's 'Átlátszó' to France's 'Disclose' or Austria's 'Dossier'. Regional co-operation is also common; for example, 'Re:Baltica' covers the Baltics, the Slovenian 'Oštro' wants to 'fill in a void in the Adriatic region', and 'Vsquare' is a collaboration of investigative journalists in the Visegrád countries. In addition to collaborating on investigative projects, many of the NGOs (or in some cases, academic institutions) offer support to investigative journalists, whether through lobbying and advocacy, networking, or training opportunities. Some, such as the Belgian 'Fonds Pour Le Journalisme', offers grants for investigative projects.

Similar to other parts of the media ecosystem, investigative journalism has been transformed in the new networked media environment. Under enormous economic pressure, the highly competitive single newsroom model has moved towards collaborations between independent news organisations and journalists, often across borders, or even globally.[351] This shift has been observed in the US and Australia, and it is clear in our data pool, too. There are examples of collaborations of a more institutional nature, such as the 'European Investigative Network', under which some of Europe's well-established legacy media organisations have started cooperating.[352] Equally important are the 'bottom-up' collaborative projects, where individual journalists initiate cross-border collaboration in the public interest.[353]

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[347] The ease and rapidity of sharing on social media had an important practical benefit for health care workers on the front line, many of whom used these platforms to keep up with, analyse, and discuss, the evolving knowledge about COVID-19. See Michael Gottlieb and Sean Dyer, 'Information and Disinformation: Social Media in the COVID-19 Crisis', Academic Emergency Medicine, Vol. 27, No. 7, 2020, pp. 640–641.

[348] José van Dijck and Donya Alinejad, 'Social Media and Trust in Scientific Expertise: Debating the COVID-19 Pandemic in The Netherlands', *Social Media + Society*, Vol. 6, No. 4, October 1, 2020, p. 2056305120981057.

[349] van Dijck and Alineiad.

[350] Rasmus Kleis Nielsen, 'The Many Crises of Western Journalism: A Comparative Analysis of Economic Crises, Professional Crises, and Crises of Confidence', in Jeffrey C. Alexander, Elizabeth Butler Breese, and Maria Luengo (eds.), *The Crisis of Journalism Reconsidered*, Cambridge University Press, Cambridge, 2016, pp. 77–97. Available at: https://www.cambridge.org/core/product/identifier/CBO9781316050774A016/type/book_part.

[351] Carson, Andrea, and Kate Farhall, 'Understanding Collaborative Investigative Journalism in a 'Post-Truth' Age', *Journalism Studies*, Vol. 19, No. 13, October 3, 2018, pp. 1899–1911.

[352] Heft, Annett, 'Transnational Journalism Networks 'From Below': Cross-Border Journalistic Collaboration in Individualized Newswork', Journalism Studies, Vol. 22, No. 4, March 12, 2021, pp. 454–474.

[353] Heft.

From the perspective of fighting disinformation, and more generally, of fulfilling the media's watchdog role, the shift towards collaborations is a welcome development. Collaboration gives access to specialist knowledge that not every newsroom has; it allows the 'pooling [of] skills and resources', enables higher profile investigations, facilitates addressing pan-national issues, and it offers legal protection in countries where the freedom of the press is not respected.[354] It also makes overcoming local censorship possible.[355] This kind of cooperation makes stories like 'Grand Theft Europe' possible, which involved 63 journalists in 30 countries, coordinated by the German 'Correctiv', to investigate a Europe-wide 'VAT tax fraud carousel' worth EUR 50 billion a year.

Despite these positive developments, many observers are increasingly pessimistic. The COVID-19 pandemic has had, and will continue to have, a 'dramatic and unequal effect' on independent news media.[356] Many initiatives lacked long-term sustainable funding even before the pandemic, and financial insecurity has since greatly increased. Actual reporting work has also been affected. The health risks and the lockdowns introduced as a response to the pandemic have greatly reduced journalists' access to news sources and events. Press freedom has come under pressure in many parts of the world. At a time when trustworthy information is needed more than ever, independent journalism in many places is struggling.

6.1.5 Media literacy education

Based on the mapping, many Member States in Europe have a lively, diverse, and well-established media literacy education landscape. Long-running organisations with traditional approaches and innovative new projects alike have been identified. Some initiatives focus on media literacy education exclusively, while many are engaged in other disinformation-related activities as well. An example of the first category is 'Digitalerkompass', an NGO conducting media literacy workshops for secondary school classes in Austria and Germany, or the French group of volunteering journalists 'Entre les lignes', which teaches critical thinking skills to young people. These groups typically focus on in-person education in school classrooms or libraries, though the COVID-19 pandemic has forced them online. For the second group, media literacy activities are complementary to their main mission. For example, some fact-checking initiatives (such as the Finnish 'Faktabaari') also develop educational material, such as its 'Infodemic Survival Kit' or 'Voter Literacy Handbook', available on their website. Some think tanks involved in disinformation research and policy development also create online educational material, such as the 'Countering Disinformation Online' toolkit, developed by Globsec in Slovakia. The Swedish 'Källkritikbyrån' complements its fact-checking activities with online guides and in-person lectures. The fact-checking group 'Verifica' in Catalonia has a number of in-person workshops designed for different target groups, such as 'Projecte Gen-Z', which aims to train a future generation of fact-checkers.

The mapping exercise has also uncovered some initiatives that utilise games to teach critical thinking or media literacy skills.[357] Since media literacy education often, though by no means always, targets children

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[354] Sambrook, Richard, 'Introduction' in Richard Sambrook (ed.), *Global Teamwork: The Rise of Collaboration in Investigative Journalism*, Reuters Institute for the Study of Journalism, 2018, pp. 1–4. https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2018-03/sambrook_e-ISBN_1802.pdf.

[355] Palomo, Bella, and Jon Sedano, 'Cross-Media Alliances to Stop Disinformation: A Real Solution?', *Media and Communication*, Vol. 9, No. 1, March 3, 2021, pp. 239–250.

[356] Nielsen, Rasmus Kleis, Federica Cherubini, and Simge Andi, 'Few Winners, Many Losers: The COVID-19 Pandemic's Dramatic and Unequal Impact on Independent News Media', Reuters Institute for the Study of Journalism, October 2020. https://reutersinstitute.politics.ox.ac.uk/few-winners-many-losers-covid-19-pandemics-dramatic-and-unequal-impact-independent-news-media.

[357] Scholars have been arguing that designing, or even playing, digital games can contribute to media literacy. However, the games included here have an explicit media literacy educational focus.

and young people, this is not surprising; these games, arguably, are part of a larger trend of gamifying education.[358] Although the rich literature on gamification is rather inconclusive about the effectiveness of the use of games in educational settings[359], as well as in online learning environments,[360] this has not seemed to have dampened the enthusiasm towards educational games.

In our pool of media literacy initiatives, the games identified range from simple quizzes to more complex, elaborate game experiences. Quizzes to test users' knowledge about recent news and fake news stories are, for example, a recurrent, monthly feature of the Hungarian 'Urbanlegends' website. The Polish fact-checker 'Demagog' also has its own (though static) version of a quiz. Researchers who have developed a similar game in Greece claim to have found that the quiz was successful in raising awareness about disinformation and educating the participants in ways to verify content.[361]

The more elaborate games in the European context include 'Bad News', a collaborative project of the Dutch 'DROG' media platform and the University of Cambridge, and its freshly upgraded version, the COVID-19 focused 'Go Viral!'. In both games the player aims to become a successful 'fake news tycoon', gaining as many followers and likes as possible, which, as game-players find out, is the easiest by spreading outrageous claims. Another example of this kind of games is 'Fake It to Make It'. These games aim to 'inoculate' players against disinformation by teaching them about the common techniques for spreading it. Research conducted by the game designers found evidence that the games were successful in improving the players' ability to recognise disinformation irrespective of their 'education, age, political ideology, and cognitive style'[362], and that the effect may be long-lasting.[363] The games also boosted players' confidence in evaluating the veracity of information.[364]

In addition to the game applications, the mapping uncovered two games that are not online but require physical presence.[365]

Based on the mapping, it appears that the EU plays an important role in the media literacy field, by bringing together various actors in different Member States and by funding their initiatives. Some of the recent projects include the 'European Media Coach' initiative, which replicates a successful Dutch programme in Cyprus, Greece, Portugal, Romania, and Bulgaria; 'Wires Crossed', which aims to develop local community media in order to mitigate disinformation in Croatia, Cyprus, Czechia, Germany, Ireland, Italy, and Poland, or the 'YouthMythBusters' initiative, which aims to improve the critical thinking skills of vulnerable youth in Czechia, Cyprus, Greece, Hungary, and Italy. The 'YouCheck!' project teaches students in France,

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[358] For a critical review of this trend, see Christo Dichev and Darina Dicheva, 'Gamifying Education: What Is Known, What Is Believed and What Remains Uncertain: A Critical Review', *International Journal of Educational Technology in Higher Education*, Vol. 14, No. 1, 2017, pp. 1–36.

[359] Dichev and Dicheva. Op. cit.

[360] Rob van Roy and Bieke Zaman, 'Need-Supporting Gamification in Education: An Assessment of Motivational Effects over Time', *Computers & Education*, Vol. 127, December 1, 2018, pp. 283–297.

[361] Anastasia Katsaounidou, Lazaros Vrysis, Rigas Kotsakis, Charalampos Dimoulas, and Andreas Veglis, 'MAthE the Game: A Serious Game for Education and Training in News Verification', *Education Sciences*, Vol. 9, No. 2, June 2019, p. 155.

[362] Jon Roozenbeek and Sander van der Linden, 'Fake News Game Confers Psychological Resistance against Online Misinformation', *Nature*, Vol. 5, No. 1, June 25, 2019, pp. 1–10.

[363] Rakoen Maertens, Jon Roozenbeek, Melisa Basol, and Sander van der Linden, 'Long-Term Effectiveness of Inoculation against Misinformation: Three Longitudinal Experiments', *Journal of Experimental Psychology: Applied*, October 5, 2020. Available at http://doi.apa.org/getdoi.cfm?doi=10.1037/xap0000315.

[364] Melisa Basol, Jon Roozenbeek, and Sander van der Linden, 'Good News about Bad News: Gamified Inoculation Boosts Confidence and Cognitive Immunity Against Fake News', *Journal of Cognition*, Vol. 3, No. 1, January 10, 2020, p. 2.

[365] Interestingly enough, both are based on the mechanism of popular escape room games. The Czech game 'Fakescape' is an in-person activity for secondary school students, organised in the classroom. The Austrian 'Escape Fake' uses augmented reality technique to create an escape room anywhere, with players using their phone camera to see the riddles and game elements in their physical environment.

Romania, Spain, and Sweden the use of the InVid-'WeVerify' verification tool. The 'YouCheck!' project has also developed a fairly elaborate game that involves the use of the tool.

Media literacy in the formal education system of Member States is discussed in Chapter 8.

6.2 Overview of efforts to increase citizens' resilience to disinformation

6.2.1 Germany

National policies and measures to increase citizens' resilience

There are numerous initiatives to strengthen the resilience of the citizenry against disinformation. Significant measures include:

Cosmo - COVID-19 Snapshot Monitoring

'Cosmo' is a joint project of the University of Erfurt, the Robert Koch Institute, the German Federal Centre for Health Education, and others to monitor knowledge, risk perception, protective behaviour, and trust in the population during the current outbreak.[366] In this way, continuous information is provided on the extent to which citizens consider government measures to be useful and, if necessary, support them.

State Media Authority NRW

For several years now, the state media authorities have been working to ensure media literacy, using considerable financial resources. One particular concern here is the fight against disinformation. The numerous studies published by the NRW State Media Authority on the methods of disinformation and their effects deserve special mention.[367] The Handbook for the Examination of Disinformation and Media Manipulation presents techniques that can be used to identify and examine disinformation.

ARD Fact Finder[368]

'Faktenfinder' is a research department of ARD founded in spring 2017 and is assigned to the 'Tagesschau'. The department's goal is to search the Internet for false reports that have the potential to influence public discourse. These are then researched, any false information found is corrected, and the results are then published on the website (https://www.tagesschau.de/faktenfinder/). Similar projects include 'Social Listening and Verification' by Bayrischer Rundfunk and the SWR 'Fakefinder.' [369]

Federal Agency for Civic Education

As an institution of the Federal Government, the 'bpb' has the task of promoting political education in the Federal Republic. The bpb's website provides an overview of civil society organisations that take action against misinformation on the Internet and work to strengthen media literacy.[370]

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[366] Cosmo, 'COVID-19 Snapshot Monitoring', available at: https://projekte.uni-erfurt.de/cosmo2020/web/. Last accessed on 23 February 2021.

[367] Landesanstalt für Medien NRW, 'Desinformation', available at: https://www.medienanstalt-nrw.de/themen/desinformation.html. Last accessed on 23 February 2021.

[368] Goethe Institut, 'Mit Fakten gegen Fake News', June 2017, available at: https://www.goethe.de/ins/cl/de/kul/mag/21006877.html. Last accessed 23 February 2021.

[369] Bundeszentrale für politische Bildung, 'Den Durchblick behalten. So lassen sich Fake News enttarnen', February 2017. Available at: https://www.bpb.de/gesellschaft/medien-und-sport/fake-news/246807/den-durchblick-behalten-so-lassen-sich-fake-news-enttarnen. Last accessed 23 February 2021.

[370] Bundeszentrale für politische Bildung, ‚Den Durchblick behalten. So lassen sich Fake News enttarnen', February 2017. Available at: https://www.bpb.de/gesellschaft/medien-und-sport/fake-news/246807/den-durchblick-behalten-so-lassen-sich-fake-news-enttarnen. Last accessed on 23 February 2021.

Furthermore, specialist articles are published that examine related issues in depth, such as the impact of conspiracy narratives. [371]

Citizens' initiatives

Numerous civil society groups have set out to investigate or provide education against disinformation:

New Responsibility Foundation[372]

The New Responsibility Foundation (SNV) is a non-profit think tank organised as an association. It deals with current political and social issues of new technologies and digitalisation (i.e., dissemination of election advertising, IT security, data economics, digital fundamental rights, and AI, among others).

Klickwinkel[373]

The Klickwinkel initiative has set itself the goal of turning young people into opinionated creators of digital media and thus preserving and strengthening democracy in the digital world. With its video competition, the initiative wants to motivate young people to do responsible research and to search for possible solutions, as well as to give these young people a voice. Overall, the initiative aims to strengthen young people's media skills and awaken their interest in digital topics* (*author's personal assessment).

Climate Lie Detector[374]

The 'Climate Lie Detector' was founded in 2008 by two journalists to counteract disinformation in the field of environmental or energy policy. The network consists of several journalists who check for possible disinformation in order to correct misleading, propagandistic, or out-of-context reports in an expert and fact-oriented manner. The results of the research are then published on the website.

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[371] Lamberty, 'Verschwörungserzählungen', bpb *Info aktuell* 35/2020.
[372] Stiftung Neue Verantwortung, 'Über uns'. Available at: https://www.stiftung-nv.de/de/ueber-uns. Last accessed on 23 February 2021.
[373] Klickwinkel, 'Über uns'. Available at: https://klickwinkel.de/initiative/ueber-uns/. Last accessed on 23 February 2021.
[374] Der Klima-Lügendetektor, 'Über uns'. Available at: https://klima-luegendetektor.de/about/. Last accessed on 23 February 2021.

Klicksafe[375]

'Klicksafe' is an EU initiative for more safety on the Internet that has been active in Germany since 2004. It aims to promote users' media skills and teach them how to use the Internet competently and critically. To this end, the initiative offers media education tips for parents and schools, provides an overview of current issues, and disseminates information about Internet complaint centres. Klicksafe aims to raise awareness of safety issues and provide information about developments, opportunities, and risks on the Internet.

CORRECTIV[376]

'CORRECTIV' is a donation-funded German research centre that focuses on investigative journalism. Its goal is to conduct clean and thorough research in order to uncover systematic malpractice, corruption, and unethical behaviour (in the past, for example, on the AfD donations affair or the CumEx tax scandal). CORRECTIV is committed to combating both disinformation and misinformation and aims to enrich and strengthen public discourse, and thus democratic society, through independent, fact-based journalism.

Mimikama[377]

'Mimikama' is an Austrian association for the protection of Internet users (particularly on social media) that was established in 2011. Its goal is to counteract Internet abuse, Internet fraud, and disinformation. The association works primarily as a fact checker that users can turn to if they discover false reports or similar in social media. The findings are then published as research or analysis reports on the association's website.

Digital Education Monitor[378]

Together with the MMB Institute for Media and Competence Research in Essen, the Bertelsmann Foundation's 'Monitor Digitale Bildung' (Digital Education Monitor) examines the opportunities, framework conditions, and challenges of digital education and education in times of digitisation in Germany. Since 2015, empirical data from various educational sectors has been collected and analysed to create a cross-sectoral database. The main aim is to discuss and develop good and useful concepts for digitised learning.

6.2.2   Finland

National policies and measures to increase citizens' resilience

Finland has been one of the pioneers of media education, with roots going back to the 1950s[379], and with the introduction of mass media education in the school curriculum as early as 1972.[380] As for media literacy more specifically, various government initiatives to facilitate media literacy skills among citizens have been

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[375] Klicksafe, 'Die EU-Initiative klicksafe'. Available at: https://www.klicksafe.de/ueber-klicksafe/die-initiative/projektinfo/. Last accessed on 23 February 2021.

[376] Correctiv, 'Über uns'. Available at https://correctiv.org/ueber-uns/. Last accessed 23 February 2021.

[377] Mimikama, 'Über Mimikana'. Available at https://www.mimikama.at/ueber-uns/. Last accessed 23 February 2021.

[378] Bertelsmann Stiftung, 'Monitor Digitale Bildung'. Available at: https://www.bertelsmann-stiftung.de/de/unsere-projekte/teilhabe-in-einer-digitalisierten-welt/projektthemen/projektthemen-monitor/. Last accessed 23 February 2021.

[379] Reijo Kupiainen, Sara Sintonen, and Juha Suoranta, 'Decades of Finnish Media Education', September 27, 2008. Available at: https://www.researchgate.net/publication/257116839_Decedes_of_Finnish_Media_Education.

[380] Lauri Palsa and Saara Salomaa, 'Media Literacy as a Cross-Sectoral Phenomenon: Media Education in Finnish Ministerial-Level Policies', *Central European Journal of Communication*, Vol. 13, No. 2, May 18, 2020, pp. 162–182.

in place since 2004.[381] A government body to promote media literacy was set up in 2012[382], and re-organised in 2014 as the current 'National Audiovisual Institute' (KAVI).[383] The Finnish Ministry of Education and Culture developed guidelines for media literacy education in 2013, well before disinformation came to be seen as a central problem. The policies focus on providing children and young people with 'the prerequisites for participating […] in the information society'.[384] Based on the 2018 new national media policy, the guidelines were updated in 2019[385], now with an explicit emphasis on disinformation. The new policy names 'supporting the agency and participation of children and adolescents in society and preventing the dissemination of misinformation' as one of its goals (p.9). The new policy also **targets all age groups** in Finland, which is hailed as the most significant change from earlier efforts[386].

The Finnish national curriculum was reformed at all levels betwen 2012 and 2017.[387] The changes introduced included a focus on critical thinking. Developing the concept of media literacy further, the new national core curriculum focuses on multiliteracy[388], defined as the skills needed to 'interpret, produce, and make a value judgement' of different texts.[389] Education has been generally recognised as a key component in Finland's resilience against disinformation. A recent article in the British 'Telegraph' newspaper named kindergarten teachers 'Finland's secret weapon against fake news'.[390]

State-supported media literacy programmes beyond the classrooms also abound. 'In Finland, media education work is carried out wherever children and young people are: not only in schools, but also in different virtual communities and game worlds', the NGO Finnish Society on Media Education claims.[391] The public service media 'Yle' runs a 'news classroom' project ('Yle Uutisluokka')[392], helping pupils make their own news with professional journalists.[393] Yle also operates a 'lie detector' ('Valheenpaljastaja'), and produces accessible materials on disinformation, such as how to recognise manipulated photos or videos.[394] Libraries and youth centres also run media literacy projects. Media Literacy Week has been celebrated every year since 2013 with a wealth of activities, and in cooperation with private businesses, public bodies, and NGOs.[395]

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[381] Reijo Kupiainen, 'Media Literacy in Finland', *The International Encyclopedia of Media Literacy*, American Cancer Society, 2019, pp. 1–6. Available at: https://onlinelibrary.wiley.com/doi/abs/10.1002/9781118978238.ieml0147.

[382] Palsa and Salomaa, 2020, p. 163.

[383] Kavi, 'Our history'. Available at: https://kavi.fi/en/about-kavi/.

[384] Ministry of Education and Culture, Finland, 'Good Media Literacy: National Policy Guidelines 2013–2016', 2013. Available at: http://urn.fi/URN:ISBN:978-952-263-222-7, p.3..

[385] Ministry of Education and Culture, Finland, 'Media Literacy in Finland: National Media Education Policy', 2019.

[386] Palsa and Salomaa, 2020, p.166.

[387] Irmeli Halinen and Michiel Matthes, 'The New Educational Curriculum in Finland', Improving the Quality of Childhood in Europe, Vol. 7, Alliance for Childhood European Network Foundation, Brussels, 2018, pp. 75–89.

[388] Kupiainen, 2019.

[389] Paivi Rasi, Marjaana Kangas and Heli Ruokamo, 'Promoting Multiliteracy in the Finnish Educational System', in Merja Paksuniemi and Pigga Keskitalo (eds.), *Introduction to the Finnish Educational System*, Brill Sense, 2019, pp. 96–157. Available at: https://brill.com/view/book/edcoll/9789004394278/BP000014.xml, p.98.

[390] Harriet Barber, 'Finland's Secret Weapon in the Fight against Fake News: Its Kindergarten Children', *The Telegraph*, February 16, 2021. Available at: https://www.telegraph.co.uk/global-health/climate-and-people/finlands-secret-weapon-fight-against-fake-news-kindergarten/.

[391] Finnish Society on Media Education, 'About'. Available at: https://mediakasvatus.fi/english/.

[392] Yle, 'Yle Newsletter'. Available at: https://yle.fi/uutiset/osasto/uutisluokka/ (in Finnish).

[393] Minna Horowitz, 'Public Service Media and Information Disorder: Public Media Institutions at a Crossroads: Visions, Strategies, Tactics', Center for Media, Data and Society, *Central European University*, Budapest, August 2018. p.18.

[394] Yle, 'Media – ja digitaidot'. Available at: https://yle.fi/aihe/kategoria/oppiminen/valheenpaljastaja (in Finnish).

[395] Mediataitoviikko. Available at: https://www.mediataitoviikko.fi/in-english/.

The Finnish government has also been a front-runner in engaging with social media influencers to spread correct information about the COVID-19 pandemic.[396] Influencers were recognised as critical actors in 2018 to ensure that the whole nation can be reached in the event of a crisis.[397] In a joint project of the Finnish Prime Minister's Office, a social media consultancy named 'PING Helsinki' and the 'Mediapooli' network[398], influencers were quickly mobilised when the pandemic hit. Under the cooperation, 'PING Helsinki' turned the government's COVID-19-related messages into easy-to-share formats, and sent them to 1 500 Finnish influencers who were free to use them as they saw fit.[399]

Citizens' initiative

Finland has a lively civic scene when it comes to tackling disinformation. Interesting initiatives include the 'Faktana, Kiiot' ('Facts, please') project 2017–18, in which a group of volunteer journalists visited schools to talk about their work and teach children about disinformation.[400] The 'Faktabaari' fact-checking organisation started operating in 2014 and has conducted many interesting activities in addition to 'traditional' fact-checking.[401] In preparation for the 2019 elections, Faktabaari launched an 'election project' in May 2018, which included a seminar on electoral interference and devoted special attention to fighting election-related disinformation, focusing on the issue in the Faktabaari EDU project for teachers and pupils.[402] Sponsored by the Finnish Ministry of Foreign Affairs and the European Parliament, Faktabaari also participated in the #VaadiFaktat ('demand facts') project, training fact-checkers, producing educational material and going on a five-town 'tour' to hold discussions to promote fact-based politics and increase voter turnout.[403]

Before the 2019 elections, an NGO named 'Open Knowledge Finland' adapted a British software called 'Who Targets Me'[404] to the Finnish elections. With the help of a browser extension called 'Vaalvahti', voters could see which party and candidate was targeting them, and whether the campaign messages were the same across the board, or if they were micro-targeted.[405] A database of the political ads on Facebook was also established.

[396] Jon Henley, 'Finland Enlists Social Influencers in Fight against COVID-19', *The Guardian*, April 1, 2020, sec. World news. https://www.theguardian.com/world/2020/apr/01/finland-enlists-social-influencers-in-fight-against-covid-19.

[397] Johanna Vehkoo, 'Valheenpaljastaja: Viestiikö vaaliehdokas sinulle yhtä ja naapurille toista? Vaalivahti-työkalu seuraa Facebookin kohdennettua vaalimainontaa', Yle, March 17, 2019. Available at: https://yle.fi/aihe/artikkeli/2019/03/17/valheenpaljastaja-viestiiko-vaaliehdokas-sinulle-yhta-ja-naapurille-toista (in Finnish).

[398] Mediapooli. Available at: https://www.mediapooli.fi/en/

[399] Melissa Hekkila, 'Finland Taps Social Media Influencers during Coronavirus Crisis', *Politico*, March 31, 2020. https://www.politico.eu/article/finland-taps-influencers-as-critical-actors-amid-coronavirus-pandemic/.

[400] Henri Mikael Koponen, ;New Finnish Project Brings Journalists to Schools to Teach Media Literacy', International Press Institute, January 24, 2018. Available at: https://ipi.media/new-finnish-project-brings-journalists-to-schools-to-teach-media-literacy/.

[401] FaktaBaari, 'Welcome to Faktabaari'. Available at: https://faktabaari.fi/in-english/.

[402] Petra, Piitulainen-Ramsay and Mikko Salo, 'Faktabaarin Vaalikevät 2019 - Digitaalinen Medialukutaito, Joukkoistus Ja Eurooppalainen Yhteistyö', Faktabaari, June 5, 2019. Available at: https://faktabaari.fi/baaripuhetta/faktabaarin-vaalikevt-2019-digitaalinen-medialukutaito-joukkoistus-ja-eurooppalainen-yhteisty/ (in Finnish).

[403] Petra Piitulainen-Ramsay, 'EU-Vaalit: Faktantarkkailijat Joukkoistamisen Tukena', Faktabaari, March 26, 2019. Available at: https://faktabaari.fi/eu-vaalit-faktantarkkailijat-joukkoistamisen-tukena/ (in Finnish).

[404] Who targets me, 'We campaign for more transparent political ads', available at https://whotargets.me/.

[405] Johanna Vehkoo, 'Valheenpaljastaja: Viestiikö vaaliehdokas sinulle yhtä ja naapurille toista? Vaalivahti-työkalu seuraa Facebookin kohdennettua vaalimainontaa', Yle, March 17, 2019. Available at: https://yle.fi/aihe/artikkeli/2019/03/17/valheenpaljastaja-viestiiko-vaaliehdokas-sinulle-yhta-ja-naapurille-toista (in Finnish).

6.2.3   Estonia

National policies and measures to increase citizens' resilience

Increasing citizens' resilience against disinformation is a strong focus in Estonia. This focus is rooted in the country's approach to security. According to the 2017 National Security Concept (which calls for integrated defence and comprehensive security), comprehensive defence is a whole-of-society approach, with psychological defence being one of the six pillars.[406] Several ministries are tasked with promoting media literacy amongst the greater population, such as the Ministry of Culture, which is responsible for Estonia's broadcasting policy, and the Ministry of Education and Research.

Russian speakers in Estonia would get their information from television, the most popular Russian language channels being controlled by Moscow.[407] Against this backdrop, in September 2015, the Estonian government launched a Russian language TV channel ('ETV+'). The goal of the channel was to offer an alternative to the pro-Kremlin narratives, when it comes to TV programmes, for Russophones, and thus lower Russia's influence on this audience.[408] According to the Ministry of Culture, the channel is established on the principle that 'all groups in society must have access to a high-quality, balanced TV programme that reflects Estonia's life and culture'.[409] However, the channel struggled with attracting viewers from the better produced Russian channels.[410] The reliance of the Russophone population on Russian media makes them especially vulnerable to disinformation campaigns targeted not only directly at Estonia, but also at the Russian population as a whole. As can be seen in the results of our mapping exercise, slightly more than 30% of the relevant disinformation actions identified form the EUvsDisinfo website were disseminated through Russian media channels.

As part of its digital strategy, Estonia is also teaching its young population how to spot fake news.[411] According to the Ministry of Education, due to the increasing importance of technology in our daily lives, it is necessary to improve the digital competences of the entire population.[412] Digital skills are taught to pupils from kindergarten to grade 12, with the goal of keeping them safe online. Pupils with digital competences should be able to communicate safely online, find the right information over the web, think critically about what they read online, and understand how to protect their personal data.[413] The Ministry of Education and Research provides training and instructions for teachers and school administrators in order for them to understand the concept of digital competences. It is the responsibility of teachers to monitor the progress of their students, using comprehensive assessment measures developed by the

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[406] Stephen J. Flanagan, Jan Osburg, Anika Binnendijk, Marta Kepe, Andrew, 'Deterring Russian Aggression in the Baltic States Through Resilience and Resistance', RAND corporation, p. 7. Available at: https://www.rand.org/pubs/research_reports/RR2779.html#related. Last accessed 12 March 2021.

[407] Tyler McBrien, op. cit., pp. 8-9.

[408] Foreign Policy Research Institute, 'Defeating Disinformation Threats'. Available at: https://www.fpri.org/article/2020/02/defeating-disinformation-threats/. Last accessed 12 March 2021.

[409] Government of the Republic of Estonia, 'Government supports the creation of a Russian language TV channel'. Available at: https://www.valitsus.ee/en/news/government-supports-creation-russian-language-tv-channel. Last accessed 12 March 2021.

[410] Tyler McBrien, op. cit., p. 9.

[411] GovInsider, 'Exclusive: How Estonia is training young people to spot fake news'. Available at: https://govinsider.asia/connected-gov/mart-laidmets-kristel-rillo-estonian-ministry-of-education-and-research-fake-news-digital-competence/. Last accessed 12 March 2021.

[412] Ministry of Education and Research, 'Digital Focus'. Available at: https://www.hm.ee/en/activities/digital-focus. Last accessed 12 March 2021.

[413] GovInsider, 'Exclusive: How Estonia is training young people to spot fake news'.

Ministry. In 2018, it was considered that 83% of the students aged 7–17 met the minimum requirements for digital competences.[414]

The Ministry of Education and Research also compiled a **mandatory course** of 35 hours on 'Media and Manipulation' for high school students. The course addressed various kinds of media products, but also the difference between news and opinion, and clarified who is considered a 'journalist', what social media is, and what the various methods of influencing opinions are.[415]

Citizens' initiatives

Estonia's response to disinformation is shaped by its sizeable Russian-speaking population and its reliance on digitisation. According to 'Statistics Estonia', in 2021, the country boasts a population of 1 329 460 inhabitants[416], of which almost 25 % is of Russian ethnicity.[417] In 2005, the country became the first in the world to offer the option to vote online, while in 2007, it became the target of the first coordinated, large scale cyber-attack.[418]

The cyber-attack happened in the Spring of 2007, following relocation by the authorities of the 'Bronze Soldier' – a Soviet World War II memorial of great importance for the Russian-speaking population, which at that time represented 30 % of the total population.[419] This decision increased already existing dissatisfaction, on the part of the Russian-speaking population, due to growing post-independence inequality, and this culminated in protests in Tallinn.[420] The protests were followed by three weeks of denial-of-service attacks, a type of activity where the attacker 'sends overwhelming amounts of data to the targeted internet servers, clogging them up with traffic and either slowing them down or knocking them offline entirely'.[421] Although the source of the attacks was never identified with certainty, national and international observers mostly agreed that Russia was responsible for the attack.[422]

Following the attack, Estonia established the 'Estonian Defence League's Cyber Unit'[423], formed of volunteer specialists in information technology who focus on sharing threat information and preparing the population to respond to cyber incidents.[424] Their aims include:

- the development of cooperation among qualified volunteer IT specialists;

- raising the level of cyber security for critical information infrastructure through the dissemination of knowledge and training;

- creation of a network which facilitates public private partnership and enhances preparedness in operating during a crisis situation;

[414] Ibid.
[415] Tyler McBrien, op. cit., pp. 14-15.
[416] Statistics Estonia, 'Population figure'. Available at: https://www.stat.ee/en/find-statistics/statistics-theme/population/population-figure. Last accessed 12 March 2021.
[417] Statistics Estonia, 'Population'. Available at: https://www.stat.ee/en/find-statistics/statistics-theme/population. Last accessed 12 March 2021.
[418] Tyler McBrien, op. cit., p. 2.
[419] Ibid.
[420] Ibid.
[421] The Conversation, 'Countering Russian disinformation the Baltic nations' way'. Available at: https://theconversation.com/countering-russian-disinformation-the-baltic-nations-way-109366. Last accessed 12 March 2021.
[422] Tyler McBrien, op. cit., p. 2.
[423] Kaitseliit, 'History of the EDL CU'. Available at: https://www.kaitseliit.ee/en/history-of-the-edl-cu. Last accessed 12 March 2021.
[424] The Conversation, 'Countering Russian disinformation the Baltic nations' way'.

- education and training in information security.[425]

In 2020, it participated in an international public-private cyberattack simulation.[426]

The Cyber Unit is part of the greater Estonian Defence League (or 'Kaitseliit'), which is a national defence organisation operating on a volunteer basis (16 000 members) in the area of government of the Ministry of Defence.[427] It has a wide array of tasks; besides physical defence, it also has a role in educating the public about national defence and fighting disinformation.[428] Related to the latter, the EDL runs the anti-propaganda blog/website 'Propastop', which counters disinformation, highlights corporate practices related to social media, and advocates for media literacy.[429] Propastop also cooperates with investigative journalists, collaborating with them on content creation, as well as with newspapers, where the results of the analyses produced by Propastop are published.[430]

6.2.4 Taiwan

National policies and measures to increase citizens' resilience

Taiwan increases citizens' resilience against disinformation mostly through an innovative system of debunking false news and education. One of the measures implemented by Taiwan to increase citizens' resilience is a rapid response method designed in a way that ensures true information dominates the public space before falsehoods. The government strives to be always one step ahead of the fake news through constant monitoring of the information space, as well as setting a requirement of 2 hours' time-limit to respond to fake news.[431] This allows officials to give the public an information 'immunisation shot' by pre-empting fake news with accurate information, so that people are exposed to the truth before learning about a falsehood.[432] This increases the chance of overcoming the so-called 'familiarity bias trap' (i.e. repeating a false claim strengthens the claim), because people hear the facts first. In other words, the rapid response weakens the power of fake news and strengthens the position of true information. In order for the clarification to propagate faster and farther than the fake news story, the response must meet the following criteria: fast, short, easily understandable, humorous, high-level, and easy to share. One of the most typical forms of response is a humorous meme. One of the reasons for this choice is that humour attracts young citizens, who can then **share the meme with their less media-literate family members**. This is particularly important due to the fact that, according to the trusted messenger theory, people tend to accept clarifications more from those they trust.[433]

The second resilience-building tool is education. The government has been driving **media literacy trucks to rural places** to conduct workshops on how to identify fake news for citizens with less media experience (often older people).[434]

[425] Kaitseliit, 'Estonian Defence League's Cyber Unit'. Available at: https://www.kaitseliit.ee/en/cyber-unit. Last accessed 12 March 2021.

[426] Center for Strategic & International Studies, 'Countering Russian Disinformation'. Available at: https://www.csis.org/blogs/post-soviet-post/countering-russian-disinformation. Last accessed 12 March 2021.

[427] Kaitseliit, 'Estonian Defence League'. Available at: https://www.kaitseliit.ee/en/edl. Last accessed 12 March 2021.

[428] Center for Strategic & International Studies, 'Countering Russian Disinformation'.

[429] Ibid.

[430] Tyler McBrien, op. cit., p. 11.

[431] Aaron Huang, "Combatting and Defeating Chinese Propaganda and Disinformation A Case Study of Taiwan's 2020 Elections".

[432] Ibid.

[433] Ibid.

[434] Ibid

As a response to the COVID-19 'infodemic' in Taiwan, the Central Epidemic Command Center (CECC) livestreamed press conferences every day from January to June 2020, and has continued to do so every week since July 2020, meaning that there is always one official source for public information. Citizens also receive LINE messages from the CECC. Key public health messages are available in seven languages, as currently there are 700 000 migrant workers in Taiwan.[435]

Citizens' initiatives

Robust and healthy civil society in Taiwan plays an important role in fighting disinformation, as does good **coordination between civil society and government**. One of the most prominent examples is the group g0v ('gov-zero'), a 'decentralised civic tech community' in Taiwan working to foster better information transparency and promote greater citizen participation in governance.[436] Close links between Taiwan's hacker community and the Taiwanese government have allowed g0v to rapidly respond to disinformation. For example, to prevent a run on medical-grade masks in the early days of the pandemic, technology-savvy individuals created algorithms that could locate and quantify the mask situation in the pharmacies, and update this inventory data in real time.[437] Citizens could check live maps showing the actual availability of masks across the island. Taiwanese government utilised the potential of this bottom-rooted initiative, as Digital Minister Audrey Tang compiled all the digital maps onto one website for easy access, and also publicly informed citizens on the Face Mask Map tool.[438] According to news reports, more than 10 million citizens[439] have used the COVID-19 mask apps as of June 2020.[440]

The Taiwan FactCheck Center (TFC) is another example of an engaged, actively working non-profit organisation dedicated to fighting disinformation. It was jointly founded in 2018 by the Association for Quality Journalism and Taiwan Media Watch.[441] The objectives of the TFC are to conduct fact-checks on information relevant to public affairs, as well as to improve the information ecology and news quality in Taiwan. The TFC selects various items to fact-check and post online in the form of information accompanied by the overall review process, and references for each factual assertion.[442] The TFC has been involved in numerous collaborations with social platforms, such as 'LINE' and Facebook, aimed at educating users on how to better identify fake news.[443] One of these initiatives was LINE's global anti-fake news campaign.[444]

Another example of civic engagement is the 'Doublethink Lab'. Founded in 2019 in Taipei, it operates at the intersection of the Internet, public discourse, civil society, and democratic governance, researching

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[435] The National Bureau of Asian Research (NBR), 'China's Disinformation Campaign in Taiwan about COVID-19'. Available at: https://www.nbr.org/publication/chinas-disinformation-campaign-in-taiwan-about-covid-19/.
[436] g0v, available at: https://g0v.tw/.
[437] Kelsie Nabben, 'Hacking the pandemic: How Taiwan's digital democracy holds COVID-19 at bay', *The Conversation*, 2020. Available at: https://theconversation.com/hacking-the-pandemic-how-taiwans-digital-democracy-holds-covid-19-at-bay-145023.
[438] See the National Health Insurance Administration's website: National Health Insurance Administration, 口罩供需資訊平台 (Mouth cover supply and demand information platform). Available at: https://mask.pdis.nat.gov.tw/ ?fbclid=IwAR0K7R4_14ztQ1bEY0UiQmwsfoA9e3iQhttowEkkMej647aOhIo_RfxvggA.
[439] Which makes almost half of the population in Taiwan, inhabited by 23.6 million people.
[440] Shiroma Silva, 'Coronavirus: How map hacks and buttocks helped Taiwan fight COVID-19', BBC, 2020. Available at: https://www.bbc.com/news/technology-52883838.
[441] Taiwan FactCheck Center, 'About Us'. Available at: https://tfc-taiwan.org.tw/about/purpose.
[442] Ibid.
[443] Chun Han Wong and Phillip Wen, 'Taiwan Turns to Facebook and Viral Memes to Counter China's Disinformation', Wall Street Journal, January 3, 202. Available at: https://www.wsj.com/articles/taiwan-turns-to-facebook-and-viral-memes-to-counter-chinas-disinformation-11578047403.
[444] LINE, Stop 'Fake News' Campaign. Available at: https://www.youtube.com/watch?v=6RfHF_OkR9E.

modern threats to democracy and devising strategies to counter them.[445] According to its web statement, it focuses mostly on mapping online information operation mechanisms, as well as surveillance technology exportation and digital authoritarianism.

'MyGoPen', 'Cofacts', and 'Rum Toast' are further examples of grassroots initiatives. These are all civic in nature and, to avoid partisan censorship of political information, they use crowdfunding solutions which promise more equity and a diversity of voices. They have all been working with both social media platforms (i.e. Facebook and LINE) to identify, verify, and downrank dubious posts, and with the Taiwanese government to obtain accurate, up-to-date information, and quickly. Civic engagement is visible not only institutionally, but also on the streets, during events such as the Anti-'Red Media March' in June 2019, when 20 000 people rallied against compromised Taiwanese media like the 'China Times' and 'CTi TV'.[446] It is also present in the digital sphere in forms such as the LINE group, 'Have You Cared For Your Elders Today?' – a 'debunking farm' organised and created by a group of young people, where fake-news debunking memes are created so that young people can forward them to their more susceptible family members.[447]

6.2.5   Australia

National policies and measures to increase citizens' resilience

In May 2017, the country established the Select Committee on the Future of Public Interest Journalism. The committee's report recommended supporting public interest journalism, as well as review of current laws that impact journalism.[448] Besides, it suggested strengthening of the national curriculum to raise awareness and improve digital media literacy.[449]

In April 2019, before the federal elections, a significant media literacy campaign was started by AEC to boost citizens' resilience. The 'Stop and Consider' initiative asked citizens to pay special attention and be critical with news sources.[450] The campaign encouraged voters to 'carefully check the source of electoral communication they see or hear' throughout the 2019 federal election campaign.[451] AEC does not check the truth of electoral communications, but it has provided a complaint form for people to report communications which have not been correctly authorised.[452] A 2020 study suggests that the **level of media literacy is still unsatisfactory among Australian people**, and that media information literacy programs should be a compulsory part of the school curriculum.[453] Strengthening media literacy is also highly recommended by the Australian Communications and Media Authority (ACMA) in its 2020 position paper.[454]

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[445] Doublethink Lab (台灣民主實驗室), 'About us'. Available at: https://doublethinklab.org/.

[446] Aaron Huang, 'Combatting and Defeating Chinese Propaganda and Disinformation A Case Study of Taiwan's 2020 Elections'.

[447] Ibid.

[448] Luke Buckmaster, Tyson Wils, 'Responding to fake news', Parliament of Australia.

[449] Ibid.

[450] Funke, Flamini, 2018-2019.

[451] Buckmaster, Wils.

[452] Buchanan, 2019.

[453] Mathieu O'Neil, Michael J. Jensen, 'Australian Perspectives on Misinformation', Canberra, News & Media Research Centre, University of Canberra, 2020, p. 10. Available at: https://researchsystem.canberra.edu.au/ws/portalfiles/portal/42830744/apo_nid309148_0.pdf.

[454] Australian Communications and Media Authority, 'Misinformation and news quality on digital platforms in Australia – A position paper to guide code development', June 2020, pp. 33–37. Available at: https://www.acma.gov.au/sites/default/files/2020-06/Misinformation%20and%20news%20quality%20position%20paper.pdf.

In December 2019, the Prime Minister of Australia announced the establishment of a 'Counter Foreign Interference Taskforce', which differentiates between foreign influence and interference. The former is a lawful action in which governments 'try to influence discussions on issues of importance in an open and transparent manner'.[455] The latter, however, is an action that is 'carried out by, or on behalf of, a foreign actor, [is] coercive, corrupting, deceptive, clandestine, and contrary to Australia's sovereignty, values and national interests'.[456] The site invites citizens to report foreign interference via telephone and e-mail access points provided on the site.

Citizens' initiatives

According to the Edelman's 2021 Trust Barometer report[457], which was published in February this year, there are no media sources that are perceived as trusted for news and information by Australians. According to the methodology of the report, 'media sources are classified as 'trusted' if they score 60 points or higher, and the highest the media reached was 61 in 2018 and 2019, dropping to 56 and 53 in 2020 and 2021 respectively (traditional media)'.[458] **68 % of respondents believe that news organisations are more concerned with supporting an ideology than with informing the public; moreover, 64 % held that journalists are 'purposely trying to mislead people' by publishing falsities**. This signals that boosting media literacy, and raising awareness of critically assessing media sources, are high priority in Australia.

There are several entities and organisations nowadays in Australia that are active in the field of boosting media literacy. The Australian Broadcasting Corporation (ABC) launched an educational initiative through which it helps parents and teachers to better and more easily educate minors to make them more resilient in the world of social media and disinformation. ABC Education provides high-quality educational content to use at home and in the classroom, and all materials and information is free and in line with the national curriculum of Australia.[459]

In April 2020, academics, cultural institutions, and peak bodies (including ABC Education) established the Australian Media Literacy Alliance (AMLA).[460] The alliance pays special attention to content creation, information provision, education, and media and information usage.

The Alannah & Madeline Foundation is a grassroots, civil, non-profit initiative, which started a Media Literacy Lab to empower young people 'to think critically, create responsibly, [and] be effective voices and active citizens online'.[461]

6.2.6   Other EU Member States' national policies to increase citizens' resilience

Sweden

In 2009, the state established the 'Civil Contingency Agency', responsible for issues concerning civil defence, public safety and emergency management. This body was entrusted with the task of raising awareness among Swedish citizens, improving their media literacy, and educating them on disinformation

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[455] Australian Government, Department of Home Affairs, 'Countering foreign interference'. Last updated 27 February 2020. Last accessed 16 March 2021.
[456] Ibid.
[457] Edelman, 'Edelman Trust Barometer 2021. Country Report. Trust in Australia'.
[458] Mumbrella, 'Australia has no trusted media source finds Edelman's 2021 Trust Barometer', 19 February 2021.
[459] ABC Education, 'Media literacy',
[460] Australian Media Literacy Alliance, 'Home page'.
[461] Alannah & Madeline Foundation, 'Media Literacy Lab'.

in 2018. The most recent government action is the set-up of a new body, the '**Psychological Defence Authority'**. The authority's main aim is to 'discover, counter, and prevent influence campaigns, and disinformation, both nationally and internationally'. Currently, the foundation for this new body, the launch of which was originally set for 2019, is being laid, after it was initially postponed to mid-2020. The Swedish government wants the Psychological Defence Authority to be fully working by 2022, which is also the next national election year.[462]

Slovakia

The main governmental driving force in the fight against disinformation is the Slovakian Foreign Ministry. which has organised educational programs at universities and workshops for civil servants. The ministry developed a strategic communication and set up a new department to counter hybrid threats, and the main aim is to make this more systematic. This process is also about protecting democracy and strengthening Slovakia's dedication to European values and unity, as well as building trust towards the government.[463]

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[462] Hofverberg, 2019 pp. 146-147.
[463] Sirotnikova, MG, Pandemic Pushes Slovakia to Finally Target Disinformation, Balkan Insight, 20 October 2020.

7　The role of social media platforms in disseminating and tackling disinformation

This chapter will contain a description and assessment of the role that social media has played since 2019, including their self-regulation actions and other decisions, as well as some tendencies that can be observed in the development of this role.

Social media platforms have been the focus point of both action and of attention in recent years. Their responsibility has often been debated by policymakers, stakeholders, and academics. This discussion has not yet reached a settlement. The draft EU legislative actions (DSA, DMA), which are the focus of Chapter 5, give more direction and impetus to debates in coming years.

This chapter will focus on the pro-active measures of social media platforms, in particular their self-regulative initiatives and their prominent actions for moderation of discourse (e.g. in relation to Donald Trump).

It will evaluate the effectiveness of the self-regulative initiatives, for example, discussing the reports on the implementation of the Code of Practice against Disinformation.[464]

The analysis will identify the main tendencies and interests in this process.

7.1　Social media platforms' self-regulation, actions and decisions since 2019

After the Code of Practice on Disinformation came into effect, the first and second annual reports were submitted by large platform providers in 2019 and 2020. Between the two, extraordinary reports have been requested in the framework of the 'Fighting COVID-19 monitoring programme', based on the Joint Communication against COVID-19.[465]

The expectations under the Code of Practice have been:

- providing policies and processes to disrupt advertising and monetisation incentives that contribute to the spread of disinformation;
- ensuring transparency of political advertising and issue-based advertising;
- protecting the integrity of platform services against manipulative and abusive conduct;
- empowering consumers;
- empowering the research community.

Whereas, under the Joint Communication, platforms had to report on how they addressed their tasks:

- to promote authoritative content;
- to improve user awareness;
- to report on social media manipulation and malign influence operations;

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[464] Summary report on the implementation of the Code of Practice (January 2019), the Analysis Code of Practice annual reports (October 2019).
[465] JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, 'Tackling COVID-19 disinformation – Getting the facts right'.

- to limit advertising linked to COVID-19 disinformation.

The reported solutions and initiatives reflect a considerable innovation capacity, diversity, and real effort of the responding online platforms. Their actions offer a colourful pool of good practices. One of the clear benefits of the self-regulation approach lies in the flexibility it provides to platforms in designing these diverse solutions. In this subchapter, we provide a short summary and conclusions of the most meaningful policies of platforms, and offer a non-exhaustive standardised overview of the tools in Table 3, below. It should be noted that this collection relies on self-reporting by social media companies, and that no independent audit has been prepared about the self-regulatory practice.

Self-regulatory efforts were criticised by the Commission and ERGA for the lack of Key Performance Indicators (KPI), transparency, clearer procedures, commonly shared definition, and structured cooperation with the researcher community.[466] ERGA emphasised that the commitments have not been implemented consistently across all Member States, and stressed the insufficiency of the oversight mechanism.[467]

Indeed, there would be great advantage in foreseeability, unified interpretation of platforms' roles, consistent application within all Member States, and an efficient oversight (or enforcement) mechanism. The current approach is one of 'trial and error', trying to balance between disproportionate interference in the public discourse, and cynically passive observation of automated market processes.

Three main threads of self-regulative methods were identified:

- **Content moderation:** This requires evaluation of content, which is always debatable. To alleviate the risks and accusations of bias and subjectivity, most platforms have outsourced fact-checking. Fact-checked content can get labelled, context and warning can be added, or it can be removed. Based on the credibility, authenticity, and other qualities of content, ranking is applied to influence the reach and reception of the content. Harmful content is demonetised – advertisements cannot be attached to them. Finally, more authentic content can be added. Within this category, many platforms have chosen to offer 'curated content'; walled 'gardens' of content that is thought to be credible and useful. This is considered as the most precarious among the tools, as it overrides the neutral intermediary roles of platforms, and makes them curators, or even publishers, of content. Therefore, similarly to fact-checking, curated content should either be outsourced, or advanced into a new, media-like service, which is subject to extra supervision. These could also be regarded as seeds planted for an envisaged public service function of platforms (with the appropriate safeguards and supervision).

- **Improving the balance in the informational ecosystem**: Through donations, grants, and technical support. We have also listed the awareness-raising programs, for example on cyber-threats, deep fakes, or manipulated photos.[468]

- **As a combination of the previous two methods**: Bringing structural interference into the informational landscape by prioritising certain speakers (as opposed to content), and verification of high-reach users. There is a fine line between this and curated content.

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[466] European Commission Staff Working Document, 'Assessment of the Code of Practice on Disinformation - Achievements and areas for further improvement', SWD(2020) 180 final.
[467] European Commission Staff Working Document, 'Assessment of the Code of Practice on Disinformation - Achievements and areas for further improvement', SWD(2020) 180 final, p. 22.
[468] Roth, Y., Achuthan, A., 'Building rules in public: Our approach to synthetic & manipulated media', 2020.

7.1.1　　　Political campaign rules

The first large wave of self-regulative efforts was earmarked by the election campaign in the run-up to the European Parliamentary elections in 2019. Twitter completely banned all political advertising from its platform globally, while Facebook introduced a strict verification system for political advertisers. The Facebook guidelines do not only refer to political and election advertising, but also to socially relevant issue-based advertising, such as crime, healthcare, security and foreign policy.[469] Besides, political ads may only be placed in the country in which the advertiser resides, in order to limit the influence of the country of origin on the domestic opinion-forming process. Ads in the advertising database are available for retrieval for seven years.

The Google search engine allows political and election advertising only if the advertiser's identity has been verified before. It must also be possible for recipients of ads on Google to see who financed them. The locally applicable regulations must be observed in each case. Advertising may only be directed at clearly defined criteria, such as geographical location or age and gender, but may not be addressed to specific targets, like websites or apps, for example.[470]

Previously, in 2019, Facebook used automated detection systems and user notifications to block the creation of fake profiles, and removed fake, bot-operated, or maliciously-behaving profiles. Facebook introduced a semi-verification system for all accounts by demanding mobile phone verification, and a photo-ID verification for accounts that reach large audiences.[471] In 2020, Twitter also started to verify accounts that had an email address associated with an authoritative organisation or institution, with the goal of verifying expertise on COVID-19, or identifying expert accounts.

Microsoft, with its Bing and LinkedIn services, was reported to have been relatively less affected by disinformation, however, it provided crucial cybersecurity services to election and campaign officials to protect their IT systems, and to respond to potential attacks (DART).[472] This operated only in the United States, but Microsoft is 'examining ways' to bring the solutions to other democracies. They created a special security e-mail service for political campaigns (Microsoft 365 for Campaigns) at an affordable cost. Microsoft has also established partnership with a research project, exploring concrete questions relating to malicious foreign influence operations and developing new tools to tackle them.

Fact-checking has been one of the policies that has been applied by many major platforms, such as Facebook, Google, Twitter, and Microsoft. Microsoft cooperates with the fact-checker service 'NewsGuard', which has a plug-in for Microsoft Edge to give information in major languages (FR, IT, DE, UK, US) and warn users against unreliable content. It sponsored the inclusion of NewsGuard in a number of public libraries within the EU. 'Bing', a search engine, also has a 'Fact Chec'k feature.[473]

Facebook have cooperated with external fact-checking services since 2016[474], whereas Twitter started cooperation in January 2021.[475] Most fact-checkers, however, operate only in the larger languages. At the

[469] Facebook, 'Infos zu Wahlwerbung bzw. Werbung zu politisch oder gesellschaftlich relevanten Themen', https://www.facebook.com/business/help/167836590566506?id=288762101909005, last accessed on 23 February 2021.
[470] Google, Google Support, 'Politische Inhalte'. Available at: https://support.google.com/adspolicy/answer/6014595?hl=de, last accessed on 23 February 2021.
[471] Joseph, A., Paselli, M., 'Verifying the Identity of People Behind High-Reach Profiles', Facebook News, 2020.
[472] Veral, B., 'Full Operational Shutdown – another cybercrime case from the Microsoft Detection and Response Team', Microsoft, 2020.
[473] Microsoft Bing Blogs, 'Bing adds Fact Check label in SERP to support the ClaimReview markup', 2017.
[474] Newton, C., , 'Facebook partners with fact-checking organizations to begin flagging fake news,' The Verge, 2016.
[475] Coleman, K., 'Introducing Birdwatch, a community-based approach to misinformation', Twitter Blog, 2021.

beginning of 2021, more than 80 organisations were cooperating with Facebook globally. In Europe, its most important partner is AFP, the Paris-based international news agency. AFP is a signatory of the International Fact-checking Network (IFCN)[476] principles, a commitment to non-partisanship and fairness. Content rated 'false' by fact-checkers will be deprioritised by Facebook so that fewer people encounter it.[477] Repeated disseminators of disinformation have their distribution, monetisation, and advertising capacity restricted, and their ability to register as a news page removed for a given time period.[478] AFP has extended its activity to the CEE region, including Poland, Czechia, Slovakia, Romania, Bulgaria, and Hungary.[479]

Politicians' posts are not subject to rating in the fact-checking program by Facebook. However, when they are reproduced by other parties based on the original post, they may be subject to fact-checking, and if found false, may be removed, de-prioritised, or labelled, and users informed with additional context.[480]

Showing the ambiguity around self-regulation, Twitter was criticised for labelling Donald Trump's tweets, and later suspending and removing his account. Twitter made clear in 2019 that those tweets which violated its policy, but which came 'from an elected or government official', enjoyed the privilege of public interest and were not be removed from its site, but a label would be added to put the tweet in context. The label also prevented reactions to the tweet and prevented amplifications.[481] Then, on 6 January 2021, Twitter suspended Donald Trump's Twitter account for 12 hours, and after a few new tweets the next day, permanently suspended his account on 8 January 2021. Twitter reasoned its decision with its policy to prevent 'glorification of violence', and the threat that Trump's attitude meant to American democratic process, namely that he '[did] not plan to facilitate an 'orderly transition', and that his words could be interpreted as a support and encouragement to those potentially considering violent acts at the Inauguration of the next US President, or at the US Capitol, and inspire others to replicate the violent acts that took place on 6 January 2021.[482] Facebook's policy towards the posts of Donald Trump was reported to be less consistent than Twitter's[483], but after the Capitol Hill events, it reacted perhaps even sooner than Twitter and applied first a 24-hour, then, indefinite, blocking.[484]

According to the US free speech doctrine, private companies are not obliged to respect free speech and are allowed to act as they like against the speech of others (with some exceptions, notably for malls in certain court decisions[485]). Interestingly, European commentators and heads of states challenged Twitter's decision by showing concern for freedom of political expression.[486] Their reaction signals the danger of vagueness in self-regulation without the frameworks of responsibility of social media platforms being laid

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[476] IFCN, The International Fact-Checking Network.

[477] Goldshlager, K., 'How AFP Has Built a Global Fact-Checking Operation', Facebook, 2019.

[478] Facebook report on the implementation of the Code of Practice for Disinformation, Annual Report, 2019.

[479] Zsolt, S., 'Facebook's Fact Inspectors also Work in Hungary', 2021.

[480] Gleicher, N., 'Coordinated Inauthentic Behavior', Facebook, 2018; See also: 'Facebook Baseline Report on Implementation of the Code of Practice on Disinformation'.

[481] Kelly, M., 'Twitter will now hide – but not remove – harmful tweets from public figures', The Verge, 2019; see also: 'About public-interest exceptions on Twitter', Twitter Help Center, 2021.

[482] Twitter Inc., 'Permanent suspension of @realDonaldTrump', Twitter Blog, 2021.

[483] Dwoskin, E., Timber, C., Romm, T., 'Zuckerberg once wanted to sanction Trump. Then Facebook wrote rules that accommodated him.', The Washington Post, 2020.

[484] Kelly, M., 'Facebook bans Trump "indefinitely"', The Verge, 2021, see also: Facebook, 'Our Response to the Violence in Washington', 2021.

[485] Marsh v. Alabama, 326 U.S. 501 (1946) or PruneYard Shopping Center v. Robins, 447 U.S. 74 (1980).

[486] Deutsche Welle News, 'Angela Merkel calls Trump Twitter ban "problematic"', 2021; Eder, F., 'Jourová: Big Tech's Trump ban "dangerous for free speech"', Politico, 2021; Campbell, H., '"Donald Trump's bans from social media fire freedom of speech debate"', Euronews, 2021.

down. No law has yet obliged social media platforms to carry content or to give floor to any opinion or actor; but there are laws (among others, the E-Commerce Directive[487]) which provide immunity only with the condition of not knowing of illegal content. Not knowing of the content of somebody like Donald Trump would not be a credible defence for the platform provider, thus removal would be expected based on the current legal framework. Even if the tweet was not illegal, per se[488], overblocking of notified content has never been disapproved by authorities, and the DSA is the first EU-level regulation to address the remedies of users in such a case.[489] What is more, a number of soft law instruments urge social media platforms to remove or disable access to disinformation and manipulative propaganda, and Trump's tweets regarding the election results were exhausting these concepts.

Facebook submitted the issue to the Facebook Oversight Board[490], which was set up in 2020 as an independent body of experts and civic leaders from around the world with a diversity of backgrounds. The purpose of the board is to promote free expression by making principled, independent decisions regarding content on Facebook and Instagram, and by issuing recommendations on the relevant Facebook Company Content Policy.[491]

7.1.2   COVID-19 'infodemics'

The unprecedented global pandemic has caused a surge in interest in news and media consumption. This brought about a boost in the spreading of misinformation, disinformation, and rumours. This sudden wave was compared to the spreading of the virus, and therefore deemed an 'infodemic'.[492] During the past year, high-level representatives, such as Tedros Adhanom Ghebreyesus, Director-General of the World Health Organization[493], Ursula von der Leyen, President of the European Commission[494], and Dunja Mijatović, Council of Europe Commissioner for Human Rights[495], emphasised the danger of COVID-19-related disinformation. European institutions addressed the infodemic with the Joint Communication on 'Tackling the COVID-19 infodemic – getting the facts right'.[496] Platforms have reported that they adjusted their policies to address the infodemic. Their techniques are detailed below, together with anti-disinformation techniques in other themes. However, creating specific curated sites to promote trusted content provided by authorities, for example, has been specific of the COVID-19 infodemic. The communication called on platforms to increase their efforts, and required them to report on their measures every month (see the requirements above). It also resolved to broaden the scope of signatories to the Code of Practice.

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[487] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce').

[488] Whether a notified content is really illegal or not, should be ultimately decided in a judicial procedure. In the case of the incitement to violence the outcome is far from being straightforward.

[489] Article 15, and Article 17. Similar rights have been granted to users by the German NetzDG and the Austrian Ko-PiG.

[490] Clegg, N., 'Referring Former President Trump's Suspension From Facebook to the Oversight Board', Facebook, 2021.

[491] Oversight Board Website.

[492] Islam, S., et al., COVID-19–Related Infodemic and Its Impact on Public Health: A Global Social Media Analysis, Am. J. Trop. Med. Hyg., 103(4), 2020, pp. 1621–1629.

[493] UN Department of Global Commuications, 'UN tackles 'infodemic' of misinformation and cybercrime in COVID-19 crisis', 2020.

[494] European Commission, 'COVID-19: President von der Leyen on disinformation', 2020.

[495] Council of Europe, 'Press freedom must not be undermined by measures to counter disinformation about COVID-19', 2020.

[496] JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, 'Tackling COVID-19 disinformation – Getting the facts right'.

7.1.3   Platforms' moderation techniques

Ranking

Disinformation reported to have been deprioritised or labelled as such, if rated as false or harmful (Google, Facebook), now has links added to put it into context (Twitter, Facebook, TikTok). Among the more content-invasive measures are those policies which block and remove non-verifiable medical information (for example, denying COVID-19 or encouraging home remedies instead of medical treatment) (e.g. Google, Facebook, TikTok).

Demonetising

Advertising policies have also been adapted, and monetisation of harmful content has been prohibited by Google and TikTok.

More content as a weapon

All platforms have prioritised authoritative information, often in cooperation with health authorities, news organisations, or governmental authorities, to help decide what information is authentic.

Google's 'medical topics policy'[497] shows the difficulties of scientific accuracy. Whilst Google strive to feature information that reflects scientific consensus and evidence-based best practices, and correct or remove information which runs contrary to 'general scientific consensus', it is not clarified how they define what information reflects 'scientific consensus' in new topics; the effects of the various COVID-19 vaccines, for example. Nevertheless, there are several other topics where the scientific consensus is obvious, and yet 'alternative' theories emerge (typically irrational conspiracy theories, such as 5G's supposed relatedness to the virus).

Several platforms opted to offer curated content; an aggregation of authoritative, informative content on pandemic-related issues, including wellbeing tips, crisis helplines, or supporting investigative journalism and media literacy programs (Twitter, Facebook, 'Mozilla', TikTok). Facebook also launched Facebook News in January 2021 across the UK, an initiative to give more prominence to original journalism.[498] Promoting direct access to authentic news is thought to fight disinformation and, at the same time, help publishers with advertising opportunities.[499] Under the same logic, **Mozilla**[500] introduced 'Pocket', a dynamic page featuring curated news, analysis, and long reads about the pandemic, and 'Snippet'[501] (both in its Firefox browser), to promote content from the World Health Organization. **TikTok** hosted an informational page within the app that conveyed information from the WHO on common questions and tips on staying safe, as well as debunked myths relating to COVID-19. **Twitter** created curated events pages to collect the latest tweets of authoritative and trustworthy sources in local languages, and also organised Q&A sessions with WHO experts or fact-checker organisations (in Spain). These were, in fact, not literally sessions, but rather Q&A threads, based on questions that were asked the most frequently among more than 300 million public tweets and 6 million pandemic-related questions. While aggregating content is what platforms normally do, creation of these 'magazines' autonomously by platforms themselves appears to be more than what should be expected of them. The exceptional circumstances of the COVID-19 crisis may explain the application of these media-like services, however. This is reflected in the DSA's requirement of a 'crisis

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[497] Google Knowledge Panel Help.
[498] Facebook News, 'Introducing Facebook News'.
[499] Doub, J., 'A New Destination for News in the UK,', Facebook, 2021.
[500] Mozilla, Responding to COVID-19 Mozilla submission to the European Commission, August 2020.
[501] Snippets are part of the Firefox web browser.

protocol', which gives access to the platform for public information providers. Such a 'walled garden' of public information should have appropriate safeguards (see above).

Twitter also launched a 'search prompt' in cooperation with the UK government, which gave feedback to searches for 5G and COVID-19 that 'the UK government has said that there is no evidence of a link between 5G and COVID-19'. Again, this practice is another step beyond the role of a neutral, but expedient, intermediary. In particular, conveying the message of a government should be weighted carefully against its benefits and risks. On the one hand, the practice can be helpful for those users who trust the government and are looking for simple and ready answers that reflect the dominant social consensus. On the other hand, it may be counter-effective against those social groups whose trust in the government is already fragile. With slight modification, by conveying facts in which there is scientific consensus (on 5G and COVID-19), referencing an authoritative scientific body which is politically neutral, this practice might be retained.[502] See the recommendation on the scientific information chain below.

Using the tool of 'nudges', Twitter, in partnership with the WHO, launched emojis and slogans: #WashYourHands, #StayAtHome, #TogetherWeCan. These playful nudges do not interfere with the autonomy of users, but may mainstream a healthy practice, and aretherefore well-recommended.

Financial tools

Several large platforms chose to donate not only to fact-checkers and responsible journalism (Google, Microsoft, Mozilla, Facebook) but also to research projects (Microsoft). In 2019, Google spent USD 6.5 million on fact-checkers and non-profit journalism training and funding, workshops, as well as ad-grants to the WHO (USD 250 million), EU governments, public authorities (USD 50 million), and EU non-profits (USD 76 million).

Ad grants have been provided by several platforms to grant free or low-cost advertising space to public interest organisations, including governments and authorities.

Best practices for platforms to tackle 'infodemic'

Table 3 - Best practices for platforms to tackle 'infodemic'

	Type of action	Platform
Content moderation	Prioritising 'authoritative' information	Google, Microsoft, Facebook, Mozilla
	Highlighting information that reflects scientific consensus	Google
	Offering fact-checking/cooperating with fact-checking organisations	Google, Microsoft, Twitter, Facebook
	Cooperating with health authorities, news organisations, governmental authorities	Google, Twitter, Facebook, TikTok
	Deprioritising harmful misinformation/rated as 'false'	Google, Facebook
	Prior prohibition/preventing of misinformation or disinformation	Google
	Removal of non-verifiable medical information	TikTok, Facebook

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[502] Even though for persons who have previously developed distrust against dominant social "elite" and who believe conspiracy theories, this practice may be unhelpful, but it can put to a halt the growth of this group and help hesitant or young persons to get easy access to evidence-based facts.

Medialike activism	Demonetising of harmful content		Google (YouTube), TikTok
	Highlighting of synthetic and manipulated media		Twitter
	Emoji and slogan campaigns		Twitter
	Labelling/linking to add context		Twitter, Facebook, TikTok
		Search prompt (e.g. push message by UK govt)	Twitter
		Curated pages of authoritative content (e.g. Information Center, Facebook News, Pocket)	Twitter, Facebook, Mozilla, TikTok
Ecosystem design: financial instruments and technical support	Donating to fact-checkers, journalism		Google, Microsoft, Mozilla, Facebook
	Donating to research projects		Microsoft
	Ad grant		Twitter
	Cybersecurity solutions, elections toolkit		Microsoft, Mozilla
Structural	Verification of influencers/high reach users		Twitter, Facebook
	Prioritising trusted users		-

Source: Authors

7.2 Social media platforms' self-regulatory initiatives and practices in selected Member States and third states

7.2.1 Germany

Fact-checking in Germany

In Germany, the use of fact-checks is regularly called for to curb disinformation.[503] Point 21 of Facebook's Community Standards states the following: 'We take our responsibility to reduce the spread of false news on Facebook very seriously.'[504] The company strives to 'build a better-informed community and reduce the spread of false news using a variety of methods'.[505] To do this, Facebook uses a partially-automated process to identify potential false news stories, which are then submitted to an external service provider for fact-

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[503] European Commission, On the European Democracy Action Plan, COM(2020) 790 final, 19, 22, 23. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0790&from=EN
[504] Facebook, 'Falschmeldungen', https://de-de.facebook.com/communitystandards/false_news. Last accessed 16 March 2021.
[505] Ibid.

checking.[506] These can then classify the truth content of the reporting at six levels, from 'false', through 'lacking context', to 'true'.[507] Classification results in a significant range restriction by the algorithm. 'False reports' are only deleted if other community standards are violated at the same time, and these provide for deletion as a legal consequence (e.g. hate speech).

Fact check measures have recently become the subject of competition law disputes.[508] The information service 'Tichys Einblick' published an article on 26 September 2019, with the headline '500 scientists declare: 'There is no climate emergency.'' Tichys Einblick promoted this article by publishing a teaser and a link to the post on Facebook. The fact-checker service provider Correctiv, which works for Facebook, linked this Facebook post inseparably with the note 'Fact-Check' and 'Assertion partly false'. The reason given was that not all of the signatories were 'scientists'. The OLG Karlsruhe court saw this as a wrong statement by Correctiv, because Tichy only reported on the declaration of the scientists. The court saw this as an inadmissible disparagement of a co-advertiser and thus, as a result, a violation of competition law. Even though Correctiv is a non-profit organisation, the judges did not consider this as a factor in its favour (see more on Correctiv under 8.6.2.).

Credible health information in times of COVID-19

Platforms in Germany have taken various measures in the wake of the pandemic, ranging from warning against disinformation to pointing people to reliable sources.[509] The Google search engine plays a prominent role in finding health information. Its market share in Germany is around 98 %. Every 20 search query on Google is health-related. More than half of German Internet users search for information on diseases and treatments at least once a year.[510] The situation is similar when searching for information on the COVID-19 pandemic. In order to provide reliable health information, the Robert Koch Institute and the Paul Ehrlich Institute, for example, make information available on their portals. To complement this, on 1 September 2020, the German Federal Ministry of Health launched a national health portal under the name 'gesund.bund.de.'. The portal provides information on the most common clinical pictures. In addition, articles on the topics of care and prevention are be posted on the website. This measure is considered necessary because much of the health information available on the Internet is 'unreliable, incomplete, influenced by certain interests, or even false and misleading'.[511] The Google search engine has committed itself to disseminating reliable health information. For this reason, the ministry's health information is placed in highlighted information boxes (so-called 'knowledge panels') in a prominent position at the top right of a keyword search. This is intended to attract increased attention among

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[506] Facebook, 'Facebook's Approach to Misinformation: Partnering with Third-Party Fact-Checkers'. Available at: https://www.facebook.com/journalismproject/programs/third-party-fact-checking/selecting-partners. Last accessed 16 March 2021.

[507] Facebook, 'Bewertungsoptionen für Faktenprüfer', https://de-de.facebook.com/business/help/341102040382165?recommended_by=2593586717571940. Last accessed 16 March 2021.

[508] OLG Karlsruhe Urteil vom 27.5.2020, 6 U 36/20, ZUM-RD 2020, 446.

[509] For an overview see Jaursch, 'Desinformation zu Covid-19 – Wie die Plattformen durchgreifen und welche Fragen das aufwirft', March 2020, available at https://netzpolitik.org/2020/wie-die-plattformen-durchgreifen-und-welche-fragen-das-aufwirft/. Last accessed 16 March 2021.

[510] Uwe Hambrock, 'Die Suche nach Gesundheitsinformationen - Patientenperspektiven und Marktüberblick', Bertelsmann Stiftung 2018, p. 5. Available at: https://www.bertelsmann-stiftung.de/de/publikationen/publikation/did/die-suche-nach-gesundheitsinformationen. Last accessed on 16 March 2021.

[511] gesund.bund.de, 'Über uns, #Immer mehr Menschen informieren sich im Internet über Gesundheitsthemen. Doch viele der verfügbaren Gesundheitsinformationen sind unzuverlässig, lückenhaft, von bestimmten Interessen beeinflusstoder sogar falsch und irreführend 2021'. Available at: https://gesund.bund.de/ueber-uns/ueber-gesund-bund-de#ueber-gesundbundde. Last accessed 16 March 2021.

searchers. Further clicks then lead to the health information. These information boxes are available for around 160 diseases.

For more than 20 years, a Munich-based publishing house has been operating netdoktor.de, an advertising-financed online portal on the subject of health. Here, scientific standards are followed, but the medical information is presented to laypersons in a way that is equally comprehensible.

In January 2021, the regional court of Munich forbade Google from presenting health information from the ministry in the form of information boxes, with the reasoning that private-sector offerings were equal in quality. The ministry's health portal could draw attention away from this offering (for example, form the commercial netdoktor.de website), which results in a distortion of competition. Thus, the German court gave preference to the interest of market competition.

7.2.2   Finland

Before the 2019 Finnish parliamentary elections, Facebook reportedly said it would closely monitor the elections and do everything it could to prevent foreign electoral interference.[512] The company's communications manager Lukasz Lindell promised that Facebook would focus 'on eliminating fake accounts, reducing fake news, increasing the transparency of advertising, and cooperating with the Finnish authorities'. Facebook and the government have also appointed liaison officers to enable direct communication. The media reported the government was also in talks with Twitter for similar cooperation, but no further information was publicly accessible. This model of cooperation with the government had been used before in Sweden and Latvia. Nonetheless, Finnish policymakers have expressed dissatisfaction with this collaborative approach, saying 'attempts at reaching out and taking initiative from the government side had been met with indifference' from at least one of the tech companies.[513] These policymakers feel a sense of power imbalance between global tech giants and a small country, and would prefer EU-wide regulation.[514]

7.2.3   Estonia

On 3 March 2019, national Parliamentary elections took place in Estonia. The risk of misinformation during the election campaign was recognised early on and steps were taken to prevent this, through different cooperation mechanisms with social media and tech platforms. On the one hand, the country already had an election communication task force to rely on, which was established prior to the 2017 local elections, and which had the role of building a systematic and working-level relationship between the biggest tech platforms in the country, such as Facebook, Google, Twitter and Microsoft.[515] On the other hand, the Estonian Supervisory Committee on Party Financing (ERJK) and the parliamentary political parties were all in touch directly with private social media companies, such as Facebook.[516]

[512] Strawberry, 'Suomi Haluaa Välttää Trump-Vaalien Kohtalon – Valtio Ja Facebook Sopivat Niistä Keinoista, Joilla Vaaleihin Varaudutaan', Helsingin Sanomat, January 14, 2019, sec. Nyt.fi. Available at: https://www.hs.fi/nyt/art-2000005964858.html (in Finnish). Last accessed 23 February 2021.
[513] Niels Nagelhus Schia, Lars Gjesvik, 'Hacking democracy: Managing influence campaigns and disinformation in the digital age', Journal of Cyber Policy, July 2020. Available at: https://www.tandfonline.com/doi/pdf/10.1080/23738871.2020.1820060?needAccess=true. Last accessed 16 March 2021.
[514] Ibid.
[515] Tyler McBrien, 'Defending the vote: Estonia creates a network to combat disinformation, 2016–2020', Princeton University, p. 7. Available at: https://successfulsocieties.princeton.edu/sites/successfulsocieties/files/TM_Estonia_Election_FINAL%20edited_JG.pdf. Last accessed 12 March 2021.
[516] OSCE, 'Estonia – Parliamentary elections 3 March 2019 – ODIHR needs assessment mission report', November 2018. Available at: https://www.osce.org/files/EST%202019%20Parliamentary%20-%20NAM%20Report_16.01.2019_0.pdf. ERR, 'Facebook

The election communication task force was composed of representatives of the Government Office, the Information System Authority, the Ministry of Foreign Affairs, and the Ministry of the Interior.[517] It was set up at the initiative of the State Electoral Office, which consolidated its cooperation with the Information System Authority and the Government office through goodwill cooperation agreements. According to the Terms of Cooperation, the Government Office is the body whose role it is to build a working-level relationship with tech companies, but also to monitor Russian and Estonian media and social media and compile weekly reports on disinformation narratives.[518] According to the initial agreement, the Government Office also has the task of compiling a hands-on guide for political parties and the general public on how to recognise and deal with information attacks, as well as brief journalists and editors on the risk of foreign informational interference.[519]

A decision was taken to approach cooperation with social media and tech platforms at the operative, as opposed to a diplomatic, level. This meant that the companies' regional representatives were contacted, with the goal of setting up 'hotlines' – direct communication lines with the platforms.[520] Special emphasis was put on cooperation with Facebook, because the platform had the highest numbers of users that were Estonian voters. The relationship with the platform was tested in December 2018, when an investigation led by 'Propastop'[521] (an Estonian news debunking blog/website) and investigative journalist Holger Roonemaa showed that Facebook was hosting more than 100 suspicious accounts, as well as a group called 'Estoners', which was hosted by fake profiles. The report published in the media was analysed by the task force and subsequently sent to Facebook, which took down all of the accounts and closed the group.[522] In January 2019, Facebook closed another 250 accounts and pages linked to a Russian state-owned media company.[523]

In December 2018, Facebook representatives also met with both the Estonian Supervisory Committee on Party Financing (ERJK) and representatives of all parliamentary political parties in the country, in order to discuss the 'company's role and opportunities in reducing the dissemination of fake news'.[524] According to Andre Hanimägi, spokesperson of the Centre Party, in January 2019, the 'purpose of the meeting was actually very simple […] Facebook has said that they want to actively fight against fake accounts, and fight against the spread of fake information that may actually influence votes in various countries'.[525]

Facebook proposed cooperation on political advertisement to the ERJK. Following this, the Supervisory Committee stated that it would be interested in accessing information regarding who had paid for advertisements on the platform.[526]

When it comes to Facebook's cooperation with the parties, the official pages of all parliamentary pages in Estonia received the now well-known blue verification badge as part of the platform's efforts to actively

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interested in Estonian elections'. Available at: https://news.err.ee/902788/facebook-interested-in-estonian-elections. Last accessed 16 March 2021.
[517] Tyler McBrien, op. cit., p. 6.
[518] Ibid, p. 7.
[519] Ibid.
[520] Ibid, pp. 11–12.
[521] Propastop. Available at: https://www.propastop.org/. Last accessed 12 March 2021.
[522] Tyler McBrien, op. cit., p. 12.
[523] Ibid.
[524] ERR news, '"Facebook interested in Estonian elections'.", Aavailable at: https://news.err.ee/902788/facebook-interested-in-estonian-elections. L, last accessed on 12 March 2021.
[525] Ibid.
[526] Ibid.

fight the spread of fake news that might influence votes in the country. Additionally, parliamentary representatives were encouraged to notify Facebook representatives if they noticed dysfunction.[527]

7.2.4   Taiwan

Social media platforms play an important role in Taiwan's fight against disinformation. The two most popular social platforms in Taiwan, Facebook and LINE[528], have both developed measures aimed at supporting Taiwan in combating disinformation.

Facebook

Although Facebook does not have regulations stating that all information published on its platform has to be true, it does implement numerous measures to remove content and accounts that violate community standards or the law, as well as measures to downgrade falsehoods. Firstly, the platform monitors the content published by applying machine learning to detect fraud and fake accounts. In the period October–December 2019, as part of efforts to protect Taiwan's election integrity, Facebook removed hundreds of accounts and content farms for breaking community standards by engaging in abusive audience-building.[529] On 13 December 2019 alone, Facebook removed 118 fan pages, 99 groups, and 51 duplicate accounts for 'artificially inflating their posts' reach'.[530] Secondly, Facebook closely cooperates with fact-checking bodies, such as the Taiwan Fact Check Center (TFCC), a non-profit organisation aimed at fighting disinformation. Facebook has partnered with the TFCC both in conducting disinformation education campaigns among its Taiwan users[531], as well as in relation to fact-checking activities. Operating independently, the TFCC rates Facebook posts. When the TFCC's fact-checkers rate a story as 'false', its distribution and visibility is reduced by Facebook, so that users will no longer see it on the News Feed, unless they actively searching for this particular post.[532] In such cases, they will be able to find it, but the post will then have the correct information (provided by the TFCC) attached to it.[533]

While cooperation with the TFCC is regular and constant, before Taiwan's 2020 elections, Facebook increased its engagement in counter-disinformation efforts and cooperated with various actors. It also partnered with Taiwan's Central Election Commission on activities aimed at hiding posts that broke Taiwanese electoral laws and removing voter suppression conten (i.e. false election information that could suppress votes). Its most significant contribution, however, was the establishment of an Election Operation

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[527] Ibid.

[528] Next to YouTube, which is number 1, according to Hootsuite, 'Digital 2020: Taiwan — DataReportal – Global Digital Insights', 2020. Available at: https://datareportal.com/reports/digital-2020-taiwan. Last accessed on 16 March 2021.

[529] Aaron Huang, 'Combatting and Defeating Chinese Propaganda and Disinformation A Case Study of Taiwan's 2020 Elections', Harvard Kennedy School of Government, Belfer Center for Science and International Affairs. Available at: https://www.belfercenter.org/sites/default/files/files/publication/Combatting%20Chinese%20Propaganda%20and%20Disinformation%20-%20Huang.pdf. Last accessed 16 March 2021.

[530] Alice Su, 'Can fact-checkers save Taiwan from a flood of Chinese fake news?', LA Times, 2019. Available at: https://www.latimes.com/world-nation/story/2019-12-16/taiwan-the-new-frontier-of-disinformation-battles-chinese-fake-news-as-elections-approach,. Last accessed 16 March 2021; Mirror Media, 吳妍, '韓粉15萬人臉書社團遭下架　網：國家機器動得很厲害', 2019. Available at: https://www.mirrormedia.mg/story/20191213edi015/. Last accessed 16 March 2021.

[531] Blanchette, Livingston, Glaser, and Kennedy, 'Protecting Democracy in an Age of Disinformation: Lessons from Taiwan', Center for Strategic and International Studies, 2021. Available at: https://www.csis.org/analysis/protecting-democracy-age-disinformation-lessons-taiwan. Last accessed n 16 March 2021.

[532] Facebook, Facebook Community Standards, 'False News'. Available at: https://www.facebook.com/communitystandards/false_news. Last accessed 16 March 2021, European Commission, 'Facebook Baseline Report on Implementation of the Code of Practice on Disinformation'. Available at: https://ec.europa.eu/information_society/newsroom/image/document/2019-5/facebook_baseline_report_on_implementation_of_the_code_of_practice_on_disinformation_CF161D11-9A54-3E27-65D58168CAC40050_56991.pdf. Last accessed 16 March 2021.

[533] Aaron Huang, 'Combatting and Defeating Chinese Propaganda and Disinformation A Case Study of Taiwan's 2020 Elections'.

Center, or so-called 'war room'.[534] Its objective was to ensure the elections' integrity by rooting out disinformation, monitoring false news, and deleting fake accounts as quickly as possible.[535] The war room operated 24/7, thanks to support from Facebook's Dublin and Silicon Valley teams. It brought together various experts from different fields, including Facebook's policy, legal, and security representatives, content moderators, and local experts on politics, elections and law, which significantly accelerated the decision-making process on the accounts to delete and the fake news to remove.[536] In the opinion of Dr. Puma Shen (沈伯洋), assistant professor at the National Taipei University's Graduate School of Criminology and Director of the DoubleThink Lab, Taiwan's top disinformation expert, the war room was one of the key reasons why Chinese propaganda did not significantly impact Taiwan's 2020 elections. According to Shen, the war room was able to block a significant amount of foreign-produced fake news, making the information environment much better than during 2018 elections.[537]

LINE

LINE, the most popular messaging app in Taiwan[538], has introduced several measures to fight disinformation, even though the application's end-to-end encryption makes it very difficult to track the spread of fake news. The app hosts a fact-checking bot called 'Cofact', developed by g0v, a decentralised Taiwanese civic tech community. Cofact serves as a place for users to report and check on spam and misinformation.[539] LINE also collaborates with the 'Taiwan FactCheck Center' to verify information. Moreover, in March 2019, the platform published 'LINE Digital Responsibility Plan', and also initiated major cooperation with four Taiwanese NGOs to create the 'LINE information checker' portal in July 2019. Here, users can receive feedback regarding suspicious news they encounter (they can forward it to the 'checker' and receive a fact-checking report created by one of the partner-NGOs). As of 7 January 2020, four days before the elections, it had fact-checked over 30 000 suspicious news/stories sent by 140 000 users, and its debunking page had been viewed over four million times.[540]

7.2.5   Australia

The battle around newspaper compensation

On 17 February 2021 Facebook restricted the availability of news on Facebook in Australia.[541] International publishers could continue to publish news content on Facebook, but links and posts could not be viewed or shared by Australian audiences, and the international community could not view or share Australian news content on Facebook, nor content from Australian news Pages.

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[534] Wu, Jeffrey, and Joseph Yeh, 'Facebook to establish 'war room' in Taipei ahead of elections', *Focus Taiwan*, 2019,. Available at: https://focustaiwan.tw/sci-tech/201912300015. Last accessed 16 March 2021.

[535] Huang, Tzu-Ti, 'Facebook to set up 'war room' in Taiwan ahead of elections', *Taiwan News*, 2019. Available at: https://www.taiwannews.com.tw/en/news/3847551. Last accessed 16 March 2021.

[536] Aaron Huang, 'Combatting and Defeating Chinese Propaganda and Disinformation A Case Study of Taiwan's 2020 Elections'.

[537] Information from the interview with Dr. Puma Shen conducted by Aaron Huang during preparation of the case study 'Combatting and Defeating Chinese Propaganda and Disinformation A Case Study of Taiwan's 2020 Elections'.

[538] The LINE app has 21 million monthly active users in Taiwan, a country with the population of 24 million people. Source: LINE Corporation, *Global news*, 'LINE Converge 2019 Autumn Introduces 'Life on LINE' to Taiwan, Together With 11 New Partners'. Available at: https://linecorp.com/th/pr/news/global/2019/46#:~:text=With%2021%20million%20monthly%20active,for%20the%20people%20of%20Taiwan. Last accessed 16 March 2021.

[539] Blanchette, Livingston, Glaser, and Kennedy, 'Protecting Democracy in an Age of Disinformation: Lessons from Taiwan'.

[540] Aaron Huang, 'Combatting and Defeating Chinese Propaganda and Disinformation A Case Study of Taiwan's 2020 Elections'.

[541] Facebook, 'Changes to Sharing and Viewing News on Facebook in Australia', 17 August 2021. Updated February 22 2021. Last accessed 16 March 2021.

Facebook has chosen to introduce this restriction as a response to the planned Treasury Laws Amendment Bill 2021[542] (News Media and Digital Platforms Mandatory Bargaining Code), which was to establish a mandatory code of conduct that applied to news media businesses and digital platform corporations when bargaining in relation to news content made available by digital platform services. According to the rule, Facebook and other large social networking sites should pay an 'agreed compensation' to content providers.[543] The code of conduct obliged companies to agree with the news publishers and editors, or face a significant penalty. The ultimatum came in a moment, when Facebook has already launched the 'Facebook News' app in the US and in the UK[544], a dedicated news feed which also provides compensation for contributing media companies. Facebook planned to launch a similar service in Australia.[545]

Facebook's decision to make news unavailable caused significant chaos, as dozens of key information sites, including those about the COVID-19 epidemic[546], and the websites of NGOs[547], trade unions[548], politicians and the Australian Meteorological Service were made inaccessible through Facebook's portal.

This controversy was enhanced by its effect on a regional election campaign, as the opposition leader's account was blocked, while the incumbent premier's remained unaffected.[549] According to Facebook, 'as the law does not provide clear guidance on the definition of news content, we have taken a broad definition in order to respect the law as drafted', and promised to reverse any blocks put on pages inadvertently.[550]

A compromise was reached between the Australian government and Facebook on 26 February 2021. Social media companies and content providers still have to agree and define jointly what qualifies as 'news', as

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[542] The full text of the bill as passed by both Houses is available here: Parliament of the Commonwealth of Australia, 'Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Bill 2021', https://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r6652_aspassed/toc_pdf/20177b01.pdf;fileType=application%2Fpdf. Last accessed 16 March 2021.

[543] Although Google was and is still opposed to the law and has walked back its threat to pull its search engine from the country, the company 'chose to ink deals with media organisations to pay them for news content'. These include a major three-year agreement with Rupert Murdoch's News Corp. that will see Google make 'significant payments' to host content from publishers like 'The Wall Street Journal' and 'The New York Post' in its News Showcase product. According to 'The Washington Post', these deals are intended to allow it to sidestep paying for stories linked in regular search results.
The Verge, 'Australia passes law requiring Facebook and Google to pay for news content'. Available at https://www.theverge.com/2021/2/24/22283777/australia-new-media-bargaining-code-facebook-google-paying-news. Last accessed 16 March 2021.
News Corp, 'News Corp and Google Agree To Global Partnership On News'. Available at: https://newscorp.com/2021/02/17/news-corp-and-google-agree-to-global-partnership-on-news/. Last accessed 16 March 2021.

[544] Facebook, 'Introducing Facebook News'. Available at: https://www.facebook.com/news/learn-more/. Last accessed 16 March 2021.

[545] AdNews, 'Facebook's Will Easton on investing in Australia's news ecosystem', 23 July 2020. Last accessed 16 March 2021.

[546] St Vincent's Health, @StVHealthAust, 'Extremely concerning to find this morning that @StVincentsMelb's Facebook page has been blocked - this during a pandemic and on the eve of crucial COVID vaccine distribution. We hope this situation can be rectified very shortly', 18 February 2021. Available at: https://twitter.com/StVHealthAust/status/1362185003635863553.

[547] Australian Wildlife Conservancy, @awconservancy, 'So @Facebook has unfortunately disabled our page this morning. We are not a news outlet. We are a wildlife charity. We are working to resolve this issue. Please support us by opting to stay up to date via our eNews: http://australianwildlife.org/enews-subscribe/'. Available at: https://twitter.com/awconservancy/status/1362178275754209284.

[548] Sally McManus, @sallymcmanus, 'So @Facebook has blocked access to our website. We are not a news organisation. Australian workers cannot now find out about their rights at work via @Facebook. This is disgraceful & needs to be reversed immediately.' Available at:
https://twitter.com/sallymcmanus/status/1362158278923362305?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1362158278923362305%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.theguardian.com%2Ftechnology%2F2021%2Ffeb%2F18%2Ffacebook-blocks-health-departments-charities-and-its-own-pages-in-botched-australia-news-ban

[549] ABC News,'Facebook Australian news ban hits WA election campaign as Opposition Leader Zak Kirkup's page wiped, Premier's untouched', 17 February 2021, last accessed on 16 March 2021.

[550] Reuters, 'Facebook says we've been forced to block media in Australia because of the law'. Available at: https://www.reuters.com/article/us-australia-media-facebook-spokesman-idUSKBN2AI123. Last accessed 16 March 2021.

well as the amount of payment. In case of dispute, the government decides. However, the government may not apply the code to Facebook if it can demonstrate a 'significant contribution' to local journalism. A two-month transition period is granted before government-enforced arbitration kicks in.[551]

Australian Code of Practice on Disinformation

At almost at the very same time, on 22 February 2021, the Australia Communications and Media Authority (ACMA) announced the adoption of the new '**Australian Code of Practice on Disinformation and Misinformation'**[552], released by the Digital Industry Group. Under the code, all signatories[553] commit to developing and implementing measures to deal with misinformation and disinformation on their digital platforms, which 'may include labelling false content, demoting the ranking of content, prioritising credible sources, suspension or disabling of accounts, and the removal of content'. In addition, the code contains a range of non-mandatory objectives, including disrupting advertising and monetisation incentives for disinformation, and empowering consumers to make more informed choices.

All signatories commit to the core objective; to contribute to reducing 'the risk of harms that may arise from the propagation of disinformation and misinformation on digital platforms and will provide an annual report on the implemented measures'. Not all objectives and outcomes will be applicable to all signatories, who may adopt one or more of the measures in a manner that is relevant and proportionate to their different services and products.[554]

Preparation for the Australian federal election in 2019

Before the Australian federal election in 2019, social media sites introduced numerous steps to combat misinformation and electoral interference:

- Twitter announced that political ads are labelled, and advertisers must prove they are in Australia;[555]

- The Australian Security Intelligence Organisation (ASIO) had a meeting with Facebook and Google representatives on how to deal with foreign interference and tackle fake news during the federal election campaign;[556]

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[551] BBC, 'Facebook reverses ban on news pages in Australia', 23 February 2021. Last accessed 16 March 2021.
[552] DIGI, 'Australian Code of Practice on Disinformation and Misinformation. An industry code of practice developed by the Digital Industry Group Inc. (DIGI)', 22 February 2021. Last accessed 16 March 2021.
[553] The current signatories are Twitter, Google, Facebook, Microsoft, TikTok, and Redbubble.
[554] List of objectives under the Code:
1. Providing safeguards against harm that may arise from disinformation and misinformation.
2. Disrupting advertising and monetisation incentives for disinformation.
3. Working to ensure the integrity and security of services and products delivered by digital platforms.
4. Empowering consumers to make better informed choices of digital content.
5. Improving public awareness of the source of political advertising carried on digital platforms.
6. Strengthening public understanding of disinformation and misinformation through support of strategic research.
7. Signatories publicising the measures they take to combat disinformation and misinformation.
[555] ABC News, 'Twitter rolls out new advertising rules to fight political misinformation', 19 February 2019. Last accessed 16 March 2021.
[556] The West Australian, 'ASIO meets with Facebook and Google over upcoming election', 14 February 2019. Last accessed 16 March 2021.

- In early April 2019, it was announced that from the day after the election is called, Facebook will temporarily not allow electoral ads purchased from outside Australia[557] and introduce fact-checking[558] in the country to protect local voters from foreign interference[559];

- Facebook updated its 'Ad Library' to provide more advertising transparency, and committed to remove content that violates its 'Community Standards', helping to enforce the safety and security of the platform and the blocking of fake accounts. Facebook also employed more people to work on safety and security across the platform, and improved its machine learning capabilities around political content and inauthentic behaviour.

7.2.6 USA

Even before the elections, a number of measures were taken by social media platforms in order to prevent harmful events and interventions into the electoral system. Step by step, Twitter and Facebook announced their efforts to guarantee a fair electoral campaign and competition on their platforms. Among other platforms, Twitter announced the labelling or removing of false or misleading information intended to undermine public confidence in an election or other civic process. This includes, but is not limited to:

- false or misleading information that causes confusion about the laws and regulations of a civic process, or officials and institutions executing those civic processes;

- disputed claims that could undermine faith in the process itself, e.g. unverified information about election rigging, ballot tampering, vote tallying, or certification of election results;

- misleading claims about the results or outcome of a civic process which calls for, or could lead to, interference with the implementation of the results of the process, e.g. claiming victory before election results have been certified, or inciting unlawful conduct to prevent a peaceful transfer of power or orderly succession[560];

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[557] In a blog post Facebook said: 'The restriction will take effect the day after the election is called and will apply to ads we determine to be coming from foreign entities that are of an electoral nature, meaning they contain references to politicians, parties or election suppression. We also won't allow foreign ads that include political slogans and party logos.'
Facebook, 'Working to Safeguard Elections in Australia'. Available at: https://about.fb.com/news/2019/04/safeguard-elections-in-australia/, last accessed on 16 March 2021.
[558] Facebook said: 'Once a story is rated as false, we show it lower in News Feed, reducing its future views by more than 80 % on average', https://about.fb.com/news/2019/04/safeguard-elections-in-australia/.
[559] Reuters, 'Facebook promises crackdown on fake news in Australia', April 2019. Last accessed 16 March 2021.
[560] Twitter, 'Expanding our policies to further protect the civic conversation', 10 September 2020. Last accessed: 16 March 2021.

Twitter removed thousands of accounts that spread messages about the conspiracy theories known as 'QAnon'[561], saying their messages could lead to harm and violated Twitter policy.[562] On 3 September 2020, Facebook CEO Mark Zuckerberg announced a series of measures[563], including:

- blocking new political and issue ads during the final week of the campaign;[564]

- extending its work with election officials to remove misinformation about voting;

- reducing the risk of misinformation and harmful content going viral by limiting forwarding on Messenger;

- expanding Facebook's voter suppression policies;

- putting in place rules against using COVID-19 related threats to discourage voting;

- partnering with Reuters and the National Election Pool to provide authoritative information about election results;

- strengthening its enforcement against militias, conspiracy networks like QAnon, and other groups that could be used to organise violence or civil unrest in the period after the elections.

Twitter[565] made a point of flagging several of then-President Trump's tweets[566] for containing unsubstantiated claims about mail-in voting and potentially abusive rhetoric toward protesters. After the attack on Capitol Hill, social media platforms implemented further measures:

- Twitter permanently suspended more than 70 000 accounts which were engaged in sharing harmful QAnon-associated content at scale and that were primarily dedicated to the propagation of this conspiracy theory across the service[567];

- as misleading and false information has been the basis for incitement to violence, Twitter updated its 'civic integrity policy' in order to increase its enforcement action on these claims. The updated policy provides details about how Twitter reacts against violations of its policy, including repeated sharing of tweets that receive warning labels. Twitter warned that repeated violations of this policy can result in permanent suspension[568];

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[561] The New York Times, 'What Is QAnon, the Viral Pro-Trump Conspiracy Theory?', 4 March 2021. Last accessed 16 March 2021.
[562] Twitter, 'Twitter Safety'. Available at: https://twitter.com/twittersafety/status/1285762277719199746?lang=en. Last accessed 16 March 2021
[563] Facebook, Mark Zuckerberg: https://www.facebook.com/zuck/posts/10112270823363411. Last accessed 16 March 2021.
[564] 'It's important that campaigns can run get out the vote campaigns, and I generally believe the best antidote to bad speech is more speech, but in the final days of an election there may not be enough time to contest new claims. So, in the week before the election, we won't accept new political or issue ads. Advertisers will be able to continue running ads they started running before the final week and adjust the targeting for those ads, but those ads will already be published transparently in our Ads Library so anyone, including fact-checkers and journalists, can scrutinise them.'
[565] Twitter, 'Updating our approach to misleading information', 11 May 2020. Last accessed 16 March 2021.
[566] See for example:
The Verge, 'Twitter labels Trump tweets as 'potentially misleading' for the first time', 26 May 2020.
The New York Times, 'Twitter Refutes Inaccuracies in Trump's Tweets About Mail-In Voting', 26 May 2020.
BBC, 'Trump's postal-vote tweet misleading, says Twitter', 24 August 2020. Last accessed 16 March 2021.
[567] Twitter, 'An update following the riots in Washington, DC', 12 January 2021.
[568] Twitter, 'Civic integrity policy', January 2021. Last accessed 16 March 2021.
According to Twitter civic processes are events or procedures mandated, organised, and conducted by the governing and/or electoral body of a country, state, region, district, or municipality to address a matter of common concern through public participation, for example: political elections, censuses, major referenda and ballot initiatives. This 'civic integrity policy' addresses

- Twitter also updated its policy on 'coordinated harmful activity'[569], which is an actor-level framework. In order to take action under this framework, Twitter must find evidence that individuals associated with a group, movement, or campaign are engaged in some form of coordination, and also that the results of that coordination cause harm to others;

- Twitter[570] and Facebook[571] also banned President Trump from using their platforms for violating their terms of service which prohibits promotion of violent and criminal acts. Facebook referred this controversial decision to the independent Oversight Board.[572]

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four categories of misleading behaviour and content: misleading information about how to participate; suppression and intimidation; misleading information about outcomes; and false or misleading affiliation.

[569] Twitter, "Coordinated harmful activity", January 2021, last accessed on 16 March 2021.

[570] Twitter, 'Permanent suspension of @realDonaldTrump', 8 January 2021. Last accessed 16 March 2021.

[571] Facebook, 'Referring Former President Trump's Suspension From Facebook to the Oversight Board', 21 January 2021. Last accessed 16 March 2021.

[572] In 2020, Facebook's 'Oversight Board', an independent body of experts and civic leaders from around the world with a wide range of backgrounds, started operation. The purpose of the board is to promote free expression by making principled, independent decisions regarding content on Facebook and Instagram, and by issuing recommendations on the relevant Facebook Company Content Policy. Oversight Board, 'Ensuring respect for free expression, through independent judgement'. Available at: https://oversightboard.com/, Last accessed 16 March 2021.

8 The mechanism of manipulation and the potential of education and narrative messages

Disinformation exists in different shapes and contexts (e.g. conspiracy theories, deep fakes) and seem to be appealing for many people — especially on social media. However, research also indicates that only a small percentage of society knows a lot about disinformation, and many have not even heard anything about certain stories[573] – and if they did, people mostly learn about them through mass media coverage[574]. To counter the distribution and acceptance of disinformation it seems necessary to understand: a) what makes disinformation attractive, b) why people believe in disinformation, and c) why they share it. This chapter aims to answer these questions based on recent literature from the field of communication research and psychology. It thereby lays important groundwork for the development of effective counter strategies.

8.1 What makes disinformation attractive?

Disinformation (e.g. as part of conspiracy theories) usually offers a comprehensible story with a clear and easy distinction of good and evil — providing sense and simple, plausible answers. Conspiracy theories, for example, share the premise that there is a secret collaboration of a small group of conspirators, whose goals (e.g. world domination) and destructive plans (e.g. anarchy) are aimed at manipulating events in their own favour. One objective among other disinformation efforts is to elicit fear among citizens of threats and crimes by clearly defined malevolent outgroups (e.g. ethnic or sexual minorities), favouring a homogeneous, virtuous ingroup at the same time.[575] With that said, disinformation for many people 'satisfies the need to see the world as structured'.[576] As a result, disinformation often crosses the line between facts and fiction[577], leading to stories which may seem irrational or even surreal (e.g. stories related to QAnon). These aspects make disinformation appealing for many people in this fast-paced period of high complexity and potential perceived loss of control. The COVID-19-pandemic and its societal consequences, in particular, demand a lot of patience, stress resilience, and ambiguity tolerance from people.

Narrative and well-structured stories are more likely to be less critically reflected, questioned, and contradicted.[578] The more likely, bizarre, provocative, and entertaining a story is, the stronger emotional reactions (e.g. surprise, disgust) it generates in its recipients[579], and the more recipients share the story. Visuals play an important role as they may lower peoples' suspicion of being presented with manipulated information.[580] The latter finding is especially relevant against the background of the rising amount of so-called 'deep fakes'. This shows that the advancing technological possibilities of manipulating pictures and audiovisual content nearly perfectly make the fight against disinformation even harder. Thus, it is even more necessary to encourage people to carefully double-check information by means of trustworthy, objective sources.[581]

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[573] Schaffner, 2020.
[574] Institute for Strategic Dialogue, 2020; Tsfati et al., 2020.
[575] e.g., Schneider, Schmitt, Ernst, & Rieger, 2019.
[576] Axt, Landau, & Kay, 2020, p. 1.
[577] Harambam & Aupers, 2019.
[578] e.g. Frischlich, Rieger, Morten, Bente, 2018.
[579] Vosoughi, Roy, & Aral, 2018.
[580] Hameleers, Powell, Van Der Meer, & Bos, 2020.
[581] In Germany for example the public broadcasting services usually provide well researched objective information.

When shared by a trusted, credible source, people tend to believe and to share disinformation more readily.[582] Once individuals have formed a conspiratorial mindset[583] and the respective models of morality[584], they selectively search for evidences to support their suspicions.[585] The widely unregulated online environment, rich in both information and opinion, may facilitate this; everybody may select the sources he or she likes, which is a virtue and a challenge at the same, time from a democratic perspective. However, the influence of the stories and senders' characteristics should not be overestimated. Even more important are individual differences in the recipients.

8.2   Why do people believe disinformation?

People tend to search for, interpret, and remember information more readily if it confirms their preconceptions. In this way, disinformation can trigger a so-called confirmation bias.[586] Attempts to debunk disinformation, as such, can even have the effect of making people adhere to their beliefs more strongly[587] – although, this so-called 'backfire' effect has been shown to appear quite rarely.[588] Besides story and source characteristics – and apart from political ideology and conspiratorial mentality – various individual differences predict peoples' susceptibility to disinformation.

Cavillo and colleagues[589] have shown that lower levels of agreeableness, conscientiousness, open-mindedness, and higher levels of extraversion and more hours of news consumption were related to worse news discernment – meaning that people were less likely to identify disinformation as such. Individuals with elevated clinical psychopathology (e.g. delusion proneness, schizotypal cognitive-perceptual traits),[590] right-wing authoritarianism,[591] and those who feel ostracized[592] are more likely to believe disinformation. Also, (a generalised) mistrust in political power and professional news media is positively correlated with acceptance of disinformation.[593] The perceived truthfulness of disinformation is greater for people who are exposed to more disinformation and less 'real' news (hard news).[594]

The COVID-19-pandemic, with its accompanying uncertainty and social and economic challenges, further provides fertile ground for the acceptance and dissemination of disinformation. Knowledge (e.g. about the virus) and political decisions are changing rapidly, and may differ significantly across country borders. Moreover, societal measures trying to fight the virus, such as the so-called 'lockdown' and social distancing

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[582] Buchanan and Benson, 2019; Faragó, Kende, and Krekó, 2020.

[583] The conspiratorial mindset (or conspiracy mentality) can be understood as the general willing or proneness to endorse conspiracy theories. This may be due to certain cognitive patterns such as the need for cognitive closure, the need for making sense of high impact events, or the tendency to (over-)perceive causal connections between events and stimuli.

[584] A conspiracy theory is a specific judgment of immoral behaviour. So, a conspiracy theory may include the assumption that a certain actor develops evil schemes in secret and then carry them out to reach a certain aim (e.g. global dominance). According to the social intuitionist approach to moral judgment by Haidt (2001) people form moral judgments intuitively, based on their subjective feelings of right or wrong. Then people are motivated to make sense of such feelings (models of morality). Against the background of the complexity and diversity of available information and perspectives (e.g. regarding a pandemic) people may occasionally be challenged to explain and justify their moral judgments. Thus, they search for information which legitimate the way they think, feel, and believe.

[585] Van Prooijen, Klein, & Milošević Đorđević, 2020.

[586] Kahne and Bowyer 2017.

[587] Nyhan and Reifler, 2010.

[588] e.g., Ecker, Lewandowsky, and Chadwick, 2020; Wood and Porter, 2019; for an overview, see also Swire-Thompson, DeGutis and Lazer, 2020.

[589] Calvillo, Garcia, Bertrand, & Mayers, 2021.

[590] Anthony and Moulding, 2019; Georgiou, Delfabbro, & Balzan, 2019.

[591] Klebba, and Winter, 2021; Wood and Gray, 2019.

[592] Poon, Chen, and Wong, 2020.

[593] e.g. Imhoff and Lamberty, 2018; Klebba, and Winter, 2021; Pierre, 2020.

[594] Amazeen and Bucy, 2019; Balmas, 201.

measures, put many people in social and financial distress. People perceiving more life stress[595] and a lack of control[596] more strongly tend to believe in disinformation about COVID-19, as disinformation provides simply structured answers and supposed security considering the complexity of events – a finding which is supported by earlier research indicating that people tend to feel attracted to conspiracy theories while experiencing an existential crisis.[597] Individuals that more strongly believing in disinformation related to COVID-19 are less likely to follow rules to prevent the spread of COVID-19 (e.g. social distancing).[598] Likewise, perceived national narcissism (the belief in the greatness of the own national ingroup) — including during the COVID-19-pandemic — seem to play an important role in belief and sharing of disinformation[599], indicating that (dis)information favouring the ingroup (here, a country) may help people to deal with the perceived potential existential threat (the pandemic).

Furthermore, low trust in (traditional) news media, politics, or in scientific experts has been shown to be positively related to a low believability of disinformation.[600] To build, or to restore, trust in relevant societal institutions, knowledge about their functioning and positive attitudes towards their work must be encouraged. This requires clear strategic communication by media, politics, experts, and institutions free of contradictions. Moreover, it has been shown that people who rely more on emotions[601] and are less engaged in analytical thinking tend to believe more readily in disinformation.[602] Regarding educational levels, the study results are inconsistent. While some studies find no correlation at all, others find that a lower education level predicts susceptibility to disinformation.[603]

To summarise, the just-discussed findings indicate that susceptibility to disinformation is predicted by many individual factors, which are, for the most part, acquired and cultivated over a person's lifespan, starting in early childhood. Moreover, societal events (e.g. the COVID-19-pandemic) and, respectively, their social and individual consequences may facilitate the acceptance of disinformation among citizens. Thus, all efforts to build resilience against disinformation should be planned and implemented in the long run across all societal areas (e.g. politics, economy, schools, the media system) — ideally, efforts should be preventive instead of curative.

8.3   Why do people share disinformation?

While only a very small percentage of (social) media users share disinformation[604], an even larger amount of people are exposed to it.[605] Sometimes, disinformation is intentionally shared by people to manipulate and mobilise crowds.[606] Nonetheless, people also share disinformation not knowing that it is false. Many individuals do not even recognise information as manipulated or misleading. It has been shown that younger[607] and more online-experienced users[608] are more likely to recognise and verify disinformation

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[595] e.g. Constantinou, Kagialis, and Karekla, 2020; Georgiou, Delfabbro, and Balzan, 2020).

[596] Alper, Bayrak, and Yilmaz,, 2020; Oleksy, Wnuk, Maison, & Łyś, 2020; Šrol, Ballová Mikušková, and Čavojová, 2021.

[597] Van Prooijen, and Douglas, 2017.

[598] Oleksy, Wnuk, Maison, & Łyś, 2020.

[599] Stoica & Umbreş, 2020.

[600] e.g., Humprecht, Esser, and Van Aelst, 2020; Zimmermann and Kohring, 2020.

[601] Martel, Pennycook, and Rand, 2020.

[602] (Iper, et al. 2020; Bago, Rand and Pennycook, 2020; Bronstein, Pennycook, Bear, Rand, and Cannon, 2019; Georgiou et al., 2019; Pennycook and Rand, 2018; Stoica and Umbreş, 2020).

[603] e.g. Alper et al., 2020; Constantinou et al., 2020; Duplaga, 2020; Georgiou et al., 2019.

[604] Grinberg, Joseph, Friedland, Swire-Thompson, and Lazer, 2019; Guess, Nagler, and Tucker, 2019.

[605] Ognyanova, Forthcoming.

[606] Petersen, 2020.

[607] Borges-Tiago, Tiago, Silva, Guaita Martínez, and Botella-Carrubi, 2020.

[608] Borges-Tiago et al., 2020; Khan and Idris, 2019.

before sharing. Also, general knowledge of how news media operates enables users to identify disinformation and makes them more likely to counter-argue.[609]

Manipulated messages that support peoples' worldviews are more likely to be shared[610] – this is even more probable for older and more politically right-leaning people[611], and those who perceive society to be more polarised.[612] Moreover, social media users with high trust in online information are likely to share information without checking its correctness.[613] In addition, encountering certain disinformation more often (e.g. via social media) increases the likelihood of sharing it — even independent of a disclaimer that it is disinformation — as the repeated contact may reduce peoples' moral condemnation.[614] Islam and colleagues also showed that people who are driven by self-promotion and entertainment tend to be more likely to share disinformation.[615]

Studies have also identified factors that discourage sharing of disinformation. Colliander[616], for example, showed in a series of experiments that people who were exposed to critical comments to fake news articles were more hesitant to share the fake news, compared to those who saw comments supporting the article. A disclaimer (e.g. from a social media company) alerting individuals that the news might be manipulated, in turn, did not lower peoples' intentions to share disinformation as much as critical comments from other users. People feel uncertain and insecure when warnings are misdirected and imprecise.[617]

8.4   Critical media literacy against disinformation

But what does it take for recipients to identify news to be 'true', 'false', or purposefully scattered disinformation? How can we prevent disinformation, which is spread by a few actors, from taking up a large space in the digital public sphere or even influencing discourse in society as a whole? It seems that raising awareness about the mere existence of disinformation (e.g. with a disclaimer on social media) is not enough.[618] In addition, legislative and regulating attempts (e.g., 'Netzwerkdurchsetzungsgesetz' in Germany, or respective policies by the European Commission[619]) do not seem to prevent the dissemination of disinformation completely.

The above-mentioned research results indicate a complex picture of the individual predictors of believing in and sharing disinformation. It seems necessary to raise peoples' awareness regarding the characteristics of disinformation and potential sources. Furthermore, various individual and social factors must be addressed; this is particularly evident in disinformation studies on COVID-19. Research has shown that foresightful, adaptive, and sustainable responses are needed. One answer could be critical media literacy.

As a central dimension of media competence, critical media literacy is both a skill and a 'learning task'.[620] People who engage with media content critically, i.e. in an analytically reflective and ethically judgmental

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[609] Amazeen and Buchy, 2019.

[610] Calvillo et al., 2021; Faragó et al., 2020; Greifeneder, Jaffé, Newman, and Schwarz, 2021.

[611] Grinberg et al., 2019.

[612] Van Bavel, Harris, Pärnamets, Rathje, Doell, and Tucker, 2021.

[613] e.g., Laato, Islam, Islam, & Whelan, 2020); Talwar, Dhir, Kaur, Zafar, and Alrasheedy, 2019).

[614] Effron and Raj, 2020.

[615] Islam, Laato, Talukder, and Sutinen, 2020.

[616] Colliander, 2019.

[617] Freeze, Baumgartner, Bruno, Gunderson, Olin, Ross, and Szafran, 2020.

[618] Colliander, 2019; Effron and Raj, 2020.

[619] See for example European Commission, 'Tackling online disinformation'. Available at https://ec.europa.eu/digital-single-market/en/tackling-online-disinformation or European Commission, 'Code of Practice on Disinformation'. Available at: https://ec.europa.eu/digital-single-market/en/code-practice-disinformation.

[620] Baacke, 2007; p. 97.

way, can see through many manipulation attempts and, if necessary, counter them. Critical media literacy can be promoted within the framework of measures of (in-school and out-of-school) media education.[621] Yet, at least until 2018, media education was not a mandatory school subject in any EU country — instead, in cases where it exists, it is predominantly cross-curricular or implemented as small-scale projects.[622] Nevertheless, even teachers underline the necessity of teaching critical media literacy in school.[623] The largest number of media literacy stakeholders stem from civil society, followed by public authorities and academic actors — mostly addressing 'critical thinking' as specific skill.[624] Moreover, the general level of media literacy seems to vary significantly across European countries[625] — being highly interconnected with each country's historical, social, and cultural context.[626]

The research cited above gives further valuable insights into the potential content and aims of anti-disinformation media education. A central requirement for critical media literacy against disinformation is having a concept of disinformation, and — based on this — the assessment of information as manipulated or 'fake' Thus, an active, analytical, and reflexive examination of media content by its users is required.[627] Critical media literacy interventions about the content and techniques of disinformation or media in general have been shown to foster peoples' susceptibility to disinformation[628] and seem, thus, to be worthy of support in the context of media education. These interventions can increase analytic and actively open-minded thinking, which might help reduce beliefs in fake news.[629] People who understand how the media operates are even more likely to counter-argue.[630]

Also, the tendency to engage in fact-checking behaviour information may foster (perceived) resilience against disinformation.[631] To motivate individuals to fact-check, they must recognise disinformation first, and need to know measures for finding trustworthy information through online research. Tandoc et al.[632] even showed that people would only correct disinformation when the issue is strongly relevant to them. Moreover, the relationship to people in their social network is important. They share corrections primarily to people they feel strongly and closely connected to. Witterlin and colleagues[633] findings indicate a rather self-centred perspective. They found that people who assumed a higher influence of user-generated content on their own attitudes engaged more in corrective actions. People are more motivated by preventing themselves — or their loved ones — from negative influences than other, foreign people.

Having that said, social media users do not necessarily benefit from other peoples' corrections. Research results regarding the effectiveness of presenting corrective information before or after disinformation are inconsistent. While some studies show that presenting corrective information before disinformation may reduce its credibility[634], others indicate that displaying fact-checks after disinformation can enhance their

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[621] Kahne, and Bowyer, 2017; Schmitt, Ernst, Rieger, and Roth, 2020.
[622] McDougall, Zezulkova, van Driel, and Sternadel, 2018.
[623] Institut für Demoskopie Allensbach, 2020.
[624] European Audiovisual Observatory, 2016.
[625] Open Society Institute Sofia, 2019.
[626] See also Petranová, Hossová and Velický, 2017.
[627] e.g. Alper et al., 2020; Bago et al., 2020; Bronstein et al., 2019; Georgiou et al., 2019; Pennycook and Rand, 2018; Stoica and Umbres, 2020.
[628] Basol, Roozenbeek, and van der Linden, 2020; Lutzke, Drummond, Slovic, and Árvai, 2019; Roozenbeek, and van der Linden, 2019).
[629] Bronstein et al., 2019; Basol et al., 2020.
[630] Amazeen and Buchy, 2019.
[631] Liu and Huang, 2020.
[632] Tandoc, Lim, and Ling, 2019.
[633] Wintterlin, Frischlich, Boberg, Schatto-Eckrodt, Reer and Quandt, 2021.
[634] Jolley and Douglas, 2017; Zerback, Töpfl, and Knöpfle, 2020.

believability.[635] Moreover, even after corrections, the problematic information is often still visible online and might further influence potential recipients. Once disinformation is established, it might be difficult to delete or correct it.

Hence, media literacy education needs to address several aspects in this regard in order to be effective. It should foster knowledge of the negative individual and societal impact of disinformation to convince people to engage in the correction of disinformation independently from the individual relevance of the issue and their relationship to the people they communicate with. Moreover, people should learn about psychological processes of attitude formation, memory, and comprehension processes[636], and how mechanisms of social media platforms (e.g. comments, social networks, algorithms, bots) might influence these.[637] Regarding literacy measures in the context of the COVID-19 pandemic, it seems further necessary to strengthen evidence-based knowledge about the virus, the disease, and the value of vaccination – finally leading to more domain-specific confidence and self-efficacy, as well as trust in the effectiveness and safety of the vaccinations. These aspects could be combined with media education about health-related disinformation in social media.[638]

Extremist-motivated disinformation and its implementation with fragments of inhuman ideology further offers concrete markers that critical recipients can use for analysis and reflection. The combination of **intercultural educational work**, which sensitises people to constructions of 'others', and media education programs, which make it possible **to recognise these construction processes in media offers**, appear to be a significant basis for educational work and the promotion of critical media literacy in the context of disinformation.[639]

To be effective in fighting the spread and acceptance of disinformation, media literacy education has to be a transnational,[640] cross-cutting theme. Moreover, there must be **target-group specific offers for people of all ages and living environments** considering the respective societal and political systems that people are a part of. Thus, apart from its promotion in formal educational settings (e.g. schools) for younger citizens – ideally not only in small-scale, short term interventions and workshops – there should also be interventions fostering critical media literacy outside of school for other age groups. The latter could take place, for example, as workshops (e.g. in the context of advanced vocational training), online freely available (information) materials[641], games[642], or as part of an objective, professional press coverage.

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[635] Hameleers et al., 2020.

[636] Britt, Rouet, Blaum and Millis, 2019.

[637] Ernst and Schmitt, 2020.

[638] Puri, Coomes, Haghbayan, and Gunaratne, 2020.

[639] Schmitt, Ernst, and Rieger, 2020; For a German-speaking audience, there are many materials and tools freely available online that are intended to sensitize media users of all age groups to the presence and functioning of disinformation and to help them uncover and possibly even oppose it. The number and kind of these materials—and relevant actors/publishers. in this field—are manifold. As important actor from the public sector the Federal Agency of Civic Education (Bundeszentrale für politische Bildung/bpb) must be named. It provides a high diversity of materials (e.g., texts, (YouTube-)videos), workshops, conferences and trainings addressing different aspects and topics of civic education and, thereby also, media education. The JFF-Institut für Medienpädagogik, a non-governmental institution for research on media education and materials for practitioners, similarly provides materials and trainings for various age groups and educational settings concerning different aspects of media education.

[640] One major challenge for a comparable and effective transnational media literacy education is the difference in factors such as media systems, disinformation, and the understanding of democracy. It can be assumed that those differ significantly between EU-countries, for instance, Hungary and Germany or France and Poland.

[641] For example, the German platform Digital Kompass (https://www.digital-kompass.de/) provides information materials and workshops especially for the elderly related to various questions concerning digital media.

[642] For example: Go Viral! Available at https://www.goviralgame.com/en.

A vast amount and diversity of relevant content is also spread via social media; YouTube, for example, which is mostly used in the context of self-directed learning settings. However, sometimes the quality content-wise is questionable[643], and user comments may influence the perception of content[644]. There can also be connection of useful content with problematic content[645] via automated algorithms, which can have negative effects on recipients. Thus, critical media literacy seems to be necessary for a selection of helpful, high-quality counter messages.

Although the production and spread of so-called counter messages has been widely discussed as a useful measure against manipulative attempts[646], systematic studies and those broad in scope regarding the effectiveness (e.g. knowledge acquisition, attitude change) of content which people use in self-directed learning settings are scarce. Nevertheless, especially regarding the prevention of the negative effects of COVID-19 and vaccine-related disinformation, we can learn lessons from research on narrative persuasion and health communication.

8.5 Effectiveness of strategic communication – lessons from research on narrative persuasion and health communication

Narrative persuasion approaches posit that using narrative elements in messages with a persuasive goal can circumvent resistance to attitude change through processes that make the audience unaware of the persuasive attempt.[647] The importance of good storytelling is even bigger regarding the communication of scientific knowledge; people do not usually base their decisions or process information only on objective scientific evidence, ignoring their personal beliefs and emotional understanding of the world.[648] There are different lines of research analysing and discussing psychological mechanisms which facilitate engagement with messages, making narratives effective tools for attitude change and behavioural intentions.[649]

Two of these central mechanisms are **identification** with main characters and **transportation** into a narrative. When identifying with a protagonist, readers may understand a narrative by taking the character's perspective, adopting her or his goals and developing empathy[650], or even corresponding behaviours.[651] Research shows that the approachability of a character is enhanced by the narrative perspective (e.g. first-person narrator)[652] or by portrayal of the protagonist as virtuous, successful, or caring.[653] Similarities between the audience and characters (e.g. age, gender, ethnicity) and longer exposition to the character are further reinforcing factors for identification.[654] Reactance and counter-arguing can be reduced[655], which is particularly important in the case of controversial topics. Research on transportation focusses on how people pay attention to and have a sense of being within the narrative

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[643] Briones, Nan, Madden, and Waks, 2012; Donzelli et al., 2018).

[644] For an overview, see for example Ernst et al., 2017.

[645] Schmitt, Rieger, Rutkowski, and Ernst, 2018; Tang et al., 2021.

[646] RAN, 2018.

[647] Moyer-Gusé, 2008.

[648] Jones, Anderson, and Crow, 2017.

[649] Braddock and Horgan, 2016; Cohen, Tal-Or, and Mazor-Tregerman, 2015; Liu, Yang, and Chu, 2019; Moyer-Gusé, 2008; Slater and Rouner, 2002.

[650] Cohen, 2001.

[651] Braddock, & Dillard, 2016; Murphy, Frank, Moran, and Patnoe-Woodley, 2011.

[652] de Graaf, Hoeken, Sanders, and Beentjes, 2012.

[653] Cohen et al., 2015.

[654] Hoeken, Kolthoff, & Sanders, 2016.

[655] e.g., Slater & Rouner, 2002; Moyer-Gusé, 2008.

world.[656] The more people are transported into a story, the more they endorse story-consistent beliefs, which indicates an association between transportation and persuasion that has been replicated and extended for a multitude of topics, ranging from health disparities to advertising messages.

Moreover, research in various fields of prevention (e.g. radicalisation prevention, health communication) emphasises further advantageous aspects, such as the use of authentic and personal stories, credible and trustworthy protagonists, an attractive, target group-specific presentation, and providing positive emotions and feelings of hope.[657]

Research has further highlighted that satirical offers are negatively evaluated by users and can generate reactions that lead to a lower acceptance, or even rejection, of the message. Schmitt and colleagues[658] found that **presenting different (political) positions within a narrative can reduce opposition on the part of recipients** and lead to more positive attitudes. The presentation of a single political perspective (here, for refugees) increased the reactance of recipients. Reactance can further be reduced by avoiding freedom-threatening language (e.g. explicit persuasive messages) and instead using less direct, implicit communication, which leaves more room for interpretation, encouraging the feeling of choice.[659] In the context of health-related communication especially, evoking empathy leads to better effects of (narrative) messages, and has been shown to diminish anger in message processing.[660] Fostering peoples' perspective-taking (cognitive empathy) may further reduce opposition and foster persuasive outcomes (e.g. attitudes, perceived effectiveness).[661]

The way a message is communicated also seems to be important. Compared to text, audio-visual content offers the opportunity to learn on a model and try things out immediately.[662] In addition, videos can appeal to users not only cognitively, but also emotionally, for example, through music or the facial expressions of a speaker.

Regarding strategic messages in the context of vaccination, it has been shown that source expertise leads to increased trustworthiness of a message and reduced vaccine hesitancy, especially among those who are more vaccine hesitant at baseline.[663] Moreover, a clear, official evidence-based communication free of contradictions (e.g. regarding COVID-19) seems necessary to build social trust[664] and foster attitude and behavioural change.[665] Thereby, the perception of conflation of expertise[666] and information overload must be avoided for recipients, as this may result in ineffective information processing, confusion, loss of control, and psychological stress[667] — again underlining the necessity of teaching people how to do efficiently research online and select trustworthy, objective sources.

In sum, previous research gives various helpful insights into the way strategic communication should be designed to impact attitude change and behavioural intentions.[668] Having said that, it has to be considered

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[656] Green and Brock, 2000.
[657] e.g. Chou and Budenz, 2020; Frischlich et al., 2018; Nabi and Myrick, 2018; Ort and Fahr, 2018; Rodriguez, 2016.
[658] Schmitt, Caspari, Wulf, Bloch, and Rieger, Forthcoming.
[659] Reynolds-Tylus, 2019.
[660] Shen, 2011.
[661] Shen, 2010.
[662] Findeisen, Horn, & Seifried, 2019.
[663] Xu, Margolin, & Niederdeppe, 2020.
[664] Pennings and Symons, 2021.
[665] Noar and Austin, 2020.
[666] Rodriguez, 2016.
[667] Eppler and Mengis, 2004.
[668] Very helpful policy recommendations are given for example in Michael D. Jones and Deserai Anderson Crow, 'How can we use the 'science of stories' to produce persuasive scientific stories', Palgrave communications. Available at:

that many research results stem from small-scale experiments, which often provide information on the short-term effects of persuasive messages. Moreover, these studies usually take place in rather secured, idealised settings, presenting the respective stimuli (messages) isolated from a certain (social/media) context. Thus, it is conceivable that the potential effects of such messages integrated in a real world (media) setting, such as TV or social media, may be distorted by the characteristics of a specific situation (e.g. social context, user comments). Kim et al., for example, showed that a higher number of unfavourable user comments in a Facebook thread about flu vaccination led to more unfavourable attitudes towards flu vaccination.[669] Therefore, characteristics of the specific situations and the ways people might stumble over these messages must be carefully considered. Questions such as the following should be discussed before designing and publishing the messages: When/in which settings do people receive the message? Which aspects could distort the idea/information which is supposed to be delivered? Who might comment on the message (online) that might frame the message unfavourably? How should the respective community management in an online environment look? How do recommendation algorithms deal with strategic content distributed online? Which content is the original content connected to and with what potential effect?

In sum, regardless of the characteristics of a story, which can promote or hinder involvement and processing, personal and situational characteristics on the part of the recipients are important. Thus, strategic communication must understand its audience to build credibility – and finally, be persuasive. Thereby, knowledge about personal aspects, such as individual interest in a topic, motivation, attention, and users' cognitive prerequisites, are of decisive importance.[670] Consequently, there cannot be a 'one-size-fits-all' solution. Strategic messages must be target-group specific, for example: a) the parents of young children need different kind of messages than the elderly; b) people who are less tech-/online-savvy need different ways to be addressed; c) children further need a different approach; d) different cultural/historical/political backgrounds of different European countries could need distinctive responses, and so on.

8.6   Further recommendations and future directions

Public efforts and investments are needed to promote a positive perception of democratic values and public awareness to disinformation, and to provide incentives and resources for media education for all age groups.[671] In this regard, media education in general – and fostering **critical media literacy**, in particular, as prevention rather than reaction – should be **officially recognised as a (trans-)national task**, for example, as a clear objective of education **over the lifespan**. This does not only include appropriate political attitudes and intentions, but also investments and structural changes in the training of educators in every European country. Consequently, media education should be part of the education and training of teachers at university. It should not be voluntary to occupy oneself with media education and media literacy training.

Conceptual frameworks, materials and documentations of best practices are needed to build a system for an effective media education to make people resilient against disinformation. To achieve this, NGOs or

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https://www.nature.com/articles/s41599-017-0047-7.pdf. A systematic review of message framing in vaccine communication can be found here: Marcela Penta, Adriana Baban, 'Message Framing in Vaccine Communication: A Systematic Review of Published Literature', Health communication. Available at: https://www.tandfonline.com/doi/abs/10.1080/104102 36.2016.1266574.
[669] Kim, Han and Seo, 2020.
[670] See for example Sar and Rodriguez, 2019.
[671] Saurwein, and Spencer-Smith, 2020; Schmitt et al., 2019.

public institutions could share experiences with different approaches to how to foster resilience against disinformation in various educational settings. It would be, for example, conceivable to implement a European platform which provides systematically evaluated measures, including a specific description of methods, target-groups, and addressed skill (e.g. critical thinking). Specific materials could also be shared in various European languages. However, more sustainable measures are needed. When taught in schools as a mandatory and dynamic literacy education, media education would be even more effective than reactive and small-scale projects.[672] Thus, there needs to be a common European-wide understanding about what disinformation is, what (critical) media literacy means, and how to teach it (in schools). Furthermore, there must be more emphasis on media education as a crosscutting subject.

Finally, the creation, distribution and acceptance of disinformation should also be understood as symptoms of certain general political and societal developments. Consequently, disinformation should not only be addressed by selected, short-term measures. Rather, it should be analysed by means of a systemic perspective in which events, societal trends, and developments lay fertile ground for disinformation.

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[672] (McDougall, 2019).

9 Impact on democracy, fundamental rights and the rule of law: new developments and trends

One of the findings regarding new trends in disinformation actions has been that they are better disguised than before. In fact, they are disguised so well, that they often melt into organic content. The developing technological features are increasingly made use of. Due to the 'Potemkin personas', information laundering, private messaging and deep fakes, the appearance of influence operations is **hardly distinguishable from ordinary user-generated content**. Besides, actors focus much less on creating false 'stories' and thereby risk debunking, but they tend to **amplify existing ideas to exacerbate lines of division**. What may seem as simply taking part in a divisive social discussion[673] might prove malicious provocation when both sides of the discussion are provoked simultaneously.[674] One benefit for the adversaries is weakening the target society through further polarisation. Another is growing distrust in general in all media information.

Initiatives by the European Union, its Member States, the platforms, and civil society increased user awareness and resilience against disinformation. However, the entirely new global crisis of COVID-19 caused even higher stress, anxiety, and insecurity. The existential uncertainties which characterise the postmodern risk societies[675] reached new heights and offered the opportunity to exploit fear and insecurity. The risk of infection and death has been reasonable, yet at the same time incalculable. The intricacy of statistics and yet unknown facts about dispersion rate, treatment, and lasting effects turned into a **'liquid fear'[676] with no simple responses to alleviate the risk**. The fundamental rights of people were restricted for a longer period of time. Whether such limitations were reasonable or not, they induced understandable tensions which fuelled conspiracy theories, hostility, and scapegoating.

The numerous efforts and initiatives effectively contributed to keep the infodemic within limits, and to avoid mass-scale societal failures or panic reactions to the extreme situation. The 2019 EP elections and other national elections were not disturbed by major or effective disinformation events. In this respect, the self-regulation of social media platforms has been reasonably successful, albeit there remains scope for improvement, in particular in setting limits on intervention in freedom of expression, structuring accountability, and harmonising policies, especially across Member States (see Chapter 5).

It should be noted that the three values (democracy, rule of law and fundamental rights) are inherently interdependent, partly overlap, and 'cannot be separated without inflicting profound damage to the whole'.[677] Therefore, below, we will jointly discuss two of them; democracy and the rule of law, followed by the fundamental rights impact.

In the chapter below, the concrete impacts of disinformation in the period 2019-2020 on democracy, the rule of law and fundamental rights will be discussed, building on the theoretical background described in the 2019 Study on disinformation and propaganda.[678]

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[673] BBC News, 'Russian trolls' chief target was 'black US voters' in 2016', available at https://www.bbc.com/news/techology-49987657.
[674] Julian E. Bernes, Goldman, A., 'Russia Trying to Stoke U.S. Racial Tensions Before Election', *The New York Times*, 10 March 2020.
[675] See in more detail: Bayer et al., 'Disinformation and propaganda', European Parliament, 2019. Available at: https://www.europarl.europa.eu/RegData/etudes/STUD/2019/608864/IPOL_STU(2019)608864_EN.pdf.
[676] Zygmunt Bauman, Liquid Fear, Cambridge Polity Press, 2006.
[677] Carrera, S, Guild, E & Hernanz, N., 'The Triangular Relationship between Fundamental Rights, Democracy and the Rule of Law in the EU, Towards an EU Copenhagen Mechanism', Study, CEPS, Brussels, 2013.
[678] Bayer et al., 'Disinformation and propaganda', 2019.

9.1   COVID-19 effects

The pandemic entailed several legal, political and social consequences which harmed the functioning of democracy, threatened the rule of law, and directly or indirectly impacted human rights, the right to free movement, freedom of assembly, and the right to education. Many states passed emergency measures within and outside the European Union. Thirteen EU Member States invoked a "state of emergency" or similar emergency framework, while fourteen Member States imposed legal restrictions without such a framework.[679] Significant or high restrictions were reported from Belgium, Bulgaria, Cyprus, Denmark, France, Germany (varying regimes in the 16 federal states), Hungary, Italy, Ireland, Luxembourg, Portugal, Spain, and The Netherlands. Some states were reported to have passed legislative amendment during the emergency state which had no relation to the pandemics but reinforced the power or the policy of the executive[680] as the EP pointed it out repeatedly.[681]

A few Member States imposed the emergency measures without a time limit, adding that such measures cannot be considered as lawful if there is no regular review of the situation.[682] Lasting legal changes were brought under the pretext of emergency legislation in a few Member States.[683]

Judicial procedures have also been adversely affected by the pandemics. A large number of MSs have suspended judicial procedures or postponed deadlines. Resorting to written procedures or video-conferences was among the flexible adaptations to the situation, whereas not excusing absence from the procedure, when freedom of movement restrictions prevented parties to the case to appear in court, could amount to a violation of procedural fairness.

Parliaments had to re-organise their activities, including postponing, reducing or suspending work.[684] Elections were postponed in 13 Member States due to the pandemic[685], and others had to take adaptive measures to ensure safety. Not postponing the elections in the middle of a pandemic might also have had political purposes (as in Poland, signalled by prior amendment to the electoral code going against the judgment of the Constitutional Tribunal[686]). Political campaigns also had to endure restriction of offline campaign events and gatherings[687], as freedom of assembly has been restricted in all Member States, except in Sweden.[688]

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[679] Briefing Requested by the LIBE committee, Marzocchi, Ottavio, 'The Impact of Covid-19 Measures on Democracy, the Rule of Law and Fundamental Rights in the EU', European Parliament, April 2020; see also: Democracy Reporting International, 'Phase Two Of Covid-19 Responses Across The EU – The Rule Of Law Stress Test Continued', Stiftung Mercador, 2020.

[680] Ibid.

[681] European Parliament resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences (2020/2616(RSP)).

[682] Venice Commission, 'Interim report on the measures taken in the EU Member States as a result of the COVID-19 crisis and their impact on democracy, the Rule of Law and Fundamental Rights', 8 October 2020 (CDL-AD(2020)018), Croatia, Hungary; paragraph 47. Available at: https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)018-e.

[683] Democracy Reporting International, 'Phase Two Of Covid-19 Responses Across The EU – The Rule Of Law Stress Test Continued'.

[684] Briefing Requested by the LIBE committee, 'The Impact of Covid-19 Measures on Democracy, the Rule of Law and Fundamental Rights in the EU', p. 4.

[685] International Idea Supporting Democracy Worldwide, 'Global Overview Of COVID-19: Impact on Elections', 2021.

[686] Briefing Requested by the LIBE committee, 'The Impact of COVID-19 Measures on Democracy, the Rule of Law and Fundamental Rights in the EU', p. 5.; and T'he impact of COVID-19 measures on democracy, the rule of law and fundamental rights', European Parliament resolution of 13 November 2020 on the impact of COVID-19 measures on democracy, the rule of law and fundamental rights (2020/2790(RSP)).

[687] International Idea Supporting Democracy Worldwide, Elections and COVID-19: How election campaigns took place in 2020, 2 February 2021.

[688] Briefing Requested by the LIBE committee, 'The Impact of Covid-19 Measures on Democracy, the Rule of Law and Fundamental Rights in the EU', p. 7.

These hindrances to democratic values were, however, not in direct connection with disinformation, therefore they are not discussed further here.

9.2   Impacts on democracy and the rule of law

While the focus of this study is disinformation originating from foreign sources, it should be noted that the highest risk to democracy, the rule of law, and fundamental rights is presented by those disinformation campaigns which have originated and stayed within the EU or even within a Member State. This scenario was highlighted in 2019, and the phenomenon has grown since then in both size and effect. It massively contributed to the global infodemic and the political crisis in effected nation states. Government-originated (domestic) disinformation is reported to be prevalent around the globe: in a Freedom House survey, 62 % of respondents (and 77 % among 'Not Free' states) said they distrust government information on the pandemic. 52 % of respondents, representing 66 states, claimed a 'proliferation of disinformation coming from the government'.[689]

When **individuals with official authority** are primary sources or disseminators of disinformation, it makes defence strategies against disinformation futile. First, because the **trust** in such authoritative persons is a value choice which cannot be changed by rational arguments. The authority of the person extends to the expressed ideas, even if they represent disinformation and conspiracy theories, and boost their persuasive effect. Supporters believe with great confidence in these fallacies, and even engage in action to follow their beliefs, from resistance against health-protecting measures, to a violent attack against the Capitol.[690] Every attempt to convince them about the contrary is perceived as yet another proof of the conspiracy theory. While a growing number of the population is thought to be resilient against disinformation, the **gap between these two groups** is widening.

Secondly, national **policies against disinformation become inverted** and turn against truth itself. A tool designed against disinformation becomes a weapon against facts. Moreover, these belief structures are often combined with hostility against various social groups, scapegoating and discrimination.

Domestic disinformation campaigns have the utmost impact on the local and national audience, and building resilience against them is a complex challenge. The domestic networks of identities and interests, as well as symbolism and narratives of the national languages, may seem obscure from the outside. The logic of conspiracy theories which build on local, traditional fears and vulnerabilities cannot be challenged by reason and argument.

The past four years of American politics have demonstrated the power of disinformation and propaganda even in a state where the democratic system of checks and balances, and division of powers, enjoy the oldest tradition and stability. Although the 2020 elections have brought a change in the presidency, the closeness of the results and the number of people believing in the conspiracy theories (18 % of American adults believe in Qanon[691]) shows that the problem is still present. The number of Republican politicians who approved Donald Trump's political attitude is a cause for alert and calls for a comprehensive strategy

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[689] Sarah Repucci and Amy Slipowitz 'The Impact of COVID-19 on the Global Struggle for Freedom', Freedom House, 2020.
[690] The Pizzagate conspiracy theory which led to a violent attack against the Comet Ping Pong Pizzeria is believed to be a predecessor of the Qanon conspiracy theory; Adrienne LaFrance, 'The Prophecies of Q – American conspiracy theories are entering a dangerous new phase', The Atlantic, 2020.
[691] Qanon is a complex, unfounded conspiracy theory that says that President Trump is waging a secret war against elite Satan-worshipping paedophiles in government, business and the media. Mike Wendling, 'QAnon: What is it and where did it come from?', BBC, 2021. See also: Sam Sabin, 'Belief in Qanon Wavers Slightly Among Adults After Capitol Riots, Inauguration', Morning Consult, 2021.

to build an even more resistant political structure. Internal confrontations within the Republican party are an inevitable part of this process.[692]

National political disinformation, conspiracy theories, and propaganda can also be traced within the European Union. Even if eliminating such domestic disinformation nodes is not successful by supranational means, their spreading out across the nation and formation of networks across borders should be prevented.

For this, the European Union should develop new, and apply existing, tools of self-defence in order to defend and protect European democracy and respect for the rule of law, as well as fundamental rights. For example, the rule of law 'conditionality procedure' has been designed to serve this goal. Under this rule, EU budget payments can be withheld from countries in which breaches of the rule of law have been established.[693] Another milestone in the rule of law domain has been the Commission's Annual Rule of Law Report, of which the first was published on 30 September 2020.[694] These reports will provide a regular overview of the rule of law situation in the European Union and all Member States. The four pillars of the report include media pluralism, the justice system, the anti-corruption framework, and other institutional issues related to checks and balances.

The rule of law conditionality procedure itself has also been the subject of disinformation campaigns in some Member States, even in the public service media. The organised disinformation campaign disseminated a conspiracy theory, as well as manipulated information about the objectives of the rule of law conditionality, in an attempt to discredit the EU's attempt to protect the rule of law and the EU budget.[695]

The systematic dissemination of disinformation by active politicians, parties or authorities is a clear and immediate threat to democracy, and is disrespectful of the values of the European Union according to Article 2 TEU, as it is supported by solid academic arguments.[696] To increase the resilience of European democracy, we recommend safeguards for political advertising and election monitoring, and parliamentary rules on the financing of political parties and the privileges of parties and party groups within the EP.

Beyond this systemic threat to democracies globally and within Member States, concrete foreign disinformation actions have left the European political processes and public opinion fairly unaffected. Even though the number of disinformation cases attributed to Russian sources and documented by the East Strategic Communication Task Force was reported to grow in 2019 and 2020 as well, and the disinformation actions seeking to undermine the credibility of the EU in the Western Balkans and the Eastern Partnership states is reported to be increasingly aggressive[697], the EP elections have been relatively undisturbed by these, their impact has remained limited, and the most impactful disinformation actions

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[692] The analogy with the European People's Party's long hesitation to confront with Orbán Viktor's Fidesz is conspicuous.

[693] European Parliament resolution of 16 December 2020 on the Multiannual Financial Framework 2021-2027, the InterInstitutional Agreement, the EU Recovery Instrument and the Rule of Law Regulation 2020/2923(RSP).

[694] European Commission, '2020 Rule of law report - Communication and country chapters'. Available at: https://ec.europa.eu/info/publications/2020-rule-law-report-communication-and-country-chapters_en.

[695] About Hungary, 'Government: Brussels only sees pro-migration countries as adhering to rule of law', 2020. Hungary Today, 'Orbán: Soros Working in Brussels "to Harm Hungarians Wherever He Can"', 2020. Hirado, 'Zsarnoki módszerekkel támad Brüsszel', 2020; Hirado, 'Brüsszelben csak az lehet jogállam, amely beengedi a bevándorlókat', 2020.

[696] John Morijn, 'Responding to "populist" politics at EU level: Regulation 1141/2014 and beyond', *International Journal of Constitutional Law*, Volume 17, Issue 2, April 2019, pp. 617–640.

[697] European Parliament resolution of 10 October 2019 on foreign electoral interference and disinformation in national and European democratic processes (2019/2810(RSP)), point 9-10. January 2019 (998 cases) is more than double that for the same period in 2018 (434 cases).

originated from within the EU.[698] Surveys do not show that the disinformation actions have impacted people's trust in democracy, nor the European Union. The trust and opinion appear relatively stable.[699] It must be noted, however, that a missing link between the disinformation events and the impact on public opinion or political events can hardly ever be proven. Even if the surveys showed a drop in people's trust in democracy or the EU, it could also be attributable to other circumstances, specifically the COVID-19 crisis.

Domestically produced disinformation has primarily originated from far-right extremist groups and anti-EU activists. **Uncovering a potential link between these groups and foreign political actors would need other instruments** besides those used by social science. Even if a link can be shown between external powers and domestic groups, for example showing connection in communication, projects, or even financing, it would not prove **whether the extreme group is an agent or a genuine representative** of the ideology.

The global internet allows everyone to interfere into other states' political movements or civil initiatives (through signature, financing, and all sorts of online participation) even without using illegal methods.

9.3   Impacts on fundamental rights

While until 2019 the direct impact on fundamental rights was hard to identify, since 2020 the effect has become more obvious. The infodemic directly impacted the health and life of individuals, who caught or spread the disease because they relied on disinformation which denied facts about its nature, such as its seriousness, ease of spread, and treatment.

Conspiracy theories showed their teeth: the attack of the Capitol building took the life of five people and caused several injuries. Disinformation has caused discrimination and hostility against Asians[700], migrants[701], refugees[702], and elderly people[703].

The fear from disinformation generated backlash effects: over restrictive measures by some Member States that disproportionately restricted freedom of expression.[704] One of the first measures of the Hungarian government during the emergency was to amend the Criminal Code so as to criminalise scaremongering: 'Whoever, during an extraordinary legal order, publicly states or disseminates a false fact or manipulatively states or disseminates true facts, in a way which is capable to frustrate or hinder the defence, shall be punished with imprisonment between 1 and 5 years' (§337(2) Criminal Code of Hungary). In spite of the bill being immediately contested by civil society and academia[705], as well as oppositional politicians, it has been passed and abused during the following months[706]. Although a petition was submitted at the

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[698] Democracy Reporting International, 'Findings about disinformation in the European Parliament (EP) elections', 2019.

[699] EU Open Data Portal, Directorate-general for Communication, 'Standard Eurobarometer 93: Summer 2020'; See also: Laura Silver, Moira Fagan and Nicholas Kent, 'Majorities in the European Union Have Favourable Views of the Bloc', Pew Research Center, 2020.

[700] Human Rights Watch, 'COVID-19 Fueling Anti-Asian Racism and Xenophobia Worldwide', 2020; see also: BBC News, 'COVID "hate crimes" against Asian Americans on rise', 2021.

[701] Gábor Medvegy, 'Hungary Deports Iranian Student Without Evidence, Based on a Single Claim"', Liberties, 2020.

[702] United Nations, Department of Global Communications, 'COVID-19: UN counters pandemic-related hate and xenophobia', 2020.

[703] Petra Bárd, Erik Uszkiewicz, 'Hate Crimes in Hungary During the Coronavirus Outbreak', Eötvös Loránd Research Network, jtiblog, 2020.

[704] The pandemic has brought the severe restriction of liberties such as freedom of movement, freedom of assembly, and the exercise of several fundamental rights, including the right to education. However, these are in most of the cases regarded as unfortunate, but justified restrictions to avoid spreading of the disease, and are not related to disinformation.

[705] Act C of 2012 on the Criminal Code, Section 337. See criticism: Csaba Győry., 'Fighting Fake News or Fighting Inconvenient Truths?', Verfassungsblog, 2020.

[706] Alasdair Sandford, 'Hungary: "Critics silenced" in social media arrests as EU debates Orban's powers', euronews, 2020.

Constitutional Court, the captured judicial body[707] found that 'criminalisation of scaremongering is not anti-constitutional, if disseminated knowingly (maliciously) and capable of preventing or frustrating defence against pandemics.'[708]

Besides legislative restrictions, social media platforms also applied strict measures to tackle disinformation (see in Chapter 7). These included, among others, verification of personal identity for 'high reach' users through photo ID, and everyone else through mobile phone authentication. These verification measures clearly meant a restriction of data privacy, whereas removal of false content interferes with the right to freedom of expression. Of course, these interferences are, on the one hand, employed by private entities, and on the other hand, may be justified and proportionate in the interest of safeguarding democratic public discourse from the harms of disinformation and propaganda. Neither of these aspects have been clarified; whether online platforms have authority to restrict these rights[709], and where the limits of restriction are in cases of disinformation. Nevertheless, constant efforts by stakeholders to reach and maintain a balanced approach, among others, earmarked by the establishment of the Facebook Oversight Board and provisions in the draft Digital Services Act meant to protect the rights of users (Articles 15,17,18 and 20), give hope that such restrictions pose a smaller threat compared to unlimited disinformation campaigns. **The limits of platforms' rights and duties, as well as the threshold of restriction of fundamental rights with the goal of eliminating disinformation, needs to be clarified by legal theory and court practice**.

9.4　Future potential impacts of disinformation

As the table shows, in the current situation, more threat is attached to non-regulation than to over-regulation. This has two key reasons: one of them is the activistic self-regulation of platforms. In an attempt to stop adverse effects of an uncontrolled information market, where strong strategic actors abused the market processes for their advantage, platforms applied several regulatory measures without human rights safeguards. **States' obligation extends to the protection of human rights both at the individual and the collective level. Platforms' intentions aim to optimise consumer satisfaction and their own legal compliance.**

The other, more important, reason is that disinformation and influence operations are becoming less detectable. Not merely because of the perfectionising falsification of content or AI personalities, but because of the strategy to directly infiltrate into the public discourse of the adversary state and influence discourse with amplification, as well as applying information laundering.[710]

The internet can bring about an accelerated globalisation of communicative processes, including political ones. International movements, advocacy and donations have been known before, but – in contrast to malicious influencing operations – they have been transparent and usually institutionalised. Covert interventions which use the same channels but through 'patriotic' citizens or trolls, as well as money-laundering networks, are barely separable from genuine discourse. Consequently, even less results can be expected from fact-checking, debunking and content removal or labelling, as well as the removal of fake profiles. The informational ecosystem as a whole should be developed.

We argue that a **new structure should be given to the still relatively disorganised internet communication**, a design which aims at **creating networks of trust**. To the analogue of blockchain's

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[707] The Hungarian Helsinki Committee, 'Hungary's Government Has Taken Control Of The Constitutional Court', 2015.
[708] 15/2020. (VII. 8.) Consitutional Court decision.
[709] Tarlach, McGonagle, CoE and internet intermediaries, in Human rights in the age of platforms, by Jørgensen, R. F. (ed)., MIT Press, 2019.
[710] Belen Carrasco Rodriguez, "Information Laundering in Germany", NATO Stratcom CoE, 2020.

main idea, a **protocol of trust** should be developed, either technological or social, which qualifies an information.

Table 4

Type of policy	Threat to democracy, rule of law, human rights	Recommended legislative response
Laissez-passez policy	Disinformation campaigns may be stopped, but at a high price of over-restricting human rights.	Platforms' obligation to respect human rights should be laid down.
	Due to uneven application of the platform standards, national islands of disinformation and propaganda remain.	Platforms should tackle disinformation and hate speech in less commonly spoken languages as well.
	Media capture allows disinformation and populistic propaganda to thrive among national and regional boundaries.	Media freedom and pluralism should be pursued as part of the supranational rule of law mechanism. Supranational journalism networks, news collaborations should be created.
	The network of populistic leaders becomes stronger and builds alliances with Chinese, Russian, and Trumpist political forces.	Applying the rule of law mechanism and safeguards against abuse of parliamentary institutions.
	Manipulation of election, cyber-attacks, especially in the post-soviet zone.	The protection of election processes should be strengthened.
	Microtargeted political ads polarise societies and reduce democratic public discourse.	Microtargeted political ads should be prohibited.
	Algorithms dominate users' choices. Users cannot develop critical thinking.	Algorithmic recommendations and ranking systems should be made transparent, and should allow options for users.
	The European common public information space does not develop and does not help EU democracy and integration.	A concept on how to create and distribute common European public service media content should be developed.
	Social media platforms offer an increasing amount of self-edited 'curated content', create more and more 'walled gardens', and transform into 'quasi-media service providers' without the responsibilities and safeguards of those, such as journalistic professional oversight or editorial accountability.	Social media companies should be prevented from engaging in publishing or editing as an anti-competitive behaviour. Social platforms should ensure neutrality towards content and non-discrimination of users.
	Changes in the management of online platforms result changes in the value choices of platforms, which get represented in their content moderation decisions.	Standards and values for social media platforms should be laid down, separating content policy from the people who own and manage the platforms.
Over regulation	Captured national public service media boards let disinformation and propaganda infiltrate into a new common EU PSM operation, frustrate investigative reporting. Political pluralism and diversity is abused to represent illiberal views and discrimination of vulnerable minorities.	Carefully designed common public service media should be introduced, and standards for diversity and commitment to democratic values laid. Media capture should be tackled.
	Platforms engage in censorship.	A platform's accountability should not amount to bearing liability for content.

10   Conclusions

Several good practices have developed in the past two years which together form a considerable barrier against foreign influence operations. The existing practices developed by online platforms and civil society should be polished to be less ad hoc, more calculable, and with adequate clarification of respect paid to human rights, as well as their limits.

New challenges have emerged in the fields of anti-scientific misinformation and disinformation, as well as disinformation and propaganda within national boundaries. Both of these new phenomena pose threats to European democracy, European integration, and the wellbeing of European citizens.

10.1   Laws and self-regulation

The European Commission's legislative programme, as described among others in the 'European Democracy Action Plan', as well as the 'Media Pluralism Action Plan', provides hopeful auspices. The Digital Services Act and the Digital Markets Act proposals are two promising milestones in regulation of the online information environment. Long negotiations can be expected with stakeholders, and it is important that the European Commission firmly stands for the citizens of Europe and keeps in sight the protection of the European information scene, which is so essential for democracy.

The DMA and DSA proposals, for example, could have been more ambitious at some points. Regulation on how to handle illegal content did not solve the long-standing dilemma of how 'lay' platforms should be in a situation when trying to decide promptly about issues that often take months, even for judges. And if the decision is ad hoc, why do they remove the content? Shouldn't they only label it, or notify the content provider (notice-and-notice[711])? But more importantly, the proposals do not touch the current, anarchic logic of the information ecosystem (see below).

The regulatory scheme is to combine the regulative approach for illegal content with the duty of care approach for other content (assessment and mitigation of systemic risks, Articles 26 and 27). The systemic risks are thus referred into the scope of **co-regulation**, which has the advantage of flexibility, provides some level of transparency, but **lacks coercive elements**. Despite the draconian sanctioning power of the Member States and the Commission, the scope of the sanctionable compulsory legal obligations by platforms is quite narrow.

The content of co-regulatory codes is left open, with reference to cooperation between the Commission, Digital Services Coordinators, and platforms. The potential to adapt to changing technology is key, however, some basic guiding principles could have been laid down in the Act to protect users and their fundamental rights. Some reference is made to these in Article 27, paragraph 3 of the DSA: 'The Commission, in cooperation with the Digital Services Coordinators, may issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved.' However, even if these fundamental principles finally find their place in the Code of Conduct (which is not secured at the moment), their violation will not be subject to the sanctioning system of the Act. This could be remedied if the independent audit[712] had the potential to channel into the sanctioning process. Currently, it appears from the Act that the independent audit can be closed with an excuse of the platform, explaining why it failed to apply the Code: 'Where they do not implement the operational recommendations, they shall justify in

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[711] As in the UK Defamation Act, see more in Bayer et al. 2019.
[712] Article 28 DSA provides for an audit by an independent, professional firm, yearly or every 6 months for very large online platform providers. However, no sanctions apply to the negative result of the audit.

the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified' (Article 4. 28. DSA). The DSA does not instruct whether such a report needs accepting, or whether an order can be issued by the Digital Services Coordinator in such cases.

While the **horizontal effect of human rights** have already been discussed in academia[713] and by the OECD in its 'Guidelines for Multinational Enterprises'[714], it is generally not accepted in all Member States yet[715] that corporations are also obliged to respect fundamental rights. Incorporating the obligation into the regulation can bridge the existing gap.

Moreover, for a framework legislation like DSA, it would be very desirable to also formulate and spell out principles like the requirement of **neutrality** (which has been provided in the commercial services sphere in the DMA), the prohibition of **discrimination** in the context of user and content policy, and other fundamental rights. A minimal reference to these can now be found in Article 12 of the DSA.

Platforms often claim that the content of algorithms is unknown, as they are self-learning, and are 'black boxes'. Innovations are an important force in today's communication technology. Painstakingly unravelling what an algorithm does would deprive that algorithm of the potential that a continuous innovation can bring. Still, when the fate of billions is impacted by certain processes, slowing down the innovation and development of algorithms is not a price too high to pay for security, safety, and foreseeability. This expectation has already been formulated by some legal policies within the EU.[716] Platforms should be allowed to experiment with algorithms, but in applications like games, virtual sandstones, or hobby-related themes, and not within the realm of democratic discourse on matters of public interest.

10.1.1   Laws and self-regulation in the various Member States

Various Member States of the EU have given very different responses to the disinformation crisis.

Germany has addressed this in its federal media law, and has extended journalistic duties to online media. Political, ideological, and religious advertising (including micro-targeted advertising) in telemedia must be clearly marked, and advertisers or clients must be clearly indicated. Content or messages created automatically by means of a computer program (social bots) must also be marked.[717] Platform operators have a duty of care to encourage providers of social blogs to comply with this regulation.

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[713] Ana Paula Barbosa-Fohrmann, 'Horizontal or Third-Party Effect Of Human Rights: International Decisions And National Tendencies In Retrospective', Revista Direitos Fundamentais & Democracia Núm. 17, January 2015.
[714] Organisation for Economic Co-operation and Development (OECD), 'Guidelines for Multinational Enterprises of 21 July 1976 (OECD Code)'.
[715] The German jurisprudence knows this as the 'third party effect', Drittwirkung. See for example: Eric Engle, 'Third Party Effect of Fundamental Rights', European Law, 2009; and several lower court decisions; Matthias C. Kettemann and Anna Sophia Tiedeke, 'Back up: can users sue platforms to reinstate deleted content?', Internet Policy Review, 9(2), 2020. Available at: https://doi.org/10.14763/2020.2.1484.
[716] Adrien Bibal, Michael Lognoul, Alexandre de Streel, et al. 'Legal requirements on explainability in machine learning', Artificial Intelligence and Law, 2020. Available at: https://link.springer.com/article/10.1007/s10506-020-09270-4. See also: Alexandre de Streel, Adrien Bibal, Benoit Frenay, Michael Lognoul, 'Explaining the black box when law controls AI', Centre on Regulation in Europe (CERRE), 2020. Available at http://www.crid.be/pdf/public/8578.pdf.
[717] Sections 18 (3), 22 (1) sentence 3 MStV. The use of social bots through state election has been analysed by Neudert, ´Computational Propaganda in Germany: A Cautionary Tale´, in Samuel Woolley/Philip N. Howard (Eds.), Working Paper 2017.1, Oxford, UK: Project on Computational Propaganda.

Germany also has a robust system of public service media providers, and the media law obliges platforms to prioritise them and to have privileged apps pre-installed on smart TVs, streaming sticks and voice assistance, such as Alexa.

Finland, although heavily hit by Russian disinformation campaigns, reacted with only training and awareness raising activities. Estonia created a Defence League (EDL) within its Ministry of Defence, which aims to increase civil resilience, and which, among others, runs an anti-propaganda blog. France opted for judicial decision about disinformation within 48 hours of notification – but only in campaign periods. Sweden has criminalised the dissemination of disinformation, but did not intervene in the activity of platforms. Spain empowered its government to issue counter-narratives.[718] Hungary shows interiorisation of the Russian strategic communication into its captured media landscape, and governmental disinformation is strategically used to further domestic political aims.

Australia developed relatively heavy weaponry against foreign-originating disinformation, requiring authorisation of political advertising; a 'Foreign Influence Transparency Scheme Act' has provided for supervision of foreign 'agents' since 2018, and an 'Electoral Integrity Assurance Task Force' operates under the guidance of the Department of Home Affairs.

10.2   Design of the ecosystem

We are living in the 'post-truth era'. The previously-known hierarchies and entry-barriers to content production and publishing have vanished with the arrival of the unstructured internet. Those barriers had granted some order, even if it had been disputed previously whether that order was fair. Now, it is time to **develop a new structure of constraints and hierarchies on content**, so as to create an information environment that serves people and democracies well.

When efforts are concentrated at the content level to spot and debunk disinformation, the bigger picture, where **disinformation is a symptom of the media infrastructure as a whole**, is missed.

Instead of individual actors, regulation should think in terms of **communication networks, value chains**, and technology-neutral, as well as content-neutral, solutions.

The lucrative value chain of generating disinformation should be interrupted, and already-known practices for demonetisation should be better developed. For example, the public relation firms that have begun specialising in disinformation campaigns should face legal restrictions, and even sanctions.

At the same time, the struggling quality media should be better organised and funded. Trusted content production and distribution chains and collaboration networks should be created, and cross-verification of facts between network members established, as well as a block-chain-like **protocol** which **verifies authenticity of the content throughout its distribution chain,** including sharing.

New solutions for public service content creation should be sought, in particular **supranational media that represents the common issues of Member States and is governed by their commonly accepted values**. New communication patterns should be elaborated based on cognitive and communication sciences, reaching beyond reporting on facts by incorporating scientific facts into stories (**narratives**) to make them accessible for ordinary audiences.

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[718] Miguel González, Natalia Junquera, 'Spain to monitor online fake news and give a 'political response' to disinformation campaigns', *El País*, 9 November 2020.

10.2.1 Platforms' responsibility

Online platforms have become conveyors of information in all aspects of life. The attitude of the largest
online social media platforms has become activist in recent years, upon having been entrusted with tasks
and expectations from the European Institutions, but little clear guidance. Thanks to the **match of cultural
values** between the EU and the largest platform leaders, these largest platforms by and large respect
fundamental rights, especially if these coincide with their financial interests, creating a **pleasant
environment** for their users.

However, there are a few problems with this situation. First, the **behaviours of platforms now depend on
the decisions of their leaders, which are subject to change.** Other platforms may emerge which adhere
to different value systems (e.g. Chinese) and reach sweeping popularity among young people. Second,
decisions on content moderation are often complex, and require the balancing of conflicting human rights.
The process of deciding about illegal or harmful content is opaque, and platforms do not ensure expertise
in decisions made about the illegal nature of content. Remedies against the decision are inconsequently
granted (this deficiency is to be cured by the DSA).

Safeguards for suspending user accounts are now set out in the draft DSA; platforms would be allowed to
suspend accounts only respecting certain safeguards to protect users.

However, it is not yet clarified whether content enjoys similar protection: is there a certain threshold,
beyond which all content must be carried by platforms? **Can platforms have policies that rule out
certain types of speech that are neither harmful, nor illegal? This would lead to a discussion about
platforms' public utility nature**, in particular for very large online platforms. Even though they are entirely
private enterprises, their service is becoming closer to public (e.g. gas or water pipelines); it is still possible
to live without, but less comfortable.

Currently, platforms face only one pressure; if they do not remove illegal content, they risk consequences.
Therefore, they often overreact and recklessly remove content that is perfectly lawful, in fear of perceived
legal expectations.[719]

If an **online discursive space is envisaged** where fundamental rights are securely safeguarded, the **limits
of platforms' interference should be identified**. Whether it is their terms that should adequately respect
fundamental rights, or regulation that would oblige them to respect these, is to be decided. Currently, most
of these questions are referred to self- and co-regulation by EU policy (see above).

10.2.2 Counter-speech

Taiwanese good practice does not tackle disinformation through platform regulation. Instead, it applies
the same weapon by pushing out true and relevant information, preceding the dissemination of
disinformation (an 'immunization shot'). The dissemination of accurate information takes place through a
well-designed network of channels; in a style accessible to a wider range of ordinary audiences, in
particular using memes and 'humour over rumour', which engages young people who virally spread these
across filter bubbles.

This communicative process consists of two parts: first, disinformation actions are identified, ideally before
they spread. This task appears to be fulfilled by the EEAS, which collects and processes foreign
disinformation against the EU. In the second phase, media message should be created on the subject
matter of the disinformation, without repeating the content of the disinformation itself (to avoid

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[719] As the E-Commerce Directive is not applicable to online platforms (which have not been legally defined until today) the
expectations are only perceived and not definite.

amplification of the falsity). Ideally, different media items are generated to target different audiences. The media items are disseminated through various channels, including social media, and reach wide segments of the population.

For the sake of clarity, we call this type of information '**affirmative information'**.

The recommended elements of affirmative information are:

- early response to disinformation that seems impactful;

- addressing the subject matter with accurate and engaging details;

- using humour and memes to boost dissemination;

- creating 2-4 various levels of content (meme, video, intellectual, etc.) and distributing them via the appropriate channels.

Taiwan installed 'meme engineering' teams in each government department. Note that governmental ministries as the central source of information might be less accepted by some European states, as shown for example by the outcry against a Spanish law with similar content.[720] This activity might be outsourced to trustworthy public institutions, primarily public service media and sectoral professional bodies, such as health authorities (CDCs for COVID-19), academic institutions (for climate change, 5G) human rights organisations or authorities, the police (for racist allegations especially relating to crimes), electoral authorities (election-related disinformation), the Ministry of Foreign Affairs (diplomatic affairs), or even trusted NGOs. The appropriate institutions are those which bear the trust of the population within the national or local environment. However, it is questionable whether or how these institutions are equipped to give a rapid response (within two hours). A further consideration is that the same tools can be abused by authoritarian governments to perfect their spreading of disinformation and propaganda. There is no way to prevent this, although humour is not typically cultivated by authoritarianism.

10.3 Political speech

Popularity and reach should entail more responsibility; political speech in the online environment should be re-regulated. On the one hand, it should **enjoy enhanced privilege**, in accordance with the principle of freedom of expression, and because it forms the necessary basis of democratic public discourse. But at the same time, if a politician takes advantage of false or polarising content, that causes imminent harm to a country's cohesion, democratic process, and even individual human rights.

It is known that falsities have always been part of political campaigns. However, digital technology has escalated the speed and the effect of communication. The informational ecosystem in our age – with regard to rapid spreading, informational overload, and the potential of targeting and reach – makes lies and falsities more effective, and harm more imminent. Mass media has been more strictly regulated from early on with regard to its reach and pervasive effect.

Political speech enjoys the highest privilege of freedom of expression. Obviously, political advertisements express subjective opinions, and are often symbolic and value-laden. Differences should be highlighted between exaggerations, framing, biased language, and outright disinformation[721] or manipulation. It remains a question to decide **whether platforms are the appropriate fora to decide in this. Ideally, courts or at least authorities should make this decision**, just as in the case of illegal content. Despite

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[720] Miguel González, Natalia Junquera, 'Spain to monitor online fake news and give a 'political response' to disinformation campaigns', *El País*, 9 November 2020.
[721] The widely accepted definition of 'disinformation' is intentionally disseminated, false or manipulative information that is socially harmful.

calls from freedom of expression advocates, judicial processes are rarely used to decide on content issues. An exception to this is the French regulation for election campaign periods, in which court must decide on content within 48 hours (see above). As an alternative, platforms should **employ special legal experts** who are responsible for making decisions on tougher cases. Similar to the Facebook Oversight Board (which, in contrast, does not decide individual cases on a daily basis), it only gives rulings on more principled issues.

In sum, it is recommended that influencers are labelled as such, and that platforms **actively monitor political and issue-based advertising for disinformation and manipulation** at least in special periods, such as election campaigns or crisis situations.

There are more alternatives in terms of who should decide on labelling or removal of political advertising:

- **Courts, at least in campaign periods (see the French law).** It should be noted that, in order to impose such an obligation on judges, they need to be **specifically trained** on the topic. Even knowledgeable judges may experience difficulties in speedily delivering decisions with regard to questions where fundamental rights (e.g. freedom of political expression) collide with a legitimate public interest (e.g. the right to access true information and to protect healthy democratic public discourse).

- **Election authorities.** In political campaigns, election authorities could routinely decide about the truthfulness of political advertising. Authorities, especially media and telecommunication authorities, may in some states be considered as potential fora, however, in other states these may be captured, or not have enough capacity for special periods.

- **International fact-checking networks.** International fact-checking networks, working in cooperation with independent local fact-checkers, should be required to approve flagging and decide about removal or labelling of political ads. This would simplify the rule's exportation to transitional democracies or illiberal regimes/autocracies as well, where local authorities may be less cooperative.

- **A special 'Freedom of Expression Officer'** should be employed by all very large online platforms (VLOPs)[722]. Similarly to the Compliance Officers which have been proposed by the DSA (Article 32), and to the Data Protection Officers required by the GDPR, the DSA could also provide that all VLOPs are obliged to employ a 'Freedom of Expression Officer', who is trained in issues of freedom of expression and content regulation, and knows the regional standards and jurisprudence. However, all jurisdictions and language areas should get a separate officer, and decisions should be subject to court review like all other decisions about illegal content.

- With the intention to keep regulations flexible enough to adapt to the latest challenges, but also robustly defending fundamental rights, a **combination of the civil and official decisions is recommended**. As an optimal solution, the introduction of a **Freedom of Expression Officer** should be combined **with judicial oversight.**

10.3.1   Micro-targeting

Micro-targeted advertising has revolutionised the advertising market. The advantages are also well received by political actors; micro-targeting promises better effects, because it sends ads to a pre-selected

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[722] As defined by Article 25 DSA.

audience only, based on their assumed susceptibility. Academic literature has extensively discussed privacy-related objections against this technology, as well as arguments that this practice splinters public discourse, and robs non-targeted users of important public information.[723] Besides, it is also questionable whether this persuasion technique is ethical for issue-based advertising. **Whereas in their commercial decisions people rely to some extent on their rational mind**, considering their needs and their budget, **this is not the case in political, ideological, and other value-based decisions**.[724] Finally, micro-targeting distorts the fairness of political competition. Applying this technique for issue-based and political advertising should be ruled out. Exploiting the **effectiveness of micro-targeting for educational content (positive nudging)** would be recommended, but only under strict safeguards to avoid intrusion. Even if used for beneficial purposes, and for purposes where fragmentation would not be a problem, it should be remembered how easily this powerful tool can be abused.[725]

10.3.2　Captured state, captured media

Specific problems arise when disinformation is not foreign originated, but takes the form of a domestic political propaganda within the boundaries of a Member State. This can be the case with extremist groups or mainstream media. In the first case, security operations may reveal whether there are links to foreign adversaries and help plan adequate actions. In the latter case, the public service media or even the mainstream media may be captured, and remaining independent journalists are vulnerable and have weak capacities for fact-checking.[726] Captured state authorities turn the fight against disinformation into its reverse; they may accuse their political opponents and independent journalists of spreading disinformation. **Hard legal instruments to tackle disinformation would transform into yet another oppressive tool in the hands of an illiberal government, especially if the judiciary is also captured**.

It has been found that such disinformation has substantially increased in the past two years, both within and outside the EU (USA, Brazil, India).

In this situation, international efforts to support media pluralism and investigative reporting, and protect journalists against strategic litigation against public participation (SLAPP) and violence, as well as the operation of platforms along European standards, may have some stabilising effect.

Beyond the media system, the bigger picture of the entire rule of law situation in these states should be addressed efficiently.

10.3.3　Psychological mechanism of disinformation and the fight against it

Research results provide some helpful insights into the way strategic communication should be designed to impact attitude and behaviour. However, more research is still needed to test the hypotheses in larger experiments and a diversity of contexts.

Strategic messages are also target-group specific. Targeting (perhaps even micro-targeting) could well be used for well-meant 'nudging', providing educational information where it seems necessary in various

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[723] Judit Bayer, 'Double harm to voters: data-driven micro-targeting and democratic public discourse', Internet Policy Review, 9(1), 2020. Available at: https://doi.org/10.14763/2020.1.1460.

[724] This also explains why micro-targeting is not as successful as initially believed; see Tim Hwang, 'The Subprime Attention Crisis', Fsg Originals. 2020.

[725] As it was expressed at a WHO Infodemics Conference: 'if advertising is a weapon, micro-targeting is a nuclear weapon'.

[726] Broadband Commission for sustainable development, "Balancing Act: Countering Digital Disinformation While Respecting Freedom of Expression", p. 54, available at https://www.broadbandcommission.org/Documents/working-groups/FoE_Disinfo_Report.pdf, last accessed on 12.03.2021.

fields, whether on disinformation literacy, healthcare, or other issues[727], with appropriate safeguards (see above).

Democratic values and public awareness of disinformation, i.e. critical media literacy, should be recognised as a transnational task, and supported through media education over the lifespan. This should be started with **investment into the training of educators of all age groups** in all EU Member States. Such a large EU-wide training project would benefit from a **European platform which provides methods structured according to target-group and addressed skill**. Also, specific materials could be shared in various European languages. Specific guidelines analogous to those published by the Radicalisation Awareness Network (RAN) concerning counter narratives and alternative narratives for extremist prevention[728] could be useful in the fight against disinformation, too.

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[727] Karen Yeung, ''Hypernudge': Big Data as a mode of regulation by design', Information, Communication & Society, 2016, 20:1, 118-136, DOI: 10.1080/1369118X.2016.1186713.
[728] RANm 'ISSUE PAPER Developing counter- and alternative narratives together with local communities.' ,15 October 2018.

11 Recommendations

11.1 Platform regulation

11.1.1 The relationship of hard and soft regulations

The DSA provides for drawing up of a Code of Conduct, facilitated by the Commission and the European Board of Digital Services, for the proper application of the regulation. In addition to the general Code, another Code of Conduct on online advertising and Crisis Protocols are to be created. Compliance with the codes is to be supervised by regular independent audit, but a negative audit result does not appear to entail sanctions.

We recommend that codes of co-regulation are channelled into the sanctioning system.

If the independent audit finds that a platform did not fulfil its commitment under the Code of Conduct, the Digital Services Coordinator should decide whether the attempt of the platform to justify the departure from the code should be acceptable or not. In the latter case, it should have the right to impose an order.

Reasoning: The current structure leaves many issues for co-regulation, whereas the sanctioning system applies only to the narrow set of obligations between Articles 14–33 of the DSA. All the detailed undertakings under the prospected Codes of Conduct (Articles 35, 36 and 37) are not enforceable at any level. The scope of issues referred to in the Codes is too wide to leave as it is. Either more principles should be defined in the Act, or enforcement power by the DSC and the Commission should be granted in relation to violations of the Codes.

Article 41 paragraph 2.c. of the DSA provides for such a power of the DSC, with reference to paragraph 1; however, paragraph 1 does not mention the power to issue an order.

11.1.2 Proposals on further hard regulations

1. Neutrality is a key element for intermediaries

The DSA should oblige online platforms to maintain ideologically neutral services. This should include:

- ensuring their algorithms do not systematically favour any political, ideological, or religious opinion, or give preference to content that is their own or by an affiliated company;
- avoid discriminating among users or users' content based on protected characteristics such as race, gender, or political opinion.

Reasoning: Platforms should be differentiated from publishers (content providers). While content providers enjoy freedom of expression, and are entitled to represent various opinions and views, platforms are intermediaries of content. Their activities, however, have extreme potential to influence users' perception of content. This responsibility should be more adequately reflected among the hard obligations of the Act. In light of the growing trend of providing curated content, this obligation is not superfluous.

2. Nail down the human rights principle

The DSA should oblige online platforms to act expediently in order to respect fundamental rights, in particular the right to freedom of expression, freedom of information, equality and non-discrimination, privacy, and dignity. When removing content, platforms' decision should be informed by international standards of freedom of expression; the principles of legality, necessity and proportionality, privilege for matters of public interest, etc.

Reasoning: Currently, this expectation is partly referred to be included in the Code of Conduct as the Commission and the DSCs 'may issue general guidelines […] having due regard to the possible

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consequences of the measures on fundamental rights enshrined in the Charter of all parties involved'. A significantly more robust call for respecting fundamental rights should be incorporated into the Act, among those obligations which are sanctionable. The frame of the general rule can be filled with details in the Code of Conduct.

While the current owners of the largest online platforms undoubtedly show a deep commitment to the protection of human rights, this responsible attitude should not be taken for granted. New platform services may emerge in the future which do not show the same commitment, for example originating in other cultures such as China, but might become quickly popular due to their innovative (consumer-friendly) features.

3. Offer diversity and trustworthiness

Article 29 DSA should be completed in the sense that content recommendation algorithms ought to offer:

- at least one option which is aimed at increasing diversity;
- at least one further option to prioritise content that is found to be trustworthy by independent news organisations.

Reasoning: The first option aims at increasing exposure diversity and awareness, whereas the second explicitly aims at the minimisation of exposure to disinformation.

4. Know your algorithm

Only transparent and tested algorithms should be applied by very large online platforms (VLOPs) for platform manoeuvres that affect a large number of users, even if that means a slower pace of innovations.

Reasoning: Software developers often argue that algorithmic transparency is a challenge because even they do not know what the algorithm is up to. After the designing phase, algorithms start to learn and develop by themselves. This is certainly a fascinating way to develop new services and explore new potentials of the technology. At the same time, this is an act of experimenting on large numbers of unknowing human individuals. When algorithms influence the informational experience of users (what they get to know about the world) or other significant issues, like decisions about health, security, or politics, then this experimental attitude is not acceptable. Ample spaces should be left for experimenting and innovation outside of the core recommending and other algorithmic services of the very large online platform providers.

Drawbacks: This obligation will slow down technological innovation and cost more to companies in terms of investment, workforce, and time. This is the price for the safety of democracies, and respect for human rights.

11.1.3   Proposals on issues to be included into the code of conduct

1. The Freedom of Expression Officer

Online platforms whose core activity is to mediate opinions or content which falls under the realm of freedom of expression of users, beyond a certain size, should employ a 'Freedom of Expression Officer'.

Reasoning: The task of the Freedom of Expression Officer is to ensure that appropriate decisions are taken on the removal and labelling of illegal and harmful content. This task is more specific than that of the Compliance Officer (Article 32 DSA). It should be up to the platforms whether they combine the two tasks or appoint a separate person to fulfil the tasks of the Freedom of Expression Officer.

2. No Replicas[729]

Bots and virtual personalities should be prohibited from running accounts on platforms, or at least they should be identified as such.

Reasoning: Identifying bots should be a basic expectation in order to protect the human dignity of users. Even if the current technology does not allow a 100 % identification of artificial actors, all efforts should be made to develop the technology that is needed to comply with this expectation.

3. Friendly nudges

Positive nudges should be given for users to enhance conscious information consumption and media literacy, such as:

> Public service content and fact-checked, trustworthy content should be prioritised;
> A friendly warning should be given to users when they are too locked in their filter bubbles;
> The options for selecting the content recommendation algorithms should be offered to users at regular intervals.

4. Demonetisation

Commitments to demonetise disinformation should be more concrete, and should extend to websites which contain disinformation, including health- and vaccination-related content.

5. Algorithmic transparency

Changes and experimenting with content recommending and ranking algorithms should be transparent, providing easily accessible information to users (see other obligations regarding algorithms above in 11.1.2. points 1, 3, and 4).

6. Private messaging fact-checking

Online platforms should develop the technological and human potential of fact-checking in private messaging services (WhatsApp, Messenger, etc.), without the violation of privacy. In particular, services like news and newsletters which take the platform of messaging services should not remain without scrutiny, especially during election and crisis periods.

11.2   Strengthening democratic resilience

11.2.1   Political and issue-based advertising

An EU level legislative instrument should address political and public issue advertising with the following specific rules, among others:

1. Applying micro-targeting for political and public issue advertising should be prohibited, except for educational use and public purposes (e.g. healthcare, crisis situations);
   Should targeting not, or not entirely, be prohibited for political and public issue advertising, each advertiser should maintain an easily accessible and searchable database about those advertisements which were published through micro-targeting, which is searchable for anybody without restrictions;
   The European Court of Auditors and the European Anti-Fraud Office (OLAF) should pursue the investigation of campaign finances, including sponsorship of social media advertisements;

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[729] Reference to films like Blade Runner (1982) or Replicas (2018) where robots are mistaken for humans.

All actors in the value chain of disinformation should bear accountability for collaborating in disinformation or manipulative advertising, including providers of personal data, creative designers, PR companies, and political consultants.

11.2.2   Platform regulation related to political and issue based advertising

1. Social media platforms should actively monitor political and issue-based advertising in special periods, such as election campaigns or crisis situations. During these periods, creation of an 'Election Operation Center', an emergency response team (24/7 'war room') with a team of interdisciplinary experts, should be considered;

2. The current practices of platforms, including identification of advertisers and collecting information on advertisements' content, amount spent, targeting criteria, visibility and reach, should be maintained and further polished;

3. The repository which shows this information should be easily accessible for researchers and an 'ordinary' audience; it should be easily searchable;

4. Each user should have access to an individual repository providing information about what political and issue-based ads that user was or is being targeted with, including the information listed above;

5. To decide on the removal and labelling, a combination of civil and authoritative actors is recommended, e.g. a 'Freedom of Expression Officer' (see above) with immediate judicial oversight (48 hours). Alternatively, an international fact-checking network, or an election authority, could decide. Note that the Digital Service Coordinator is not assumed to have the appropriate competence and independence to decide in this case;

6. Political parties and party politicians should be subject to verification of identity and their status should be signalled on their profile;

7. Users which regularly reach large audiences with public issue content (including NGOs, media actors, politicians) should be labelled with an 'influencer' tag;

8. Political speech and speech by 'influencers' should enjoy a specific **privilege** – **a higher threshold for removal of their content** – for example, minor violation of terms and conditions such as occasional vulgarity, etc. should be tolerated. However, in cases of **incitement to hatred, violence, or repeated events of imparting disinformation**, a prompt removal of the content, and if the conditions are given, suspension of the account should be applied.

11.2.3   Measures to protect the rule of law and democracy from disinformation

1. The systematic dissemination of disinformation and propaganda by politicians or state authorities should be regarded as explicitly anti-democratic behaviour, which violates the rule of law;

2. The EP Rules of Procedure should deny the right to form factions, coalitions, and provide for withdrawal of funding to political parties who, or whose members repeatedly act disrespectful of the values of the European Union and democracy, among others if repeatedly disseminated disinformation, or views that are irreconcilable with the values of the European Union, in particular views which reach the threshold of hate speech, incitement to hatred, discrimination or violence, provided that the party fails to sanction this.

Reasoning: When people in political authority, or government authorities, impart disinformation, other policy measures are impractical. All measures to develop the informational environment, in the hands of

disinformation actors, would become another weapon of manipulation and propaganda. Democracy should be self-defensive and **resist pressure to acknowledge disinformation as legitimate political communication**; it undermines democracy, therefore, it should be acted against with the tools of self-defensive democracy.

11.3 Design a better informational ecosystem

11.3.1 Public service media

Public service media should be recognised as a key pillar of trust in the post-truth age, provided that it is not captured by the ruling political class and economic groups, as is the case in so many states around the globe.

1. The Communication of the Commission on 'state aid to public service broadcasting' (2009) should be transformed into hard law.

2. It should be clarified that a captured public service media is an abuse of public financial resources, and a violation of media freedom and pluralism, and also of the Amsterdam Treaty Protocol's assertion that public service broadcasting serves the democratic, social, and cultural needs of society and preserves media pluralism. [730]

3. New models to generate public service content with the help of information technology should be actively sought; including mobile phone applications and video channels with short videos to inform and educate citizens of all ages.

4. Supranational, European public service media content should be generated to address citizens across all Member States, and to provide information about the operation of the common Europe:

   a. One way to create this is to fund a transnational, European Online News Agency which generates a pool of public service content in all languages of the EU (or in the languages which are relevant for the news item, when not all states are affected).

   b. Another way is to join public service broadcasters from all Member States under the umbrella of a new public service media provider. It should be examined how much can be benefited from the experience of the European Broadcasting Union (EBU).

5. To further promote European content, a certain quota of news related to supranational European issues could be required from audiovisual media service providers which provide news.

11.3.2 Create a multi-layered affirmative information system

The EU and the Member States should organise the multi-level dissemination of 'affirmative information'[731].

Affirmative information should be imparted

- rapidly;

- through various channels;

- in a style designed to serve various audiences, e.g. memes, videos, intellectual content, etc.

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[730] Official Journal C 340, 10/11/1997 P. 0109.
[731] Affirmative information is information addressing a public matter which might be subject to disinformation. Affirmative information should precede and cover the story with accurate, relevant, and engaging information.

The EEAS should feed the latest information on disinformation actions as raw materials into the network. The local nodes should digest and disseminate the affirmative information through their local social media circles in the national languages.

Local network nodes should be designated responsible organisations, such as election authorities, academic institutions, police, trusted NGOs, etc. (See more in Conclusions).

Reasoning: Rather than debunking and thereby repeating disinformation, affirmative information 'inoculates' the audience against disinformation and educates them about the true facts. This organisation should be sufficiently centralised to bear legitimacy and responsibility, but also decentralised, to increase the relevance and accessibility for wider, 'ordinary' audiences. The **decentralised nodes can be non-governmental, but the central node needs insider information** on the planned or latest disinformation actions, and therefore an organisation which is professional in such information-collection is recommended; for example, the EEAS.

11.3.3   Organise networks of trustworthy information

Quality media should consider organising itself to tackle the information disorder; funding opportunities need to be invented and elaborated.

Media organisations should be encouraged and supported to form (professional) transnational networks to support reporting in both the horizontal and vertical routes of articles (while retaining their competitive independence and the diversity of content). Networks combining the hierarchical and horizontal structures may provide cross-verification of facts between network members. Networks should develop **protocols of trust** (based on both technological and professional methods) to verify the authenticity and trustworthiness of content throughout the product distribution chain, including sharing.

Reasoning: Building trust in the information system is a critical precondition for getting the upper hand in the disinformation war. Disseminating authentic information in secured value chains down to the end user is the central element of generating credence.

Drawback: One 'bad apple' in a network can harm the whole network. Competition and diversity may become precarious.

11.3.4   Science communication

New policy strategies should be developed to further science communication.

Reasoning: The current communication channels do not adequately inform ordinary audiences about the scientific results of the past decades. Scientific knowledge previously taught in schools provides insufficient background knowledge for citizens in the information age.

The researcher and academic community is not equipped to communicate their results in a language accessible for all.

1. **Specific EU agencies should be established/supported where visual and narrated information pieces, e.g. short videos are prepared through the cooperation of scientists and communication experts.**[732] These should be disseminated in the national languages of the Member States through social media and other appropriate channels, which should be massively built out with public investment and donations from platforms. Hubs of scientific communicators should be featured as trusted sources, which have regular representation in the news and in social

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[732] Scientific truths need to be simplified without losing authenticity.

media. The information chain should **work both ways (be interactive)**; these hubs should have the capacity to respond to inquiries and questions related to rumours and disinformation.

The addressed topics should extend to as many **scientific fields** as possible, but in particular, those which are **relevant for the democratic values** and to fight disinformation. It should not be advocating issues, but should provide scientific evidence in polarising questions, such as racial equality, the climate crisis, health issues, and vaccination; not avoiding topics like homosexuality as a disease, economic information on differences between democracies and autocracies, the social cost of corruption and off-shore companies, and the paradoxes of xenophobia. As the topic of science is **not Member State-specific, a transnational approach** is recommended. This project can belong entirely to the scientific arm of EU, although it should be completed with expertise in communication or even cognitive psychology.

2. **Interdisciplinary education models should be developed, and students should be supported to pursue interdisciplinary curricula**. Information science or computer science should be combined with one of the social sciences (communication with psychology, economy with human rights, etc.). Scientific communicators who are able to bridge the gap between the language of academia and that of journalism should be educated.

3. **The skill to search for scientific evidence should become part of media literacy.** References on the unproven quality of the allegations (e.g. pre-print materials[733]) should be a clear sign to literate users of its dubious credibility. This should also be a reason to deprioritise and demonetise the latter.

11.4   Increasing critical media literacy

1. More research should be supported to clarify what type of strategic communication can impact attitude change and behavioural intent.

2. Media literacy should be made part of school curriculum in all Member States, at every level of education; it should include knowledge of responsibility of sharing and paid-trolling. Education programmes may be sponsored for third countries with the same aim.

3. Bring education to the door; media literacy travelling buses should visit rural places to conduct workshops on how to identify disinformation for citizens with less media experience (the elderly, people in poverty).

4. Education on critical media literacy, as well as democratic values should be recognised as a transnational task within the EU, and be harmonised. Therefore, a European platform should provide methods and materials, translated into all EU languages. Investment shall be made to develop these training materials.

5. Teachers, trainers, and other educators should be trained at university, and possibly other educational settings. Educators for all age groups across the lifespan should be trained.

6. Media literacy trainings via 'nudges' or other pushing methods for superspreaders of information, including teachers, influencers, priests, etc. (with particular attention to the elderly generations

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[733] Nicholas Fraser, Liam Brierley, Gautam Dey, Jessica K Polka, Máté Pálfy, Jonathon Alexis Coates, 'Preprinting a pandemic: the role of preprints in the COVID-19 pandemic', bioRxiv, 2020. 2020.05.22.111294; doi: https://doi.org/10.1101/2020.05.22.111294; or see: Caitlyn Vlasschaert, Joel M. Topf, Swapnil Hiremath, 'Proliferation of Papers and Preprints During the Coronavirus Disease 2019 Pandemic: Progress or Problems With Peer Review?', Advances in Chronic Kidney Disease, Volume 27, Issue 5, 2020.

who are active voters and typical targets of disinformation). Specific guidelines relating to counter narratives should be developed, similarly to the Radicalisation Awareness Network's (RAN) activity.

7. Targeted social purpose advertisements should be applied as 'nudges' to provide educational information for people who, based on their social media activity, appear to need it. These advertisements should also be accordingly labelled, and shown in the ad repository.

Annexes

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Appendix 2 - Databases and sources consulted for the mapping exercises

1.1. Databases and sources consulted during the mapping of civil society initiatives

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