Disinformation Campaigns and Fake News in Pandemic Times:
What role for law enforcement and security forces?

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Abstract

2020 and the COVID-19 pandemic marked a turning point in peoples' information consumption habits. In an environment of extreme enforced isolation due to the COVID-19 pandemic, people have increasingly been compelled to turn to online sources for information and guidance. Online news consumption rose considerably as quarantines began. Social media, already one of the primary venues of social activity for millions of people who could no longer meet and talk in person, naturally became a primary source for news. In this environment, misinformation and disinformation has flourished enormously. For millions, they face not only the effects of long term social isolation, but also economic anxiety as they face an uncertain future in a fast-changing economy that threatens to leave many behind. All of these factors have combined to create a "perfect storm" which is making more people vulnerable to disinformation campaigns (Courtney, 2021). These "campaigns" are a threat to our democracies and our way of life. They create social unrest, alarmism, disbelief, chaos, undermine public security and ultimately erode the global standing of liberal democracies. What roles can law enforcement agencies, governments and the European Union play in countering disinformation campaigns? Are they sufficiently aware of these menaces? Are they already tackling these challenging issues? In this paper we will endeavour to explore these issues and propose potential policy actions.

Keywords: pandemic; fake news; disinformation campaigns; law enforcement

Introduction

Both pandemics and fake news and disinformation campaigns have deep roots in history. In many historical contexts, fundamental paradigm changes have taken place in the wake of pandemics. In these dramatic moments, people tend to believe rumours and lies more easily, which often in a simplistic and misleading way, suggest explanations for unexplained and frightening phenomena. During the 'black plague' in many countries in Europe, Jews were blamed for the spread of the terrible disease; the fake news then in force tried to hold the 'other' responsible, the one who was 'different', who had a 'different' religion. At present, due to circulation restrictions, confinement and social isolation, most populations have dramatically increased their use of social media. This situation has exposed the spread of fake news and disinformation campaigns on various online platforms. In some contexts, authoritarian States have profited from the COVID-19 pandemic, taking advantage of the vulnerability and credulity of populations in a time of crisis.

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A general objective of authoritarian actors has been to create confusion, chaos, social disorder and to propagate the narrative that authoritarian states deal better with crisis situations and are able to better protect their populations. In this constructed narrative, liberal democratic systems which promote civil liberties and individualism are inadequate for protecting their populations in times of crisis. One "narrative" in this context is that the Western liberal system is outdated and that in contrast authoritarian systems are better equipped, allegedly being better placed to face the threat of the COVID-19 pandemic.

This 'narrative' has obvious effects on the internal security of states and, therefore, it has to be taken seriously by security forces and agencies. The European Union has launched several initiatives and has put in place instruments to combat this threat. Several Member States - and beyond - have responded to this situation. Many agencies and security forces are now responding with various actions. The security forces, as guardians of order, tranquillity and public security, must be at the forefront in facing this challenge of disinformation campaigns in the context of the COVID-19 pandemic.

Pandemics and paradigm shifts: Disinformation campaigns and fake news

Throughout the ages of history, Europe has been forced to confront the challenges of pandemics on many occasions. For example:

- In 430 BC, a 'plague' played a fundamental role in the defeat of Athens against Sparta in the Peloponnesian war;
- In 541 AD, another 'plague' undermined the efforts of the Roman emperor Justinian to re-unify the Roman empire;
- In 1350 AD, the 'black plague' played a fundamental role in several wars of that time and in the redefinition of demography across Europe;
- In 1917-1918 AD, 'Spanish flu' contributed to the end of World War I and caused millions of deaths worldwide:
- In 2020-2021 AD, the COVID-19 pandemic has already caused millions of deaths, and the total scope of its effects will be felt for years to come.

As described above, many of the historical pandemics cited have had significant effects on several paradigm shifts throughout Europe's history.

A trend that has previously been identified and which has gained notoriety is the use of disinformation by extremist groups and some states to foment disorder, confusion and social alarm. Such actors, have tried to convey the idea that the European Union and Western countries, in general, are not up to the task of dealing with the effects of the pandemic. Illustrations of this are 'mask and vent diplomacy' and, more recently, 'vaccine diplomacy'. Binnendijk and Kirchberger (2021) state that

> *"…the pandemic did not cause European distrust toward China, but it did catalyze and exacerbate it. In particular, China's botched initial response and subsequent attempts to exploit the crisis diplomatically—through 'mask diplomacy', by 'wolf warrior' diplomats' divisive comments, and by trying to suppress the positive example of Taiwan's comparatively more effective pandemic response — have dramatically reduced trust in the good intentions of the Chinese leadership across Europe and, in particular, within EU institutions"* (p. 17).

There are numerous recent examples in the literature concerning these tactics: Martin (2021), Doshi (2021) or Gokhale (2021).

In Western Balkans countries and also in some Central European countries (members of the European Union), Russia and China have made efforts to take advantage of the economic fragilities and shortages of vaccines in order to appear as 'saviors' of those countries, in a sharp contrast with the 'poor functioning' and 'lack of solidarity' of the European Union.

The alleged smooth operation of the vaccination process in Britain itself was used as an argument to demonstrate that Britain was now - outside the European Union - able to function much better on its own rather than in concert with European Union member states.

There are many reasons for these governments to promote disinformation campaigns:

- Seizing the moment to enhance international influence;
- Weaken the European Union;
- Blunt the appeal of democratic institutions;
- Sow divisions across the West;
- Create chaos and political unrest to blame democracy's inherent weaknesses;
- Promote authoritarianism and authoritarian states as more effective in protecting its citizens and their security;

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- Eroding the global standing of liberal democracy and the international liberal political order;
- To create an alternative worldview designed to undermine democratic values.

Extremist movements of all sorts, have taken advantage of the COVID-19 pandemic to promote narratives and to try to convince people of the necessity for 'profound change' in the way that European societies both work and function. Bail (2021) states that "…radicals are happy to create chaos: studies in the US and Denmark have concluded that those who spread fake news have a particular taste for chaos and a desire to see the system collapse" (p.59).

The protests against the restrictive measures and the use of masks, for instance, were used as a more global protest against the 'establishment', the 'corrupt media', and fed all sorts of conspiracy theories.

On the other hand, some governments took advantage of the vulnerabilities of the civil society in order to impose more restrictive measures which would not have been tolerated in conditions outside of the COVID-19 pandemic. Restrictions on the freedom of circulation, freedom of gathering and norms that were restrictive of civic and political liberties, were imposed, oftentimes without scientific consensus and under questionable necessity. The worst is that some governments also imposed some censorship on news and liberty of expression that are total intolerable in a pluralistic and democratic society. We are not just talking about authoritarian countries or illiberal democracies, even countries that are considered completely free by all of the international standards and freedom watchdogs, have advanced on a dangerous path. The most recent example is Portugal, with the approval by the parliament of a so-called "Portuguese charter of human rights in the digital age."[3] (Some observers found that some articles were very similar to the censorship articles of the laws of the previous authoritarian Salazar regime). The arguments of the ones who voted in favor of this initiative are always the same: to protect the citizens, to increase safety and security, and so on. As Benjamin Franklin´s famous quote said: "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety" (NPR, 2015).

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3 "Carta Portuguesa de direitos humanos na era digital (Lei nº 27/2021).

Social Media importance

The importance of the digital media in our daily lives and in the society as a whole is enormous. The same can be said regarding the use of these outlets as instruments and tools of political communication. Even before the pandemic we observed a significant growth on the users of diverse social media platforms. The most recent figures by "Hootsuite We are Social" shows staggering trends that were exponentiated by the confinement measures and social isolation triggered by the COVID-19 pandemic (Kemp, 2021). According to one authoritative source, the total number of active global social media users is now at roughly 4.2 billion. Social media users as a percentage of the global population are 53,6% and the annual change in the number of global social media users, from 2020 to 2021, is +13.2% or +490 million. The world´s most-used social platforms are Facebook, YouTube and WhatsApp; all of them used by more than 2 billion users each. The main reasons for using social media are:

- In order to stay up-to-date with news and current events;
- To search out entertaining content;
- To fill up spare time;
- To stay in touch with social contacts;
- To share photos and/or videos with others (Kemp, 2021).

As the importance of the social media platforms is evident as mentioned above, by those staggering figures, so it is also the rapid spread of fake news throughout the main platforms. According to data released by Facebook itself:

> "Facebook and Instagram removed, from the beginning of the pandemic until April 2021, 'more than 18 million' of content worldwide for violating their disinformation policies and for damages related to the COVID-19" (Público, 2021).

The data was released by Facebook, as part of the fight against disinformation and harmful content related to the pandemic of COVID-19.

Aware of their importance and their social responsibility - in addition to the impacts that their behaviour has on public opinion - social media platforms have adopted behaviours to combat fake news and disinformation campaigns, removing on their own initiative false content related to the pandemic of COVID-19. However, these attempts - possibly well intentioned -

of self-regulation are clearly insufficient to avoid this situation.

There is, however, a very difficult conundrum to resolve. Social media platforms claim that many posts and content fall within the freedom of expression and opinion protected by the first amendment of the U.S.A constitution and enshrined in the constitutional texts of liberal democracies. The withdrawal of posts can constitute, in the opinion of many, an exercise of censorship that could call into question constitutionally enshrined and protected rights, such as freedom of opinion. This is precisely the fundamental question at stake: who decides what fake news is? With what criteria? What are the underlying values? Based on what political, religious, social or moral doctrine or ideology? The answers to these questions are not easy, as it will not be easy to resolve this issue. Deep down, it transports us to the usual dilemma: who guards the guardians? This problem has been debated since ancient Greece and, as is well known, a totally adequate answer has not yet been found.

Policy-making: European Union and certain Member States responses

Social media companies, which have long been reluctant to implement any kind of censorship on their platforms, have been under increasing pressure from EU regulators to the point where many platforms have felt compelled to take unprecedented steps to address the issue of disinformation and misinformation. The European Commission, following up on its earlier Code of Practice (a set of voluntary commitments for social media platforms regarding transparency, joint reporting and regular meetings with European commissioners), adopted a new initiative in December 2020: the European Democracy Action Plan.

This initiative uses the lessons of the pandemic to chart a future direction for EU regulatory responses to disinformation.

"The integrity of elections has come under threat, the environment in which journalists and civil society operate has deteriorated, and concerted efforts to spread false and misleading information and manipulate voters, including by foreign actors have been observed. The very freedoms we strive to uphold, like the freedom of expression, have been used in some cases to deceive and manipulate. The COV-

ID-19 pandemic has brought these challenges into relief." (European Commission, 2020)

How is the EU tangibly responding to the infodemic?

Code of Practice on Disinformation
The Code of Practice is the first time that the industry has agreed, on a voluntary basis, to adopt self-regulatory standards in order to fight disinformation. The Code includes an annex identifying best practices that signatories will apply to implement the Code's commitments. The Code of Practice was signed by the online platforms Facebook, Google and Twitter, Mozilla, as well as by advertisers and parts of the advertising industry in October 2018 (European Commission, n.d., 'Code of practice').

Digital Services Act
The Digital Services Act (DSA) is a regulation intended to create a safer and open digital space across the European Union. The goals of the DSA are to protect the rights of digital service users and to create a more level playing field that will encourage innovation and growth in the European Single Market and across the globe (European Commission, n.d., 'The Digital Services Act').

European Democracy Action Plan
The European Democracy Action Plan sets out measures around three main pillars:

- Promote free and fair elections
- Strengthen media freedom and pluralism
- Counter disinformation

The Commission currently plans to gradually implement the European Democracy Action plan through 2023 (European Commission, n.d., 'The Digital Services Act').

The European Digital Media Observatory (EDMO, n.d.)
Established in June 2020. The activities of the EDMO are based on five pillars:

- Mapping of fact-checking organizations in Europe;
- Mapping, supporting and coordinating of research activities on disinformation at the European level;
- Building a public portal with information aimed at increasing awareness of online disinformation;

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- Design of a framework to ensure secure and privacy-protected access to platforms' data for academic researchers working to better understand disinformation;

- Support to public authorities in the monitoring of the policies put in place by online platforms to limit the spread and the impact of disinformation.

In addition to these institutional responses by the European Union, some member-States also tried to tackle this issue (Funke & Flamini, 2021):

- In Portugal: Some law enforcement agencies (PSP) launched press releases and campaigns on social media, (Facebook and Instagram), with alerts to the population on the dangers of fake news;

- In Belgium the government created an expert group and a Media literacy campaign;

- In Italy an online reporting portal was created and the Polizia Postale, a unit of the state police that investigates cybercrime, it was empowered to pursue legal action against offenders;

- In the Netherlands the government launched a public awareness campaign about the spread of misinformation online.

Tatlow (2020) states that Sweden's plan for a Psychological Defense Agency should be replicated in each EU country and connect to Brussels. This would identify and counter disinformation and other malign influences, support open-source research and tracking. As a Swedish government report noted, "…psychological defense should be viewed as a natural part of safeguarding the open society, freedom of opinion, and the freedom and independence of Sweden" (p.9).

Conclusions

As most of these menaces (disinformation campaigns and misinformation) can cause social alarmism, chaos, mistrust and even political unrest, they should be on the radar of European law enforcement services and agencies that act within the respective member states' borders. Responding to fake news and disinformation campaigns is, thus, an imperative; if social media posts have a potential to undermine public safety, then they should not be ignored. Any response will need to be thought out and implemented on a case-by-case basis. Public safety professionals must be alert and aware of trending disinformation and misinformation that can have the potential to affect public order. They must be prepared and have a plan on how to counter it when necessary.

There are some authors who think that there is no silver bullet to tackle this menace (Aral, 2020: p.305). According to them the battle against this phenomenon should be won, primarily, by platforms and people. They proposed a combination of approaches that, together, could mitigate this peril:

"The first approach is labeling (…) Prompting people to think about the information they consume can change whether they believe and share it. Second, we must address the economic incentives behind creating and spreading false information. Third, (…) Media literacy is designed to teach people (…) to think critically about the information they consume and share. Fourth, we should pursue technological solutions to the spread of misinformation. Fifth, platform policies also help" (Aral, 2020: p.305–309).

At present, many European member state governments are sensitized to the dangers and perils of the disinformation within the context of the COVID-19 pandemic. In response, many European member states have launched campaigns on media literacy, created task forces to deal with the problem and have created laws to criminalize such offences. However, at present, the role of law enforcement actors in these processes can and should be augmented. As the frontline guardians of public safety and order, law enforcement agencies should arguably play a more significant role in combatting disinformation and misinformation within their respective jurisdictions.

Media and digital literacy, as well as raising awareness for the perils of disinformation and misinformation phenomenon, should be learning objectives in the formation and qualifications of the law enforcement agents, and in particular those who work in the relevant 'cyber' divisions of their respective institutions/agencies.

References

- Aral, S. (2020) The Hype Machine. Harper Collins Publishers.

- Bail, C. (2021) Breaking the Social Media Prism – How to Make Our Platforms Less Polarizing. Princeton University Press.

- Binnendijk, H. & Kirchberger, S. (2021) The China Plan: A Transatlantic Plan for Strategic Competition. Atlantic Council: Scowcroft Centre.
  Available at: https://www.atlanticcouncil.org/wp-content/uploads/2021/03/The-China-Plan-A-Transatlantic-Blueprint.pdf Accessed 26 May 2021

- Courtney, C.K. (2021) Disinformation: a threat to Europe's competitive edge.
  Available at: https://www.friendsofeurope.org/insights/disinformation-a-threat-to-europes-competitive-edge/ Accessed 8 June 2021

- Doshi, Rush (2021) China´s Grand Strategy to Displace American Order. Oklahoma University Press.

- European Commission. (2020) European Democracy Action Plan: making EU democracies stronger.
  Available at: https://ec.europa.eu/commission/presscorner/detail/en/IP_20_2250 Accessed 25 April 2021

- European Commission. (2021a) Code of practice on disinformation.
  Available at: https://ec.europa.eu/digital-single-market/en/code-practice-disinformation Accessed 25th April 2021

- European Commission. (2021b) The Digital Services Act: Ensuring a safe and accountable online environment.
  Available at: https://ec.europa.eu/info/strategy/priorities-2019-2024/new-push-european-democracy/european-democracy-action-plan_en Accessed 25 April 2021

- European Digital Media Observatory (EDMO). (2021c) United against disinformation.
  Available from: https://edmo.eu Accessed 25 April 2021

- Funke, D. & Flamini, D. (2021) A guide to anti-misinformation actions around the world.
  Available at: https://www.poynter.org/ifcn/anti-misinformation-actions/ Accessed 2 May 2021

- Gokhale, V. (2021) The Long Game: How the Chinese Negotiate with India. Penguin.

- Kemp, S. (2021) Digital 21: The latest insights into the 'state of digital'.
  Available at: https://wearesocial.com/blog/2021/01/digital-2021-the-latest-insights-into-the-state-of-digital Accessed 25 May 2021

- Law nº 27/2021. Diário da República Portugal no. 95/2021, Series I (2021-05-17).
  Available at: https://dre.pt/web/guest/home/-/dre/163442504/details/maximized

- Martin, Peter (2021) China´s Civilian Army: The Making of Wolf Warrior Diplomats. Oklahoma University Press.

- NPR. (2015) Ben Franklin's Famous 'Liberty, Safety' Quote Lost Its Context In 21st Century.
  Available at: https://www.npr.org/2015/03/02/390245038/ben-franklins-famous-liberty-safety-quote-lost-its-context-in-21st-century?t=1622032203805 Accessed 25 May 2021

- Público. (2021) Fake News: Facebook and Instagram have withdrawn by April more than 18 million content on COVID-19.
  Available at: https://www.publico.pt/2021/05/19/sociedade/noticia/fake-news facebook-instagram-retiraram-ate-abril-18-milhoes-conteudos-covid19-1963276 Accessed 29 May 2021

- Tatlow, D.K. (2020) How Democratic Security Can Protect Europe From a Rising China.
  Available at: https://dgap.org/en/research/publications/how-democratic-security-can-protect-europe-rising-china Accessed 26 May 2021