FAKE NEWS: DISINFORMATION AND INFODEMY AS POSSIBLE THREATS TO DEMOCRACY

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Abstract:

In recent years there has been a growing global debate on fake news, technically as "disinformation" and in recent months the expression "infodemic" coined by the WHO due to the COVID-19 pandemic. What these two terms have in common - and the object of this study - is the relationship they have with freedom of expression and the right to information, these fundamental and corollary rights of democracy. Disinformation is a worrying factor for democracy because they confuse and polarize citizens, generate a loss of credibility and confidence in the media, and distort the content of the public debate. Therefore, it is essential to think about a revised education in the Information Age and media literacy.

Keywords: Disinformation, Infodemic, Threats, Democracy.

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Introduction:

The digital and technological changes throughout the last years, also regard to the diffusion and expansion of Internet access, have changed social relations at an accelerated rate, transforming cultural, behavioral, and consumer aspects.For a younger generation these new contexts of social relations are close to normality once they are born surrounded by technologies, , on the other hand, for a huge population mass, it may still represent amazement, distrust, fear, or even rejection.

Information acess has been expanded, knowledge is most quickly beeing produced. Both knowledge and information are available or are easier accessible. There are so many new ways of communication and social interaction: e-mails, facebook, twitter, instagran, whatsapp, telegram, hangouts, skype, digital medias, lives, calls, memes, applications. There are so many new words: big data, fake news, deepfakes, trolls, bots, disinformation, overinformation, infodemic, hacker, cracker, lammer ..., all that new originates the paradox that knowledge is available at the same instant when so much information in unknown, in other words, the more information the less knowledge.

Over the last few years a global debate on fake news has grown, and technically the topic has been treated as "disinformation", as it represents a more correct and complete nomenclature in terms of comprehensiveness, and in recent months the expression "infodemic" coined by the World Health Organization (WHO) due to the COVID-19 pandemic.

What these two terms have in common - and the object of this study - is the relationship they have with freedom of expression and the right to information that are fundamental and corollary rights of democracy.

Therefore, it is important to question how potentially disinformation and infodemic can constitute possible threats to democracy and to the functions of the right to information.

Both disinformation and infodemic jeopardize the integrity and veracity of the information, and effectively damages the natural constitution of a firmly held belief or opinion, and the knowledge of the citizens, nowadays, also digital citizens.

Thus the objective of this studyis to understand both phenomena, the disinformation and the infodemic, in the Information Age in order to find tools and mechanisms to recognize them, fight them and prevent their spread, taking into account that the damage goes beyond the individual sphere and begins to harm an entire community.

There is no way to stop fake news. From simple rumors to deliberate disinformation it is a practice noticed in different moments in history and all peoples, whether for political, economic, social, religious, military or consumer interests, and nowadays it is also used to attract a virtual audience. If there is no way to stop them completely, mechanisms can be created to slow down or punish them, as seen in legislative initiatives that have already been proposed or implemented around the world, or looking for better media literacy education, with better training for the digital citizen.

I - Disinformation and Infodemia: deceits and fakes in the Information Age

In early April of this year, 2020, the registry of infected people with SARS-CoV-2 in some European countries began to show a decline if compared to the number of deaths from COVID-19, which at that date continued to increase in the same regions. A few days after the number of cases in the United States of America (USA) exceed Italy's number of COVID-19 cases, the United Nations (UN), in a note, recognized the negative impact of disinformation and cited the fight against rumors and disinformation, that must be fundamental, taking into account the exorbitant proportion that the dissemination of false and malicious information can reach, and consequently, cause damage to socioeconomic levels, even in matters of public health.

The The United Nations Educational, Scientific and Cultural Organization (UNESCO) defines the existence of an "avalanche" of false and / or malicious information that has been accompanied by various world historical moments, as well considered a global catastrophe each year that takes advantage of the speed and ease that information has been spread by the communication medias, mainly by the existing communication mechanisms on the internet (sites, blogs, social networks, profiles and personal pages and the most official news, etc ...). UNESCO names such phenomenon of "disinfodemia", making an analogy to the moment when the world facesthe COVID-19 pandemic, coming across with the fake news' avalanche, seeing and treating it also as a pandemic event. Do not forget that the fakes news "are highly contagious" (AMORÓS GARCÍA, 2018, p. 81).

In all aspects, the exacerbated flow of false or unsure information is considered a social evil, but above it all, and in a weaker and less restricted aspect than fake news, excess information in a fluid, messy and disarranged way (although easy and of free access) can now be configured as a social adversity.

The era that we are living in is considered the Information Age (CASTELLS, 2005), we are

faced with Big Data, which is nothing more than the existence of enormous volumes of data, about the most varied and unthinkable subjects, that circulate to an absurd speed. The usefulness of large data sets is questionable, it creates a fear of how the data will be applied, whether for the common good or for the individual or particular group benefit.

Using right and specific methods, data mining can contribute organizationally and personally to decision-making, and the data mining techniques can facilitate and give support to the construction of knowledge at levels and speeds never seen before, but can incorrectly lead to loss of data and other disadvantages in unknown dimensions. An initial problem related to Big Data is how you can filter data, select it consciously, accurately, appropriately, and not just convenient for those who are going to use it. Data, information, and knowledge have different meanings, and too much information or data generate concerns about a disease "similar to a disinfodemia," which may be called "infodemic."

The Pan American Health Organization (PAHO, 2020), in association with the WHO, has published an informative brochure on the "infodemic" and "disinformation" in the fight against COVID-19, in which it reports the information available online in a clipping that links those data to the COVID-19 pandemic. There were 316 million videos listed on YouTube and about of 550 million posts on Twitter, all of them related to the COVID-19 topic, by classification or containing terms with the name of the disease, the virus that causes it or the term pandemic, in addition to about 19.2 thousand articles published in Google Scholar (which is a tool / Google page focused on academic and scientific texts).

Many examples, associated to the exaggerated volume of information, can be referred to be harmful. Unlabeled images, captured at different times, can serve as a bias for the construction of misleading and unfounded knowledge. The reasoning, at the time of the construction of knowledge can be in charge to those who simply consult the available mass data, although instead of data, unfounded information may shape incorrect knowledge of the reality of the facts. Phrases misinterpreted and without sources, or issued by people without the legitimacy of knowledge to address certain subjects, can shape an inauthentic discourse, they can even unfairly corroborate for moral or material damages of what the text is about.

The infodemic is seen as a fertile field for disinformation.

The Joint Declaration on Freedom of Expression and "False News", Disinformation and Propaganda prepared by the special reporters and representatives of the United Nations, OSCE, OAS and CADHP, published in March 2018, in its introduction, expressed concern about the fact that "disinformation and propaganda" are often designed and applied with the purpose of confusing the population and interfering with the public's right to know and the people's right to seek, receive, and also transmit, information and ideas of all kinds,

regardless of borders, which are rights achieved by international legal guarantees of the rights to freedom of speech and expression . Furthermore, the right to information is not limited to "correct" statements, as this right also protects information and ideas that could cause consternation, offend or disturb, and does not prohibit misinformation, justified in the name of freedom of expression that would turn into a violation of international rights standards.

This Joint Declaration makes distinction of disinformation and propaganda, the first applies to information that the sender/source reasonably knows or should know it to be false, and the second when it shows a manifest disregard for verifiable information.

Considering these elements, disinformation (which includes fake news) is conceptualized as a false or distorted/ falsified story, event or factual situation, endowed with verisimilitude and spread especially in cyberspace, platforms or digital media, in which the information is warped, unfounded, insufficient, with non-existent and non-objective data, with the intention of manipulating or influencing opinions and ideas for political, ideological, religious or economic purposes (MOTA JUNIOR, 2019, p. 265).

This is a broad definition, considering that the elements to characterize erroneous information are also broad. In this regard, the Russian Federal Law of March 18, 2019 No. 31-ФЗ (amending article 15-3 of the Federal Law on Information, Information Technology and Information Protection) introduced for administrative liability the dissemination of false news and information such as inaccurate information of social importance distributed under the camouflageof reliable messages, which creates a threat, possibly bringing damage to life and / or health of citizens, property, possibly creating a massive violation of public order and / or public safety or the threat of interfering with the operation or termination of life support facilities, transportation or social infrastructure, credit organizations, energy facilities, industry or communications.

In this sense, the idea of "disinformation" and / or false news can be affirmed, which goes against the concept of "information" itself, which contains in its notion the sense of forming through a set of meaningful real data. Therefore, it can also be affirmed that disinformation, in reality, is an absence of information, considering that the presentation of this data set would be compromised in the face of information manipulation, collective alienation, the information domain or underinformation (partial information, distorted, deliberately imprecise or incomplete).

In fact, the terminology "false" information shows inaccuracy, the same applies to the terminology *fake news*. This can be easily evidenced. In order to distinguishing seven types

of erroneous content, the First Draft Organization (2017) establishes the existence of 1) satire or parody: it is not intended to cause harm or deception; 2) deceptive content: this is the misleading use of information to incriminate someone or something; 3) impostor content: it is the type of information that supplants genuine sources; 4) fabricated content: new content that is predominantly false, specially designed to deceive and prejudice; 5) false connection: when the headlines, images or captions do not confirm the content; 6) false context: when genuine content is broadcast with false context information; and 7) manipulated content: when genuine information or images are manipulated to deceive. Therefore, not all false information constitutes misinformation.

False information, such as satire or parody, for example, are not disinformation, and they enter the field of freedom of expression. Therefore, they must not be confused.
In fact, the right to freedom of speech and expression carries in its meaning the right to information, but as fundamental rights, constitutionally protected by the State of Law, they are the antithesis for disinformation.

Therefore, there is a very weak connection linking them, a very tenuous one. Journalistic error, bunt criticism, political humor, rumors, gossip, propaganda, conspiracy theories, in principle, are protected by freedom of speech and expression. However, the status of their tutelage changes when, intentionally, with animus, they try to exceed the limits granted for free expression and opinion, when they face other rights such as honor or public health, or discriminatory and hate speech.

"Disinformation" outrages the right to information directly, defined as a set of rights of an individual, which are derived from freedom of expression, and consist of the right to inform your self or other, and to be informed of matters of their particular or public interest, subject to secrecy exceptions, and as a formative and integrating element of citizenship. It is a fundamental and intrinsic guarantee of democratic states (URÍAS, 2009, p. 65), and it must also be considered a constructive element of the constitutional subject, and at the same time it provides a burden to the guarantee of other rights.

The right to information is a two-way right because, in addition to being an individual right, it also constitutes a collective right. As a subjective right, it is based on the idea that information and knowledge are fundamental for the development of the individual and society, both because they are inherent in the democratic society and in the individual. On the other hand, as a collective right, belonging to everyone, to the entire community, it corresponds to the duty to inform or provide information to satisfy the right of individuals to receive truthful, complete, objective and information with quality.

It is pointed out that freedom of expression and the right to information support the very existence of democracy, which must be plural and participatory. To prevent discussion and

the spread of ideas is to sacrifice a regime created to discuss diversity, so that the majority exists and to protect minorities, living with the divergent.

Since the Donald Trump and Brexit elections, the debate on disinformation in societies has intensified massively. And at the fast pace of the Internet and the new digital and technological media, it is believed that it is rare that such a debate has not been introduced in a government or a parliament.

It was necessary to carry out specific studies and to regulate the subject, which gave rise to various laws, some in the criminal sphere, others in the civil sphere and others in the administrative sphere. In addition to Russia, that was mentioned before, some countries already have laws against disinformation, such as Germany, Malaysia, Singapore, China, France, Egypt and Algeria, as well as recommendations and directives of the Parliament of the European Union.

The other challenge is to distinguish disinformation from freedom of expression, so that the fake news law cannot become a law of censorship, prior or not, to the free expression of opinions or ideas.

II - **Digital deceptions as threats to democracy**

From a sociological perspective, there is a dimension that acts making intermediation between society and the State, a dimension called the public sphere, in which individuals are structured as public opinion holders, the latter based on three fundamental principles, the freedoms of assembly, association and expression. Since social networks on the Internet are spaces in which citizens have access to these rights to freedom, it is understood that the notion of the public sphere, according to Jürgen Habermas, is present in social networks (HABERMAS, 2003, p. 93).

Thereafter understanding the sociological perspective is relevant to ask questions about how the limit of freedom of expression can be understood clearly and concretely, in the sense that the exercise of the social function of citizenship and political participation does not contribute to the dissemination of false information. Social networks in their basic institutions seem to have no limits in how their users can use the tools available on the online platforms.

As the strength of social media influences in society is recognized, originates concerns about information overloads. Narratives and freedom of expression on the Internet are tools that often nourish virtual problems, with real repercussions that are difficult to measure, in addition to sculpting a propitious field for disinformation and infodemic.

Twitter, one of the most popular social networks today, is a global message-sharing community that simulates the exchange of SMS (Short Message Service). In less than a year after its creation (in 2006), Twitter had its status changed, from microblog posts limited to a few characters to an effective instrument to reach large audiences to express personal opinions and disseminate information. In the microblog posting field is the question "What are you doing?", Which is often answered with opinion phrases that highlight the online platform as an element of the public sphere. John Reid Edwards,current United States senator, who in 2007 showed interest in running for the United States presidency, was considered at the time as an "e-candidate" or an "electronic candidate", using the newly created social network to provide information about his political career, trying to expand his possible electorate through using the social network.

With years of updating and remodeling of the interface and the utilities of the platforms, the link in communication (use of hashtags, labels to categorize the publications) allows the viralization of the subjects, in posts that do not always have accurate information, either because it is a free manifestation of freedom of expression, or because it represents maliciously deliberate disinformation.

The strength of social networks feeds problems such as excessive polarization, hate speech, diversity intolerance. Freedom of expression and lack of guidance on how to exercise the law without causing harm to oneself or others, allows cyberspace, which was previously a public sphere, to be considered both a space for attack and violence. Confessions, details of personal and intimate life, people's routines, risky activities, among other information, are examples of data that can have harmful consequences for those on whom the data is about. If used maliciously, false/fake and defamatory news may emerge, for example, and even if it is not used maliciously, excess information can induce decision-making in favor of a biased party. For example, an insurance company may classify customers at risk levels based on publicly available data on social media, for example, more expensive insurance policies for those who practice risky activities.

The disinformation theory is based on the idea that the dissemination of false information violates the right to information in many aspects, undermining the functions of this right, and even making the citizenship education of people affected by disinformation, leading to the failure to reach the real expectations of the fulfillment of rights and the exercise of law. The speed that people feed the Internet with unstructured and poorly categorized data is much greater than the speed that the facts are verified by those who have the legitimacy to disseminate certain information.

Social networks are propitious spaces for the emergence of new ideas, enabling a logical implication that relates the phenomenon of disinformation to political polarization, although there is no unified agreement on which of them is a cause and which is a consequence. The

parties' justifications are well founded, on the one hand people are induced in their behavior by emotional appeals often manipulated by disinformation, citing disinformation issues in electoral processes that can influence the way people will participate; on the other hand, there are those who argue that political polarization precedes disinformation, the theory that individuals become extremely prisoners to the set of information they feel safe and want to affirm as truths, citing a set of basic ideologies that constitute each individual in their essence and determine their political positions.

The concern about the impacts of misinformation was occasionally portrayed for many years, but when it appeared recently associated with political affairs, and at moments of election in various countries such as Brazil and the United States of America (HARDEN, 2019),it can be perceived the notorious drive that the importance of discussion on the topic has received by scholars from the most diverse scientific areas.. Despite the emphasis given to the dissemination of fake news, there are no parameters to evaluate how disinformation affects the citizen's intimate will, although it is undoubtedly a mechanism for the dissemination of ideas that influence the formation of untrue or unfounded knowledge.

If it is already difficult to measure the real impacts of fake news, it is yet impossible to prevent the spread and its effects, and it is also difficult to determine who and how to "control" the spread of disinformation. The "Infodemic" is an irreversible social reality, and in order to fight disinformation, it will be necessary to understand that all social systems, each institution on its own, and citizens are affected by this evil. It is necessary to rethink the way in which the interaction that occurs in social networks, and between people and the network itself mediated by electronic devices with access the Internet, taking into account important values that cannot lose effect in the "virtual world".

Since social networks are facilitators of political participation, it is necessary to consider how their decentralized and informal (although democratic) structure can interfere in the formation of thought in a persuasive way. There are two sides to the coin, one is that freedom of assembly and association can drive movements that contribute to spreading truthful opinions and information, the other side is that by connecting ideas, you can induce whoever processes the information previously gathered (to sometimes biased) to adhere to the cause that has been built on manipulative foundations.

Therefore, it is necessary to reaffirm democratic values in order to rethink the way to use social networks, either to feed them with data and information or to process what is already available on them. In this sense, a true media literacy in the Information Age is advocated. The promotion of media literacy is part of an attempt to make people aware of the social repercussions that data and information disseminated on social networks can have on

societies. Even before creating mechanisms to fight
disinformation or punish those who disseminate it, it is necessary to overcome the obstacle
of becoming a digital citizen willing not to contribute to "disinfodemia", which is not a
quick or easy task, because it implicate numerous facts and results that depend on each
individual and how they fit into this new computerized public sphere. In this sense, the
European Commission's "Code of Practice on Disinformation" is cited in 2018, which aims
to respond to these concerns and trends with proposals for measures to fight disinformation
(MAGALLÓN ROSA, 2019, p.129) .

Conclusion

In today's world, humanity is exposed to a excessive amount of information and never in the
history of our civilization the peoples have had so much access to it and the possibility of
knowing it. To this wave of big data, also came the phenomena of infodemic and the
problems of disinformation. Knowledge paradoxes are created: much can deform of
jeopardize what is necessary and appropriate.

There is no single answer to living with all this information, but it is essential to think about
a revised education in the Information Age and also consider media literacy.

If, on the one hand, access to information has the function of promoting individual
autonomy, resulting from the plurality of the object of the information, and through it, the
citizens can freely form their opinions and participate in matters of public life; on the other
hand, there is disinformation that blemishes and harms impartial, comprehensive and
authentic information, making it impossible to build a freer individual identity, without
interference and of higher quality, so that political life is built by freedom and voluntary
options. Misinformation and deliberate false news (in its various formats, such as "memes",
"screen shots/printed screens", "bots", audios, and even written) jeopardize the formation of
citizens as it manipulates information either to confuse them, either to infer in their
autonomy of knowing, interfering in the various manifestations of the freedom to inform: to
inform in the strict sense (to give notice of something), to express, to publish, to announce,
to seek, to investigate, among others.

In this regard, false news or misinformation are worrying factors for democracy, as it
confuses and polarizes citizens, generates loss of credibility and confidence in the media
and distorts the content of public debate. Disinformation, premeditated and malicious,
influences opinions, spreads discourses of hatred or fear, instigates violence or violates
personality rights, for example (MOTA JUNIOR, 2019, p. 273), allied in a fertile field of
infodemia. The dissemination of these false or falsified content happens mostly through
social networks, where they gain visibility and make their damage irreversible to citizens
and society.

Combating disinformation must be understood as a democratic activity. Without ever
forgetting to respect fundamental rights, it is a struggle that demands efforts from everyone,
in a plural and diverse way, entirely participatory.

References

AMORÓS GARCÍA, Marc. **Fake News (La Verdad de las Noticias Falsas)**. Madrid:Plataforma editorial, 2018.

CASTELLS, Manuel. **A Era da Informação: economia, sociedade e cultura. A sociedade em redes**. Volume 1. Tradução de Roneide Venâncio Majer. 8. ed. São Paulo: Editora Paz e Terra S/A, 2005.

_____. **The New Public Sphere**: **Global Civil Society, Communication Networks, and Global Governance** (The ANNALS of the American Academy of Political and Social Science, 2008, p. 78-93.

HABERMAS, Jürgen. **Direito e democracia: entre facticidade e validade**. [1992] v. I e II. 2. ed. Rio de Janeiro: Tempo Brasileiro, 2003.

HARDEN, Christopher. **Brazil Fell for Fake News: What to Do About It Now?.** Wilson Center - Think Brazil - Democracy and The rule of Law, 2019. Last accessed5th June 2020: https://www.wilsoncenter.org/blog-post/brazil-fell-for-fake-news-what-to-do-about-it-now.

MAGALLÓN ROSA, Raúl. **Unfaking News. Cómo combatir la desinformación**. Madrid: Pirámide, 2019.

MOTA JUNIOR, João Francisco da. A responsabilização dos Agentes Públicos por Notícias Falsas (Fake news): por um Direito à Informação Pública Veraz. **Temas de Direito Público e Privado: estudos em homenagem ao VIII centenário da Universidade de Salamanca**. MARQUES, Mateus & DUARTE, Antonio Aurélio Abi Ramia (org.) Rio de Janeiro: Lumen Juris, 2019, p. 249-277.

ORGANIZAÇÃO PAN-AMERICANA DE SAÚDE (PAHO). **Entender la infodemia y la desinformación en la lucha contra la COVID-19**. 2020. Last accessed 4th June 2020: https://iris.paho.org/bitstream/handle/10665.2/52054/Factsheet-Infodemic_por.pdf?sequence=3.

URÍAS, Joaquín. **Lecciones de derecho de la información**. 2. ed. Madrid: Tecnos, 2009.

WARDLE, Claire. **Fake News. It's complicated**. FIRST DRAFT, 2017. Last accessed 5th June 2020: https://firstdraftnews.org/latest/fake-news-complicated/.