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The European Union approach to disinformation and misinformation

The case of the 2019 European Parliament elections

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Abstract

In the last years, the phenomenon of so called “fake news” on social media has become more and more discussed, in particular after the 2016 US elections. The thesis examines how the European Union is approaching “fake news” on social media, taking the 2019 European Parliament elections as a case study.

This research favours the words “disinformation” and “misinformation”, over “fake news”. It, firstly, explores the different way of spreading disinformation and misinformation and how this can affect our human rights. This thesis will, secondly, focus on the different approaches, remedies and solutions to false information, outlining their limits, in order to recommend to the European Union, the best policies to tackle the phenomenon.

The research will, thirdly, focuses on how the European Institutions are currently approaching this issue on social media and the steps that have been taken to protect European citizens from disinformation and misinformation; at this purpose the relevant European policy documents will be analysed. This analysis is necessary to understand the ground of the EU elections. The thesis will conclude with the case study of 2019 European Parliament elections. It will find if there have been cases of disinformation on social media and if the actions taken by the European Union have been enough to protect the second largest elections in the world.

Key words: *fake news, disinformation, misinformation, co-regulation, Russian disinformation campaigns, European Union, 2019 European Parliament elections.*

“If people are no longer capable to distinguish between lies and the truth, then democracy and the moral life of people are in great danger.”

Hannah Arendt

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Introduction

Description of the problem and relevance of the research

Social media have changed the way humans interact with each other by allowing people to express themselves, share information and communicate online by using computers, smartphones, tablets and nowadays, even watches. Today, 81% of Europeans go online regularly (at least once per week)¹. These people have access to an incredible amount of information, including political communications. We can agree on the fact that social media has changed the democratic public sphere. Social media has played a fundamental role in enhancing democracy and activism, facilitating the organization of manifestation and giving voices to marginalized groups, nonetheless, what we are assisting now is how social media are polarizing and polluting democracy², through “fake news”, hate speech and defamation.

This thesis will focus on so called “fake news”. This topic is of current importance because although false information is not new, social media have changed the way information is distributed, increasing the rapid circulation of false information. Researchers agree in using disinformation or misinformation, rather than “fake news” which does not cover the complexity of the phenomenon: misinformation is false information shared with no intention of causing harm, while disinformation is false information which aims to harm or to profit.³ In the last year, the European Union has developed different initiatives to tackle online disinformation, which has been referred as “a major challenge for Europe”⁴. Indeed, this can affect our human rights and the possibility of making informed choices, especially during elections.

¹ European Commission (2018) “Digital Economy and Society Index 2018 Report”, 14 May 2018, available at: <https://ec.europa.eu/digital-single-market/en/news/digital-economy-and-society-index-2018-report>.

² European Parliament (2019), “Polarisation and the use of technology in political campaigns and communication”, 7 March 2019, p. 8, available at: [https://www.europarl.europa.eu/stoa/en/document/EPRS_STU\(2019\)634413](https://www.europarl.europa.eu/stoa/en/document/EPRS_STU(2019)634413).

³ Wardle C. and Derakhshan H. (2017) “Information Disorder. Toward an interdisciplinary framework for research and policymaking”, Council of Europe, 27 September 2017, p. 5, <https://rm.coe.int/information-disorder-toward-an-interdisciplinary-framework-for-research/168076277c>.

⁴ European Commission (2018) “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions- Tackling online disinformation: a European Approach”, COM (2018) 236 final, Brussels, 26 April 2018, p. 1, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018DC0236&from=EN>.

After the international cases of disinformation from 2016, in the United States, Brazil and in some Member States, notably in France, Finland, Latvia and UK (during Brexit), the risk of false information during the 2019 European Elections was high. The magnitude of the vote must be considered, with 27 countries participating simultaneously. In fact, the European Parliament elections are the second largest election in the world, after India⁵. The historic period with the raise of populism and Euroscepticism should also be taken into account. In 2014, during the last European Parliament elections, the problem of disinformation was not a priority as it is nowadays. Therefore, this research will contribute at the ongoing debate.

Research questions

This thesis aims to investigate the approach of the European Union to disinformation and misinformation, as well as the best ways to tackle these phenomena. The focus will be in particular on disinformation on social networks. In order to assess the effectiveness of the EU's response, the European Parliament elections of 2019 will be taken as a case study. In particular, four main research questions guide this thesis:

1. How disinformation and misinformation on social media can affect our human rights?
2. How can the issue of disinformation be tackled? What are the best policies options which can be implemented at the European Union level?
3. How the European Union is tackling disinformation and misinformation on social media? how its approach has developed in the time? Which are the different European institutions working on the issue?
4. To what extent disinformation and misinformation on social media was present during the elections? Have the policies of the European Union helped to protect the 2019 European Parliament elections from disinformation?

These four research questions are going to be studied in the four chapters of this thesis.

⁵ Johnstone L. (2019), "28 things you might not know about the European elections", Euronews, 20 May 2019, available at: <https://www.euronews.com/2019/05/17/28-things-you-might-not-know-about-the-european-elections>. (last accessed: 10 July 2019)

Outline of the research

The first chapter will consider the words behind “fake news”, which are disinformation, misinformation and malinformation. After having given a definition, the ways in which these phenomena are spread will be analysed: the issue of disinformation in private groups on WhatsApp and Facebook will need a specific mention; then, more technological tools which are used in disinformation campaign will be considered, such as bots, cyborgs, sockpuppets, trolls and deepfakes. In addition, the first chapter will demonstrate how disinformation can affect human rights. The chapter will conclude with the description of the most recent examples of disinformation in the past international elections in the United States, United Kingdom (Brexit referendum) and Brazil. These cases will be seen as precedents to the 2019 European Parliament elections, cases that made aware the European Union of the risk of disinformation.

The second chapter will consider different approaches and remedies to disinformation and misinformation, as well as their limits. At this regard, we can identify three kinds of approaches: legal, technological and social. Firstly, under legal approaches we will consider classic regulation (which include state regulation), self-regulation and co-regulation. Concerning state regulation, French and Germany are the only states with laws covering false information. Secondly, the technological approach will be outlined, focusing on the use of artificial intelligence to tackle disinformation. Thirdly, the social approaches will include the analysis of fact-checking, media literacy and quality journalism. Fourthly, a new proposition to tackle false information online will be presented: An Internet Ombudsman.

The third chapter will move the focus to the European Union’s approach to disinformation and misinformation. For this purpose, the chapter will have two main parts, one on the different EU policy initiatives on disinformation and the second one on the different institutions working on disinformation and misinformation. Regarding the first part about the initiatives, there will be an analysis of the different policy documents of the European Council and Commission in order to assess the development of the European Union approach. In the third chapter the question of Russian disinformation campaigns will also be considered, in particular if the attention of the European Union is proportional to the threat.

The fourth chapter will take the 2019 European Parliament elections as a case study. Firstly, the context will be taken into consideration, underlining why the European Parliament elections could have been object of interference. Secondly, the main part of the fourth chapter will be on the analysis of disinformation during the elections: different studies and approaches will be presented, either focusing on social media, states, political parties, languages, Russian messages, or means to spread false information. This exercise will be fundamental to draw some preliminary conclusions on the extent of disinformation during the elections. Before concluding, the self-evaluation of the European Union on the elections related to disinformation will be presented.

Methodology

To address the research questions outlined above, this thesis has taken a multidisciplinary approach which included desk research and interviews.

Concerning the desk research, in the first chapter the analysis of the different methods to spread disinformation and the previous cases of disinformation was based, in particular, on previous research of scholars and reports. The second chapter for the remedies has been developed thanks to the analysis of legal instruments and scientific reports. The third chapter was based on European relevant policy documents, including Commission communications, recommendations, Council conclusions, officers' statements and press releases. This was fundamental to develop the approach of the European Union and to see how it has evolved over the time. The fourth chapter relied on journalistic investigations and civil society reports in order to explore disinformation during the elections. The purpose was to compare the different studies and to develop a general overview of the extent of disinformation. It must be said that there are some limits regarding the third chapter related to the case study. Firstly, this research has been written one month after the elections, therefore it was still early to draw some final conclusions. Many researches are going to be published in the following months about the impact of disinformation and they will contribute with new insights. For this reason, at the moment, only some preliminary reflections could be done. Secondly, the focus of the studies chosen are on some specific countries as it is impossible for the moment to have an overall picture from all 28 states. However, the ones chosen can be seen as a sample to assess the effectiveness of European Union's the approach.

Regarding the interview, the information collected was fundamental to have a background knowledge. In particular the information was used for the second chapter, related to the proposition of an internet Ombudsman, and for the third chapter, with regard to the institutions working on disinformation in the European Union.

The interviews included people working at the Council of Europe and the European Parliament. Accordingly, the author had the possibility to undertake a traineeship at the Council of Europe in Strasbourg between March and April 2019 and a study visit at the European Science-Media Hub of the European Parliament in Brussels during the elections period, from 12 May to 12 June. During the traineeship at the Council of Europe, the author spoke with people at the Parliamentary Assembly. On the other hand, at the European Parliament, meeting with people from the European Parliament (DG EPRS, DG Comm, DG Just) and the European Commission (DG Corporate Communication and DG Comm) were organised. As these people asked not to be mentioned, their names will not be expressed.

1. First Chapter: dis- and mis-information the words behind fake news: how these phenomena are created and shared

1.1 What is “fake news”?

In 2017, “Fake news” has been designed as the word of the year by the Collins English Dictionary, the use of the term has increased from 2016 by 365%. In 2018, a Eurobarometer on online disinformation was conducted and over 26.000 EU Member States citizens were interviewed. The results showed that 85% of respondents perceived “fake news” as a problem in their country and 83% of them saw “fake news” as a threat to democracy⁶. Respondents had a higher trust for traditional media, as radio (70%), television (66%) and printed media (63%), than from online ones.⁷ Interestingly, 45% of the respondents thought that it is the responsibility of journalists to stop the spread of “fake news”, followed by national authorities, the press and broadcasting management.

Therefore, it is evident that “fake news” is an increasing problem and in people perception it can be a threat to democracy, what is unclear is what “fake news” is. There is a common agreement among researchers that the term “fake news” is incorrect because it does not include the complexity of the phenomena behind this term. For these reasons, the term “fake news” should be avoided, as « much of the discourse on ‘fake news’ conflates three notions: mis-information, dis-information and mal-information»⁸. Mis-information is false information, which is shared with no intention of causing harm. On the contrary, dis-information is false information consciously and purposely shared to harm a person, social group, organization or country or for profit. Finally, mal-information is genuine information based on reality, used to inflict harm often by moving information designed to stay private into the public sphere: this can also result in hate speech and harassment.⁹

⁶ European Commission (2018) “Flash Eurobarometer 464”, April 2018, p. 2, available at: <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwjXp7iRtcDiAhWLI6QKHUueBUIQFjAAegQIAxAC&url=http%3A%2Fec.europa.eu%2Fcommfrontoffice%2Fpublicopinion%2Findex.cfm%2FResultDoc%2Fdownload%2FDocumentKy%2F82798&usg=AOvVaw292-KKTNuiiESfVKUP44AN>.

⁷ *Ibidem*.

⁸ Wardle C. and Derakhshan H. (2017) “Information Disorder. Toward an interdisciplinary framework for research and policymaking”, Council of Europe, 27 September 2017.

⁹ *Ivi*, p 5.

In this thesis, the focus will be on disinformation and misinformation, as mal-information is based on genuine information and not false. The author will consider disinformation and misinformation in a political context, including when there are financial purposes behind it.

Actually, it must be outlined that it can be difficult to distinguish between disinformation and misinformation, as the intention of the person who share the news could be unclear. To this, we must add that even if misinformation may not have as purpose harming someone, sharing the information can result in blessing someone. Indeed, these concepts can be inter-related with regarding the possibility of causing harm. What is interesting is examining how also some kind of misinformation represent hate speech, with the difference that the information is false. For example, spreading false information targeting a specific group in order to incite to hate vis-à-vis this group, as the Rohingya genocide has drastically shown.

Another hard question is when the information is partially covered by some media: is it misinformation? Is it disinformation? Quite often, some partisans' journals cover only part of the story to pass a specific message and it is hard to distinguish.

Starting from the perquisite that these terms are inter-related and often difficult to distinguish, we can find seven types of dis- and mis-information, which are the following ones¹⁰:

- Satire or parody: no intention to cause harm but it can fool;
- Misleading content: misleading use of information to frame an issue or an individual;
- Imposter content: when genuine sources are impersonated;
- Fabricated content: news content is false, designed to deceive and do harm;
- False connection: when headlines, visuals or captions do not support the content;
- False context: when genuine content is shared with false contextual information;
- Manipulated content: when genuine information or imagery is manipulated to deceive.

Finally, this thesis will focus primary on disinformation and misinformation on social networks because these platforms are fertile ground for these phenomena. Nowadays the number of people that use social media as primary source of information is increasing, in particular young users. According to a recent study by the Reuters Institute, in 37 countries (including Europe, American

¹⁰ Wardle C. and Derakhshan H. (2017) "Information Disorder. Toward an interdisciplinary framework for research and policymaking", Council of Europe, 27 September 2017, p. 17.

and Asia Pacific) 54% of users use social network as their primary source of information, young users represent 69%.¹¹ This means that as so many people use social network to find information, they are more likely to find also disinformation. According to a study done during the 2016 US elections, the highest fare of disinformation came from social media, rather than direct browsing.¹² This is not surprising considering the quantity of people using social media. It is evident that these numbers urge us to study “fake news” not only in general but focusing on social networks, and to see how it is created and disseminated.

1.2 Social media and other technological tools which create and spread false information

Nowadays false news is easy to create even for ordinary citizens that want to make joke of their friends: probably, some of us have already used website to create false breaking news about our life. With website like “Break your news”¹³ or “Newspaper”¹⁴, it is sufficient to create a false heading and some provocative descriptions to create a fake story about yourself difficult to recognize as such. If it is so simple for us, to prank a friend, imagine how it can be for people with profit or political purposes to create false information.

Disinformation can be created by different actors, state or non-state actors, and in different ways. In this section, we are going to see a general overview of different means to create and spread disinformation, including with the help of technological tools.

1.2.1 Private groups on WhatsApp or Facebook: a new dilemma

A major problem nowadays, which still lacks research, is false information in private chat groups, either on WhatsApp or Facebook.

¹¹ Reuters Institute (2018) “Digital News Report 2018”, pp. 8-11, <http://media.digitalnewsreport.org/wp-content/uploads/2018/06/digital-news-report-2018.pdf?x89475>.

¹² Albright J. (2016) “The #Election2016 Micro-Propaganda Machine”, *Medium*, 18 November 2016, available at: <https://medium.com/@d1gi/the-election2016-micro-propaganda-machine-383449cc1fba>. (last accessed: 10 July 2019)

¹³ More information available at: <https://www.breakyourownnews.com/>

¹⁴ More information available at: <https://newspaper.jaguarpaw.co.uk/>.

These chat groups are not visible from outside. This means the information cannot be fact checked and the person who has targeted cannot receive counter evidence. An additional problem is that the chats on WhatsApp are end-to-end encrypted which means that no one can have access to it, not even WhatsApp.¹⁵ As a consequence, these chats are un-trackable. The messages can spread rapidly and there is a certain amount of trust because the people who share are normally friends or family.

According to some reports, the victory of Bolsonaro in Brazil was highly influenced by a disinformation campaign going on in private chat groups of WhatsApp (see subsection 1.4.3).

Recently, Avaaz has found that during the Spanish General election of April 2019, 9.6 million potential voters in Spain (26.1%) have seen false, misleading and racist posts on WhatsApp, over 89% of Spanish using the service.¹⁶ Avaaz is an ONG launched in 2007 with the mission of organizing citizens «to close the gap between the world we have and the world most people everywhere want.»¹⁷ According to the investigation of Avaaz, WhatsApp is the second place after Facebook when it comes to lies.¹⁸

One thing is when disinformation influences the democratic process of voting, another is when it provokes the death of people. In fact, false news circulating in private groups caused deaths and intimidations in India and Mexico. In India, according to a BBC analysis, at least 31 people have been killed from 2017 to 2018 and dozens more injured due to false rumours on WhatsApp¹⁹. In Mexico, two people have been burned for false rumours about child abductors spread through WhatsApp.²⁰

This shows this is a global problem, which needs a global response.

¹⁵ WhatsApp, "Privacy and Security is in our DNA", *WhatsApp Website*, available at: <https://www.whatsapp.com/security/>. (last accessed: 10 July 2019)

¹⁶ Avaaz (2019), "WhatsApp social media's dark web", 26 April 2019, p. 3, available at: https://avaazimages.avaaz.org/Avaaz_SpanishWhatsApp_FINAL.pdf

¹⁷ Avaaz, "ABOUT US", *Avaaz website*, available at: <https://secure.avaaz.org/page/en/about>. (last accessed: 10 July 2019)

¹⁸ Avaaz (2019), "WhatsApp social media's dark web", 26 April 2019, p 7.

¹⁹ Nazmi S., Nenwani D., and Gagan N. (2018), "Social media rumours in India: counting the dead", *BBC News*, 13 November 2018, available at: <https://www.bbc.co.uk/news/resources/idt-e5043092-f7f0-42e9-9848-5274ac896e6d>. (last accessed: 10 July 2019)

²⁰ Martinez M. (2018), "Burned to death because of a rumour on WhatsApp", *BBC News*, 12 November 2018, available at: <https://www.bbc.com/news/world-latin-america-46145986>. (last accessed: 10 July 2019)

As, it will be studied later tackling disinformation on social media is difficult, but more concerns can be raised when it regards private chat group, such as data protection and privacy. While Facebook and other social platforms have received more attention related to disinformation, WhatsApp has not yet reached this attention, although the number of users is increasing.

Facebook has affirmed that people are posting more in private chats than in the main Facebook home and it has announced that it is taking steps to tackle misinformation also in private groups.²¹ WhatsApp is also changing its policies by, in one hand, allowing users to decide who can add people in groups²², and in the other hand by limiting the number of times that a user can forward a message.²³

In the authors' opinion, these initiatives are not enough to tackle disinformation in private groups. This subject needs a deeper research in order to assess the risk of private groups in Europe.

1.2.2 Micro-targeting and advertising

In social networks, adverts are becoming more and more frequent. These platforms can use information collected about the user to provide specific adverts. What is problematic in the scope of this thesis is when ads are political. In this case, the purpose is to influence people's political ideas, and this can be dangerous during the election's periods.

Highly sophisticated kind of ads are "dark ads" which are ads visible only for the person who has been targeted (micro-targeting).²⁴ People are usually segmented into different groups and then targeted. To illustrate, if someone is really concerned about religious values, he or she would receive information of people non-respecting these values. This message, on the contrary, will not be seen by someone that is concerned about immigrants stealing their job. It is obvious that dark ads need a wide range of personal data on the user to work; this information can be found easily

²¹ Woon Q. (2019), "Facebook steps up fight against fake news in groups and messaging", *Cnet*, 10 April 2019, available at: <https://www.cnet.com/news/facebook-steps-up-fight-against-fake-news-in-groups-and-messaging/>. (last accessed: 10 July 2019)

²² WhatsApp (2019), "New privacy setting for groups", *WhatsApp Website*, 3 April 2019, available at: <https://blog.whatsapp.com/10000661/New-Privacy-Settings-for-Groups>. (last accessed: 10 July 2019)

²³ BBC News (2019), "WhatsApp restricts message-sharing to fight fake news", 21 January 2019, available at: <https://www.bbc.com/news/technology-46945642>. (last accessed: 10 July 2019)

²⁴ European Parliament (2019), "Automated tackling of disinformation", 15 March 2019, p 18, available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2019/624278/EPRS_STU\(2019\)624278_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2019/624278/EPRS_STU(2019)624278_EN.pdf).

on social media, where the user also likes and follows certain pages based on his or her interests. Furthermore, as dark ads cannot be seen by the targeted person's friends, the person will not have the possibility of discussing the information and he or she will remain with this idea inculcated, with no possibility of receiving a counter-evidence information. For this reason, dark ads have already been used to spread, misinformation over a specific group which is susceptible to believe the information. This was the case during the US 2016 elections: people were targeted on the basis of their "hopes and fears"²⁵. Dark ads were also used during the Brexit campaign about the cost of UK membership or Turkey membership to EU.²⁶

Finally, advertisers can use clickbait posts which provoke an emotional reaction to the person. This will push to follow the link to the webpage concerned and this action will, in turn, result in a view for the owner.²⁷ These posts give usually partial information in order to create a curiosity and they can be a vehicle of misinformation.

1.2.3 Artificial amplifiers: bots, cyborgs, sockpuppets and trolls

Technology has made the creation and amplification of false news simpler and even more accurate. Social bots are automated or semi-automated accounts able to like, share, post and interact in the social media.²⁸ They are intended to behave like humans, and they can be used to disseminate disinformation on a massive scale, as well as intimidate and harass journalists.²⁹ According to some researches, bot traffic represents 60% of the total online traffic.³⁰ Facebook estimated that 60 million bots might be present in it.³¹ Political bots promote mainly political information. They

²⁵ Channel 4 News (2018), "Cambridge Analytica: Undercover Secrets of Trump's Data Firm", *YouTube*, 20 March 2018, available at: <https://www.youtube.com/watch?v=cy-9iciNF1A&t=458s>. (last accessed: 10 July 2019)

²⁶ Cadwalladr C. (2017), "The great British Brexit robbery: how our democracy was hijacked", *The Guardian*, 7 May 2017, <https://www.theguardian.com/politics/2017/may/27/conservatives-facebook-dark-ads-data-protection-election>. (last accessed: 10 July 2019)

²⁷ European Parliament (2019), "Automated tackling of disinformation", 15 March 2019, p. 14.

²⁸ RSF (2018), "RSF publishes report on online harassment of journalists", 25 July 2018, available at: <https://rsf.org/en/news/rsf-publishes-report-online-harassment-journalists> (last accessed: 10 July 2019)

²⁹ *Ibidem*.

³⁰ European Parliament (2019), "Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States", February 2019, p. 35, available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/608864/IPOL_STU\(2019\)608864_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/608864/IPOL_STU(2019)608864_EN.pdf).

³¹ *Ivi*, p. 181.

can act in different ways, such as amplifying the number of likes or increase the popularity of one particular candidate.

Secondly, there are “sockpuppets” which are fake accounts which try to act like humans, normally they are human-controlled; when they are automated, they are called “cyborgs”.³² Another differentiation is when these sockpuppets are controlled by government or linked organizations, in this case they are referred as trolls.³³

Thirdly, we can find fake followers, which artificially increase the popularity of someone in the social media. For instance, more than 60% of Trump’s followers on Twitter have been identified as fake.³⁴

Under this category, we find also fake comments. Some estimations refer to a traffic of 1.3 million fake comments online.³⁵

1.2.4 Synthetic images and deepfakes

Another powerful tool are “deepfakes” which are synthetic video or images which allow to see and hear things that actually have never been done or said.³⁶ They can produce harm and it is hard to identify them as fake. One example is the well-known video of Former US President, Barack Obama who has been lip-synced. Deepfakes are increasingly being used in pornographic industry, by using the face of famous actress, such as Ms Angelina Jolie and Ms Emma Watson. Nonetheless, also normal people have already been deepfaked, one famous case in the one of Ms Noelle Martin³⁷

³² European Parliament (2019), “Automated tackling of disinformation”, 15 March 2019, p. 23.

³³ *Ibidem*.

³⁴ Campoy A. (2018), “More than 60% of Donald Trump’s Twitter followers look suspiciously fake”, *Quartz*, 12 October 2018, available at: <https://qz.com/1422395/how-many-of-donald-trumps-twitter-followers-are-fake/>. (last accessed: 10 July 2019)

³⁵ Kao J. (2017) “More than a million pro-repeal Net Neutrality comments were likely faked”, *Medium*, 23 November 2017, available at: <https://hackernoon.com/more-than-a-million-pro-repeal-net-neutrality-comments-were-likely-faked-e9f0e3ed36a6>. (last accessed: 10 July 2019)

³⁶ Wall Street Journal (2018), “Deepfake Videos Are Getting Real and That’s a Problem | Moving Upstream”, *YouTube*, 15 October 2018, available at: <https://www.youtube.com/watch?v=Ex83dhTn0IU>. (last accessed: 10 July 2019)

³⁷ ABC Australia (2019), “Australian of the Year: Noelle Martin, feminist, activist and law reformist”, *YouTube*, available at: <https://www.youtube.com/watch?v=4UcQndISUJY>. (last accessed: 10 July 2019)

The risk behind synthetic videos and photos is that they are particularly believable. It is fundamental to have training on recognizing deep fakes. For instance, the Amnesty Verification Corps are doing researches and they are developing tools to recognize this kind of synthetic videos.

³⁸ There must be a reiteration of this kind of initiatives.

1.3 Why disinformation and misinformation can affect our human rights

In the EU Communication “Tackling online disinformation: a European Approach”, the exposure of citizens to large-scale disinformation, is referred as “a major challenge for Europe”. ³⁹ This because misinformation and misinformation affect our human rights and democratic values.

These phenomena deeply undermine democracy which is one of the fundamental values of the European Union, according to article 2 of the Treaty of the European Union. Democracy is based on public debates that allow well-informed citizens to take part in the society. In democracy, open and transparent dialogue is necessary. Democracy is intrinsically linked to free and plural media which imparts neutral information. Receiving false information, with a purpose of harming or having a profit, interferes with the possibility of taking informed decisions and as, a consequence to participate to the democratic debates. This is particularly true during elections periods, where disinformation and misinformation can be jeopardized by extremist and illiberal movements. These groups can play on the ignorance and fears of people with the purpose of influencing people’s political views. Disinformation erases the trust of the citizens vis-à-vis the media, as the Eurobarometer results have shown. A society where citizens received false information cannot be democratic as they cannot participate in the public debate freely. We should add that receiving information allows citizens to make politicians accountable.

Furthermore, disinformation and misinformation attack freedom of expression and the right to receive information, «as passive side of freedom of expression»⁴⁰. Freedom of expression is the

³⁸ More information available at: <https://www.theengineroom.org/digital-verification-corps/>.

³⁹ European Commission (2018) “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Tackling online disinformation: a European Approach”, COM (2018) 236 final, Brussels, 26 April 2018, p. 1.

⁴⁰ European Parliament (2019), “Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States”, February 2019, p. 77.

keystone of a democratic and pluralistic society. In fact, freedom of expression and democracy are interrelated. There cannot be a democratic society where freedom of expressions is not protected. Freedom of expression is recognized in every constitution in Europe and it is protected under the Charter of Fundamental Rights of the European Union. Freedom of expression includes the right to hold opinions and to receive and impart information and ideas. It is clear that receiving false or misleading information does not allow us to express freely. It is interesting to see how between freedom of expression and disinformation there is a transversal relationship, because if disinformation can pullulate public debate, it is also true that freedom of expression cannot be unlawfully limited in the name of regulating disinformation. In one hand, receiving false and misleading information is against our right to receive information; In the other hand, «false information itself (if it does not violate others' reputation for example) enjoys the protection of freedom of expression, but when the whole environment of public discourse becomes occupied and dominated by falsehood, it frustrates the primary purpose of freedom of expression. »⁴¹

Thirdly, disinformation can also influence the rights to privacy and data protection. Indeed, if algorithm decides political views or information that the user receives, without him or her knowing, this would be against his or her right to privacy.⁴² The right to privacy is protected under the Charter of the Fundamental Rights of the European Union, article 7. Very often, the users' attention is captured with attractive information that may not be true. This kind of disinformation can have the purpose of profit, therefore stimulating the consumer to buy something based on his interest, or even worse it can have as purpose influencing his political views. This happened with the Facebook-Cambridge Analytica case during the US elections (see subsection 1.4.1). Targeting people with disinformation that takes advantage of their fear is problematic not only under the right to privacy but also their personal data. In the European Union, personal data are protected under General Data Protection Regulation (GDPR). Processing political opinions is prohibited under the GDPR⁴³. In the GDPR we do not find, however, a particular reference to political micro-targeting but it limits commercial and non-commercial adverting. Nevertheless, the European Commission has stated the danger of micro targeting and the need to limit this practise in particular

⁴¹ *Ivi*, p. 79.

⁴² *Ivi*, p. 74.

⁴³ European Union (2016), "General Data Protection Regulation", *Official Journal of the European Union*, 4 May 2016, available at: <https://gdpr-info.eu/>.

during elections.⁴⁴ What is not covered by the Commission is the case in which people are targeted with false information. In the author's opinion, microtargeting itself is problematic but it is even more worth of attention is case the information is false, as it happened during the 2016 US elections.

In conclusion, it is evident that disinformation and misinformation can affect our fundamental rights. The issue of disinformation is a priority in a broad term, but it is even more important to consider it during the election periods. Some passed cases of disinformation and misinformation during election periods are necessary in order to understand the scenario which preceded the European Elections.

1.4 International disinformation cases as precedents of the European Elections

In this section, we are going to analyse briefly some cases of disinformation, which can be seen as historical precedents to the main case study of this thesis: the European Parliament Election of May 2019. The purpose of this section is to set the basis of the European Union actions to avoid disinformation during the European Parliament Election.

The first and major example is the 2016 US elections which is the most well researched. The second example is the Brexit Referendum, as it was one of the first big disinformation example that affected a Member State of the European Union, as well as the tremendous consequences, which followed it. The fourth example will be the Brazilian elections for the role played by the private groups in WhatsApp.

Before starting to consider these three cases it is necessary to rapidly mention the 2017 German Election as one example of lack of massive disinformation⁴⁵. The German case shows how the stakeholders were aware of the risk of false news and how they prevented it. Interestingly, political

⁴⁴ European Commission (2018) "GUIDANCE DOCUMENT- Commission guidance on the application of Union data protection law in the electoral context ", 12 September 2018, Brussels, COM(2018) 638 final, available at: https://ec.europa.eu/commission/sites/beta-political/files/soteu2018-data-protection-law-electoral-guidance-638_en.pdf.

⁴⁵ In Germany there have been few cases of disinformation, in particular the Lisa one just before the elections, but these are still marginal.

parties agreed not to use bots or leaked data.⁴⁶ Moreover, Germany adopted in September the Network Enforcement Act (see subsection 2.1.1.1), which introduced fines of up to EUR 50 million on social media if they did not remove fake content.⁴⁷ Finally, two other cases are worth of a brief mention: the Italian 2017 elections for the huge amounts of false messaged shares by politicians and the Myanmar example, as is it for sure the most tragic one.

1.4.1 2016 US elections

In the US elections, we can see the interference from Russia, as well as the relationship between Trump team and Cambridge Analytica.

Firstly, the fact that Russia intervened in US elections is well documented. The US Office of the Director of National Intelligence investigated how Russia interfered with the elections and the Special Counsel Mr Robert Mueller, in his report, has identified 26 Russian individuals and 3 Russian companies which interfered.⁴⁸ Special Counsel pointed out in particular how Russia's Internet Research Agency (IRA) was able to reach 126 million of Americans.⁴⁹ IRA is a "trolls agency" in St Petersburg which spread pro-kremlin propaganda. We have pictures of the buildings and we know that the employees are thousands, these people comment on website and shares false information; «For the 2016 elections the US operations reportedly employed 80 people and had a monthly budget of USD 1.25 million»⁵⁰. IRA was active in every platform: Facebook, YouTube, Twitter, Tumblr and Instagram; Facebook and Twitter are the ones that got more attention.⁵¹ The IRA mainly targeted Mrs Hilary Clinton.

⁴⁶ European Parliament (2019), "Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States", February 2019, p. 43.

⁴⁷ Bundestag (2017) "Network Enforcement Act", 1 September 2017, available at: <https://germanlawarchive.iuscomp.org/?p=1245>.

⁴⁸ European Parliament (2019), "Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States", February 2019, p. 39.

⁴⁹ *Ivi*, p. 188.

⁵⁰ *Ibidem*.

⁵¹ Broederick R., (2019), "Here's Everything The Mueller Report Says About How Russian Trolls Used Social Media", *BuzzFeed*, 18 April 2019, available at: <https://www.buzzfeednews.com/article/ryanhatesthis/mueller-report-internet-research-agency-detailed-2016>. (last accessed: 10 July 2019)

Recently, American President, Mr Donald Trump posted a tweet saying that: « I had nothing to do with Russia helping me to get elected»⁵², by saying that he actually admitted the interference of Russia in the US elections. In a second moment, he dismissed this affirmation. ⁵³

Secondly, another issue of the US elections is the link with Facebook-Cambridge Analytica scandal: ⁵⁴CA was founded by Mr Steve Bannon, Trump's ex-chief strategist, and it is one the biggest company that collect data on social media users. In early 2014, CA signed a deal with Aleksandr Kogan, creator of the app "this is your digital life" which, through the access via Facebook, offers personality quiz. What is interesting is that the app in question, and all the apps that use this mechanism of access through Facebook, until 2015 had access, not only to the Facebook profile of the person who was using the app, but also of all his/her "friends" profiles, including likes, groups of interest, photos and sometimes private messages. Kogan had the permission to use the data only for academic purpose, not commercial ones.

Mr Mark Turnbull, managing director of CA, admitted, in a under covered investigation of Channel 4 News⁵⁵, that they were involved in the campaign of Trump online during the elections. They were the people behind "Defeat Crooked Hillary" and other attacks to Hillary Clinton.

1.4.2 Brexit referendum

The referendum for the UK leaving the European Union was the first example of a disinformation campaign in a Member State and the result has affected and continue to affect the European project as such.

It seems that Russian interference has been present in during the campaign, in order to help the Vote Leave side. The UK's Parliamentary Select Committee for Culture, Media and Sport, which has been investigating this interference, stated that «Russia Today (RT) and Sputnik published 261 media articles on the EU Referendum, with an anti-EU sentiment, between 1 January 2016 and 23

⁵² Trump D. (2019), Tweet, *Twitter*, available at: <https://twitter.com/realDonaldTrump/status/1134066371510378501>. (last accessed: 10 July 2019)

⁵³ Baker P. and Sullivan E. (2019), "Trump Accuses Mueller of a Personal Vendetta as Calls for Impeachment Grow", *The New York Times*, 30 May 2019, available at: <https://www.nytimes.com/2019/05/30/us/politics/trump-russia-help-elected.html?smid=fb-nytimes&smtyp=cur>. (last accessed: 10 July 2019)

⁵⁴ Next paragraph is based on: Hinds S. (2019), "ICTs and human rights", essay, EIUC, p. 6.

⁵⁵ Channel 4 News (2018), "Cambridge Analytica Uncovered: Secret filming reveals election tricks", *YouTube*, 19 March 2017, <https://www.youtube.com/watch?v=mpbeOCKZFfQ&t=881s>. (last accessed: 10 July 2019)

June 2016. »⁵⁶ Facebook and Twitter dismissed the accusing of influence of Russia in their social networks and the question is still not clear.⁵⁷

In addition to Russian interference, during the Brexit, the campaign done by the Vote Leave side was full of misleading information. To illustrate, about the claim that the UK was sending 350 million a week to the EU while it could have spent it for the NHS. This number was incorrect because it did not take into consideration the rebate: the UK is reimbursed by 66% of the difference between its contribution and what it received back from the budget.⁵⁸ Another false claim was the one about the membership of Turkey to the European Union.

Finally, US elections and Brexit referendum were commutated by the implication with Facebook-Cambridge Analytica. Accordingly, Vote Leave has been accused to take advantage of the data collected by CA, information that were later shared with Russian intelligence services.⁵⁹

1.4.3 2018 Brazilian elections

The case of the Brazilian elections is quite peculiar because it is a concrete example of the risk of private groups. It has been said that the victory of Mr Bolsonaro has been influenced by a huge disinformation campaign on WhatsApp private groups. WhatsApp is very common in Brazil, with about 120 million active users.⁶⁰

The Brazilian newspaper Folha de S.Paulo reported that several companies supporting Bolsonaro spent millions of dollars to create targeted messages on WhatsApp against his opponent, Mr

⁵⁶House of Commons Culture, Media and Sport Select Committee (2018) “Disinformation and “Fake News”: Interim Report.” *UK Parliament Website*, 29 July 2018, paragraph 161, available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmcmds/363/36308.htm#_idTextAnchor033. (last accessed: 10 July 2019)

⁵⁷ *Ibidem*.

⁵⁸ BBC News (2016), “What is the real cost of UK’s EU membership?”, *YouTube*, 25 May 2016, available at: <https://www.youtube.com/watch?v=Dokwnx4U1aA>. (last accessed: 10 July 2019)

⁵⁹ European Parliament (2019), “Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States”, February 2019, p. 42.

⁶⁰ Nemer, D. “The Three Types of WhatsApp Users Getting Brazil’s Jair Bolsonaro Elected.” *The Guardian*, 25 October 2018, available at: <https://www.theguardian.com/world/2018/oct/25/brazil-president-jair-bolsonaro-whatsapp-fake-news>. (last accessed: 10 July 2019)

Fernando Haddad⁶¹. Another newspaper, *Época*, also noticed that paid activists and Bolsonaro supporters collaborated to send “fake news” thanks to illegally obtained contacts lists.⁶² According to Brazilian law, buying voters’ contacts is illegal, as well as having financial support by private companies. In addition, a fact-checking organisation found that more than 700 false or misleading posts have being shared on WhatsApp during the elections: these rumours distorted at least four key categories of information: statements by political candidates, news of electronic voting and legislation, the nature of protests and the outcomes of opinion polls.⁶³ These messages were largely targeting right political groups, Catholic churches, trade and business associations, and military groups.

All these cases made the European Union aware of the risk of disinformation and misinformation as a consequence it started to address the threat. There are different ways to approach these phenomena, in the next chapter we are going to explore how.

⁶¹ Nalon T. (2018), “Did WhatsApp help Bolsonaro win the Brazilian presidency?” *The Washington Post*, 1 November 2018, available at: https://www.washingtonpost.com/news/the-worldpost/wp/2018/11/01/whatsapp-2/?noredirect=on&utm_term=.0b3a932b20e6. (last accessed: 10 July 2019)

⁶² *Ibidem*.

⁶³ *Ibidem*.

2. Second Chapter: remedies for tackling disinformation and misinformation

In this chapter, different remedies to disinformation and misinformation will be explored. The purpose of this section is to give an overview on the different possibilities that the European Union may have to address false information. This section is important to understand what the European Union could do and what it is actually doing.

It must be reminded that «disinformation very often does not qualify as illegal content; where it does qualify (e.g. as defamation or hate speech), it will also be subject to specific remedies under Union or national law (e.g., take-down of content) »⁶⁴. Freedom of expression covers information which can be inaccurate, in purpose, and disseminating it does not qualify necessary as illegal.⁶⁵ In the cases where it is legal, disinformation can still have disastrous consequences, but it would more difficult to tackle it; therefore, it is still significant to speak about remedies.

2.1 Legal responses

There are different ways to counter disinformation, some states have opted for a classic approach to this problem with a legislative regulation. The idea behind this approach is to make social media responsible for the content present in their platforms by introducing sanctions. On the contrary, another approach is not to regulate and leaving the social providers to auto-regulate. An approach on the middle of classic regulation and autoregulation is co-regulation.

⁶⁴ European Commission (2018), “JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS- Action Plan against Disinformation”, 5 December 2018, Brussels, JOIN(2018) 36 final, available at: <https://ec.europa.eu/digital-single-market/en/news/action-plan-against-disinformation>.

⁶⁵ Parliamentary Assembly of the Council of Europe (2019), “social media: social threads or threats to human rights”, 19 March 2019, p. 11, available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=27472&lang=en>.

2.1.1 State regulation

In Europe, there are only two states that decided to adopt some laws which cover false: Germany and France. There were some attempts in Italy and Spain as well, but they failed. On the other hand, the UK is going to adopt a compulsory “code of conduct”.

2.1.1.1 German Legislation

The German Network Enforcement Act entered into force on 1 October 2017, just some months before the elections. The act does not explicitly refer to “disinformation”, rather it provides the enforcement of already existing provisions of the Criminal Code, such as dissemination of means of propaganda of unconstitutional organisations, hate speech, holocaust-denial, threat to violence, etc.⁶⁶ The Act is legally binding for social media that have two million, or more, people registered in Germany. Social media platforms have the obligation to remove “manifestly unlawful” content within 24 hours of receiving the complaint⁶⁷. This delay can be expanded to seven days. If «the decision regarding the unlawfulness of the content is dependent on the falsity of a factual allegation or is clearly dependent on other factual circumstances»⁶⁸, the social network can give the user the opportunity to respond.

Moreover, social platforms providers that receive more than 100 complaints a year should do a report in German each six months to be published in the Federal Gazette and in their websites.⁶⁹

If, the platforms do not comply to these provisions they can receive up to 50 million fines, even if the actions are not committed in Germany.⁷⁰

The Act is the first form of regulation of its kind in Europe, the act gives to the social networks the duty to remove “manifestly illegal content”. The problem with the Act is that there is no definition of what is “manifestly illegal”. To this, we must add that the short time can result in the impossibility of checking the information properly, which can result in decision of removing

⁶⁶ European Parliament (2019), “Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States”, February 2019, p. 99.

⁶⁷ Bundestag (2017) “Network Enforcement Act”, 1 September 2017.

⁶⁸ *Ibidem*.

⁶⁹ *Ibidem*.

⁷⁰ *Ibidem*.

accounts or content without an adequate check. This can make the platforms deciding to block some accounts just to avoid the fine.

As it has been previously mentioned, freedom of expression cannot be unlawfully attacked. The risk of the Network Act is to restrict freedom of expression unlawfully.

In one of their report following the adoption of the Act, the platforms showed that they removed mostly of the content which has been reported within the 24 hours.⁷¹ In one hand, this means that the platforms are respecting the Act, in the other we cannot know how the decisions are taken.

The Act has been strongly criticised. In fact, Reporters Without Borders (RSF), with five civil society organisations, has done a constitutional complaint against Act⁷², asking for an independent body to manage the removal of the content. Human Right Watch also condemned the law, in the words of Mr Wenzel Michalski, Director of Human Rights Watch Germany: « it is vague, overbroad, and turns private companies into overzealous censors to avoid steep fines, leaving users with no judicial oversight or right to appeal »⁷³

2.1.1.2 French legislation

On January 2018, Mr Emmanuel Macron, French President, announced a draft law regarding the fight against false information, during the election period.⁷⁴ Before being accepted it went back twice to the Parliament from the Senate and it was rejected two times by the high chamber.⁷⁵ The

⁷¹ The Alexander von Humboldt Institute for Internet and Society (2018), “Removal of online hate speech in numbers”, 9 August 2018, available at: <https://www.hiig.de/en/removals-of-online-hate-speech-numbers/>. (last accessed: 10 July 2019)

⁷² Reporters without Borders (2018), “Reporters Without Borders: constitutional complaint lodged against the BND law”, 29 January 2018, available at: <https://rsf.org/en/news/reporters-without-borders-constitutional-complaint-lodged-against-bnd-law>. (last accessed: 10 July 2019)

⁷³ Human Right Watch (2018), “Germany: Flawed Social Media Law”, 14 February 2018, available at: <https://www.hrw.org/news/2018/02/14/germany-flawed-social-media-law>. (last accessed: 10 July 2019)

⁷⁴ ASSEMBLÉE NATIONALE (2018), “PROPOSITION DE LOI relative à la lutte contre les fausses informations”, 21 March 2018, available at : <http://www.assemblee-nationale.fr/15/propositions/pion0799.asp>.

⁷⁵ Sénat, “Loi relative à la lutte contre la manipulation de l'information”, available at : <http://www.senat.fr/dossier-legislatif/ppl17-623.html>.

text was controversial, and the fear was that it would have affected freedom of expression.⁷⁶ Despite this long process and debates, the text became law the 22 of December 2018⁷⁷.

Differently from the German Act, the French law has a focus on false information, and it contains a definition. The law deals with disinformation on the internet specifically and it gives the power to users to signal disinformation. The law authorises the Superior Council of Audio-visual Media to block the broadcasting of false information by foreign broadcast companies.

It has been said that as the law focus on the internet and on foreign broadcasting companies, it leaves out the other traditional means (newspapers, television, radio) and national broadcasting⁷⁸. Firstly, in the author's opinion is important to focus on the internet due to its dangers, also taking into consideration that, as it will be analysed, France already had more general legislation which could have tackled "fake news". Secondly, while understanding the French legislator' choice to focus on the foreign broadcast, in order to avoid external interference, it should be noted that disinformation can come from France. It is a missing opportunity not having includes national companies.

In addition, a part of the law that has been deeply criticised is the one that allows judges to delete false content within 48 hours⁷⁹. This gives the judicial authority the power to decide if a news is true or not and in a very short delay which would not allow a proper fact checking. Another problem is that in 48 hours, the story can still go viral and part of the population would still believe it.

Furthermore, interestingly, it must be underlined that in the French law, there were already different provisions that deals with false information:

- Article 27 of the law of 29 July 1881 on the freedom of the press:

⁷⁶ Franceinfo "(2018) Le Sénat rejette les propositions de loi sur les "fake news" sans même discuter des textes", 27 August 2018, available at : https://www.francetvinfo.fr/internet/reseaux-sociaux/facebook/le-senat-rejette-les-propositions-de-loi-sur-les-fake-news-sans-meme-discuter-du-texte_2869295.html. (last accessed: 10 July 2019)

⁷⁷ Legifrance, "LOI n° 2018-1202 du 22 décembre 2018 relative à la lutte contre la manipulation de l'information (1)", available at : <https://www.legifrance.gouv.fr/eli/loi/2018/12/22/2018-1202/jo/texte>.

⁷⁸ European Parliament (2019), "Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States", February 2019, p. 101.

⁷⁹ *Ibidem*.

This article punishes the publication, broadcasting or reproduction via any mean of false information with a fine of 45 000 € if they are likely to disturb the peace⁸⁰;

- Article 322-14 of the Criminal Code:

These articles define the dissemination of false information as an offence punishable by a sentence of two years imprisonment and a fine of 30 000 €. ⁸¹

It should be noted that these provisions are more linked to defamation than “fake news”;

- Article 97 of the Electoral Code

This article punishes any false information which would divert ballots or push people not to vote, with a fine of 15 000 € and one-year imprisonment. ⁸²

Here again the provision is related to influencing people to vote or not, while the new law includes any kind of false information no matter the result is.

Finally, despite the different critics, the author recognises the French legislator’s effort to tackle disinformation during the election period. This is very important but the fact that the judge should decide if the information is true or not can be controversial.

2.1.1.3 Failed attempts to law in Spain and Italy and the future perspectives in the UK

Two other states tried, in vain, to answer disinformation with the classic regulation. These states are Spain and Italy. On the contrary, in the UK there are some prospects for new regulation.

In Italy, ahead of the 2017 election, a draft law was proposed that would have imposed fines (up to 5000 €) and one year of imprisonment for sharing false news. ⁸³ The text was heavily criticised, and it was rejected. Even if the text was not adopted, the Italian government launched a website⁸⁴ where people can report hoaxes. The website asks to the user the email, the website link or social

⁸⁰ Legifrance, “ Loi du 29 juillet 1881 sur la liberté de la presse ”, *Legifrance website*, available at : <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006070722>.

⁸¹ Article 322-14, Code Penal, available at : <http://www.codes-et-lois.fr/code-penal/article-322-14>.

⁸² Legifrance, “ Article L97”, *Legifrance website*, available at : <https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006353232&cidTexte=LEGITEXT000006070239&dateTexte=20020101>.

⁸³ Senato della Repubblica (2017) “DISEGNO DI LEGGE Disposizioni per prevenire la manipolazione dell’informazione online, garantire la trasparenza sul web e incentivare l’alfabetizzazione mediatica”, 7 February 2017, available at: <http://www.senato.it/service/PDF/PDFServer/BGT/01006504.pdf/>

⁸⁴ The website is available at: www.commissariatodips.it.

network link, and information on the news. The report, which is not a lawsuit, will be analysed by the Postal Police (which deals with cybercrimes) and experts to verify if there is a violation of law.⁸⁵

In Spain, the Popular Party proposed a legislation to counter disinformation in December 2017⁸⁶, the focus of the law is on the danger to the institution's stability of Spain.

In the UK, following the Parliamentary Select Committee for Culture, Media and Sport's investigation on the use of social media to spread disinformation (in specific related to Russia), a report on "Disinformation and 'fake news'" was published. The report recommends social media companies to take legal liability for the content published on their platforms⁸⁷. The report suggests the introduction of a mandatory Code of Ethics which « would be overseen by an independent regulator, setting out what constitutes harmful content. This would create a regulatory system for online content that is as effective as that for offline content industries. »⁸⁸

In conclusion, the problem with the classic regulation approach is the risk of censorship. In the laws, we mentioned, the short time could also be problematic. To this, we should add the territoriality: laws are effective in the state that adopted them but very often disinformation comes from abroad⁸⁹ and the social media providers are transitional, which means difficult to sanction.

The opposite option to classic regulation is no regulation at all; leaving the social platforms to auto regulate themselves.

⁸⁵ "Commissario di Ps website", *Commissario di Ps website* available at: <https://www.commissariatodips.it/profilo/commissariato-di-ps-on-line.html>. (last accessed: 10 July 2019)

⁸⁶ Grupo parlamentario popular en el Congreso (2018) "Ley relativa al impulso de las medidas necesarias para garantizar la veracidad de las informaciones que circulan por servicios conectados a Internet y evitar injerencias que pongan en peligro la estabilidad institucional en España", 18 December 2018, available at: http://www.gppopular.es/wp-content/uploads/2017/12/171219-PNL-Noticias-falsas.pdf?_ga=2.226110172.738521628.1541868032-2076439625.1541868032.

⁸⁷ House of Commons Culture, Media and Sport Select Committee (2018) "Disinformation and "Fake News": Interim Report." UK Parliament Website, 29 July 2018, paragraph 37-39.

⁸⁸ *Ibidem*.

⁸⁹ This would not be a problem with the French new law because as we have seen it targets specifically broadcasting of false information by foreign broadcast companies.

2.1.2 Self-regulation

The most used approach for the moment is self-regulation which relies on the social networks providers to conduct internal changes to tackle disinformation⁹⁰. The idea behind is that the providers are in a better position to address misinformation and disinformation. Self-regulation basically consists in no state intervention, leaving the social platforms to act. This means voluntary measures.

One of the most known examples of self-regulation by Facebook is the partnership with fact-checkers, like the one in Philippines.⁹¹ «Facebook is giving special access and tools to fact-checkers so they can expand their work directly on the social platform ».⁹²

Moreover, Facebook introduced a new way of approaching false news, by changing from identifying them as “disputed flags” to “related articles”⁹³. “Related articles” give readers access to additional information, including pieces that have been found by fact checkers. Having “related articles” next to a false news, it takes to fewer shares than with the “disputed flag”.

Facebook also implemented an initiative called “Social Media impact on elections” to help scholars assess social media’s impact on elections.⁹⁴. A similar approach is the one of Twitter by establishing the “Healthy conversations initiative” which created two academic partnerships aimed on defining indicators for healthy digital conversations.⁹⁵

The approach of self-regulation has some positives and negatives sides. Regarding the positive sides, firstly, self-regulation means that social media providers are becoming aware of their responsibilities for false information in their platforms. This is fundamental and it is far away from

⁹⁰ Ivi, p. 43.

⁹¹ Facebook (2018), “Facebook Launches Third-Party Fact-Checking Program in the Philippines”, *Facebook Newsroom*, 12 April 2018, available at: <https://newsroom.fb.com/news/h/fact-checking-philippines/>. (last accessed: 10 July 2019)

⁹² European Parliament (2019), “Automated tackling of disinformation”, 15 March 2019, p. 43.

⁹³ Lyons T. (2018), “Replacing Disputed Flags With Related Articles”, *Facebook Newsroom*, 20 December 2017, available at: <https://newsroom.fb.com/news/2017/12/news-feed-fyi-updates-in-our-fight-against-misinformation/>. (last accessed: 10 July 2019)

⁹⁴ Scharge E. and Ginsberd D. (2018), “Facebook Launches New Initiative to Help Scholars Assess Social Media’s Impact on Elections”, *Facebook Newsroom*, 9 April 2018, available at: <https://newsroom.fb.com/news/2018/04/new-elections-initiative/>. (last accessed: 10 July 2019)

⁹⁵ European Parliament (2019), “Automated tackling of disinformation”, 15 March 2019, p. 43.

the initial approach of Facebook, when in 2016 Mr Mark Zuckerberg, rejected the notion that “fake news” influenced the outcome of the US election, describing it as a “pretty crazy idea”⁹⁶. Secondly, the partnership of the social networks gives to third parties a wide access to data to tackle disinformation. In the other hand, regarding the negative sides, the platforms do not have any incentive to decide what is true or not because after all they have profit purposes. Secondly, the partnership can raise questions on the independence of the third parties who can take decision to please the companies.⁹⁷

Finally, in the author’s opinion leaving everything in the hands of social platforms is not the solution to disinformation. It cannot be all in the hands of the states for the reason we have seen, but it could be a hybrid approach the right solution.

2.1.3 Co-regulation

A more effective option is co-regulation. It is based on a structured dialogue between a state or authority (such as the European Union) and the social media provider: a comprise between the actors allows the implementation of measures being monitored by the state or authority.⁹⁸

In the words of Mr Chris Marsden, professor of media law at the University of Sussex: «Co-regulation means that you don't trust the companies to regulate themselves. It doesn't mean that you will impose a state law that says: “you will do X, Y and Z” because everybody knows the internet is moving fast. But co-regulation says: “you will do X, or we will do Y”. In other words, “you will demonstrate your own ability to regulate fake news or we will do it for you”. So, it's threatening the companies with action if they do not engage in proper regulation themselves. »⁹⁹

The regulation of disinformation should be a balance.

⁹⁶ Solon O. (2016), “Facebook's fake news: Mark Zuckerberg rejects 'crazy idea' that it swayed voters”, *The Guardian*, 11 November 2016, available at: <https://www.theguardian.com/technology/2016/nov/10/facebook-fake-news-us-election-mark-zuckerberg-donald-trump>. (last accessed: 10 July 2019)

⁹⁷ *Ibidem*.

⁹⁸ *Ibidem*.

⁹⁹ Euronews (2019), “How can Europe tackle fake news in the digital age?”, 10 January 2019, available at: <https://www.euronews.com/2019/01/09/how-can-europe-tackle-fake-news-in-the-digital-age>. (last accessed: 10 July 2019)

Co-regulation is very effective because it does not leave everything in the hands of one actor, but it is more a cooperation. It involved different stakeholders and it gives a variety of expertise. With a co-regulation approach, researchers and civil society can be included in the process, giving a different contribution. However, co-regulation is not easy to actuate as it needs a strong political willing to tackle disinformation and many efforts.

As all the regulative responses have some limits, some has suggested to tackle disinformation with technological tools.

2.2 Technological tools and artificial intelligence

As it has been said from the beginning, technologies have changed the way information is provided. If in one hand, technological tools can be used to spread disinformation (through bots, cyborgs, trolls, sockpuppets and deepface); in the other hand, technologies, like algorithms and artificial intelligence, can be used to identify disinformation.

Around the world, researchers are studying to develop technological solutions for disinformation. Broadly speaking, algorithm and artificial intelligence methods to tackle disinformation can be divided into the following categories¹⁰⁰:

- Content-based which focus on the content itself, on the actual news;
- Based on the diffusion of the message and how it is amplified;
- Hybrid «based on a weighted sum, or a group of features feeding a learning algorithm (e.g. both content-related and diffusion dynamics-related metrics). »¹⁰¹

With regard the content verification, as it has been anticipated, a number of automated fact-checking tools are being used, such as FullFact.¹⁰² The purpose is facilitating the work of human fact-checkers with the use or algorithm or artificial intelligence.¹⁰³

¹⁰⁰ European Parliament (2019), “Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States”, February 2019, p. 122.

¹⁰¹ *Ibidem*.

¹⁰² More information available at: <https://fullfact.org>.

¹⁰³ European Parliament (2019), “Automated tackling of disinformation”, 15 March 2019, p. 30.

«One of the seminal approaches focused on identifying simple statistical claims and checking their validity against a structured database. »¹⁰⁴ Thanks to the large datasets the accuracy of these methods is increasing.

Furthermore, concerning the amplification of the news, algorithms can identify how the news has been amplified. Algorithms were used, for example, for the development of the InVID Plugin which is a browser that «detect, authenticate and check the reliability and accuracy of newsworthy video files and video content spread via social media. ». ¹⁰⁵ InVID has been developed with EU funds and it can be used to find the location and relevant comments from a video, as well as to do reverse image search. The tool allows to filter by period, by relevant words and to verify if the content was already existent before the news it referred to.

In addition, some linguistics-driven approach looks at how distinguish between false and genuine content «by looking at the lexical, syntactic and semantic level of a news item in question. »¹⁰⁶ According to this study, the automated system has an accuracy up to 76 %.¹⁰⁷

At the moment, there are still some limits to the use of technologies to tackle disinformation. Firstly, as we have seen in section 1.1 the phenomenon of false information is very difficult to identify. If it is arduous for us, human beings, to distinguish between disinformation, misinformation and misinformation; how can an algorithm do this nuanced task? One thing is when the information is explicitly false, but very often there is a part of true in disinformation. Secondly, algorithms are not able to identify some cultural subjectivities. To this we must add, that algorithms and AI are not able to detect «propaganda campaigns, their sources and goals, and their effects on citizens, business, and society.»¹⁰⁸ Thirdly, for the development of technological tools it is necessary having more availability of data processed by the digital platforms.¹⁰⁹ Finally, the mistakes that algorithms can do, have a cost. To exemplify, an algorithm can detect as false,

¹⁰⁴ *Ibidem.*

¹⁰⁵ InVID, “Description”, *InVID website*, available at: <https://www.invid-project.eu/description/>. (last accessed: 10 July 2019)

¹⁰⁶ European Parliament (2019), “Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States”, February 2019, p. 122.

¹⁰⁷ Perez-Rosas V. and others “Automatic Detection of Fake News”, p. 3391, available at: <http://aclweb.org/anthology/C18-1287>.

¹⁰⁸ European Parliament (2019), “Automated tackling of disinformation”, 15 March 2019, p. 33.

¹⁰⁹ European Parliament (2019), “Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States”, February 2019, p. 123.

information which is not, and it can suspend accounts erroneously. On the contrary, it can identify as true some false and hatred information.

For all these reasons, the accuracy of algorithms is still insufficient to tackle disinformation. Social media providers would prefer to use artificial intelligence because it less expensive¹¹⁰ but the best way to use technological tools, would be to help and assist humans. AI still lacks of the human common sense, but they can be used to find possibly false information; it will be then a person to verify if the news is genuine or not and to decide what to do thanks to the human judgment. In this way, artificial intelligence and algorithms can be used, for example, to help fact-checkers in the long process that is debunking a false story.

2.3 Social approaches

As legal and technological remedies cannot solve completely the issues of disinformation and misinformation, there is a necessity to give citizens counter evidence, thanks to fact-checking. Above all, we must also give them the knowledge necessary to develop a critical thinking through media literacy. In this section, more “social” approaches are going to be investigated.

2.3.1 Fact-checking and sourcing

Fact-checking is the practise of checking the news in order to determine if the fact is true or not; It gives factual correct information and it proves the manipulation of the information¹¹¹.

The International Fact-Checking Network (IFCN), by The Poynter Institute, is an initiative to bring together fact-checkers worldwide¹¹². The IFCN was launched in September 2015 and it maintains a code of principles to reach transparency. It promotes best practises and exchanges in the field.

¹¹⁰ Euronews (2019), “How can Europe tackle fake news in the digital age?”, 10 January 2019.

¹¹¹ Wikipedia (2019), “Fact-checking”, *Wikipedia website*, available at: <https://en.wikipedia.org/wiki/Fact-checking>. (last accessed: 10 July 2019)

¹¹² “The International Fact-Checking Network”, *Poynter website*, available at: <https://www.poynter.org/ifcn/>. (last accessed: 10 July 2019)

At the moment, there are 60 verified signatories of the Code of Principles¹¹³. This network does not include all fact-checking sites in the world, but being a signatory is a kind of “license” for factcheckers: the idea is to develop common standards no matter the cultural and research subjectivities.

In the opinion of Mr Chris Marsden, fact checkers in Europe working with social network providers should be European, they cannot be from California or Philippines, they need to know European affairs and having some basic training in journalism and human rights law.¹¹⁴

The limits of fact-checking are different. Firstly, it is a slow operation which needs time in order to verify and check the information. Secondly, fact-checking can provoke a backfire effect: identifying a news as false would give it more publicity, reaching also people that did not see the news initially.¹¹⁵ Thirdly, this «could draw the attention of potential advertisers to the quality of the site (naming and shaming)». ¹¹⁶ Finally, the major problem of fact checking is to actually catch the attention of the citizens and if you manage to arrive to them, would they believe it? Sharing disinformation is very passionate, it is not rational: as human we are always trying to confirm what we already believe in.

Furthermore, something quite different from fact-checking but which has the same ratio behind is “sourcing”. While fact-checking focuses on the content, sourcing focuses on the «content’s online path»¹¹⁷. Sourcing was used, for instance, by Nicolas Vanderbiest for #MacronLeaks 48h before campaign silence¹¹⁸, when any fact-checking would have taken too much time.¹¹⁹

Fact-checking and sourcing are remedies that are used once citizens have been exposed to false information but what if they would be able to distinguish themselves from false and genuine information? This is what, media literacy, can do in the long term.

¹¹³ “Verified signatories of the IFCN code of principles”, *IFCN Code of principles website*, available at: <https://ifcncodeofprinciples.poynter.org/signatories>. (last accessed: 10 July 2019)

¹¹⁴ Euronews (2019), “How can Europe tackle fake news in the digital age?”, 10 January 2019.

¹¹⁵ European Parliament (2019), “Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States”, February 2019, p. 101.

¹¹⁶ *Ivi*, p. 114.

¹¹⁷ European Parliament (2019), “Automated tackling of disinformation”, 15 March 2019, p. 68.

¹¹⁸ Campaign silence is present in some states and it is only referred to offline media. There is a debate whether it should be extended to online media, as it has been done in Spain.

¹¹⁹ *Ivi*, p. 70.

2.3.2 Media literacy and quality journalism

From the Eurobarometer previously mentioned in section 1.1, it appears that only 15% of the respondents said they are very confident to identify “fake news”.¹²⁰

Having well-informed and educated people is fundamental for addressing disinformation. For this reason, developing media literacy is crucial. Media literacy includes practices that allow people to access media with critical thinking.¹²¹

It is necessary to make people aware of the phenomenon of disinformation, how it can interfere with democracy and to teach them how to react; by making them capable to distinguish between false and genuine news.

This should be done from the young ages but also with adults. According to a study, over 65 are more susceptible to believe and share a false story¹²²: they share “fake news” seven times more than those aged between 18 and 29. This because they grew in a period where paper journals were trusted, and disinformation was less. In fact, young EU generation were born already in a technological era, they are used to social media and if they see something that seems “false” they would probably “swipe”.

There are different ways in which media literacy can be implemented. Firstly, media education can be included as curriculum in schools. To exemplify, in Sweden, digital skills are part of the official programme in compulsory and upper secondary schools¹²³. In the author’s opinion having specific curriculums in media skills should be a priority in all European states, not only for identifying false news but to know how interact with social media. This is fundamental also for hate speech, and online illegal content in general.

¹²⁰ European Commission (2018) “Flash Eurobarometer 464”, April 2018, p. 9.

¹²¹ European Parliament (2019), “Automated tackling of disinformation”, 15 March 2019, p. 50.

¹²² Hern A. (2019), “Older people more likely to share fake news on Facebook, study finds”, *The Guardian*, 10 January 2019, available at: <https://www.theguardian.com/technology/2019/jan/10/older-people-more-likely-to-share-fake-news-on-facebook>. (last accessed: 10 July 2019)

¹²³ European Commission (2018), “Digital skills enter into Sweden school”, *Eurydice Website*, 5 September 2018, available at: https://eacea.ec.europa.eu/national-policies/eurydice/content/digital-skills-enter-sweden-schools_en. (last accessed: 10 July 2019)

Moreover, there are other school-based approach for teens. An example is Lie Detectors, an initiative active in Belgium and Germany, which allows journalists to meet with students to make them develop a critical thinking, as well as verifying news.¹²⁴ Le Monde also announced that some journalists would have gone in schools to train students.¹²⁵

There are many more initiatives of this kind around Europe which are developed by civil society or by journalists, but in the author's opinion it is fundamental that media literacy comes also from the institutional (national or European) level in order to guarantee the implementation in broader terms. Although education is a competence of the Member States¹²⁶, the European Union could implement other kind of initiatives. As it will be seen, the European Union is very active for media literacy. To illustrate, it has launched a new initiative in 2019: the European Media Literacy Week which had the purpose to increase the awareness of the importance of media literacy around Europe.¹²⁷

Another way to implement media literacy, in a less school-based approach, would be gamification which teach through game.¹²⁸ To exemplify, the game Bad News, developed by Drog (a team of academics, journalists, and media experts) to build resilience against disinformation.¹²⁹ In the game you take the role of someone that wants to do online propaganda and share disinformation. This allows people to understand disinformation tactics. Another example is "Fact-Check It!" the board game of the International Factchecking Network which aims at stimulating «critical thinking, fact-based dialogue and analytical skills among students.»¹³⁰

¹²⁴ Lie Detectors, "Our mission", *Lie Detectors website*, available at: <https://www.thesaurus.com/browse/interesting>. (last accessed: 10 July 2019)

¹²⁵ Roucaude D. (2017), "Le Monde » s'engage dans l'éducation à l'information", *Le Monde*, 2 February 2017, available at: https://www.lemonde.fr/les-decodeurs/article/2017/02/02/le-monde-s-engage-dans-l-education-a-l-information_5073215_4355770.html. (last accessed: 10 July 2019)

¹²⁶ European Commission, "FAQ on the EU competences and the European Commission powers", *European Commission website*, available at: <http://ec.europa.eu/citizens-initiative/public/competences/faq>. (last accessed: 10 July 2019)

¹²⁷ European Commission, "European Media Literacy Week", *European Commission website*, available at: <https://ec.europa.eu/digital-single-market/en/news/european-media-literacy-week>. (last accessed: 10 July 2019)

¹²⁸ European Parliament (2019), "Automated tackling of disinformation", 15 March 2019, p. 51.

¹²⁹ Drog, "About", *Badnews website*, available at: <https://aboutbadnews.com/>. (last accessed: 10 July 2019)

¹³⁰ International Factchecking Network, "Fact-Check It! Learning by doing", *International Factchecking Network website*, available at: <https://factcheckingday.com/lesson-plan>. (last accessed: 10 July 2019)

Media literacy is, for sure one, of the best ways of dealing with disinformation, one limit is that it is a long-term approach. To this it must be added that it is necessary to have a strong political willing to implement media literacy in the schools.

Despite media literacy is fundamental, there is some work to do also at the basis, where the news comes from. Accordingly, another action to tackle the spread of disinformation is ensuring and supporting quality journalism We live in a time where journalists are under pressure: people do not want to pay for information, and journalists have to share a great number of articles a day. For this reason, it is important to support good journalism. Journalists, civil society and academia are coming together to create quality information and to tackle disinformation. It is a priority to support these initiatives and to enhance journalism.

2.4 Future Prospects: Internet Ombudsman?

This section will examine the possibility of an Internet Ombudsman to tackle disinformation. At the time of writing the Committee on Culture, Science, Education and Media of the Parliamentary Assembly of the Council of Europe has, under preparation, the report “Towards an Internet Ombudsman institution”; the motion of the report is the «creation of the position of “Internet Ombudsman” in charge of assessing the legal or illegal nature of internet contents through screening procedures »¹³¹. As this report is still under preparation and the draft is confidential, it is not possible to present the feature of this Ombudsman. General speaking, the Internet Ombudsman in question would deal mainly with hate speech and online harassment, nonetheless it could tackle disinformation and misinformation as well.

Considering an Internet Ombudsman that deals with false information, social providers could ask help in case they hesitate on the truthfulness of the news. If the Ombudsman affirms that the information is false, the social media providers should block the content and give a

¹³¹ Committee on Culture, Science, Education and Media (2019), “Reports under preparation”, p. 39, available at: <http://website-pace.net/documents/10643/59254/RepPrepCULT-E.pdf/a5025e11-9f64-4c70-bd28-ea1dfbe3822d>. (last accessed: 10 July 2019)

counterevidence. Also, users of the social media should have the possibility to notify disinformation to the Ombudsman. This authority would be independent, and it would avoid legislation about disinformation.

The idea of Internet Ombudsman is not new. For example, in France on 25 November 2016 Senator Mr Goulet proposed, in vain, a law for the establishment of an internet Ombudsman with the role of identifying legal and illegal content.¹³²

In Sweden, they will create a new authority with the role of countering disinformation, in order to strengthen the resilience of citizens during elections.¹³³ However, this authority, called “physiological defence”, is quite different from the Ombudsman as it will be more active in create resilience than receiving complaints.

In Namibia, there is a Media Ombudsman, Mr John Nakuta, who also deals with online content: he receives complaints against journalists and media, taking into consideration a Code of Ethics.¹³⁴ In case this code is repletely breached he can decide a fine up to 50,000 Namibian dollars. «The complaints are varied but, generally, relate to inaccurate, unfair and untruthful reporting as well as the dishonest gathering of news. ».¹³⁵

Another idea, different from the Internet Ombudsman, but which has the same willing behind to standardise the procedures by having an independent body, comes from the UN Special Rapporteur on freedom of expression, Mr David Kaye. In his report of April 2018, he suggested a “social media council”, or other Ombudsman programmes, modelled on the press councils which would enable industry-wide complaint mechanisms and the promotion of remedies for violations¹³⁶ «This mechanism could hear complaints from individual users that meet certain criteria and gather public feedback on recurrent content moderation problems such as over censorship related to a particular

¹³² Sénat (2016), “PROPOSITION DE LOI portant création d'un Ombudsman compétent pour qualifier le contenu sur l'internet de licite ou illicite”, 25 November 2016, available at : <http://www.senat.fr/leg/pp16-151.html>.

¹³³ The Local (2018), “Sweden to create new authority tasked with countering disinformation”, 15 January 2018, available at: <https://www.thelocal.se/20180115/sweden-to-create-new-authority-tasked-with-countering-disinformation>. (last accessed: 10 July 2019)

¹³⁴ Media Ombudsman Namibia, “CONSOLIDATING THE OFFICE OF THE MEDIA OMBUDSMAN”, *Media Ombudsman Namibia website*, available at: <http://www.mediaombudsmannamibia.org/>. (last accessed: 10 July 2019)

¹³⁵ Khomas (2018), “Media ombudsman swamped by public complaints”, *New Era Live*, 3 May 2018, available at: <https://neweralive.na/posts/media-ombudsman-swamped-by-public-complaints>. (last accessed: 10 July 2019)

¹³⁶ Kayne D. and Human Rights Council (2018) “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression”, 6 April 2018, Geneva, A/HRC/38/35, p. 18, available at: <https://digitallibrary.un.org/record/1631686/usage>.

subject area»¹³⁷. In addition, the “social media council” could work to create transparency on how companies use new technologies, in order to minimise the effect of artificial intelligence on freedom of expression.¹³⁸

The idea of having an independent body to deal with disinformation is quite interesting, nonetheless there are some limits. Firstly, a structural one: should the Ombudsman be at the European level or national one? As the problem of disinformation is a global and yet European issue, a European Internet Ombudsman could tackle disinformation effectively. For the social providers it would be easier than adapt to 28 national ombudsmen. In the other hand, every state has its own laws, therefore the structure of this Ombudsman should be object of further discussion. Secondly, who would pay the Ombudsman? national states or the European Union? Or the Council of Europe?

Any national state (or neither the European Union) has ever mentioned the possibility of having one Ombudsman, it is the Council of Europe which has one report under preparation, therefore not yet adopted, about an Internet Ombudsman. However, the Council of Europe is already under economic pressure and a European Ombudsman is not the priority. Someone could say that the social media providers could pay for it, but this is improbable, unless concrete incentives are found. Thirdly, how can the Ombudsman deal with disinformation before that the news becomes viral? By the time that the Ombudsman declares that the content is false, the news will be already shared millions of times. Fourthly, the Ombudsman would be overloaded by claims and it would not be able to work properly.

Finally, the biggest problem in the author’s opinion is the way people will see this Ombudsman, the risk is that people would identify him or her as the “establishment” and they would not trust the decisions.

¹³⁷ *Ibidem*.

¹³⁸ European Parliament (2019), “Regulating disinformation with artificial intelligence”, 15 March 2019, available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2019/624279/EPRS_STU\(2019\)624279_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2019/624279/EPRS_STU(2019)624279_EN.pdf).

2.5 Final remarks on the remedies

This overview of the solutions was fundamental in order to set a scenario of the different possibilities of the European Union to tackle disinformation and misinformation. Before analysing the European Union approach to disinformation, it is important to do some considerations about the different solutions.

Disinformation and misinformation are multifaceted problems, for this reason it is not possible to identify just one solution. As it has been seen, each remedy has its own limits. The issue with law against disinformation is to limit freedom of expression and to fall into censorship. In the other hand, self-regulation is not enough, we cannot leave this problem only in the hand of social media providers. For this reason, co-regulation is the best approach: having different stakeholders involved is fundamental. Fact-checking can be done in the short term if we assess the effectiveness. Technological tools can be used to assist humans in identifying false information. Furthermore, co-regulation should be done in connection with media literacy, in the long term. It is also a priority to support good quality journalism.

In conclusion, for tackle disinformation a holistic and multilevel approach is needed.

3. Third Chapter: the European Union’s Approach to disinformation and misinformation

In this section the European Union’s approach to disinformation will be explored. This is fundamental to present the efforts of the European Union in view of the European Parliament Elections: the case study of this thesis.

In the author’s opinion the European Union is the best located to regulate and to deal with disinformation. It can develop some common standards that the Member States would follow.

In order to see the European Union’s approach, the different disinformation policy initiatives will be analysed. These actions are important to see what the European Union is doing or plans to do to tackle disinformation. In a second time, the different institutions, directorates and units working on disinformation in the European Institutions will be presented.

3.1 The European Union policy initiatives on disinformation

The first “shy” initiatives to tackle disinformation of the European Union started in 2015, we can see some actions in 2016 and 2017, but it is only in 2018 that we assist to a real boom of policy documents and responses. It must be beard in mind that all these documents are soft law.

3.1.1 The European Council Conclusions to “challenge Russia’s ongoing disinformation”

The first time that the European Union recognized the threat of disinformation was in 2015 through the European Council Conclusions of 20 March.¹³⁹

In its conclusion, the European Council underlined the «need to challenge Russia's ongoing disinformation campaigns and invited the High Representative, in cooperation with Member States and EU institutions, to prepare by June an action plan on strategic communication. The

¹³⁹ European Council (2015), “European Council meeting (19 and 20 March 2015) – Conclusions”, Brussels, 20 March 2015, EUCO 11/15, available at: <http://data.consilium.europa.eu/doc/document/ST-11-2015-INIT/en/pdf>.

establishment of a communication team is a first step in this regard. »¹⁴⁰. This is the only reference that we can find to disinformation in the text. Interestingly, the focus of disinformation was on Russia, leaving behind other kind of disinformation which could have interested the EU. This is quite significant because this tendency is still present.

Following the recommendation of a communication team, the European External Action Service (EEAS) East Stratcom Task Force was set up (see subsection 3.2.3).

In the Conclusions, the Council tasked the High Representative, EU institutions and Member States with the preparation by June 2015 of an action plan on strategic communication. This document was published on 22 June.¹⁴¹

3.1.2 Joint Framework on countering hybrid threats

In April 2016, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy published a “Joint Framework on countering hybrid threats”.

As the title of this joint communication shows, the focus is on hybrid threats which are identified as something evolves rapidly and which need a flexibility in order to respond. According to the Joint Framework, disinformation campaigns, with the use of social media to control the political narrative can be used to spread hybrid threats¹⁴².

The Joint Framework underlines that for monitoring non-EU information and to react to disinformation, linguists in relevant non-EU languages and social media specialists are fundamental. In addition, «Member States should develop coordinated strategic communication mechanisms to support attribution and counter disinformation in order to expose hybrid threats.»¹⁴³

¹⁴⁰ *Ivi*, p. 5.

¹⁴¹ EEAS East Stratcom Task Force (2015), “Action Plan on Strategic Communication”, 22 May 2015, available at: <http://archive.eap-csf.eu/assets/files/Action%20PLan.pdf>.

¹⁴² European Commission and the High Representative of the Union for Foreign Affairs and Security Policy (2016), “JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL- Joint Framework on countering hybrid threats- a European Union response”, Brussels, 6 April 2016, JOIN(2016) 18 final, p. 2, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016JC0018&from=EN>.

¹⁴³ *Ivi*, p. 5.

What we can notice from the European Approach in this document is that disinformation is seen as a mean to expose hybrid threat, rather than a threat itself.

It must be noted that the Joint Framework was followed by the Joint Communication on increasing resilience and bolstering capabilities to address hybrid threats of June 2018¹⁴⁴. 2018 is the year where we see a boom of initiatives from the European Union and it does not surprise that the Joint Communication has a different approach to disinformation compared to the Joint Framework. Indeed, in the document, disinformation has much more space compared to 2016 and it is addressed as a threat itself.

3.1.3 EC vice-President Andrus Ansip statement at the EP plenary of April 2017 and the EP resolution of June

On 5 April 2017, at the plenary debate in Strasbourg, Mr Andrus Ansip, European Commissioner for Digital Single Market and Vice President of the European Commission, defined fake news- or simply "lies"- as a serious problem¹⁴⁵. While recognizing the negative effect of false information, the Commissioner stressed the importance to protect freedom of expression and to «trust people's common sense»¹⁴⁶ against a Ministry of Truth. The Vice-President underlined the importance of media literacy, critical thinking and quality journalism to address “fake news”, as well as better communicating democracy, rule of law and fundamental rights.

In his concluding remarks, the Mr Ansip stressed the interrelation of “fake news”, extremism and hate speech as «they challenge the values on which the EU is based»¹⁴⁷. He recognized that each

¹⁴⁴ European Commission and the High Representative of the Union for Foreign Affairs and Security Policy(2018), “JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL- Increasing resilience and bolstering capabilities to address hybrid threats”, Brussels, 13 June 2018, JOIN(2018) 16 final, available at: https://eeas.europa.eu/sites/eeas/files/joint_communication_increasing_resilience_and_bolstering_capabilities_to_address_hybrid_threats.pdf.

¹⁴⁵ Andrus Ansip (2017), “Statement by Vice-President Ansip at the European Parliament, Strasbourg in the plenary debate: "Hate speech, populism and fake news on social media – towards an EU response", Strasbourg, 5 April 2017, available at: https://ec.europa.eu/commission/commissioners/2014-2019/ansip/announcements/statement-vice-president-ansip-european-parliament-strasbourg-plenary-debate-hate-speech-populism_en. (last accessed: 10 July 2019)

¹⁴⁶ *Ibidem*.

¹⁴⁷ *Ibidem*.

of these challenges needs different policy responses. While hate speech is not protected by law, freedom of speech protects also disturbing ideas.

This speech of Mr Ansip is very important as he recognized the threat of “fake news”. What is different from the Council Conclusion of March 2015 and the Joint Framework, is that, in one hand he addressed “fake news” in general without focus on Russia disinformation; in the other hand, “fake news” is seen as a challenge itself and not as a vehicle of hybrid threats.

The Commissioner here took a self-regulative point of view, recognizing the importance of freedom of speech and insisting also on media literacy and quality journalism.

Another important step arrived in June 2017 when the European Parliament adopted a Resolution¹⁴⁸ stressing the importance of taking action against “fake news” and calling the social media to give users tools to denounce false content; The Parliament called on the Commission «to analyse in depth the current situation and legal framework with regard to fake news, and to verify the possibility of legislative intervention to limit the dissemination and spreading of fake content»¹⁴⁹

3.1.4 The High Level Expert Group on Fake News and Online Disinformation

Following Mr Ansip’s speech and the Call of the Parliament in June, in November 2017, the European Commission announced the creation of the High Level Expert Group on Fake News and Online Disinformation.¹⁵⁰ The task of the Group was to advise and to give recommendations to the Commission «on all issues arising in the context of fake information spread across traditional and social media and how to cope with its social and political consequences.»¹⁵¹

¹⁴⁸ European Parliament (2017), “European Parliament resolution of 15 June 2017 on online platforms and the digital single market” 15 June 2017, Strasbourg, 2016/2276(INI), para 36, available at: http://www.europarl.europa.eu/doceo/document/TA-8-2017-0272_EN.html?redirect.

¹⁴⁹ *Ivi*, para 35-36.

¹⁵⁰ European Commission (2017), “Call for applications for the selection of members of the High Level group on Fake News”, *European Commission website*, 12 November 2017, available at: <https://ec.europa.eu/digital-single-market/en/news/call-applications-selection-members-high-level-group-fake-news>. (last accessed: 10 July 2019)

¹⁵¹ *Ibidem*.

In January 2018, the Commission presented the list of the 39 experts appointed to the High Level Group, chaired by Professor Dr Madeleine de Cock Bunin.¹⁵² The Group presented its final report “A multi-dimensional approach to disinformation”, on 12 March 2018.¹⁵³

At the launch of the Report, Professor Dr Madeleine de Cock Bunin underlined that disinformation does not have a single root therefore it does not have only a solution, this is why a multi-dimensional approach is needed, that respect freedom of speech and media pluralism.¹⁵⁴

The report contains short-term solution and long-terms one. In the author’s opinion, there are five interesting recommendations of the group to the Commission. The first recommendation was a self-regulatory code of practice with different stakeholders involved.¹⁵⁵ This recommendation is quite important because it is at the biases of the Code of Practice adopted in September 2018.

Secondly, in order to increase efficacy of fact-checking practices, the group suggested the creation of European Centres for interdisciplinary and independent evidence-based research on problems of disinformation; This Centres would operate at national level and would map the “digital ecosystem for disinformation”, its technologies, fact-checking, artificial intelligence etc.¹⁵⁶

Finally, the Group recommended more actions in support of media and information literacy, «including exchange of best practices and training for teachers (e.g. through Erasmus+, Training and Education 2020), and the promotion of media literacy in EU curricula reforms and OECD PISA competency rankings». ¹⁵⁷

¹⁵² European Commission (2018), “Experts appointed to the High Level Group on Fake News and online disinformation”, *European Commission website*, 12 January 2018, available at: <https://ec.europa.eu/digital-single-market/en/news/experts-appointed-high-level-group-fake-news-and-online-disinformation>. (last accessed: 10 July 2019)

¹⁵³ European Commission (2018), “Final report of the High Level Expert Group on Fake News and Online Disinformation”, *European Commission website*, 12 March 2018, available at: <https://ec.europa.eu/digital-single-market/en/news/final-report-high-level-expert-group-fake-news-and-online-disinformation>. (last accessed: 10 July 2019)

¹⁵⁴ ProductiehuisEU (2018) “EU presents plan to tackle fake news and online disinformation”, 12 March 2018, *YouTube*, available at: https://www.youtube.com/watch?v=7C_SiqfhWD0. (last accessed: 10 July 2019)

¹⁵⁵ European Commission (2018), “A multi-dimensional approach to disinformation – report of the independent High Level Group on fake news and online disinformation”, 12 March 2018, p. 6.

¹⁵⁶ *Ivi*, p. 36.

¹⁵⁷ *Ivi*, p. 37.

The Report was a significant step in developing the European approach to disinformation. Thanks to this report, the EU adopted a clear definition of the problem and many policies are the direct result of this Report.

3.1.5 The public consultation on “fake news” and the Eurobarometer

In the same period that the High Level Group was meeting and developing its final report, the Commission launched two other significant initiatives:

- The public consultation on “fake news” and online disinformation (between 13 November 2017 and 23 February 2018)¹⁵⁸;
- The Eurobarometer on “fake news” and online disinformation (between 7 and 9 February 2018).¹⁵⁹

Together with the report of the High Level group, the results of the public consultation and of the Eurobarometer feed into the Commission Communication on tackling online disinformation of 26 April 2018.¹⁶⁰

Firstly, the objective of the consultation was «to assess the effectiveness of current actions by market players and other stakeholders, the need for scaling them up and introducing new actions to address different types of fake news.»¹⁶¹

The public consultation received 2986 answers: 2784 from individuals and 202 from legal organisations and journalists¹⁶².

¹⁵⁸ European Commission, “Public consultation on fake news and online disinformation”, *European Commission website*, available at: https://ec.europa.eu/info/consultations/public-consultation-fake-news-and-online-disinformation_en. (last accessed: 10 July 2019)

¹⁵⁹ European Commission (2018), “Final results of the Eurobarometer on fake news and online disinformation”, 12 March 2018, available at: <https://ec.europa.eu/digital-single-market/en/news/final-results-eurobarometer-fake-news-and-online-disinformation>. (last accessed: 10 July 2019)

¹⁶⁰ European Commission (2018), “Synopsis report of the public consultation on fake news and online disinformation”, *European Commission website*, 26 April 2018, available at: <https://www.theguardian.com/technology/2019/jan/10/older-people-more-likely-to-share-fake-news-on-facebook>. (last accessed: 10 July 2019)

¹⁶¹ *Ibidem*.

¹⁶² *Ibidem*.

The key findings are the following ones¹⁶³: the respondents recognized the harm that “fake news” can cause to the society. There was a general agreement that social media providers are not doing enough to counter the problem. While agreeing on the necessity of acting against fake news, the respondents stressed the importance of freedom of expression over any kind of censorship. The consultation demonstrated a wide support for a “multi-stakeholder, multi-dimensional, self-regulatory approach”. Nonetheless, some respondents underlined the necessity of some regulation. In order to solve the problem, the respondents believed that fact-checking has a great potential, but it should be implemented with other measures such as media literacy and trusted journalism. The consultation also showed a good opinion of new technologies, including artificial intelligence.

Secondly, the Eurobarometer was conducted between the 7 and 9 of February 2018. Over 26.000 citizens have been interviewed to understand the level of trust in news media and the awareness on disinformation. The Eurobarometer investigated the perception of people, the confidence in identifying false content, the view on the problem and the believing on which institution should act to tackle “fake news”¹⁶⁴ (for more information see subsection 1.1).

3.1.6 The Commission communication on tackling Online disinformation: a European Approach

The Communication on “tackling Online disinformation: a European Approach” of the Commission is the fruit of the report of the High Level Group and the results of the Public Consultation and Eurobarometer on disinformation. This influence is evident, as the Commission uses the results of the Eurobarometer and Consultation in the Communication, while welcoming many of the suggestions of the Group.

This communication of 26 April 2018 was fundamental because it set the official position of the Commission on the issue of “fake news”. In the Communication, the Commission defined disinformation as a major problem in Europe.¹⁶⁵ Importantly, the Commission recognized that

¹⁶³ *Ibidem*.

¹⁶⁴ European Commission (2018), “Final results of the Eurobarometer on fake news and online disinformation”, 12 March 2018.

¹⁶⁵ European Commission (2018) “COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS- Tackling online disinformation: a European Approach”, COM (2018) 236 final, Brussels, 26 April 2018, p. 1.

while the protection of elections is a competence of the Member States, as disinformation is cross-border, «a European approach is necessary in order to ensure effective and coordinated action and to protect the EU, its citizens, its policies and its Institutions. »¹⁶⁶ Noticeably, the Commission recognized that with “fake news”, inaction is not an option. This is a fundamental step, which is quite far from the initial approach.

It outlines five clusters of actions to tackle disinformation¹⁶⁷:

- to improve transparency regarding the origin of information and the way it is produced, sponsored, disseminated and targeted in order to enable citizens to assess the content they access online and to reveal possible attempts to manipulate opinion.
- to promote diversity of information, in order to enable citizens to make informed decisions based on critical thinking, through support to high quality journalism, media literacy, and the rebalancing of the relation between information creators and distributors.
- to foster credibility of information by providing an indication of its trustworthiness, notably with the help of trusted flaggers, and by improving traceability of information and authentication of influential information providers.
- to fashion inclusive solutions. Effective long-term solutions require awareness-raising, more media literacy, broad stakeholder involvement and the cooperation of public authorities, online platforms, advertisers, trusted flaggers, journalists and media groups.

Significantly, the Commission called on the social platforms to step up their efforts in tackling disinformation and stressed the importance of self-regulation in doing so, «provided it is effectively implemented and monitored. »¹⁶⁸. The Commission also welcomed the proposition of the High Level Group of supporting media research through Horizon 2020.

¹⁶⁶ *Ivi*, p. 3.

¹⁶⁷ *Ivi*, p. 6.

¹⁶⁸ *Ibidem*.

3.1.7 Commission Recommendation on election cooperation networks

On 12 September 2018, the Commission published an important recommendation “on election cooperation networks, online transparency, protection against cybersecurity incidents and fighting disinformation campaigns in the context of elections to the European Parliament”.¹⁶⁹

After having reaffirmed the fundamental values of the European Union and the challenge of hybrid threats, cybersecurity and disinformation, the Commission called on the Member States on the creation of a national election network, «involving national authorities with competence for electoral matters and authorities in charge of monitoring and enforcing rules related to online activities relevant to the electoral context »¹⁷⁰. The national election network should facilitate the exchange of information on issues which could affect the European Parliament elections by identifying threats. The national network should also collaborate with national law enforcement authorities. In order to do that, there must be a single contact point.

Secondly, the Commission called on the Member States to encourage the transparency of paid online political advertisements, by disclosing the political party, political campaign or political group which is behind the ads¹⁷¹. States should also be transparent on the expenditure and the targeting criteria. This important principle would have been further strengthened in the Code of Practice. Moreover, noticeably, in the Recommendation, the Commission stated that: «where such transparency is not ensured, Member States should apply sanctions in the relevant electoral context. »¹⁷²

Thirdly, in the Recommendation, the Commission underlined that Member States should ensure appropriate sanctions for infringements of rules on the protection of personal data in the context of the elections to the European Parliaments¹⁷³.

¹⁶⁹ European Commission (2018), “COMMISSION RECOMMENDATION of 12.9.2018 on election cooperation networks, online transparency, protection against cybersecurity incidents and fighting disinformation campaigns in the context of elections to the European Parliament”, 12 September 2019, C(2018) 5949 final , available at: https://ec.europa.eu/commission/sites/beta-political/files/soteu2018-cybersecurity-elections-recommendation-5949_en.pdf.

¹⁷⁰ *Ivi*, p. 7.

¹⁷¹ *Ivi*, p. 8.

¹⁷² *Ibidem*.

¹⁷³ *Ivi*, p. 9.

This recommendation is written in view of the elections and, even if it does limit to disinformation, it considers different online threats and it recommends the Member States to take actions. A more focused approach on disinformation would have arrived with the Code of Practice.

3.1.8 The Code of Practice

The Code of Practice finally saw the light on 26 September 2018, it was the first time worldwide that the industry agreed, on a voluntary basis, to self-regulatory standards to fight disinformation.¹⁷⁴ The signatories of this code are Facebook, Google, Twitter, Mozilla and Microsoft who joined in May 2019.¹⁷⁵ The code of Practice includes in the annex ¹⁷⁶ some best practices that the signatories will implement to reach the objectives of the Code.

After a definition of disinformation based on the one given by the High Level Group and the reaffirmation of the existing legal framework, the signatories defined the scope of the Code: identifying possible actions to address disinformation¹⁷⁷. At this purpose, the commitments are divided in five clusters¹⁷⁸:

- 1) Scrutiny of ad placements: avoiding the advertising and monetization for website that usually spread disinformation;
- 2) Political advertising and issue-based advertising: more transparent disclosure of political advertising and “issue-based advertising” which should be clearly distinguishable from editorial content, including news, as well more clarity on actual sponsor identity and amounts spent;
- 3) Integrity of services: clearer policies regarding identity and the misuse of automated bots on the platforms services;
- 4) Empowering consumers: helping people to make informed decisions when they encounter false online news. More investments in technological means to prioritize authentic

¹⁷⁴European Commission (2018), “Code of Practice on Disinformation”, *European Commission website*, 26 September 2018, available at: <https://ec.europa.eu/digital-single-market/en/news/code-practice-disinformation>. (last accessed: 10 July 2019)

¹⁷⁵ *Ibidem*.

¹⁷⁶ European Commission (2018), “Annex: best practices”, 26 September 2018.

¹⁷⁷ European Commission (2018), “Code of Practice on Disinformation”, 26 September 2018.

¹⁷⁸ *Ivi*, pp. 5-9.

information, cooperation with civil society, governments, editorial institutions, and other stakeholders to support efforts aimed at improving critical thinking and digital media literacy;

- 5) Empowering the research community: supporting independent efforts to track disinformation and encourage research on disinformation and political ads, as well as undertaking joint research, or otherwise partnering with academics and civil society.

At this regard, the Commission is funding the project Social Observatory for Disinformation and Social Media Analysis (SOMA)¹⁷⁹, which provides a collaborative platform for independent European fact-checkers.

In addition, the signatories ensured the monitoring of progress with the commitment of writing an annual public report of their work to counter disinformation, reviewable by a third party¹⁸⁰. An assessment period of 12 months is also envisaged, during which the Signatories will meet regularly to analyse the progress.

The signatories submitted the first baseline report in January 2019 to show the implementation of their commitments under the Code.¹⁸¹ Between January and May 2019, the European Commission monitored the implementation of the commitments by Facebook, Google and Twitter, in particular in view of the integrity of the European Parliament elections¹⁸². The Commission asked the platforms to report on a monthly basis on their actions to respect the five clusters of commitments. After that the Commission published the reports for the five months together with its own assessment.¹⁸³

¹⁷⁹ More information available at: <https://www.disinfobservatory.org/>.

¹⁸⁰ *Ivi*, p. 9.

¹⁸¹ European Commission (2019), "First results of the EU Code of Practice against disinformation", *European Commission website*, available at: <https://ec.europa.eu/digital-single-market/en/news/first-results-eu-code-practice-against-disinformation>. (last accessed: 10 July 2019)

¹⁸² European Commission (2019), "Tackling online disinformation", *European Commission website*, available at: <https://ec.europa.eu/digital-single-market/en/tackling-online-disinformation>. (last accessed: 10 July 2019)

¹⁸³ European Commission (2018), "Code of Practice on Disinformation", *European Commission website*, 26 September 2018.

3.1.9 The Action Plan Against Disinformation

Following the Council conclusions of 28 June 2018 calling for an action plan by December 2018 with specific proposals for a coordinated EU response to disinformation¹⁸⁴, on 5 December, the Commission published its Action Plan Against Disinformation.¹⁸⁵ The action plan also answered to the Council conclusion of 18 October 2018 calling to «protect the Union’s democratic systems and combat disinformation, including in the context of the upcoming European elections»¹⁸⁶. The Action Plan came with a progress report of the April Communication on tackling disinformation.¹⁸⁷

In light of the European Parliament elections, the Communication strengthens the necessity to secure free and fair democratic processes taking into account the magnitude of vote.¹⁸⁸ After having reaffirmed the threat of disinformation, the Commission presented the four pillars which are the bases of the coordinated response to disinformation of Action Plan¹⁸⁹:

- PILLAR 1: Improving the capabilities of Union institutions to detect and expose disinformation: At this purpose the Commission foresees the reinforcement of the strategic communication teams of the European External Action service. In the short term, by increasing the budget more than double in 2019 (from 1.9 million to 5 million) and 11 new positions ahead of the European elections. In the medium term, additional positions both in the EU Hybrid Fusion Cell and delegations in the neighbourhood (50-55 new staff members over the next two years);

¹⁸⁴ European Council (2018), “European Council meeting (28 June 2018) – Conclusions”, Brussels 28 June 2018, EUCO 9/18, p. 6, available at: <https://www.consilium.europa.eu/media/35936/28-euco-final-conclusions-en.pdf>.

¹⁸⁵ European Commission (2018), “JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS- Action Plan against Disinformation”, 5 December 2018, Brussels, JOIN(2018) 36 final.

¹⁸⁶ European Council (2018), “European Council meeting (18 October 2018) – Conclusions”, Brussels 18 October 2018, p. 3, available at: <https://www.consilium.europa.eu/media/36775/18-euco-final-conclusions-en.pdf>.

¹⁸⁷ European Commission (2018), “REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - on the implementation of the Communication "Tackling online disinformation: a European Approach", Brussels, 5 December 2018, COM(2018) 794 final, available at: <https://ec.europa.eu/digital-single-market/en/news/report-implementation-communication-tackling-online-disinformation-european-approach>.

¹⁸⁸ European Commission (2018), “Action Plan Against Disinformation”, 5 December 2018, p. 2.

¹⁸⁹ *Ivi*, pp. 6-11.

- PILLAR 2: Strengthening coordinated and joint responses to disinformation: Thanks to the establishment by March 2019 of a Rapid Alert System for addressing disinformation campaigns in real-time through a dedicated technological tool. Each Member States should appoint a contact point who would share the alerts and coordinate with the other states, the Commission and The External Action Service. When disinformation is related to elections the contact point should work in cooperation with the national election networks, the European cooperation election network and the social platforms to provide relevant information. The Rapid Alert System should be available 24/7;
- PILLAR 3: Mobilising private sector to tackle disinformation: For doing that, the Commission called on the signatories of the Code of Practice Against Disinformation to implement their commitments in order to guarantee the integrity of the 2019 EU elections. In monitoring the Code, the Commission will be helped by the European Regulators Group for Audio-visual Media Services (ERGA) which includes all the relevant regulators in the field of audio-visual services of the Member States;
- PILLAR 4: Raising awareness and improving societal resilience: To improve societal resilience greater awareness is necessary. At this purpose, factcheckers and media literacy plays a fundamental role. The Commission will also support information awareness campaign on recent technological tool such as deepfakes.

The Actions Plan gives a practical and concrete insight on disinformation. It stresses the priority of these actions in view of the European Elections. It introduces the new concept of the Rapid Alert System and it recalls the commitments of the Code of Practice. In specific, the Rapid Alert System is highly valuable, it does have its potential as it enables to share data and give a coordinate response in Europe to disinformation campaigns. However, its focus is on Eastern Neighbourhood and less on the Member States, as the Rapid Alert System can be understood in the context of a joint enemy¹⁹⁰.

¹⁹⁰ European Parliament (2019), “Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States”, February 2019, p. 107.

3.2 The European Union institutions, directorates and units working on disinformation

The first part of the third chapter was fundamental to see the European Union's approach to disinformation, in particular what the European Union is doing to tackle this issue. In order to complete this analysis, it is significant to see how the European Union is fighting disinformation. To this purpose, different European institutions, directorates and units that are working on disinformation are going to be considered.

There are different units in the European institution working on disinformation, nonetheless, expect some of them which have a website, their work is not public and it not possible to find information on their work. Part of the information that are going to be presented have been collected during some interview with experts working within these units. The units chosen are also the main ones working on disinformation.

This subsection will focus on units at the European Parliament (European Science Media Hub and Spokesperson's Unit), at the European Commission Directorate Cooperate Communication and at the European External Action Service East Stratcom Task Force. It must be outlined that in view of the European Parliament elections the European Commission has set up a Network against disinformation to coordinate the work between the institutions.

3.2.1 European Parliament

3.2.1.1 European Science Media Hub

The European Science-Media Hub (ESMH) is a project of the European Parliament's Panel for the Future of Science and Technology (STOA) The ESMH administration is embedded in the

Parliament's Directorate-General for Parliamentary Research Services (EPRS)¹⁹¹. The project was launched in 2017 and it works under the political responsibility of the STOA.¹⁹²

As the focus of this thesis is on disinformation, the work of the ESMH will be presented in relation to disinformation, although the ESMH does not focus only on disinformation, but also on other topics linked to communication about science and new technologies.

In the words of Ms Eva Kaili, STOA Chair: «The European Science-Media Hub aims at empowering science journalism and promoting evidence-based information for citizens in a “post-truth” era flooded by fake news and intended misinformation. The creation of the Hub is a pan-European determined action against populist ideas which fuel anti-European fake news. The main target of the Hub is to be a point of reference for journalists who seek to disseminate accurate and unbiased scientific news to Europeans.»¹⁹³

The Hub has different objectives¹⁹⁴:

- Creating a network between scientists and the media through seminars, workshops and conferences;
- Encouraging learning from each other and improving the ability to identify trustworthy sources;
- Sharing knowledge and following media trends by making information available to journalists and citizens, as well as focusing on popular topics in the field of science and technology.

In the era of alternative facts and “fake news”, the ESMH aims to become an authoritative and credible partner for¹⁹⁵: (i) citizens, providing them with credible information; (ii) journalists, as trustworthy source of evidence-based knowledge; (iii) scientists, as a platform for promoting their research results; and (iv) policy-makers, promoting evidence-based policy.

¹⁹¹ STOA, “European Science-Media Hub”, *STOA website*, available at: <https://www.europarl.europa.eu/stoa/en/media-hub>. (last accessed: 10 July 2019)

¹⁹² European Science Media-Hub, “About ESHM”, *European Science Media-Hub website*, available at: <https://sciencemediahub.eu/about-us/>. (last accessed: 10 July 2019)

¹⁹³ *Ibidem*.

¹⁹⁴ *Ibidem*.

¹⁹⁵ STOA, “European Science-Media Hub”, *STOA website*.

Concretely, in order to fight disinformation in the digital era, the ESMH provides:

- Training for journalists, organising workshops and other events. Such as the workshop ‘Tackling dis/misinformation in science’, which took place between the 6th and the 8th of February 2019 in Brussels and brought together scientists and journalists.¹⁹⁶ Another example is the Summer School ‘AI and journalism’¹⁹⁷, which took place from the 4th to the 7th of June 2019 in Strasbourg and involved young journalists and artificial intelligence (AI) experts to reflect on how AI can influence journalism.
- Publication of studies and articles. For example, the two studies on disinformation and artificial intelligence: ‘Automated tackling of disinformation’¹⁹⁸ by Alexandre Alaphilippe, from DesinfoLab, and Kalina Bontcheva, from the University of Sheffield, and ‘Regulating Disinformation with Artificial Intelligence’¹⁹⁹, conducted by Dr Trisha Meyer, from the Vrije Universiteit in Brussels, and Professor Chris Marsden, from the University of Sussex.
- Following the most popular topics in the field of science and technology on different platforms: magazines, newspapers and social media, using tools such Truly Media.²⁰⁰ Truly Media includes advanced digital tools for verifying news (text, images or videos) in real time. This tool is used, for example, by Amnesty International in order to debunk “fake news”.²⁰¹
- Monitoring of scientific publications in order to identify and follow the most popular topics on science and technology, and production of a press review twice a month with the overall

¹⁹⁶ European Science- Media Hub (2019), “ESMH workshop : Tackling dis/misinformation in Science, Feb. 6-8, 2019”, *European Science- Media Hub website*, 21 February 2019, available at: <https://sciencemediahub.eu/2019/02/21/esmh-workshop-tackling-disinformation-and-misinformation-in-science/>. (last accessed: 10 July 2019)

¹⁹⁷ European Science- Media Hub (2019b), “AI, machine learning & automation: what future for journalism?”, *European Science- Media Hub website*, 21 June 2019, available at: <https://sciencemediahub.eu/2019/06/21/ai-machine-learning-automation-what-future-for-journalism/>. (last accessed: 10 July 2019)

¹⁹⁸ European Parliament (2019), “Automated tackling of disinformation”, 15 March 2019.

¹⁹⁹ European Parliament (2019), “Regulating disinformation with artificial intelligence”, 15 March 2019.

²⁰⁰ Truly Media (2019), “European Science-Media Hub will use Truly Media to monitor scientific publications”, *Truly Media Website*, 8 April 2019, available at: <https://www.truly.media/european-science-media-hub-will-use-truly-media-to-monitor-scientific-publications/>. (last accessed: 10 July 2019)

²⁰¹ Amnesty International (2017), “Amnesty International and Truly.Media join forces in fight against ‘fake news’”, *Amnesty international website*, 23 November 2017, available at: <https://www.amnesty.org/en/latest/news/2017/11/amnesty-international-and-trulymedia-join-forces-in-fight-against-fake-news/>. (last accessed: 10 July 2019)

objective of favouring quality-based reporting on scientific topics that attract media attention. The news is chosen by the ESMH team using media intelligence tools²⁰². Scientific topics are divided into five main areas, four thematic areas (transport & energy, information society, agriculture & environment, food & health), and one overarching theme (science policy & communication).

The work of the ESMH, even if it is still in the beginning, has great potential and it is important to have initiatives like this. The fact that the website is public is a plus, because it gives citizens the opportunity to access trustworthy information.

3.1.1.2 Spokesperson's Unit

The Spokesperson's Unit is within the Directorate-General for Communication of the European Parliament. The Spokesperson head of unit is Ms Marjory Van Den Broeke, who is also Deputy European Parliament Spokesperson.²⁰³

The Spokesperson's Unit answers questions from media not directly related to the European Parliament legislative work and responds to disinformation about the Parliament, as well as providing Members and officials with factual information for response.²⁰⁴ Therefore, the Spokesperson's Unit undertakes two main activities:

- Spokesperson's related task;
- Disinformation related work.

As the thesis focus is on disinformation, the work of unit will be explored in relation to this issue. Firstly, the Spokesperson's Unit tries to find disinformation attempts against the European Parliament and the European Union in general. In order to debunk disinformation, they work with the Media Intelligence Unit within the Directorate-General for Communication of the Parliament. This unit checks mainly social media and it informs the Spokesperson's Unit. In order to send

²⁰² European Science-Media Hub, "Press review", *European Science- Media Hub website*, available at: <https://sciencemediahub.eu/press-review/>. (last accessed: 10 July 2019)

²⁰³ European Parliament, "Spokesperson's service", *European Parliament website*, available at: <http://www.europarl.europa.eu/news/en/press-room/contacts/0/spokesperson-s-service>. (last accessed: 10 July 2019)

²⁰⁴ *Ibidem*.

alerts, the Media Intelligence Unit uses different technological tools, such as the Europa Media Monitor (EMM) and Talkwalker. The EMM has been developed by the Joint Research Centre of the European Commission and it is a fully automatic system that analyses both traditional and social media; «it aggregates about 300,000 news articles per day from news portals world-wide in up to 70 languages»²⁰⁵. It is used to determine what is being reported in the news, the location and people involved.²⁰⁶ Talkwalker is a platform for the analysis and the monitoring of social media worldwide in 187 languages.²⁰⁷ These two tools allow to add feeds, to search for specific words, and monitor website that usually spread misleading information. After the Media Intelligence Unit has found possible false information, the Spokesperson's Unit will verify and will evaluate if an action is necessary.

Secondly, the Spokesperson's Unit tries to inoculate people with genuine and trustfully information. For instance, they can decide to share counterevidence about a European myth through a video explaining a particular issue. In the words of Ms Van Broeke: «in cases of blatantly inaccurate news items we contact the interested journalist and we try to explain; we try to rectify the news, sometimes with a tweet; we also try to show in an engaging manner, with a project we're working on, that EU regulations are neither stupid nor useless, that the EU is not expensive and so on.»²⁰⁸

Thirdly, the Spokesperson's Unit gives people the tools to understand through media literacy. This can involve, MEPs, schools and universities but also pool of people who want to know how to spot disinformation. As Ms Van Broeke underlined: «we explain that if they read something on Facebook, they need to analyse that information carefully before circulating it and making a case out of it. There are a set of practical actions that can be taken to check if what we are reading is true or fabricated news».²⁰⁹

²⁰⁵ European Commission, "Europe Media Monitor – NewsBrief", *European Commission website*, available at: <https://ec.europa.eu/jrc/en/scientific-tool/europe-media-monitor-newsbrief>. (last accessed: 10 July 2019)

²⁰⁶ European Commission, "Europe Media Monitor", *European Commission website*, available at: https://ec.europa.eu/knowledge4policy/europe-media-monitor_en. (last accessed: 10 July 2019)

²⁰⁷ Talkwalker "Impacts start here", *Talkwalker website*, available at: <https://www.talkwalker.com/>. (last accessed: 10 July 2019)

²⁰⁸ Numico S., "Ahead of the vote: the European Parliament has launched a "war" against fake news. The words of the head of unit Marjory Van Den Broeke", *Sir Agenzia dell'Informazione*, 19 February 2019, available at: <https://www.agensir.it/europa/2019/02/19/ahead-of-the-vote-the-european-parliament-has-launched-a-war-against-fake-news-the-words-of-the-head-of-unit-marjory-van-den-broeke/>. (last accessed: 10 July 2019)

²⁰⁹ *Ibidem*.

Finally, the Spokesperson's Unit works in cooperation with the Commission and the External Action Service. The work of Spokesperson's Unit related to disinformation is very concrete, and it is fundamental in order to tackle the issue.

3.2.2 The European Commission: Directorate Strategy and Cooperate Communication

In the European Commission there are different people working on disinformation. Indeed, the Commission is behind most of the policy initiatives on disinformation, as it has been previously seen. The author will focus on Directorate B — Strategy and Corporate Communication within Directorate for Communication.

Directorate Cooperate Communication is in charge of different issues such as raising awareness on the EU and addressing myths and misinformation about European Commission and EU. More in specific, corporate communication also contributes to the fight against disinformation with myth-busting activities. This because the European Union is target of myths and to react the Directorate Cooperate Communication can produce videos or information. «The aim here is to better empower the Commission to respond to people's concerns in a clear, up-to-date and factual manner»²¹⁰. At this regard, they work in cooperation with the social media team in the Representations of the European Commission. To illustrate, the Representation in the United Kingdom has developed a website where there are different Euro myths from A to Z, such as “EU to ban powerful vacuum cleaner” or “EU is forcing cows to wear nappies”, etc.²¹¹

In addition, Directorate Cooperate Communication is responding to false information shared by people in social network via the official profile of the Commission. They do not reply to all false information, but to the most relevant ones. In doing so they always engage with positive narrative, for instance by saying “Actually the European Union ...”. In most of the cases, they reply with fact that European experts have already said, such comments of the Commissioners.

²¹⁰European Commission (2018), “COMMUNICATION TO THE COMMISSION FROM PRESIDENT JUNCKER AND COMMISSIONER OETTINGER Corporate communication action in 2019-2020 under the Multiannual Financial Framework 2014-2020”, Brussels, 4 July 2018, p. 3, available at: <https://ec.europa.eu/transparency/regdoc/rep/3/2018/EN/C-2018-4063-F1-EN-MAIN-PART-1.PDF>.

²¹¹ European Commission in the UK “Euromyths A-Z index”, *European Commission in the UK website*, available at: <https://blogs.ec.europa.eu/ECintheUK/euromyths-a-z-index/>. (last accessed: 10 July 2019)

Finally, the team has access to the Rapid Alert System, and they can check the trends about disinformation.

3.2.3 European External Action Service East Stratcom Task Force

The East Stratcom Task Force, within the European External Action Service (EEAS), has been created following the European Council Conclusion 2015 of addressing Russia's disinformation (see subsection 3.1.1)

«The Task Force develops communication products and campaigns focused on better explaining EU policies in the Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) »²¹². The East Stratcom Task Force tries to strengthen the media environment in this area. The unit reports and exposes Russian disinformation narratives and it gives counter evidence information. The East Stratcom Task Force does media monitoring, disinformation analysis and data analysis; it focuses on the message and not in the people sharing or creating it. ²¹³.

In 2018, The East Stratcom Task Force had a budget composed by the existing budget for EU Strategic communication and additional €1.1 million; in 2019, the budget increases to €3 million.²¹⁴ As, it has been seen, pillar 1 of the Action Plan foresees an increasement to the budget to 5 million.

The East Stratcom Task Force most important products are the Disinformation Review and the “Eu vs Disinfo” website. The review is the result of the weekly analysis of disinformation and of the latest news from Russia. «If the message is a) false, which is determined by the facts and b) originating and/or in line with usual pro-Kremlin disinformation messaging, it is included in the review. »²¹⁵ Eu vs Disinfo website « is part of a campaign to better forecast, address and respond

²¹² European External Action Service (2018), “Questions and Answers about the East StratCom Task Force”, 5 December 2018, *European External Action Service website*, available at: https://eeas.europa.eu/headquarters/headquarters-homepage/2116/-questions-and-answers-about-the-east-stratcom-task-force_en. (last accessed: 10 July 2019)

²¹³ *Ibidem*.

²¹⁴ *Ibidem*.

²¹⁵ EU vs Disinfo, “Disinformation Review”, *EU vs Disinfo website*, available at : <https://euvsdisinfo.eu/disinfo-review/>. (last accessed: 10 July 2019)

to pro-Kremlin disinformation.»²¹⁶ In this website there is a record of the team’s work in general, and it is divided into “news and analysis”, “Europe elections”, “disinfo review”, “disinfo cases” and “reading list”.

In four years of activities the unit has found more than 5,000 cases of disinformation messages in 18 different language.²¹⁷ It must be outlined that the team has increased its work in light of the European elections. While the work of the team is fundamental, it does not focus on disinformation coming from the member state.

3.3 Concluding remarks on the EU’s approach to disinformation and future perspectives

Having explored the European Union’s approach was fundamental to draw a picture of the actions taken by the EU. Before starting with the case of the election, it important to do some final remarks on the European Union’s approach.

The first part of this chapter about the different policies has shown how, chronologically, the approach of the European Union has developed, from more “shy” initiatives to the Code of Practice and the Action Plan. This because the European Union initially did not want to take the role of Ministry of the Truth and it had left more space to the social platforms to self-regulate, nevertheless this trend is changing.

In the April Communication on tackling Online disinformation, the Commission stressed the importance of self-regulation, «provided it is effectively implemented and monitored. »²¹⁸. The approach to regulation of the European Union cannot be seen as pure self-regulation (described in subsection 2.1.2), it is something more. Some researchers have defined this approach as “induced self-regulation”²¹⁹ or “audited self-regulation”²²⁰, the first of its kind. It must be outlined that this is not co-regulation yet, but it is the beginning, this approach does not leave all in the hands of the social platforms but there is a role of monitoring by the Commission.

²¹⁶ EU vs Disinfo, “About”, *EU vs Disinfo website*, available at: <https://euvsdisinfo.eu/about/>. (last accessed: 10 July 2019)

²¹⁷ EU vs Disinfo, “Disinformation Review”, *EU vs Disinfo website*.

²¹⁸ *Ibidem*.

²¹⁹ European Parliament (2019), “Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States”, February 2019, p. 105.

²²⁰ European Parliament (2019), “Regulating disinformation with artificial intelligence”, 15 March 2019, p. 51.

The Code represents the first time the industry agreed to self-regulate standards in the fight against disinformation. Nonetheless, if this self-regulative approach it is not enough, the Commission has already shown a willing to do more. Indeed, Commissioner for Digital Economy and Society Ms Gabriel, presenting the Code for the first time, stated that «should the results prove unsatisfactory, the Commission may propose further actions, including of a regulatory nature. »²²¹ In view of this thesis, the statement is fundamental because it shows the willing of solving the problem of “fake news” even by intervening. This attitude has been confirmed 4 months after, when Mr Ansip, Commissioner for Justice, Consumers and Gender Equality Ms Věra Jourová, Commissioner for the Security Union Mr Julian King, and Ms Gabriel released a joint statement: «we need to see more progress on the commitments made by online platforms to fight disinformation. Platforms have not provided enough details showing that new policies and tools are being deployed in a timely manner and with sufficient resources across all EU Member States. The reports provide too little information on the actual results of the measures already taken»²²².

Furthermore, from the very beginning of the initiatives, the European Union has demonstrated a strong focus on disinformation coming from Russia. The author acknowledges the challenge of Russian disinformation campaign, which is a reality. This has been proved by the existence of Russia’s Internet Research Agency, the US elections and Brexit referendum. However, disinformation does not come only from Russia, part of it comes from the Member States. Therefore, in the author’s opinion, disinformation coming inside the European Union needs also a great attention, as it can attack our European values from the inside. In the words of Ms Julia Rone, researcher at Cambridge's Department of Politics and International Studies: «By focusing on [Russian disinformation], the European Commission is shifting the focus from the more pressing underlying political issues and that's dangerous. There's a lot of mobilisation from the far-right all across Europe and it cannot be attributed simply to foreign agents. »²²³

²²¹ European Commission (2018), “Statement by Commissioner Gabriel on the Code of Practice on Online Disinformation”, *European Commission website*, 26 September 2018, available at: http://europa.eu/rapid/press-release_STATEMENT-18-5914_en.htm. (last accessed: 10 July 2019).

²²² European Commission (2019), “Statement on the Code of Practice against disinformation: Commission asks online platforms to provide more details on progress made”, *European Commission website*, 28 February 2018, available at: http://europa.eu/rapid/press-release_STATEMENT-19-1379_en.htm. (last accessed: 10 July 2019)

²²³ Silva M (2019), “Is Russia trying to sway the European elections?”, *BBC News*, 20 May 2019, available at: <https://www.bbc.com/news/blogs-trending-48296557>. (last accessed: 10 July 2019)

An additional issue is when disinformation about the European Union (or in general) comes from politicians, including MEPs. While recognizing that in democracies politicians should be able to say what they think, they should be also aware of their responsibilities. In the words of Ms Jennifer Baker, tech journalist from “BrusselsGeek”: «part of the success of the fake news comes from the fact that real politicians are saying things that are so outlandish and outrageous that you believe them and that the fake sometimes is not even so outlandish as actual politicians would say. Then, some of the responsibility lies there. Maybe if our politicians act in a more sober way, we would not be fooled by so called deepfakes »²²⁴. If MEPs spread false information, the European Institutions cannot say that MEPs are spreading “fake news”. There is no regulative solution to this, but education plays an important role to make people capable to weigh what politicians say. Another important thing is having an opposition: other politicians that denounce false information. As it has been done by a Labour MEP who was holding a sign saying «he’s lying to you» while Mr Nigel Farage was speaking in the hemicycle.²²⁵

Moreover, from the analysis of the institutions, directorates and units, two remarks should be done. Firstly, there is a great amount of people in the European Union working against disinformation. Apart the ones seen, there are more teams working on disinformation.²²⁶ It seems that beside the amount of people there is a lack of coordination between these units, as it has been confirmed by officers that the author met. Secondly, apart from the EEAS Stratcom Task Force which focus is on Russian disinformation, the other teams do not work only on disinformation. In fact, disinformation is only a small part of their work. For the future, it would be interesting to have at least one unit working only in disinformation in general (without focusing on Russia) and this unit could coordinate the other. At this regard, former European Commission President, Mr Jean-Claude Juncker has affirmed that his successor should set up an anti-fake news department «to tackle lies, we have been to hesitant about this»²²⁷. This sentence demonstrates that maybe there

²²⁴Euronews (2019), “EU says social media giants falling short on disinformation strategy”, YouTube, 28 February 2019, available at: <https://www.youtube.com/watch?v=dNGfd9wZy3k>. (last accessed: 10 July 2019)

²²⁵ Dance S. (2017), “‘He’s lying to you’: why I held that sign up behind Nigel Farage”, *The Guardian*, 2 February 2017, available at: <https://www.theguardian.com/commentisfree/2017/feb/02/lying-sign-nigel-farage-european-parliament-mep>. (last accessed: 10 July 2019)

²²⁶ To illustrate the Directorate-General for Communications Networks, Content and Technology (DG Connect) which has not been covered because no relevant information on the work against disinformation has been found.

²²⁷ Waterfield B. (2019), “Jean-Claude Juncker complains he doesn’t have a stately home or jet”, Brussels, 3 June 2019, *The Sunday Times*, available at: <https://www.thetimes.co.uk/article/i-dont-have-stately-home-or-jet-complains-jean-claude-juncker-hd027bvnn>. (last accessed: 10 July 2019)

would be further developments to reach more coordination in the work against disinformation of the European Union.

In conclusion, the recent developments have shown a change in the attitude of the European Union in tackling disinformation. The approach should continue to develop in this direction.

4.Fourth Chapter: Case study: disinformation during the European Parliament elections of May 2019

4.1 Context

Between 23 and 26 of May 2019, more than 512 million European citizens from 28 member states went to the polls to vote the next European Parliament: the EU elections are the world's second largest elections, after India.²²⁸ 751 parliamentarians have been elected to represent European citizens.²²⁹

There are at least three reasons why the protection of the European Parliament elections from disinformation was one of the main stakes of the European Union²³⁰. Firstly, the magnitude of the vote, with 28 countries participating simultaneously²³¹ and the possibilities of disseminating disinformation in different languages. Secondly, people that could have voted were more than 512 million, therefore the European Parliament elections represented an interesting target for disinformation campaigns. Thirdly, the fact that many European citizens do not know much about the European Union and they feel this organization far from them, increased the possibility of manipulation and falling into false information²³². Finally, «the extent to which social media giants would step up their engagement in the fight against the harmful practice, after showing some signs of good will in recent polls such as the midterm in the US.»²³³ It must be borne in mind that the elections took place in a difficult period for the European integration, with the rise of populism, Eurosceptic groups and the exasperated tentative of finding a Brexit deal.

As it has been seen, the European Union has implemented different initiatives to tackle disinformation on social media in view of the elections, in particular the Code of Practice and the

²²⁸ Johnstone L. (2019), “28 things you might not know about the European elections”, *Euronews*, 20 May 2019.

²²⁹ European Parliament (2019) “2019 European elections results”, *European Parliament website*, 2 July 2019, available at: <https://election-results.eu/>. (last accessed: 10 July 2019)

²³⁰ Nounke C. (2019), “Fake news: Social media giants did not do enough”, *Euroreflections*, p. 79.

²³¹ Gonzalez J. (2018), “EU Commission warns of 'fake news,' meddling in 2019 European elections”, 1 August 2018, *DW*, available at: <https://www.dw.com/en/eu-commission-warns-of-fake-news-meddling-in-2019-european-elections/a-44903487>. (last accessed: 10 July 2019)

²³² Bendiek A. and Schulze M. (2019), “Disinformation and Elections to the European Parliament”, SWP Comment, 16 March 2019, p. 2, available at: https://www.swp-berlin.org/fileadmin/contents/products/aktuell/2019C16_bdk_she.pdf.

²³³ Nounke C. (2019), “Fake news: Social media giants did not do enough”, *Euroreflections*, p. 79.

Action Plan against Disinformation. In the words of Ms Gabriel «The Code of Practice should contribute to a transparent, fair and trustworthy online campaign ahead of the European elections in spring 2019, while fully respecting Europe's fundamental principles of freedom of expression, a free press and pluralism»²³⁴.

As we have seen, the European Union was not the only one to take measures. In fact, Facebook, Google, Twitter, Mozilla and Microsoft are all signatories of the Code of Practice and they implemented a series of good practices to fight disinformation (see subsection 3.1.8). Following the pression of the European Union, Facebook, Twitter and Google also set up specialist teams to search for evidence of disinformation²³⁵. Although the focus of this thesis is not on the social media providers, one initiative of Facebook needs a brief mention: so-called “EU war room” in Dublin. It was a team of 40 people working in operations centre to counter digital efforts to undermine the European Parliament elections.²³⁶ The team had coders, engineers and specialists in all of the EU’s 24 official languages and it was split along national boundaries; The monitoring was not limited to disinformation but also to illegal content, including hate speech.²³⁷

As the focus of this thesis is on the European Union, the question of this chapter is if the different measures taken by the European Union have been enough to prevent disinformation during the European Parliament elections. Did we assist to disinformation campaigns? If yes, how? This last chapter will try to answer to these questions, and it will include the evaluation of the European Union itself.

²³⁴ European Commission (2018), “Statement by Commissioner Gabriel on the Code of Practice on Online Disinformation”, *European Commission website*.

²³⁵ Murgia M. and Khan M. (2019), “Disinformation war shifts ground ahead of EU elections”, *The Financial Times*, 20 May 2019, available at: <https://www.ft.com/content/e4b4a814-77dd-11e9-bbad-7c18c0ea0201>. (last accessed: 10 July 2019)

²³⁶ Scott M. (2019), “Inside Facebook’s European election war room”, *Politico*, 5 May 2019, available at: <https://www.politico.eu/article/facebook-european-election-war-room-dublin-political-advertising-misinformation-mark-zuckerberg/>. (last accessed: 10 July 2019)

²³⁷ *Ibidem*.

4.2 Disinformation analysis during the European Parliament elections

4.2.1 Far right disinformation in Germany, United Kingdom, France, Italy, Poland and Spain on Facebook

Ahead of the EU elections, Avaaz conducted a Europe-wide investigation on disinformation on Facebook.²³⁸ The period of the investigation was three months and it concerned six European countries in specific: Germany, United Kingdom, France, Italy, Poland and Spain. The investigation of Avaaz was the first of its kind and it was published on 22 May, just one day before the first countries voted.

Avaaz reported almost 700 suspect pages and groups to Facebook, which were followed by over 35 million people and generated over 76 million “interactions” (comments, likes, shares) over three months²³⁹. Facebook has taken down 132 of the pages and groups reported, together the pages taken down reached 762 million estimated views²⁴⁰. Interestingly, the pages removed had more than the double of followers compared to the main European far rights parties combined.²⁴¹

Furthermore, if we consider now each country, the key findings are the following²⁴²:

- In Germany, partisans of the far right AfD party were using fake accounts and pages to spread disinformation. AfD politicians seem to be involved in running multiple accounts to amplify the message. Avaaz also found swastikas and posts supporting Holocaust-deniers which is Germany amount to illegal content;
- In the United Kingdom, Avaaz identified 46 pages and groups potentially in breach of Facebook polices, as well as a set of pages and groups that support individuals already banned by Facebook for sharing hateful content. 3 pages (Political UK, UK Unity News,

²³⁸ Avaaz (2019), “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”, 22 May 2019, available at: https://secure.avaaz.org/campaign/en/disinfo_network_report/. (last accessed: 10 July 2019)

²³⁹ *Ibidem*.

²⁴⁰ *Ibidem*.

²⁴¹ Avaaz (2019), “REPORT: FAR RIGHT NETWORKS OF DECEPTION”, Avaaz website, available at: https://secure.avaaz.org/campaign/en/disinfo_network_report/.

²⁴² *Ivi*, pp 6-7.

Network and The Daily Brexit) have shown a spam behaviour. These pages had 1.17 million followers, sometimes they were more shared than BBC and The Guardian²⁴³;

- In France, 44 pages and groups were identified: one network spreading disinformation, and other posting racist and white nationalist content, against migrants. The main white nationalist page was been removed by Facebook and three have been demoted for repeatedly spreading disinformation;
- In Italy, Avaaz discovered 14 networks, supporting the League and 5 Star movement, which spread disinformation, as well anti-migrants narrative. These pages had more followers than the official pages of the League (506K followers) and 5 Star (1.4 million followers) combined. Two of the most active pages were: “We want the 5 Star in Government” and “Lega Salvini Premier Santa Teresa di riva,” whose most shared video was the one showing migrants smashing a police car ²⁴⁴. The video, which has almost 10 million views, is actually a scene from a movie and it has been debunked several times over the years but is still widely shared;
- In Poland, Avaaz identified three networks (Supernetwork, Publiszer, and Inna Polityka) sharing a range of false information, as well as anti-immigration and anti-EU topics. One particular false story was shared by 26 pages about a migrant taxi driver who raped women across Europe, the post included a photo taken from the movie “I am the murderer.”²⁴⁵ Another story was about Mr Donald Tusk, president of the European Council and former Prime Minister of Poland, saying that he was part of Ministry for State Security (STASI)²⁴⁶ and a former communist agent²⁴⁷;
- In Spain, Avaaz identified three far-right networks (Unidad Nacional Española, Todos Contra Podemos, Lucha por España) which were spreading disinformation and hateful content. These pages had a reach of 1.7 million followers. Most of the pages were supporting the far-right Vox party. Some of the most shared false stories were about²⁴⁸: a child cancer centre closed and substituted with “Catalan embassies” by Catalan separatists; some false statistics about foreigners committing the majority of rapes; Podemos’ leader

²⁴³ *Ivi*, p. 24.

²⁴⁴ *Ivi*, p. 32.

²⁴⁵ *Ivi*, p. 38.

²⁴⁶ The STASI was the state security service of the East Germany.

²⁴⁷ Avaaz (2019), “REPORT: FAR RIGHT NETWORKS OF DECEPTION”, Avaaz website, p. 39.

²⁴⁸ *Ivi*, pp. 40-42.

Mr Pablo Iglesias doing the Nazi salute; and the demand of free education for Moroccan students in Spain by the Moroccan government, in exchange for acting on illegal immigration.

In addition, the report outlined the main tactics deployed by the far-right networks to share disinformation, many of them are against social media policies²⁴⁹:

- The use of duplicate or fake accounts;
- An abnormal coordination and sharing of alternative outlets;
- The recycling of followers: pages that initially were about apolitical thematic, such as music, sport etc turned into far-right or disinformation pages, sharing content which is completely different from what people liked for.
- The bait and switch. Similarly, from the previous one, it is when the pages have a different name from what they actually post. To exemplify, the name is about life- style and they share fair right posts.

In conclusion, Avaaz focused on disinformation spread by far right and anti-European groups in Facebook. Noticeably, in its investigation Avaaz does not focus on Russia disinformation.

4.2.2 False news during the elections in seven languages on Twitter and Facebook

Another approach from the one of Avaaz is the one from the study of the Oxford Internet Institute which has the purpose to study «the quality and quantity of political news and information that social media users were sharing across seven European languages in the lead-up to the 2019 European parliamentary elections»²⁵⁰. The study investigates the level of false information and the narrative on Facebook and Twitter in English, French, German, Italian, Polish, Spanish, and Swedish.

With regard to Twitter, they collected 584,062 tweets related to the European Parliament elections from 187,743 unique users between 5 April and 20 April, analysing the five most popular sources

²⁴⁹ Ivi, p. 12.

²⁵⁰ Marchal N. and others (2019), “Junk News During the EU Parliamentary Elections: Lessons from a Seven-Language Study of Twitter and Facebook”, 21 May 2019, Oxford Internet Institute, p. 1, available at: <https://comprop.oii.ox.ac.uk/research/eu-elections-memo/>.

of “junk news” in each language.²⁵¹ Concerning Facebook, the period of monitoring was between 5 April and 5 May.²⁵²

Firstly, the main findings related to Twitter are the following²⁵³:

- A low proportion of “junk news” and almost no content from known Russian websites, except few links to rt.com and sputniknews.com, which represented less than 1% of traffic in the Swedish, French, and German language. Interestingly, identified sources of “junk news” consisted mostly of homegrown, alternative, or hyper-partisan media outlets. Information produced by civil society were high in German and English languages (16% and 21% of traffic respectively);
- The information coming from political party and candidates was low, in particular for Italian (14%), Polish (7%), and Swedish (6%) tweets. Professional news dominated on Twitter, particularly in Swedish (55%);
- In Polish and Swedish languages there was the lowest traffic (including “junk news” and professional ones). Compared to the other languages, 21 % of “junk news” were found in Polish, the largest volume, Italian was the second one with 8.7 %; On the other hand, Spanish (1.6%) and English (1.4%) had the lowest volume of “junk news”. Interestingly, out of 30% traffic in Polish, two-thirds came from the official Facebook page Law and Justice Party (populist and far right party in power in Poland).

Secondly, the main findings related to Facebook²⁵⁴:

- “Junk news” sites published less than the professional ones did, despite that, “junk news” had highest interactions per story. Accordingly, in English, French, German, Spanish, and Swedish, individual stories from popular “junk news” website received between 1.2 to 4 times more interactions than professional website ones. In Italian and Polish there were more interactions with professional websites;

²⁵¹ *Ivi*, p. 2.

²⁵² *Ibidem*.

²⁵³ *Ibidem*.

²⁵⁴ *Ivi*, p. 4.

- In German, professional websites had the lowest interactions with 315, while 1,973 interactions for “junk news” stories. The highest number of “junk stories” is for English with 3,199 interactions (761 for professional ones);
- In contrast, professional and mainstream outlets have more followers and it seems their news are seen, liked and shared by more users overall. Stories from The Guardian were shared over 3.4 million times between early April and early May, sixteen times more than from all the “junk news” website.

Thirdly, concerning the narrative, in general, out of 20 stories, nine had explicit mention to “Muslims”, “migrants”, “immigration”, or “refugees”; and in seven stories the mention “Muslims” was linked to terrorism or violence crime.²⁵⁵ Several stories also mentioned the Notre Dame fire and false information like the fact that the fire was spread by Islamists or that the new project included a minaret.²⁵⁶ Interestingly, only 4 stories featured Euroscepticism or direct mention of European Union leaders and parties; some stories also included derision about politicians, for instance allegations that Putin would have financially helped to build Notre Dame or about Mr Macron financing ISIS in Syrian camps²⁵⁷.

Finally, the concluding remarks of the study are the following²⁵⁸: 1) less than 4% of the sources circulating on Twitter were “junk news”, with users sharing higher proportions of professional news; 2) on Facebook, “junk news” received more interaction per story, but overall are seen, shared, and liked by far less people.

The study of the Oxford Internet Institute has some differences from the Avaaz one. Firstly, the focus is also on Twitter while Avaaz focus is on Facebook. Secondly, it does not focus on the states but rather on the languages. Thirdly, in general the finding of false information is lower than the Avaaz findings. In specific, concerning Twitter only 1% of “junk news” came from Russian websites. This shows a low interference. Nahema Marchal, co-author of the Oxford study affirmed: «Almost none of the junk we found circulating online came from known Russian sources. Instead,

²⁵⁵ *Ivi*, p. 5.

²⁵⁶ *Ibidem*.

²⁵⁷ *Ibidem*.

²⁵⁸ *Ivi*, p. 6.

it is homegrown, hyper-partisan and alternative media that dominate»²⁵⁹. Regarding Facebook, in general there are higher interactions with “junk news” stories than for professional ones. As we have seen in the first chapter, “fake news” often uses emotive languages and techniques to catch the attention of the people, therefore this result is not so peculiar.

Interestingly, much of the disinformation is related to national issues rather than European ones. In the author’s opinion this can be explained as national issues during the European Parliament elections have more space than actual European ones.

4.2.3 Disinformation from political party in Czech Republic, Hungary, Slovakia and Poland

Another kind of approach comes from the study of Memo 98 which is a Slovakian election monitoring NGO.²⁶⁰ The study of Memo 98 focuses on political parties in four countries: Czech Republic, Hungary, Poland and Slovakia on Facebook²⁶¹. Therefore, here again the focus is on Facebook and on political parties: to some extent it is similar to Avaaz report, nevertheless Avaaz focus on far-right disinformation rather than political party in general. It must be outlined that even if the focus of the report is not on disinformation through the analysis of the party behaviour it is possible to assess if the information that the parties shared were false. At the launch of the study at the Press Club of Brussels, Mr Rastio Kuzel, author of the report, underlined that their focus was on the content and less on fake or duplicate accounts.²⁶²

The analysis has been done between 1 April to 15 May 2019 and it has monitored 6,046 post by 48 public Facebook accounts of parties running in the European Parliament elections in 4 countries.²⁶³ The purpose of the monitoring was to evaluate the role of Facebook during the

²⁵⁹ Cellan-Jones (2019), “European elections 2019: Facebook and Twitter under the spotlight”, *BBC News*, 21 May 2019, available at: <https://www.bbc.com/news/business-48345260>. (last accessed: 10 July 2019)

²⁶⁰ Memo98, “MEMO 98”, Memo 98 website, available at: <http://memo98.sk/p/o-nas>. (last accessed: 10 July 2019)

²⁶¹ Memo 98 (2019), “Monitoring of posts by political parties on Facebook -European Parliament Elections 2019”, 9 June 2019, Bratislava, p. 5, available at: http://memo98.sk/uploads/content_galleries/source/memo/ep-elections-2019/fb-monitoring-ep-elections-shorter-version.pdf.

²⁶² Brussels Press Club TV (2019), “Election- Watch.EU Press Conference”, *YouTube*, 28 May 2019, available at: <https://www.youtube.com/watch?v=roiF6IEtj3w>. (last accessed: 10 July 2019)

²⁶³ Memo 98 (2019), “Monitoring of posts by political parties on Facebook -European Parliament Elections 2019”, 9 June 2019, Bratislava, p. 5.

elections and its potential impact on the news shared, as well as the main topics presented by the political parties.²⁶⁴

The main findings of the analysis related to each country are the following²⁶⁵:

- In Czech Republic, the main topic found on Facebook was the one related to double food standards by all parties. The parties introduced their candidates and informed about events;
- In Hungary, the political discourse was around the migration, especially by Fidesz. On the other hand, opposition parties alternate with other domestic and EU-related issues.
- In Poland we assisted at a boom of debate around EU-related issues. The governing party strengthened national sovereignty and traditional values, but within the united and strong Europe;
- In Slovakia, despite parties mostly discussed on domestic issues, they also strengthened the importance of the benefits of the European Union. There was a willing to fight extremisms. One particular party presented Brussels, in its campaign, with factual mistake that provoke the reaction of the opposition and civil society.

The concluding findings are the following²⁶⁶:

- In general, political party shared more post on domestic issues (1,579) than on European ones (1,431);
- Migration was the fourth most discussed topic, in all the countries it generated 584,215 reactions;
- Interestingly, the analysis did not see a disinformation campaign of the same altitude that the recent international elections.

The monitoring did not see a concrete rate of disinformation as for US elections, Germany or Brexit referendum, more in specific they did not find a concrete coordinate effort to share disinformation.²⁶⁷

²⁶⁴ *Ibidem*.

²⁶⁵ *Ivi*, pp. 6-7.

²⁶⁶ *Ibidem*.

²⁶⁷ Brussels Press Club TV (2019), "Election- Watch.EU Press Conference", *YouTube*, 28 May 2019.

4.2.4 Disinformation on Facebook private groups in the UK

We have seen at the very beginning of this thesis that a new problem related to false information are private groups (see subsection 1.2.1). The Brazilian elections (see subsection 1.4.3) are an example of this phenomenon. In this section, we are going to see if during the European elections, disinformation in private groups was present.

An investigation from BBC Newsnight has found that disinformation targeting the UK political parties for the European Parliament elections was present on social media close groups.²⁶⁸ Newsnight is the political and social affairs programme of BBC which «provides in-depth investigation and analysis of the stories behind the day's headlines».²⁶⁹ The investigation was done in cooperation with a linguistics and “fake news” expert from Lancaster University and it included the analysis of the 30 largest close groups of pro- and anti- Brexit Facebook groups²⁷⁰.

The main findings of the investigation are the following:²⁷¹

- The content shared was linked to far-right and potentially fake accounts, including some apparently US and Russian-oriented profiles. The groups were not directly linked to any official parties, but the majority of disinformation was found in groups supporting Brexit Party;
- The largest group found was called "Brexit Party - supporters" and it was the latest incarnation of a page setup in January 2017 under the name "Libertarians and Chartists for Trump". The group changed names several times. The group was run by the Facebook page "Make Britain Great Again" which contained links to the website already classified by fact checkers for sharing misleading information;

²⁶⁸ Spring M. and Lucy W. (2019), “European elections: How disinformation spread in Facebook groups”, *BBC News*, available at: <https://www.bbc.com/news/blogs-trending-48356351>. (last accessed: 10 July 2019)

²⁶⁹ BBC Newsnight, “BBC Newsnight”, *BBC Newsnight website*, available at: <https://www.bbc.co.uk/programmes/b0by7q>. (last accessed: 10 July 2019)

²⁷⁰ Spring M. and Lucy W. (2019), “European elections: How disinformation spread in Facebook groups”, *BBC News*.

²⁷¹ *Ibidem*.

"Brexit Party - supporters" page was shut down before the European elections, after a Sunday Times investigation about its administrators and the following demand of Brexit Party to take the page down²⁷²;

- There were some groups which had probably some links with Russia. One private group was called "We Support Brexit" with 3,900 members, including a user who appears to be Russian. This user's cover picture was Mr Vladimir Putin and he was sharing news from websites that EEAS East Stratcom Task Force identified as pro-Kremlin "fake news" sources.

Finally, even if the Newsnight investigation is limited to UK, it is interesting to see how disinformation was shared in close groups. The investigation has also found some links of the group with Russia. In the next section we are going to see Russian interference in social network.

4.2.5 Russia misinformation and disinformation on social media

In the previous studies, we have seen different focuses on disinformation from the Member States, in this section we are going to take into consideration one of the main fears of the European Union: Russian disinformation campaigns.

Between November 2018 and March 2019, SafeGuard Cyber analysed almost 3.5 million posts on Twitter, Facebook, Instagram, and YouTube to evaluate Russian misinformation campaigns.²⁷³ SafeGuard Cyber is a company which develops platforms to detect threat in digital channels.²⁷⁴ The report focuses on the period of 1-10 March 2019 and on "bad actors" (bots, trolls and hybrids which are humans using software).²⁷⁵ To determine misinformation content, they used a tool that

²⁷²Pogrud G. Das. S and Wheeler C. (2019), "Islamophobic' activists trade in Tories for Nigel Farage", *The Sunday Times*, 12 May 2019, available at: <https://www.thetimes.co.uk/article/islamophobic-activists-trade-in-tories-for-nigel-farage-xn2mqmzzl>. (last accessed: 10 July 2019)

²⁷³ SafeGuard Cyber (2019), "CONTACTLESS ACTIONS AGAINST THE ENEMY- How Russia Is Deploying Misinformation on Social Media to Influence European Parliamentary Elections" 7 May 2019, p. 1, available at: <https://www.safeguardcyber.com/blog/the-bots-never-left-how-russia-is-using-social-media-to-influence-european-parliamentary-elections>.

²⁷⁴ SafeGuard Cyber, "About us", *SafeGuard Cyber website*, available at: <https://www.safeguardcyber.com/about-us>. (last accessed: 10 July 2019)

²⁷⁵ *Ivi*, p. 2.

aggregates the data from 155 fact-checking sites (such as Politifact, EU vs Disinfo) in 53 different languages and a database containing over 500,000 known troll and bot accounts²⁷⁶.

The main findings are the following:²⁷⁷

- Misinformation agents work within clear narrative categories, the message was suited for a European Audience. The tendency was to amplify already existing content, rather than creating new content, underlining already existing societal and political tensions. To exemplify, most used categories of narrative by Russian misinformation were Brexit in the UK; “yellow vest” movement and the low popularity of Mr Macron in France; irregularities about EU funds; and supporting Euroscepticism;
- Content was often related to hashtags that could have been picked by bots automatically and shared rapidly (like 2.3 posts per second for hour). Real users could also be used to amplify through hashtags;
- As the narrative exploited existing tensions, some states with lower MEPs allocation were bombarded by bad actors’ messages. An example is Holland, with over a 3% of MEPs allocation it received 10 % of Russian bad actors, due to the tension around the rise of the Party of Freedom;
- Misinformation operations were used to mobilize around real-world events, to shape public perception or to exacerbate social division. For instance, on 4 March 2019, Mr Macron published his perception of the future of Europe. The day after, 5 March, the activity of Russian bad actors increased of 79% to discredit his ideas. On the 9 March, there was a “yellow vest” protest that received modest coverage. In that case, the activity of bad actors raised of 62 %, trying to pass the idea that the lack of attention was a conspiracy to silence “yellow vests”;
- In order to inculcate the image of the EU collapsing, Russian bots have amplified content about states leaving the EU, in particular France (15,224 mentions) and the Netherlands (6,347 mentions);
- Analysing Twitter accounts, they found that 12% of the accounts following Jean-Claude Juncker’s official Twitter profile were probably bad actors. The highest percentage was

²⁷⁶ Ivi, p. 3.

²⁷⁷ Ivi, pp. 4-12.

found for a Polish MEP Mr Jerzy Buzek (20%) and Danish MEP Mr Jeppe Kofod (16%). Drastically, also employees in the media teams were targeted on their personal accounts (16% of their Twitter followers register as bad actors). This means that there was less attention on high officials and more on “normal” employees.

Mr Otavio Freire, the co-founder of SafeGuard Cyber, affirmed to The Guardian that: « Our report reinforces the need for a new approach to security, as today’s bad actors are not at all hindered by the cybersecurity tactics of yesterday. »²⁷⁸

In conclusion, the report had showed the existence of Russian interference during the European Parliament elections. This was the major fear of the European Union; it would have been surprising if no attempts at all were found. In some case European groups had used some Russian typical tactics, such as the use of bots and technologic tools: as we are going to discover in the next session.

4.2.6 Technological tools and bots to spread disinformation

This section is going to focus on how technological tools have been used during the European Parliament elections to amplify some content.

In an analysis done by the Institute for Strategic Dialogue of the elections, they found that European actors were using typical Russian disinformation tactics, such as automated twitter accounts.²⁷⁹ The Institute for Strategic Dialogue is a thin tank that powers real-world solutions to extremism and polarization.²⁸⁰ The main findings of the analysis, that are under the explicative title “we’re all Russian now”, are:²⁸¹

- In Spain, they observed a coordinated network of Twitter accounts with Islamophobic hashtags which were amplifying messages for Vox. This included a mix of bots and

²⁷⁸ Boffey D. (2019, “241m Europeans 'may have received Russian-linked disinformation', *The Guardian*, 8 May 2019, available at: <https://www.theguardian.com/world/2019/may/08/241m-europeans-may-have-received-russian-linked-disinformation>. (last accessed: 10 July 2019)

²⁷⁹ Institute for Strategic Dialogue (2019), “2019 EU Elections Information Operations Analysis”, p. 4, available at: <https://www.isdglobal.org/wp-content/uploads/2019/05/Disinfo-European-Elections-Interim-report-ISD-2-V2.pdf>.

²⁸⁰ Institute for Strategic Dialogue, “Mission”, Institute for Strategic Dialogue website, available at: <https://www.isdglobal.org/isdapproach/>. (last accessed: 10 July 2019)

²⁸¹ Institute for Strategic Dialogue (2019), “2019 EU Elections Information Operations Analysis”, p. 4-5.

inauthentic accounts. In the past year, over 4.4 million posts from this network of bots were linked to Vox. This activity had 7.4 billion total potential views and it represented an estimated value of media worth over \$500,000. Vox publicly denied any connection between their official party and these automated online accounts.

- In the United Kingdom they discovered that major parties were boosted by suspected bots in Twitter, in particular 42% of the most active accounts supporting official parties showed a bot behaviour. For example, five of the top 10 accounts mentioning the “Brexit party” on Twitter were sharing over 144 tweets per day which means one tweet every 3.3 minutes.
- In Poland, a pro-government accounts posting as “pensioners” created dozens of posts an hour, sharing from anti-Semitic and youth-orientated websites. These activities are not limited to Facebook, but they can be found on Twitter.
- In Germany, the AfD, has dominated Facebook conversation around the elections with hyperactive levels of activity, suggesting the presence of bots.²⁸² The same attitude was found in France. The huge numbers of the interactions with these parties seemed to be link to inauthentic accounts.

According to the Institute for Strategic Dialogue, the digital online disruption techniques used in the European Parliament elections were more sophisticated than before²⁸³, and the evidence they found was just the tip of the iceberg compared to what the social media providers have the possibility to see.²⁸⁴

In addition to this analysis, the BBC asked to an expert of bots, Prof Talavera, to examine how automated accounts or bots were influencing the European Parliament elections²⁸⁵. The Expert found that around 11 May there was an increase in the creation of new Twitter accounts sharing about Brexit and many of the accounts were composed by a name followed by eight numbers and tweeted very frequently, such as “johnie76662158”: this account was not followed by anybody but

²⁸² Scott M. (201), “ French and German populists dominate EU election chatter on Facebook, data shows”, Politico, 10 April 2019, available at: <https://www.politico.eu/article/europe-populists-european-election-alternative-for-deutschland-rassemblement-national-facebook/>. (last accessed: 10 July 2019)

²⁸³ Avaaz and Institute for Strategic Dialogue (2019), “Disrupted evidence of widespread digital disruption of the 2019 European Parliament elections”, May 2019, p. 3, available at: https://www.isdglobal.org/wp-content/uploads/2019/06/Joint_Submission-070619-letter.pdf.

²⁸⁴ *Ivi*, p. 2.

²⁸⁵ Cellan-Jones R. (2019) “European elections 2019: Facebook and Twitter under the spotlight”, 21 May 2019, *BBC News*.

he tweeted more than 1,300 times in the 10 days after it was created, almost exclusively retweets of Brexit-related material.²⁸⁶ Prof Talavera affirmed that «based on very rough estimation about 20-25% of newly-created users who talk about political outcome are likely to be bots. However, these numbers seem to be very small compared to the existing Twitter universe».²⁸⁷

Finally, it has been seen how also bots have played an important role during the elections. It is now important to see the perception of the European Union about disinformation during the elections.

4.3 The European Union evaluation of disinformation during the European Parliament elections

4.3.1 Joint Statement and Report on the implementation of the Action Plan

On 14 June, the European Commission and the High Representative reported on the progress achieved in the fight against disinformation and the main lessons drawn from the European elections, in order to contribute to the European Council's meeting on 20 and 21 June²⁸⁸. In that day, together with the report, Ms Mogherini, Mr Ansip, Ms Jourová, Mr King, and Ms Gabriel released a joint statement: «The record high turnout in the European Parliament elections has underlined the increased interest of citizens in European democracy. Our actions, including the setting-up of election networks at national and European level, helped in protecting our democracy from attempts at manipulation. We are confident that our efforts have contributed to limit the impact of disinformation operations, including from foreign actors, through closer coordination between the EU and Member States. However, much remains to be done. The European elections were not after all free from disinformation; we should not accept this as the new normal. Malign actors constantly change their strategies. We must strive to be ahead of them. Fighting disinformation is a common, long-term challenge for EU institutions and Member States. Ahead of the elections, we saw evidence of coordinated inauthentic behaviour aimed at spreading divisive

²⁸⁶ *Ibidem*.

²⁸⁷ *Ibidem*.

²⁸⁸ European Commission (2019), "Press release -A Europe that protects: EU reports on progress in fighting disinformation ahead of European Council!", 14 June 2019, *European Commission website*, available at: http://europa.eu/rapid/press-release_IP-19-2914_en.htm. (last accessed: 10 July 2019)

material on online platforms, including through the use of bots and fake accounts. So online platforms have a particular responsibility to tackle disinformation. With our active support, Facebook, Google and Twitter have made some progress under the Code of Practice on disinformation. The latest monthly reports, which we are publishing today, confirm this trend. We now expect online platforms to maintain momentum and to step up their efforts and implement all commitments under the Code. »²⁸⁹

In the author's opinion this statement is fundamental because it summarised the opinion of the European Union on the elections: even if disinformation was low, the elections were not free of interference and this means the fight against disinformation should continue. The general idea is that the actions taken by the European Union helped to protect the election from interference and increased public awareness.²⁹⁰ On the other hand, the social media providers, who have already done progress, should continue in this direction.

This positive evaluation is confirmed by the Communication of the Report on the implementation of the Action Plan Against Disinformation.²⁹¹ The Commission underlined that in «the run-up to the European elections, the coordinated EU approach helped to ensure stronger preparedness and coordination in the fight against disinformation. The preliminary analysis shows that it contributed to expose disinformation attempts and to preserve the integrity of the elections, while protecting freedom of expression. The highest turnout in the past twenty years (50.97 %) reflects the interest of the citizens for the Union and its importance for their lives.»²⁹² The Commission also reaffirmed that the cases of disinformation were low and, in doing that, it cited the study of the Oxford Internet Institute (see subsection 4.2.2) and FactCheckEU (see section 4.4).

In its Communication, the Commission's affirmed that disinformation is a long-term challenge and requires continuous efforts, including a joint approach of EU Institutions and Member

²⁸⁹ *Ibidem*.

²⁹⁰ *Ibidem*.

²⁹¹ European Commission and the High Representative of the Union for Foreign Affairs and Security Policy (2019) "JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGION- Report on the implementation of the Action Plan Against Disinformation", Brussels, 14 June 2019, JOIN(2019) 12 final, available at: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=comnat:JOIN_2019_0012_FIN.

²⁹² *Ivi*, p. 9.

States.²⁹³ The Commission concluded by saying that by October, it will assess the implementation of the Election Package and of the Code of Practice, as well as a comprehensive report on the elections.²⁹⁴

4.3.2 Report of the “on countering disinformation and the lessons learnt from the European elections” of the Council’s Presidency

In view of the meeting of the European Council, the Presidency to the European Council adopted the Report “on countering disinformation and the lessons learnt from the European elections”.²⁹⁵ In the Report, the Presidency underlined that, during the elections, the topics of disinformation exploited the ‘wedge issues’ such as migration, terrorism, religious and ethnic tensions²⁹⁶

Very interestingly, the report also supports the establishment of a European Network of Fact checkers and the consideration of co-regulatory initiative.²⁹⁷ As it has been previously seen, in the author’s opinion, coregulation (in correlation with media literacy in the long term), is the most effective remedy to disinformation and the fact that the Presidency considers this approach means once again that the approach of the European Union is changing.

In the report, the Presidency also mentioned the Rapid Alert System and the meeting about it in Tallinn on 3 and 4 June: «one of the main conclusions was that the Rapid Alert System was a useful tool to increase situational awareness and share understanding of the issue. »²⁹⁸; It also suggested the cooperation with the G7 and NATO in relation to the Rapid Alert System.

The presidency affirmed that the preliminary evaluation of role of disinformation in the European elections showed the continuous evolution of disinformation and its capacity to adapt to changing technology, for this reason a permanent state of preparedness is needed.²⁹⁹

²⁹³ *Ibidem*.

²⁹⁴ *Ibidem*.

²⁹⁵ Presidency of the Council of the European Union (2019), “Report of the Presidency to the European Council on 20-21 June 2019, on countering disinformation and the lessons learnt from the European elections”, 19 June 2019, 10415/19 available at: <https://data.consilium.europa.eu/doc/document/ST-10415-2019-INIT/en/pdf>.

²⁹⁶ *Ivi*, p. 3.

²⁹⁷ *Ivi*, p. 4.

²⁹⁸ *Ivi*, p. 6.

²⁹⁹ *Ivi*, p. 10.

The report concludes with the recommendation of repeating the mapping exercise of disinformation in two or three years.

4.3.3 Council conclusion of 20 June 2019

On 20 June 2019, the European Council met in Brussels in order to discuss the EU's strategic agenda for 2019-2024, climate change, disinformation, the long-term EU budget, external relations, and the EU's top jobs.³⁰⁰

Concerning disinformation the Council adopted the following conclusions: «Further to the Presidency report and the contributions from the Commission and the High Representative on lessons learnt with regard to disinformation and securing free and fair elections, the European Council calls for sustained efforts to raise awareness, increase preparedness and strengthen the resilience of our democracies to disinformation. It welcomes the Commission's intention to conduct an in-depth evaluation of the implementation of commitments undertaken by online platforms and other signatories under the Code of Practice. The evolving nature of the threats and the growing risk of malicious interference and online manipulation associated with the development of Artificial Intelligence and data gathering techniques require continuous assessment and an appropriate response.»³⁰¹

In this few lines the next steps of the European Union against disinformation are summarised, in particular raising awareness and supporting media literacy.³⁰² The Council also welcomed the initiative of the Commission to evaluate the commitments taken by the signatories of the Code of Practice and it suggested to continue the research on disinformation as the technological techniques to spread it are evolving.³⁰³

In conclusion, the general opinion about disinformation of the European Union is quite positive.

³⁰⁰ European Council, "European Council, 20-21/06/2019", *European Council website*, available at: <https://www.consilium.europa.eu/en/meetings/european-council/2019/06/20-21/>. (last accessed: 10 July 2019)

³⁰¹ European Council (2019), "European Council meeting (20 June 2019) – Conclusions", Brussels, 20 June 2019, EUCO 9/19, p. 2, para 6, available at: <https://www.consilium.europa.eu/media/39922/20-21-euco-final-conclusions-en.pdf>.

³⁰² *Ibidem*.

³⁰³ *Ibidem*.

4.4 Concluding remarks on disinformation during the elections

The European Parliament elections of May 2019 involved 512 million people and they were the second largest elections in the world. In this chapter we have seen if there have been some cases of disinformation and if the European Union's approach has been enough to protect the elections.

One month after the election, it is still too early to draw some final conclusions. Nonetheless, some preliminary conclusions can be done.

From the overall analysis of the studies about disinformation during the European Parliament, it seems that the level of disinformation was not drastically high. This finding is quite extraordinary because it means that the European Parliament elections have been the first one in the last four years not having suffered huge disinformation campaigns.

The different studies analysed take into consideration different periods, different countries, different subjects but the general idea that there was less disinformation than expected was also confirmed by FactCheckEU.³⁰⁴ FactCheckEU is a group of 19 media outlets coordinate by the International Fact-Checking Network, bringing together the European signatories of IFCN's Code of Principles to counter misinformation in the European Union ahead of the European Parliament elections.³⁰⁵

The studies that suggest more interference were the ones of Avaaz, Safeguard Cyber and the one on the use of Russian tactics by European actors. With regard to Avaaz, two day after the elections the ONG wrote an article entitled "We did it- Europe resists"³⁰⁶: they underlined how the Avaaz investigations and the following shut down of 132 pages and group by Facebook helped in protecting the elections. Noticeably, the report was published just some days before the elections and Facebook was able to take actions, avoiding major interference.

³⁰⁴ FactCheckEU, "FCEU Newsletter #7 - Good news and bad news after the election week-end", FactCheckEU website, available at: <https://factcheckeu.info/en/article/fceu-newsletter-7-good-news-and-bad-news-after-election-week-end>. (last accessed: 10 July 2019)

³⁰⁵ FactCheckEU, "About Us", *FactCheckEU website*, available at: <https://factcheckeu.info/en/legal>. (last accessed: 10 July 2019)

³⁰⁶ Avaaz (2019), "We did it - Europe resists!", Avaaz website, 29 May 2019, available at: https://secure.avaaz.org/campaign/en/eu_elections_reportback_may_2019/?slideshow. (last accessed: 10 July 2019)

Concerning the Russian misinformation, this does not surprise us, the European Union was prepared to the fact that Russia would have tried to interfere. However, some experts agreed that there was little evidence of large-scale Russian attempts to spread disinformation in the week of the vote, 23-26 May 2019.³⁰⁷ In the words of Mr. Giles Portman, head of EEAS East Stratcom Task Force: «From what we've seen of the European election campaign so far, it [Russian disinformation] looks at the moment less sensational than some of the attempts we've seen [in the past]. What we can see at the moment is this continuation of a message that Europe is collapsing, that the elites aren't paying attention to ordinary people, and that Europe's values and identities are under threat. »³⁰⁸. Therefore, Russian disinformation was present but not at the level of the other elections.

Regarding the use of bots to spread disinformation by European actors, it is evident that research on technological tools should increase, the Council's conclusions on 20 June move in this direction. This finding, together with the others, also made us aware of the fact that disinformation is coming from the Member States and not only from Russia.

The next question is why the level of disinformation was lower than expected. In the author's believing, there are different reasons. Firstly, the European elections are, after all, national elections. The way the European Parliament elections are structured now takes to the fact that the issues discussed are more national than European. Media gives less attention to European elections than the national ones. Secondly, the European elections included 28 countries and 24 different languages, interference against all the states would need an incredible coordination and effort. Thirdly, the European elections were exceptionally unpolarized and in most countries, voters could choose from a very broad variety of parties and political tendencies.³⁰⁹ Finally, maybe the most important reason in view of this thesis, at level of the European Union there was an unprecedented coordinated preparation to avoid disinformation. Indeed, the European Union, aware of the cases of disinformation in the years before, took some incredible steps that any actor ever before had taken, such as the Code of Practice and the Action Plan against Disinformation. This shows the potential of measures that includes the social media providers and the monitoring at the European

³⁰⁷ Silva M (2019), "Is Russia trying to sway the European elections?", *BBC News*, 20 May 2019.

³⁰⁸ *Ibidem*.

³⁰⁹ FactCheckEU, "FCEU Newsletter #7 - Good news and bad news after the election week-end", *FactCheckEU website*.

level. It is too early to say to what extent, but it is evident that actions of the European Union were fundamental to protect the elections. Accordingly, in their joint statement, Ms Mogherini, Mr Ansip, Ms Jourová, Mr King, and Ms Gabriel (see subsection 4.31.) underlined that their efforts contributed to limit the impact of disinformation operations. Despite the level of disinformation was not high, disinformation was still present and «we should not accept this as the new normal. »³¹⁰ : the European Union will continue to take actions against disinformation, in order to prevent even low levels of deformation.

³¹⁰ European Commission (2019), “Press release -A Europe that protects: EU reports on progress in fighting disinformation ahead of European Council!”, 14 June 2019, European Commission website.

Conclusion

Social media have changed the way information is distributed: in the last years, we assisted to an increasing impact of disinformation and misinformation on our human rights. By investigating on the case of the 2019 European Parliament elections, this thesis aimed to understand if the approach of the European Union to disinformation and misinformation on social media is effective.

The first chapter has demonstrated that disinformation and misinformation affect our human rights and values, in particular democracy, freedom of expression, right to privacy and data protection. In a democracy, well-informed citizens take part in an open and transparent dialogue, disinformation does not allow a democratic debate, as well as eroding the trust on media. Disinformation also undermines the right to receive information, negative side of freedom of expression. Interestingly, freedom of expression also protects false information and it cannot be unlawfully limited in a democratic society. In addition, as very often disinformation includes microtargeting and other technological tools, the right to privacy and data protection can also be attacked, as the user does not know what the reasoning behind an algorithms' decision is. In addition, different cases of disinformation have shown how this phenomenon can affect our human rights during the democratic exercise of election.

The second chapter has investigated how disinformation can be tackled in an effective way, especially at the European Union level. The purpose of the overview was to explore different ways of approaching disinformation and misinformation, to recommend and then to compare it to what the European Union is pursuing at the moment. There are different approaches to address disinformation: legal (state legislation, self-regulation by the social network providers and co-regulation), technological through the use of artificial intelligence and social (fact-checking, media literacy and supporting quality journalism). Before examining the main findings, it should be outlined that the author also considered the possibility of an Internet Ombudsman and it resulted that there are still some major limits to introducing such structure.

Regarding state legislations, the main problem is the limitation of freedom of expression, therefore it cannot be seen as an effective solution. Concerning self-regulation, waiting for social media providers to take action is not sufficient. With regard to fact-checking, it can produce the opposite effect by exposing people to false content. Therefore, each solution can incur in some

shortcomings. For this reason, it was determined that a holistic and multi-level approach is the best solution. This approach would include co-regulation, with the European Union acting as authority to monitor the action of the social media providers. In the short-term, co-regulation should be completed with the use of artificial intelligence to assist humans to identify false information and, in the long term, with the support of media literacy, in order to increase societal resilience.

The third chapter aimed at exploring the European Union's approach to disinformation and misinformation: in order to reach this objective, different policies initiatives have been seen, including Council conclusions, Commission communications and recommendations. From the analysis it appeared that the approach has changed during the time. Considering these documents has been the most effective way to follow the changes in the European Union approach. It arose that at the beginning the attitude of the European Union was more cautious, leaving the platforms to self-regulate. Nevertheless, recently, the European Union is moving towards a more co-regulative approach, that some researches have defined "induced or audited self-regulation". Accordingly, the European Commission already underlined the fact that self-regulation should be monitored, and it has considered the possibility of regulatory actions, if the results of the Code of Practice should appear insufficient. Interestingly, on 14 June 2019, the Presidency of the European Council recommended the Council to put in place co-regulative initiatives. Moreover, from the investigation it appeared that the European Union is also supporting media literacy and quality journalism to tackle disinformation. In particular media literacy is one of the pillars of the Action Plan against disinformation and it is part of the Code of Practice.

Furthermore, something that emerged from the research is that the European Union has had a particular focus on Russian disinformation. While this is legitimate considering the involving of Russia in the most important disinformation campaigns in the last years, this should not put in a second-place disinformation coming from the Member States which is equally dangerous.

Moreover, following the consideration of the institutions working on disinformation it resulted that although different people work on disinformation at the European Union, more coordination is necessary. In fact, it should be a priority to have a unit which works only on disinformation and which coordinates the others. It must be underlined that the interviews undertaken with the experts working in the European institutions have been the most adequate methods to discover about their work, as most of the units working on disinformation do not have a website about their work. As

a consequence, without the interviews, it would have been impossible to reach the above-mentioned findings.

The fourth chapter had the purpose to assess the efficiency of the European Union approach to disinformation through the case study of the 2019 European Parliament elections, as well as considering to what extent disinformation affected the process. As it has been said from the very beginning, one limitation of the research was the period, as the elections took place only one month after this thesis was written. At that moment it was too early to draw final conclusions, nevertheless the preliminary findings could be quite reprehensive of the situation. From the analysis of the different civil society studies and journalistic investigations, it resulted that disinformation on social media during the elections, despite present, was lower than expected. The key findings are:

- Following an investigation on disinformation of Avaaz in Germany, United Kingdom, France, Italy, Poland and Spain, just some days before the elections, Facebook took down 132 of the pages that reached 762 million estimated views. These pages were supporting far-right European parties;
- From a study in 7 languages of the Oxford Internet Institute from April to May, it arose that less than 4% of the sources on Twitter were “junk news” and only 1% of “junk news” came from Russian websites. In the other hand, on Facebook, “junk news” received more interactions per story, but globally they are seen, shared, and liked by far less people;
- The monitoring of MEMO 98, focusing on political parties in Czech Republic, Hungary, Poland and Slovakia on Facebook between 1 April to 15 May, found that disinformation was not high as in the past;
- Disinformation targeting UK political parties in private groups on Facebook was observed by BBC Newsnight;
- Regarding Russian interference, from the report of SafeGuard Cyber on social networks, it emerged that during March, there was an activity of Russian bad actors who were emphasising already existing political tensions (Brexit, “yellow vest”, Euroscepticism in general etc.). However, some experts agreed that there was little evidence of large-scale Russian disinformation in the week of the vote. In general, there was less interference than in the past;

- General speaking, European actors were using typical Russian tactics to spread disinformation, such as bots.

These findings demonstrated that the level of disinformation was not especially high. This is also quite peculiar if we compare to other elections as it means that the European Parliaments elections have probably been the first elections in the last four years not having experienced massive disinformation campaigns. The reduced presence of disinformation suggests, *inter alia*, that the measures taken by the European Union were effective to protect the elections, in particular the Code of Practice which has guaranteed a more transparent process. Also, the self-evaluation of the European Union on disinformation during the elections is positive: while EU actions were able to protect the elections, the fight should continue because the low level of disinformation cannot be seen as the new normality.

Following the main questions raised, further research may include:

- Examining the problem of disinformation in private groups on WhatsApp and Facebook, taking into consideration privacy and data protection;
- Exploring the future development of technological tools that can spread disinformation, as well as the ones that can help the society to tackle it;
- Further considering the possibility of an Internet Ombudsman or Social Media Council;
- Analysing the percentage of disinformation which comes from Russia out of the total amount of disinformation that European citizens receive;
- Assessing to what extent the actions of the European Union helped in protecting the elections, as well as considering the actions put in place by the social media providers;
- Investigating if there are any indicators that disinformation present during the 2019 European Parliament elections has influenced the turnout of the vote.

In conclusion, this thesis has contributed to the ongoing debate on disinformation, in particular it has shown the approach of the European Union and how it is the best actor to initiate a co regulation to tackle false information. The capability of the European Union has been shown through the case study of the 2019 European Parliament elections.

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