DISINFORMATION

The Creation of Misinformation and
Fake News in Media and Social Media

2024

Executive Summary

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This study comes in response to the pressing issue of disinformation and fake news in media and social media, which has become a global concern. Governments, international organizations, civil society organizations, journalists, and media professionals have been called upon to make efforts and devise solutions to address or at least mitigate the negative impacts of this problem on societies, individuals, and fundamental human rights as stipulated by international law, foremost among which is the freedom of expression and opinion.

This study selected four Arab countries as examples to assess the phenomenon of disinformation in each. The Kingdom of Morocco and the Republic of Tunisia were chosen to represent North Africa, while the Republic of Lebanon and the Hashemite Kingdom of Jordan were chosen to represent the Middle East.

Through an applied approach to the reality of this problem in the four countries, the study found significant similarities in the data, manifestations, and impacts of this problem in those countries, which many referred to in this study as «media chaos.»

The study concluded that several factors contributed to the spread of this phenomenon, including the widespread availability of internet access globally, the low cost of internet usage, the availability of smart mobile communication devices, and the use of social media platforms, which have become the most popular means of communication worldwide. These platforms are now accessible to billions of citizens across the six continents, effectively turning every citizen into a journalist and media producer who generates, disseminates, and receives information. This has led to what is internationally known as the phenomenon of «citizen journalism.»

The study stated that social media platforms played a prominent and stimulating role in the spread of the phenomenon of disinformation, especially due to the lack of sufficient awareness among the broad public, particularly those who own active accounts on these platforms, about the role, ethics, terms, and tools of journalism. This has exacerbated the global chaos by expanding the influence of fake news, and disinformation, which are represented daily by millions of news articles, images, and videos that find easy reception without verification of their credibility and sources. Due to the difficulty of regulating the information disseminated by social media platforms, many countries have turned to legislating laws aimed at reducing crimes related to disinformation and fake news, and combating all electronic-related offenses. Furthermore, several countries have intensified the enforcement of penalties against violators of these laws, raising concerns among international organizations, particularly the United Nations, that such laws might infringe upon human rights systems, including the right of every citizen to enjoy freedom of opinion and expression. Consequently, the UN Human Rights Commissioner and most international organizations have warned countries against diminishing these rights or encroaching upon them under the pretext of combating cybercrimes, especially the right to freedom of opinion and expression, as well as ensuring citizens› right to access information from sources, primarily governments and states.

The study emphasizes the necessity of adopting a specific and clear definition of the concept of disinformation by legislators, including its types and forms, and differentiating the penalties imposed on each type in proportion to the harm it causes to individuals and society at large. It also calls for a complete reconsideration of cybercrime laws in Morocco, Tunisia, Lebanon, and Jordan, separating all matters related to freedom of publication and expression concerning those crimes listed in these laws.

The study›s recommendations advocate for the inclusion of «disinformation» in press and publication laws, including detailed provisions regarding its categories and types. The recommendations propose the establishment of monitoring centers for media outlets and social media platforms to detect misleading and fake news and verify them, providing these centers with professional journalists and all necessary technical and artistic tools to facilitate their tasks.

While urging journalists and media professionals to adhere to professional ethics and codes of conduct in each of the four countries, the study also calls upon governments to facilitate access to information and amend laws regarding the right to access information, alleviating the restrictions imposed by law on information, which is pivotal in combating the phenomenon of disinformation.

The study underscores the importance and necessity of governments› continuous openness and communication with journalists and media professionals, advocating for the adoption of a policy of early disclosure of information and abandoning the «gatekeeping» policy that obstructs information flow, allowing rumors and misleading news to spread.

The study proposes reaching out to the public through the production of educational programs on how to use social media platforms and manage their accounts to avoid producing and spreading misleading news. These programs would be broadcasted on television and sent via messages to citizens› personal accounts on these platforms. Additionally, it suggests raising awareness about laws related to disinformation, and expanding media literacy education from elementary school to university level to create an informed audience capable of using social media platforms responsibly.

Furthermore, the study suggests organizing workshops and training sessions for journalists and media professionals on fact-checking mechanisms either through their media institutions or through specialized civil society organizations in this field.

The study is divided into four chapters. The first chapter

discusses the problem of the concept of disinformation and its regulation mechanisms. It points out that although there is still much debate worldwide regarding this concept and despite the multiple definitions and concepts developed to define it, they generally agree that it involves false news aimed at deceiving the public opinion and manipulating it for the agendas of its creators, impacting people›s orientations whether in peacetime or during wartime.

In this chapter, the study discusses various concepts, as well as the relationship of the phenomenon of disinformation, and how it has expanded, especially after the spread of the internet, smartphones, and social media platforms, along with the negative effects subsequently arising from this phenomenon, which has become the most used and influential on the truth for the purpose of disinformation and its various levels.

The study also discusses the negative effects of this phenomenon on human rights, especially the right to freedom of opinion and expression, private life, and their protection from any violation, as well as what international law says in this regard. The study also highlights the concerns raised by international organizations, led by the United Nations, warning against them and calling on governments to maintain freedom of opinion and expression while legislating any local laws to combat this phenomenon.

In addition, the study discusses the risks of disinformation, its goals, and its social effects, which include political effects such as influencing political decision-making and distorting its image, as well as direct and indirect effects on elections and voter choices, promoting and creating political crises, undermining trust in the political system and its institutions, controlling the media and losing its independence in favor of a political agenda, influencing governmental performance, exploiting crises and events, and affecting international and regional peace, international relations, and public freedoms. The study concludes this chapter by reviewing the most important economic and financial impacts of this phenomenon, such as its impact on investment markets, tourism, business sectors, commercial activity, international trade relations, economic and trade policies, and financial sectors such as financial markets, stocks, real estate, national currency, lack of trust in national financial institutions, and many other sectors.

Under the title «Critical Boundaries and Dangerous Overlaps,» the study in its second chapter discusses the boundaries between freedom of expression, disinformation and fake news, affirming that the boundaries in this phenomenon between freedom of opinion and expression and disinformation are highly intertwined, necessitating legislators to avoid any problems that may negatively affect freedom of opinion and freedom of the press under the pretext of combating disinformation and fake news.

The study highlighted the delicate balance between freedom of expression and disinformation, as outlined by the European Union for Communications and the United Nations in September 2020. They stated that "Freedom of expression rights, including press freedom and the right to access information, are upheld in tandem with privacy rights, which are also enshrined in international human rights law." Additionally, 130 member and observer states of the United Nations were urged in June 2020 to take steps to combat the spread of misleading information, especially during the COVID-19 pandemic, emphasizing that these responses should be based on freedom of expression and the press, encouraging the adoption of high ethical standards and journalism codes of conduct, protecting journalists and other media workers, and promoting media and information literacy. The study also stressed the importance of access to information laws as a tool in combating disinformation, as reaffirmed by the United Nations Secretary-General in his report titled «Countering disinformation for the promotion and protection of human rights and fundamental freedoms,» which recommended that states preserve freedom of expression, ensure access to and respect for information, enhance media pluralism, and avoid regulatory measures based on vague definitions or inappropriate penalties. Furthermore, it recommended that institutions use transparency in presenting policies and practices related to disinformation, ensure greater transparency and facilitate access to relevant information and data.

The study in its second chapter also discussed the relationship between misleading content and hate speech, addressing the question of «who creates disinformation?» It emphasized that hate speech necessarily involves misleading speech and fake information, as stated by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, who said, «Some forms of disinformation can amount to incitement to hatred, discrimination, and violence, forms that are prohibited by international law.» The study concluded that the producers of hate speech are themselves the ones who produce and disseminate misleading and forged speech and spread rumors, such as governments, politicians and parties, journalists themselves, as well as economists, companies, citizens themselves, stakeholders, and recognized by UNESCO when it acknowledged the impact of governments and their involvement in disinformation campaigns, noting «the phenomenon of governments mobilizing digital hate groups» to quell critical comments and suppress freedom of expression, and that «governments and politicians are among the main instigators and key conveyors of misleading information.»

Under the title «Dual-direction Industry: Who Does Online Trolling Serve?» the study discussed the phenomenon of online trolling, a term that emerged around five years ago, indicating the use of unlimited fake accounts directed and employed for specific purposes, such as defending an idea, decision, or direction by those behind the employees of this

secret electronic army. This army does not hesitate to attack any opponent or critic of its directions, and it does not hesitate to use hate speech and incitement against opponents and dissenters.

The dynamic field in which online trolling operates is social media platforms, specifically Facebook and X (formerly Twitter). There are no limits to its activity, as it is an electronic army ready to intervene rapidly in various political, social, economic, artistic, technical, and even religious issues if necessary. Online trolls operate according to the interests defined for them by their funders and supporters, whether governments, politicians, parties, or businessmen. This electronic army does not hesitate to distort facts, obscure them, or produce misleading information to serve its goals. It does not hesitate to produce lies, use accusatory speech, and even resort to hate speech and incitement as long as its goal is to suppress opposing opinions and influence public opinion, and as long as it operates safely beyond the reach of state authority and the rule of law.

The study addressed the means of detecting online trolling through mechanisms for verification, tracking, and comparison between the media messages broadcast by this electronic army within nine proposed verification methods. Additionally, the study discussed the relationship between the Internet and social media platforms with the phenomena of disinformation, fake news, freedom of opinion and expression, access to information, and the freedom to receive the Internet as one of the problems facing the world today, in addition to hate speech.

The study affirmed that social media platforms represent today the primary and first product of misleading speech, rumor dissemination, and fabrication for various reasons, foremost among them being that these platforms are available and open to all users worldwide, in addition to being free of charge, turning them into the primary means of communication and interaction in the world.

Concerns remain about some countries, under the pretext of combating disinformation, legislating laws with titles like «Combating Cybercrimes» to impose further restrictions on freedom of expression and internet freedom and impose excessive and inappropriate penalties under the guise of combating disinformation while implicitly aiming to constrain freedom of expression.

The study also discussed mechanisms for verifying information, classifications of fake and fabricated news, including seven types and characteristics, such as fabricated content, false content, misleading content, mockery or ridicule, false links, misleading context, and content manipulation. Additionally, the study reviewed various verification mechanisms adopted by some global media outlets or specialized organizations, as well as those used by fact-checking platforms available for journalists, media professionals, specialists, and even ordinary citizens on the Internet, including Google. These mechanisms include written or visual information, videos, along with titles and names of many websites to assist journalists and researchers in examining information and testing its credibility and original sources.

The study highlighted the use of artificial intelligence and its applications in fabrication and deep deception due to the capabilities available in falsifying voices, images, and videos, emphasizing its dual nature—one dark side with its effects on cybersecurity and another bright side that can be used to detect fabrication and deception.

The study pointed out emerging challenges outlined by the United Nations Secretary-General, António Guterres, for countries to combat disinformation, which include six challenges: lack of effective participation in the legislative process, vague definitions of disinformation, excessive and inappropriate penalties, reliance on external sources to manage content for private companies, internet shutdowns by blocking websites and media outlets, and the role of public employees.

The study also addressed the importance of media literacy in confronting disinformation through education received by citizens about the media industry and its tools. It discussed how one can directly interact with the media and use the internet as a means for learning and cultural exchange, building a collaborative culture with others away from misleading media narratives and hate speech. Additionally, it emphasized the importance of teaching citizens about the ethics of journalism and how media literacy can confront fake and misleading information, as well as information that incites terrorism, violence, and incitement against others.

The study referenced a report by the United Nations Alliance of Civilizations (UNAOC), which views media literacy as an opportunity to develop peace-building initiatives and address polarization that often leads to violent confrontations based on identity. It considers the continuous exposure of populations to the media as an educational challenge exacerbated in the digital age, recommending the implementation of media literacy programs in schools, especially at the secondary level, to help develop a distinctive and critical approach to news coverage for consumers in the media and enhance media awareness and internet literacy to combat misconceptions, biases, and hate speech.

In its fourth chapter, the study discussed the phenomenon of disinformation in the Middle East and North Africa (Jordan, Lebanon, Tunisia, Morocco), observing this phenomenon and stopping at many points of similarity and intersections to reveal the manifestations of this phenomenon in the four countries, providing examples of cases of disinformation in each country.

For the purposes of this study, brainstorming sessions were held with journalists, lawyers, and experts in each of these countries via the Zoom platform, as well as personal interviews, with the aim of identifying the extent of the

phenomenon and its effects in the four countries.

The study noted significant similarities in the reality of disinformation in Morocco, Tunisia, Lebanon, and Jordan. This phenomenon is widespread and pressing, especially on social media platforms, where its impact has surpassed citizens› responses to reach the media institutions themselves.

Authorities in these four countries sometimes resort to social media platforms and other media institutions to disseminate some misleading news to gauge public reactions. Governments in these countries are at the forefront of producing misleading news, followed by parties and politicians, especially in countries experiencing political and partisan conflicts, such as Tunisia, Lebanon, and Morocco, and to a much lesser extent in Jordan.

It was also observed that citizens who produce and disseminate such news through their personal accounts on social media platforms often top the list of entities spreading misleading and fake news. In other cases, businessmen, companies resort to disseminating misleading news in the service of their personal interests, while journalists also produce misleading news, especially when their interests intersect with those of their funders.

In the four countries, significant similarities were noted in the enactment of legislation related to combating cybercrimes, all of which seemed to be similar in some of their articles, especially those related to freedom of the press, publication, and freedom of expression. In this aspect, they appeared to be closely aligned to a large extent.

The study also noted that access to information laws in these countries are also similar, and the problem of law enforcement is almost identical in Morocco, Tunisia, Lebanon, and Jordan. Authorities do not adhere to law enforcement, and information blocking is almost identical in the four countries. Complaints from journalists about this situation are almost identical to the point of complete similarity.

It was noted that the legislation aimed at addressing cybercrimes in the four countries stipulated provisions that negatively affect freedom. In Jordan, there is the Electronic Crimes Law, while in Tunisia, there is the Law on Combating Crimes Related to Information and Communication Systems, and in Morocco, there is the Electronic Crime Law. In Lebanon, there is the Penal Code, which criminalizes electronic crime. Despite the lack of reliable digital statistics on the extent of disinformation in Morocco, Tunisia, Lebanon, and Jordan, this phenomenon is present and growing, including the phenomenon of electronic trolling. Despite these countries enacting legislation to regulate electronic expression, especially on social media platforms, this regulatory process, under local laws, cannot decisively address this phenomenon.

The study acknowledges that the discourse of disinformation and hate speech has expanded in the contexts of internal political conflicts and local or regional crises. The crisis of the Moroccan Sahara remains an open subject for spreading lies and disinformation. Similarly, political conflict in Tunisia fuels and reinforces disinformation. The same applies to Lebanon, which is undergoing political, partisan, and economic crises, making disinformation prevalent on social media platforms. Although Jordan experiences less growth in the phenomenon of disinformation compared to the other three countries, the phenomenon is still present, and discussions about electronic troll armies have become common.

The study pointed out that internet freedom in Morocco, Tunisia, Lebanon, and Jordan has become subject to surveillance, and sometimes the service is blocked from the public. In Morocco, authorities have repeatedly blocked websites associated with opposition political movements like the Islamic Justice and Charity Group. In Tunisia, the situation is not much different from other Arab countries, as the Tunisian government tends to impose more internet censorship. The same applies to Lebanon. In Jordan, internet freedom appears to be restricted in some aspects, and the government has even banned the TikTok platform.

The study discussed the significant impact of social media platforms on the expansion of disinformation, discovering that all the Arab countries under study face a similar problem with those platforms. This makes the issue an echo of the global problem resulting from the widespread use and effects of social media on societies, which infiltrates the media and affects it.

The study also stopped in these countries to discuss media literacy and its importance in addressing the phenomenon of disinformation. Countries like Lebanon and Tunisia lack such targeted plans to integrate media literacy into school curricula, while Jordan leads the Arab world in this field, although its experience is still in its infancy.