Disinformation: the European approach[1]

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Abstract. This article deepens the phenomenon of disinformation, providing an all-encompassing definition (proposed by the EU experts group) and subsequently analysing the actions put in place from 2018 until now by the European Commission to tackle its spread. The EU strategy consists of two opposed instruments: regulation and communication. Both have some opportunities and some challenges that involve the risk of crossing the limits of the freedom of expression and the need of citizens active participation and commitment. The effort by the European Commission of developing a wise regulation will be introduced soon, whereas the media literacy campaign is enforced every year with the support of civil society organisations. The article lists the pros and cons of all the initiatives proposed, together with some reflections of non-EU experts.

Keywords: disinformation, Internet, European Union, citizens, freedom of expression

INTRODUCTION

Disinformation is one of the biggest challenges faced by the European Union in the recent decades. It is a misunderstood and complex issue to address and, even more during the Covid-19 pandemic, it is a dangerous enemy and it is essential to face it to the best of our ability.

Living in a misinformative environment would lead to an ignorant society that would not be able to evolve and that, at the contrary, would become the creator and spreader of "fake news".

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[1] This is a slightly modified version of an article originally published in Italian for Pandora Rivista. It can be found in the following link: https://www.pandorarivista.it/articoli/disinformazione-l-approccio-europeo/

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The EU is implementing various actions to tackle online disinformation, but, before delving into what they are, citizens firstly need a clear definition of what disinformation is, in order to be able to recognise it. This first step is already difficult. In fact, the big problem with this concept is that there isn't a universally shared definition and its boundaries are not clear. The article will present the definition by the European Commission. Secondly, its aim is to collect the current methods used by the European Union to combat this phenomenon and to protect the European democratic system.

The European Commission, four years after the public commitment to tackle disinformation, is continuing to promote education campaigns of media literacy, transparency by online platforms, and is currently developing a law proposal to stop it at the legal level.

The final objective is to provide a clear picture of the initiatives in place to allow the reader to develop a critical knowledge and opinion of the subject. The interest is to incentivise citizens to take an active and positive approach towards information.

DEFINITION

First of all, it is important to clarify that the concept of "fake news", often used to refer to this phenomenon, is limiting and considered inappropriate. The European Union, and in particular the European Commission, hired a team of experts in January 2018 to study and try to counter the phenomenon of "fake news" (focusing specifically on those that are spread online). This group of experts, called HLEG, High-Level Expert Group on Fake News and Disinformation[3], concluded its mandate with the publication in March 2018 of a report that aims to review best practices to address this issue and proposes a more comprehensive name: disinformation.

In fact, with this concept it is possible to include not only false news, but also partially or completely true news. If, on one hand, we cannot limit ourselves to only tackle fakes, on the other, we cannot even consider only news and not other types of content. Disinformation is not necessarily brought by news, for example it can concern fake users, modified videos, false numbers, target ads. These examples refer only to the world of the Internet, proof of the breadth of the topic.

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[3] The formal cooperation of this Group finished with the publication of the report.

An example, dated back to a few years ago, is the publication by the former US President Donald Trump of a video that according to its caption depicted Mexican immigrants illegally crossing the US border, when in reality they were images shot in Morocco. (Collins, 2016).

Also in the report, the group of experts hired by the Commission clarified: "Disinformation as defined here includes forms of speech that fall outside already illegal forms of speech, notably defamation, hate speech, incitement to violence, etc. but can nonetheless be harmful. It is a problem of actors — state or nonstate political actors, for-profit actors, citizens individually or in groups — as well as infrastructures of circulation and amplification through news media, platforms, and underlying networks, protocols and algorithms. In the near future, it will increasingly involve communication via private messaging applications, chat bots, and voice-operated systems, as well as augmented reality and virtual reality and content generated or manipulated by AI." (European Commission, 2018a).

Another important point in the same report stresses the role of dissemination: disinformation doesn't stop only with the creation of "fake news", but also concerns its circulation and spreading. Another reason why these experts reject the term is because they consider it misleading: several studies show that today the majority of the population links this definition to the political debate and in particular to low-level journalism, not to all the facets indicated above. (Nielsen and Graves, 2017).

RESPONSES FROM THE EU

Now is the time to look at how the European Union has proposed to tackle disinformation. In 2015, the European Council (made up of the Heads of State or Government of the Member States) delegated the Commission to respond to the disinformation episodes that were characterising political campaigns in Russia. The competence of the digital single market is shared between the European Union and the Member States, which means that States can act and create laws as long as the European Union has not intervened. This is necessary to have an homogenous regulation in Europe. The first step in adopting a shared approach at EU level is represented by the Communication on tackling online disinformation of 26 April 2018. The strategies presented by the EU, from that moment on, are of two opposite types: one concerns communication with citizens, the other is a regulatory action.

COMMUNICATION

Actions related to communication mainly concern information and active education. More commonly called media literacy, it aims at increasing citizens' awareness on the use of information by the media and therefore to develop a critical thinking. A clear definition of it had been proposed by the European Commission as early as 2007: "Media literacy may be defined as the ability to access, analyse and evaluate the power of images, sounds and messages which we are now confronted with on a daily basis and are an important part of our contemporary culture, as well as to communicate competently in media available on a personal basis. Media literacy relates to all media, including television and film, radio and recorded music, print media, the Internet and other new digital communication technologies. The aim of media literacy is to increase awareness of the many forms of media messages encountered in our everyday lives. It should help citizens recognise how the media filter their perceptions and beliefs, shape popular culture and influence personal choices. It should empower them with critical thinking and creative problem-solving skills to make them judicious consumers and producers of information. Media education is part of the basic entitlement of every citizen, in every country in the world, to freedom of expression and the right to information and it is instrumental in building and sustaining democracy." (EAVI, 2009).

The type of commitment that the Commission has been showing in recent years is the support of projects and initiatives in this sense, the encouragement to the participation of individual States in the fight against disinformation with all available means, the establishment of the European Media Literacy Week and the coordination of a group of media literacy experts. The latter meets annually and has as objectives the identification and promotion of good practices related to media literacy, the creation of a network between different stakeholders to encourage the practice, the creation of new synergies between European policies and the support to programs and initiatives in this field. The group is led by the European Commission and is made up of Member States and observers, in particular experts nominated by candidate countries and EEA countries, representatives of associations active on this issue, of international organisations, researchers and universities.

REGULATION

Regulation provides for the application of rules and laws that precisely moderate the web space. The types of regulation recently proposed by the European Commission are, on one

hand, transparency and, on the other, the tools for verifying the information and the content that Internet users and all other web players publish, with a possible action of posthumous reporting or censorship. The word transparency derives from the Latin word *trans parere*, to let know; in this case the recipient is the citizen and the goal is to make the knowledge of public administrations, European institutions and international organisations accessible to all. It is precisely where this transparency is lacking that disinformation spreads.

Verification tools usually refer to factchecking before or after publication. The most classic is the review that is normally done before sharing an article, to ensure the quality of the content. The second possibility is the posthumous control which is activated following a complaint and involves the search for reliable sources to confirm or deny the appeal, or following the regulations and laws in force in the given State. There are two tools for factchecking: monitoring and algorithms. The goal is the same, what differentiates them is who carries out the fact-check: in the first case they are experts, in the second automatic checks, processed on the computer.

Monitoring is a systematic and periodic investigation, a continuous observation to identify illegal content in the web space with the aim of eliminating, modifying or improving them. In recent years, IT experts, technicians and journalists have also worked on creating automatic fact-checking tools. The advantage is that these tools do not require continuous monitoring by an expert on every webpage and content. These tools are algorithms or systematic calculation procedures that lead to the solution of one or more problems. In the case of disinformation, algorithms rely on an assessment of the credibility and relevance of the statements they analyse. The Commission has activated some tools that monitor the virtual environment, such as the Europe Media Monitor, but they do not specifically concern disinformation. Regarding the deletion of content, the European Commission has issued a proposal to use algorithms to delete explicitly illegal content, such as terrorism-related speech (Regulation of terrorist content, European Commission, 2018b), which cannot be labelled as disinformation. One tool that is responsible for ensuring that content deleted once doesn't reappear online is the International hash database, but even the latter does not deal with disinformation but with terrorism. The reason why there aren't tools or proposals regarding the removal of disinformative content is linked to the risk of limiting freedom of expression (United Nations, 1948).

Since the release of the Communication on tackling online disinformation in April 2018, the Commission has proposed various actions in the same year, such as a package of measures

to ensure free and fair elections in September, which, as regards the prevention of disinformation, proposes more transparency in online political advertising. Also in September, the Code of good practices against disinformation comes out, inviting online platforms to register voluntarily and report to the Commission the actions taken to improve ad control, ensure the transparency of advertising and block fake accounts and malicious use of bots, with monthly recurrence. It is the first time that platforms, social networks and members of the advertising industry have accepted to submit to regulatory standards. Popular names include Facebook, Twitter, Mozilla, Google and Microsoft. The success of this measure is still high given the continuous adhesions, for this reason, an implementation by the Commission is planned for this spring.

In November 2018, the Observatory for Social Media Analysis (OSMA) was launched, a pilot project that aimed to test a centre that dealt with the verification of facts. In 2020 it was replaced by the European Digital Media Observatory, a long-term follow-up that aims at creating European hubs for fact-checkers, academics and other stakeholders. Another initiative dates back to March 2019 and is the Rapid Alert System. It proposes a secure network with which EU institutions and Member States can share information on ongoing disinformation campaigns, in order to coordinate responses. More recently (December 2020) another Action Plan for European Democracy was presented which also has among its objectives that of combating disinformation (by updating the initiatives mentioned above). The measures will be implemented during the current mandate of the European Commission. In 2023, the year of the next European elections, the Commission will review the implementation of this Action Plan.

The first legislative instrument that will provide elements to tackle disinformation is the Digital Services Act, proposed on 15 December 2020. The rules presented in this proposal, which at the moment is subject to the ordinary legislative procedure[4], have three objectives: to better protect consumers and their fundamental rights online, to establish a platform structure that is transparent and accountable, to promote innovation, growth and competitiveness in the single market.

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[4] This is the procedure that every law proposal must follow in order to become effective, being approved and negotiated by the various bodies of the European Union. Usually, this procedure lasts about two years.

CONCLUSIONS

We clearly see how the European Commission provides various initiatives of different nature and means. Looking at the effects of the various actions, various experts remain skeptical on some of them and positive on others. Starting with regulation through laws and sanctions, this tool is deemed wrong for this challenge. It is the same group of experts hired by the Commission that warns on the danger of entrusting the government or private experts with the control of freedom of expression. This was also reported by Rasmus Kleis Nielsen, Research Director at the Reuters Institute for the Study of Journalism at the University of Oxford, during a conference in Brussels in 2018 entitled "Preserving democracy in the digital age" (Reuters Institute, 2018). Nielsen explained that it is really risky to leave this power in the hands of the judiciary or the executive, because in this way the openness of our society is jeopardized and it is equally inappropriate to start exclusion procedures without having clearly defined the crime.

The thought is shared regarding the monitoring strategy, whether human or automatic. The criticism looks at the lack of transparency on the methods used for this control. One example is the Kremlin's monitoring of disinformation. Already in 2015, the European Union launched a campaign called "EuvsDisinfo" managed by the European External Action Service which publishes a Disinformation Review every week. Here are named some pro-Kremlin disinformation messages and websites. There is no direct action, but apparently there isn't even an explanation on the method used to identify them. Suspicion increases when it is discovered that several websites have already complained of the unfair labelling of "disseminator of disinformation" (Cuniberti, 2018).

Public opinion on automatic algorithms is even worse. Lucas Graves, researcher at the Reuters Institute for the Study of Journalism, circumscribes the capacity of algorithms, explaining how they are still incapable of replicating the sensitive contextual judgments required in verifying the facts (Graves, 2018). These tools can best interpret and verify simple and clear information, but always with human control behind it.

For these reasons, the European Union has always been reticent and cautious in creating laws that regulate the web space. It has been more than three years since the first signal of the Commission of taking over this problem and only this year we see the first law proposal that will perhaps see life in 2022. This means that the need to regulate the Internet is essential to

protect citizens and their rights, but the study of how to do it must be meticulous and almost "omniscient".

On the contrary, two types of actions are universally considered very useful and interesting: transparency and media literacy. To ensure the first, the Union offers citizens to participate in the decision-making process through public consultations and feedbacks, it gives access to online documents and information on all ongoing activities. Furthermore, it makes visible the beneficiaries of EU funding, the lobbies interested in influencing the creation of laws, the committees that supervise the Commission when it adopts certain implementations, regulates the experts who have the task of evaluating the winners of the various European announcements, and more.

On the other hand, education is always a positive but difficult initiative: it concerns the construction of awareness, but it must be actively followed by citizens at all stages of their life. Again, the education of citizens is not the task of the EU, but of the individual States. Each State has a certain level of media literacy, as well as a different cultural, social and historical situation that prevents a single approach and a single media literacy campaign, because they would not achieve the same result. It requires "custom" actions.

In conclusion, it is clear that the fight against disinformation is a long and slow "war", but improving the relationship with citizens through transparency, education and participation is the first and most important step; the second is to understand how to protect users without crossing the boundaries of their individual freedom. We will soon find out if the Commission will succeed.

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