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Fostering Independent Journalism and Press Freedom to Protect against Information-Related Dangers of the Digital Age

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EXECUTIVE SUMMARY

This paper outlines current information-related dangers of the digital age that are undermining democracy and human rights both in Europe and on a global scale. In particular, it focuses on three related trends: the weaponisation of information, truth decay, and information disorder. This paper highlights the key importance of press freedom and independent media for democratic societies in countering these dangers. It examines policy options for addressing these trends, which in a wider perspective signal a turn towards illiberalism and authoritarianism, stressing the complexity of the problem and that of the needed solutions. It argues that instead of being primarily concerned with quick fixes such as media regulation and installing fact-checking mechanisms, policymakers should invest in long-term approaches that include support for media development, media literacy and public diplomacy to counter these information-related trends. First and foremost, it recommends that the EU and its member states devote more effort to protecting and promoting independent media and press freedom at home and abroad in order to strengthen democracy in light of these ongoing trends.

INTRODUCTION

Democracy is under threat both in Europe and in the world. In some European countries, governments openly undermine the rule of law and civil and political rights. In many others, populist movements that display contempt for democratic institutions or the rule of law are becoming increasingly politically influential. Globally, authoritarianism is experiencing a comeback, and is becoming more assertive and coordinated. Authoritarian regimes have also become adept at using information flows and the media as strategic assets to influence their own people and foreign audiences. Digital technology and social media, which only a few years ago were hailed as democratising forces, have now come under extreme scrutiny for their democracy-undermining effects. Phenomena such as disinformation, misinformation and 'fake news' dominate public debates in many advanced democracies.[2] At the same time, independent, public service journalism, which can act as a barrier against these trends, finds itself under extraordinary attack. Recent forms of citizen-based reporting online, which can also act as a public watchdog, also face restrictions or even outright bans in increasing numbers of countries.

The aim of this paper is to highlight three information-related dangers of the digital age, which pose challenges to democracy and human rights in Europe and around the world, and to present recommendations on how to address them. The discussed trends are weaponisation of information, truth decay, and information disorder. They are complex and interconnected, and thus require policy solutions that address this complexity and take a long-term perspective. The paper therefore argues that policymak-ers should invest in approaches that include support for media literacy, public diplomacy, and media development. Independent media and press freedom are of key importance for democracy. Consequently, the EU and its member states should devote more effort to protecting and promoting it at home and abroad, particularly in light of changing media and information systems and the trends highlighted in this paper.

PROBLEM DESCRIPTION

Especially in recent years, the downside of the information age has raised a lot of concern, particularly since Russia's annexation of Crimea, the Brexit vote, and the election of Donald Trump in the US.[3] These events have highlighted the dangers of digital platforms, disinformation campaigns, and especially in the Russian case, the strategic weaponisation of information. Academics and policymakers are paying more attention to these developments than ever before, with disinformation and 'fake news' topping the list of priorities in this field. As observers have pointed out, however, there have not been any significant changes to address these trends.[4] At the same time, functioning, quality journalism as well as forms of citizen-based reporting, which play a key part in countering these trends, are under unprecedented threat.

Journalists face a multitude of challenges, ranging from the economic to the political, that have caused many people to lose trust in them. Governments around the world are restricting or even cracking down on freedom of the press. This trend is not limited to authoritarian regimes. Even democratic states increasingly support legislation infringing on press freedom, intimidate journalists (or fail to protect them

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2   Many of these terms are being used interchangeably in current conversation. Yet, it is important to distinguish between these terms. Misinformation refers to factually incorrect information. Disinformation refers to factually incorrect information that is spread with the intention to mislead. 'Fake news' is often used as a stand-in for one or both of these terms, but is in fact much more multifaceted and includes a wide range of different types of inaccurate information. For a detailed breakdown of the concept, see Claire Wardle and Hossein Derakhshan, *Information Disorder: Toward an interdisciplinary framework for research and policy making* (Strasbourg: Council of Europe 2017).

3   Nathaniel Persily, 'Can Democracy Survive the Internet?' (2017) *Journal of Democracy* 28 (2).

4   Claire Wardle, 'Assessing Current Efforts by the Platforms and their Effectiveness' in *Understanding and Addressing the Disinformation Ecosystem* (Annenberg School for Communication: Conference Proceedings, 15-16 December 2017).

from intimidation by third parties), obstruct their work, and engage in other anti-press freedom activities. Less-encroaching measures may also have chilling effects on journalists, leading to self-censorship and therefore eroding their work as public watchdogs. Populist politicians have co-opted the term 'fake news' and use it to discredit the mainstream media and undermine press freedom. Economically, advertising revenues have fallen and business models have been failing, leading to understaffed newsrooms and a decline in public service reporting. Considering these trends, it is important to promote and defend quality journalism and press freedom.

Often discussed as a side note to freedom of expression, press freedom is in fact important in itself. First and foremost, it is a *right*. Protected within global and European human rights treaties, freedom of expression and access of information for the media are not just functionally important, but are also an issue of hard, legally binding international obligations for states. Both the United Nations Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR) and the European Court of Human Rights under the European Convention on Human Rights (ECHR) have recognised the key importance of press freedom, for all types of media. As the latter Court famously has iterated time and again, the media are public watchdogs. Even if this freedom of expression carries duties and responsibilities (including avoiding to incite violence or hatred), which for the media translate into requirements of professional reporting, censorship or other undue interferences with the media are not allowed. Any restriction on the work of the media should be provided by law, serve a legitimate aim and should be necessary in a democratic society. This includes a proportionality test for any state interference. Especially interferences with media reporting that covers issues of public or political interest, will be closely scrutinised by human rights supervisory bodies. The media enjoy a high degree of protection for their freedom of expression. This includes the protection of journalistic sources as a vital element and the positive obligation of protecting journalists against violence.

In addition, the free press fulfils several vital political and social functions, and has access to a mass audience. As a result, it is central to the relationship between governing authorities and the people. All governments, even liberal democratic ones, are interested in sustaining their power, and independent media have the potential to check that power. Indeed, the institution of a free press is the greatest safeguard the public has against government abuses, and for ensuring that the public receives the information it needs in order to hold governments to account. It is important that each individual is able to speak his or her mind online and offline. What is equally important, however, is that journalists are allowed to use their channels of mass communication freely to reach the wider public, serving as a political institution that has the power to ensure that the government continues to work for the people.

A free press is even more of a necessity for functioning democratic societies in the digital information age. It has become apparent that the availability of information does not automatically increase the number of informed citizens. Trained reporters and reputable journalists are needed to make sense of the information that is released every day. They verify, filter, and put this information into context. As information and communication technology and people's interaction with and use of it is evolving and more actors are learning to exploit it, appreciation for the important functions journalists provide in democratic societies is on the rise again.

It should be noted here that the information system is complex and its processes interconnected. Yet, 'fake news' and disinformation are often used as catch-all labels for ongoing negative trends in the information environment. This is a worrying development, since it underestimates the complexity of the problem and of the required solutions. This paper therefore focuses on three pertinent and related trends, all of them demonstrating the need for quality journalism in the digital age. They are information disorder, truth decay, and the weaponisation of information.

First, the term information disorder was coined in a Council of Europe report and is used as an overarching term for a variety of new phenomena associated with the digital age such as information pollution, filter bubbles and echo

chambers.[5] These phenomena are increasingly being linked to democratic engagement, highlighting the dangers of social media in the sense that they reinforce people's existing (political) bias and might limit exposure to alternative viewpoints, thus undermining consensus-building necessary for democratic decision-making. Newspapers used to play an important role in creating a sense of community among citizens, and consequently facilitated consensus-based decision-making. In this context, local newspapers were particularly vital, but it is well-documented that they are a dying breed.[6] Likewise, in this age of constantly and instantaneously being exposed to new information, the practice of reading newspapers is disappearing. However, traditional consumption of print news still has many positive consequences.[7]

The 2017 Council of Europe report further stresses that in the digital age, and particularly in the context of disinformation, more attention should be paid to the consumers of information. The ways in which we select which information to consume, make sense of it, and share it, the authors argue, is linked to our self-identity more powerfully in the age of social media.[8] This observation is tied to the second trend: truth decay. The term originated in a RAND report and refers to the shift away from facts and data in political discourse.[9] The authors also find that cognitive bias lead people to: "look for information, opinion, and analyses that confirm pre-existing beliefs, to weight experience more heavily than data and facts, and to rely on mental shortcuts and the beliefs of those in the same social networks when forming opinions and making de-

cisions."[10] Cognitive biases are not new, but are being amplified by changes in the information system such as the shift from traditional to social media, and can be more easily exploited by malevolent actors these days.[11] Although cognitive bias will not be easily corrected, the study found that independent journalism helped to end historical episodes of truth decay in the US, underlining the importance of fostering independent media in our times as well.[12]

Related to both these trends, it should be noted here that from a human rights law perspective a difference, albeit gradual, is maintained between facts and value judgments. Whereas facts can be demonstrated, the truth of value-judgments is not susceptible of proof. But the extent to which value-judgments have a sufficient factual basis does play a role in assessing whether interferences with media freedom are excessive or disproportionate.

The third and final trend is the weaponisation of information.[13] Although now also employed by other actors, the weaponisation of information is primarily associated with tactics, which Russia under President Putin's government is engaging in, and refers to the strategies with which the Kremlin is trying to undermine other governments, particularly those of Western liberal democracies. Observers have summarised the Russian strategy as follows: "The Kremlin exploits the idea of freedom of information to inject disinformation into society. The effect is not to persuade (as in classic public diplomacy) or earn credibility but to sow confusion via conspiracy theories and proliferate falsehoods."[14] According to these authors, the main goal is

5   Wardle and Hossein Derakhshan, op. cit.

6   Rasmus Kleis Nielsen, *Local Journalism: The Decline of Newspapers and the Rise of Digital Media* (London, New York: I.B.Tauris & Co. 2015).

7   Farhad Manjoo, 'For Two Months, I Got My News From Print Newspapers. Here's What I Learned.' *New York Times* (7 March 2018).

8   Wardle and Derakhshan, op. cit. 27.

9   Jennifer Kavanagh and Michael D. Rich, *Truth Decay: An Initial Exploration of the Diminishing Role of Facts and Analysis in American Public Life* (Santa Monica: RAND Corporation 2018).

10 Ibid. 81.

11 Ibid. 81.

12 Ibid. 73.

13 Peter Pomerantsev and Michael Weiss, *The Menace of Unreality: How the Kremlin Weaponizes Information, Culture and Money* (New York: Institute of Modern Russia 2014).

14 Ibid. 6.

to provoke cynicism in the population, mainly in Russia, but with its international news outlets such as Sputnik and RT increasingly also abroad. Cynicism is useful for the Kremlin because if people cease trusting institutions and stop holding firm values, it is much easier for them to accept conspiracy visions of the world.[15] Such lack of trust in institutions, particularly in countries historically in Russia's sphere of influence such as the Baltic states, can have implications for the region and democracy in these countries. Therefore, the media and accurate journalism in particular are increasingly seen as a strategic asset, not just by the Kremlin and other authoritarian regimes, but by national security officers in democracies as well.[16]

These trends are closely related to ongoing changes in the media environment and in how people use information, having exposed the darker side of online platforms and a new appreciation for the democratic role of professional journalists. Here, again, human rights law is a crucial framework, as it protects not only the media but also protects the privacy, rights, reputation and interests of persons targeted by specific media reports. In the case of such a clash of rights, a careful balancing should take place.

POLICY OPTIONS AND RECOMMENDATIONS

As mentioned previously, these trends, along with many other phenomena associated with the information age, are often related and interconnected. This is why addressing the consequences of these new realities requires carefully thought-out actions and long-term commitment. Ongoing changes of the information system and its effects on political behaviour are far-reaching and complex. Policymakers should therefore strive for a holistic approach to counter these trends. A start has been made in several areas, most notably in external relations with investment in strategic communication resources to counter Russian advances in this area.[17] Protecting European values such as freedom, democracy, equality, respect for human rights, and the rule of law has also been prioritised by the EU lately. In April 2018, the European Parliament approved a motion to create the European Values Instrument, which aims to fund civil society organisations working to protect these values within the Union.[18] The phenomenon of 'fake news' has also garnered attention from the European Commission, which initiated consultations and conferences on the subject, resulting in the appointment of a High Level Group.[19] The Group submitted its final report in April, recommending the creation of a multi-stakeholder coalition to develop a self-regulatory code of practice for actors such as mainstream media, fact-checking organisations and online platforms.[20]

Regulation can be a useful and necessary policy tool. Particularly in the context of the media, however, *regulation should be enforced in careful and measured ways*. Imposing press regulators, for example, is a slippery slope. In addition, freedom of expression for the media also protects how it conveys information, including reporting techniques and choices of wording or imagery. In fact, the proposals by the High Level Group have raised objections among NGOs such as Reporters Without Borders. They argue that by establishing

15 Peter Pomerantsev, 'The Kremlin's Information War' (2015) *Journal of Democracy* 26 (4) 42.

16 Dana Priest, 'Lessons From Europe's Fight Against Russian Disinformation.' *The New Yorker* (24 July 2017).

17 EEAS, 'Don't be deceived: EU acts against fake news and disinformation' (EEAS Website, 9 September 2017) <https://eeas.europa.eu/headquarters/headquarters-Homepage/32408/dont-be-deceived-eu-acts-against-fake-news-and-disinformation_en> accessed 2 April 2018.

18 European Parliament, 'Motion for a Resolution on the need to establish a European Values Instrument to support civil society organisations which promote fundamental values with the European Union at local and national level (2018/2619(RSP))' B8-0189/2018 (13 April 2018) <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+MOTION+B8-2018-0189+0+DOC+PDF+V0//EN> accessed 15 April 2018.

19 European Commission, 'Fake news' (European Commission Website, last updated on 12 April 2018) <https://ec.europa.eu/digital-single-market/en/fake-news> accessed 15 April 2018.

20 European Commission, *A multi-dimensional approach to disinformation: Report of the independent High level Group on fake news and online disinformation* (Luxembourg: Publications Office of the European Union 2018).

self-regulatory measures, the EU might be over-stepping its competences, and that self-regulatory codes in journalism already exist in the form of professional journalistic codes of ethics, for example.[21] Additionally, such measures might be construed as portraying mainstream journalism as being part of the problem, when it is already fighting distrust and despite its potential to be a significant part of the solution. The issue of making online platforms liable for mis- or dis-information is equally difficult, because it could restrict or, depending on how it is done, even violate freedom of expression.

Regulation of traditional and digital media should, therefore, be carefully approached in this context, not least because EU measures to restrict freedom of speech and freedom of the press can set the wrong precedents for authoritarian regimes that might feel encouraged in expanding their own restrictive measures.

Another policy option, particularly with regard to Russian endeavours to weaponise information, is to increase the EU's strategic communication efforts. This is already featured as a priority in the 2016 EU Global Strategy.[22] The Disinformation Review published by EEAS East StratCom Task Force, for example, provides factual rebuttals of pro-Kremlin disinformation. Such efforts have to take into consideration, however, that many citizens are not even aware of which channels of disinformation are used. *Strategic communications should therefore be reinforced by supporting quality journalism that provides accurate information and context for the broader public that has not signed up to the EU's fact-checking reviews*.

In fact, as researchers cited in this paper have pointed out, creating and distributing false information is a result of many different reasons and cognitive processes. Simply investing more into fact-checking will therefore not resolve the problem. It has to be taken into account that developments in disinformation are connected to news consumption and involve issues such as (political) identity and narratives or framing. Another policy option for the EU is therefore to bolster efforts in explaining EU policies to its people. *Investing more in public diplomacy for EU policies internally* might increase trust in the EU as an institution and thus undermine disinformation campaigns by other actors. *Investment in pan-European media* that can address EU policy issues with a pan-European narrative might also be useful in the internal context.

Media literacy campaigns are also an important part of the long-term strategy to prepare people for changes in the information system and prevent malevolent actors from exploiting the system and information consumers with misleading and propagandistic messages. It is important, however, that these campaigns do not just explain how to interpret information and sources. They *should also educate citizens about the important democratic role that the free press and quality journalism play in society in order to rebuild trust in journalists and the media as a democratic institution*. A study mapping media literacy practices across the EU found that while critical thinking and media use top the list of skills that media literacy projects teach in most EU countries, fewer projects focus on democratic participation and fundamental rights in the context of media literacy.[23] The EU Digital Education Action Plan also recognises the need for strengthening children's and young people's critical thinking and media literacy skills given the challenges of the digital age.[24] The recommendations of the Plan to launch EU-wide

21 Reporters Without Borders, 'Europe tackles disinformation – Attention is good, political will makes the difference,' press release (12 March 2018) <https://rsf.org/en/news/europe-tackles-disinformation-attention-good-political-will-makes-difference> accessed 1 April 2018.

22 European Union, *Shared Vision, Common Action: A Stronger Europe – A Global Strategy for the European Union's Foreign and Security Policy* (June 2016) 23 <https://europa.eu/globalstrategy/sites/globalstrategy/files/pages/files/eugs_review_web_13.pdf> accessed 1 April 2018.

23 European Audiovisual Observatory, *Mapping of media literacy practices and actions in EU-28*. Strasbourg: European Audiovisual Observatory (2016) 48.

24 European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Digital Education Plan* (Brussels 17 January 2018) 8.

awareness-raising campaigns on media literacy and online safety are a good start.[25] Ideally, however, *member states should take measures to include media literacy lessons in school curricula* across the Union.

First and foremost, however, *fostering a functioning information system depends on continuous investment in media development projects* that support capacity building of independent journalism and other programmes aimed at fostering press freedom. Supporting such projects is both vital at home and in the context of development policy abroad. The EU and its member states are already the biggest donors in the field of media development.[26] Nonetheless, media development aid constitutes only a very small portion of total development assistance. Media development observers also argue that media development should support media systems more broadly rather than focusing simply on basic journalism training.[27] Furthermore, peer-to-peer cross border cooperation among professional journalists should be enabled and encouraged. On the operational side, it is important that the EU create clearer parameters for categorising projects that support independent media development. Currently, clear categories are absent and media development is tied into all kinds of other projects ranging from public diplomacy to election monitoring.[28] This circumstance makes it difficult to evaluate the priorities and success of these projects. As other researchers have suggested, the EU should also base its approach to media development on principles of freedom of expression as a foundational human right.[29] Finally, investing in more research on the relationship between media and development could also help to improve the impact of media development projects.

In times of unprecedented attack on journalists, *the European Commission should also continue to support organisations like the European Centre for Press and Media Freedom* (ECPMF), which monitors media freedom violations and supports European media workers under threat. Considering the constraints that criminal defamation laws have on journalists and press freedom in many EU countries, particularly in an environment of rising populist politicians and their attacks on mainstream media, EU policymakers should also support efforts to decriminalise defamation.[30]

CONCLUSION

These policy options do not offer quick fixes. They are continuing, connected and wide-ranging, as is the problem that they are trying to address. The transformation of the information system that has resulted from changes in digital and communication technology has drawbacks that are only now starting to become apparent. As the brief discussion of information-related trends in the problem description showed, we are facing developments that affect how we as citizens interact with the media and information system, relate to each other and with political institutions. Information disorder, truth decay and the weaponisation of information form only one part of the wider challenge of the digital age, which include other important issues such as privacy and data protection, the effects of automation on the workforce, and cyber warfare. But when it comes to threats associated with disinformation, we already have a weapon to fight such threats, namely public service journalists. Unfortunately, these journalists face plenty of threats themselves. It is therefore of vital im-

25 Ibid. 9.

26 Daniel O'Maley, 'Tracking Media Development Donor Support: An Update on 2016 Funding Levels' (CIMA Website 30 March 2018) <https://www.cima.ned.org/blog/tracking-media-development-donor-support-update-2016-funding-lev­els/> accessed 15 April 2018.

27 Shanthi Kalathil, 'A Slowly Shifting Field: Understanding Donor Priorities in Media Development' (CIMA Website 25 April 2017) <https://www.cima.ned.org/publication/slowly-shifting-field/> accessed 2 April 2018.

28 EPRD, *Mapping EU Media Support 2000-2010* (Brussels: European Commission 2012) 10-14.

29 EPRD, *Freedom of Expression, Media and Digital Communications: Key Issues* (Brussels: European Commission 2012) 26.

30 International Press Institute, *Out of Balance: Defamation Law in the European Union* (Vienna: International Press Institute 2015).

portance to increase support for independent journalism and press freedom for the purpose of countering these trends and, by extension, for protecting democracy.

The fact that the needed solutions are long-term should not keep the EU from standing up for press freedom in the short-term, however. The EU should hold member state governments accountable for their own record on press freedom and speak out more forcefully against European press freedom violators and politicians who aim to discredit mainstream media or advocate attacks on journalists by their followers. The EU should also become a more outspoken backer of press freedom in the UN human rights context, and make it a priority to advocate for its protection and promotion on the international stage. Its own commitments to human rights, as laid down in the EU Charter on Fundamental Rights should be reflected in supporting the norm and practice of media freedom at the global level.

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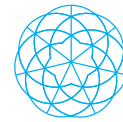
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