

The Truth about Lying:

a Primer on Disinformation



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Introduction



Lies have been the constant companion of humanity since man first discovered he could breathe words he does not mean. Lies have stroked countless egos, saved millions of hides, and destroyed thousand-year empires.

Its enduring nature brings to the fore man's innate tendency to trust his fellow and his need for certainty, no matter the cost.

Once more we lay upon the steps of the temple a sickness so new that no one yet knows the remedy, and yet whose origin is so old everyone knows its nature. It is an ailment so efficiently virulent that it has stolen entire elections and killed thousands of defenseless Filipinos. It goes by many names these days: disinformation, misinformation, trolling, активные мероприятия (active measures), wu mao, etc. But one thing remains the same: deception at its core.

And so we lay our ailing country on these steps, afflicted by death and despair, in full view of our posterity, in the hope that one among us may one day be able to find a sufficient cure. For even though we, the hapless brood of the present, can only pick at its scabs and note its symptoms, let it be known that we never stopped trying.

Michael de Castro,
Supervising Lawyer

Definition



Disinformation was defined in Great Soviet Encyclopedia (1952) as "false information with the intention to deceive public opinion".¹ A notable example of disinformation which had a great impact on the general public was operation INFEKTION. Operation INFEKTION was a Soviet disinformation campaign to influence opinion that the U.S. invented AIDS.²

The European Commission has defined disinformation as "verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm."³ Similarly with the earlier definition, in disinformation, as defined by the European Commission, there is intent on the part of the person spreading the false information to deceive or cause harm to the public. Although in this definition it was added that disinformation could be used for economic gain. In certain situations, disinformation may also include "blended" information. This means that information being disseminated has both true and false content. The true information that is propagated, in this instance, is spread with the intent to deceive the public, this is sometimes described as "propaganda" or "malinformation."⁴

Definition



Disinformation, however, should not be confused with Misinformation and Mal-information. As compared with each other, these are their differences based on their definition.⁵ Disinformation refers to information that is false and deliberately created to harm a person, social group, organization or country.⁶ Misinformation is information that is false but not created with the intention of causing harm.⁷ While Malinformation is information that is based on reality, used to inflict harm on a person, social group, organization or country.⁸ In the context of elections, disinformation refers to the dissemination of knowingly false information with the goal to undermine political opponents, to manipulate the voting process, or change perceptions of the political circumstances in which the election takes place.⁹

Given these definitions we are able to have a clear picture on what disinformation is. In general, disinformation is the dissemination, making, or use of false information which is intended to cause harm or damage to the general public, a specific organization or group, a specific group of people, or a specific individual. In the context of elections, disinformation is the dissemination, making, or use of false information which is intended to manipulate the voting process or change perceptions of the political circumstances in which the election takes place.

Main actors in disinformation

There are generally two main actors that engage in disinformation, namely, the State and the Private Entities.

The State

In several situations, individuals and groups acting for the State have engaged in disinformation. Some of the states involved are Russia, China and Iran. In 2020, Russia was reported to be linked with an operation called “Secondary Infektion,” which spread Russian propaganda and fake news regarding U.S. politicians and the coronavirus.¹⁰ In China, a pro-Chinese government network of fake accounts were discovered to discredit opponents such as Li-Meng Yan, a Chinese scientist who claimed that the COVID virus was made in a Chinese laboratory.¹¹ Fake Facebook groups can also be used as in the case of Iran where a Facebook page called “Aduk” was used to share content to fuel war between the Jews and Palestinians.¹²

Private Entities

While most disinformation campaigns are political in nature and involve public officials and organizations, private entities are also key players. For example, Cambridge Analytica which is a data consulting firm was found to have extracted data from Facebook which were used in the 2016 US Elections.¹³ Advertising and PR firms are also in demand for more sophisticated disinformation campaigns sought commonly by politicians.¹⁴ We also have celebrities or social media influencers who are deemed as “super-spreaders” as they have the ability to make a message go viral.¹⁵ Finally, the notorious “trolls” who are private citizens also participate in disinformation as they are paid a hefty amount of money for maintaining a persuasive online persona while directly communicating with people in social media to advocate for their political clients.¹⁶

Goals and Methods

Goals

The main goal of the actors in disinformation is to influence opinion and in effect change the behavior, perception and viewpoints of the target audience.



Methods

- 1 Social Media Manipulation
- 2 Networked Disinformation
- 3 Political Trolling
- 4 Algorithm and AI manipulation
- 5 Historical Revisionism

Goals and Methods

Social Media Manipulation

Cyber troops are one of the main actors in disinformation. They use different strategies for social media manipulation such as commenting on social media posts, the use of fake accounts, and content creation.¹⁷ Disinformation through commenting on posts happens when cyber troops use irrelevant information to distract the audience and turn the attention towards the commenter instead of the actual content.¹⁸ Meanwhile, the use of fake accounts (astroturfing), also known as bots, spread disinformation by making it appear that a post has several likes or shares thereby mimicking credibility.¹⁹ Finally, content creation is one way of perpetrating disinformation when aside from comments, other forms of media such as blog posts, videos, pictures, and even memes are used to persuade the audience to believe the online persona's agenda which are often political.²⁰

Networked Disinformation

In the digital world, disinformation can be characterized as networked as it stems from different producers with different campaigns. There are two principles of communication involved here, which are controlled interactivity and volatile virality. Controlled interactivity is focused on maintaining a common script whereas volatile virality widens the reach of the message.²¹ Controlled interactivity is observed in the early stages of networked disinformation production especially when strategists identify their key campaign objectives such as personal branding of clients and political silencing.²² During this stage, the chief architects use their expertise in finding what resonates with public sentiment and using it as a theme to the messages. Once the core campaign messages are crafted, the strategists shall resort to the principle of volatile virality to promote message visibility.²³ Fake accounts are used for engagement and sometimes, social media influencers are employed to reach a greater number of people.²⁴

Goals and Methods

Political Trolling

The Philippines holds the title of Patient Zero in the global epidemic of disinformation.²⁵ The factors contributing to disinformation are image-based politics, digitally savvy workforce, and resentment of populist publics. Through these factors, and from the past digital campaigns during the election seasons, four organizational models of political trolling were observed which are the (1) State-Sponsored Model, (2) In-house Staff Model, (3) Advertising and PR Model, and (4) Clickbait Model.

The first model is the State-Sponsored Model where the government, being the main actor, consolidates political authority to the point of digital bullying that may bully dissenters to keep silent.²⁶ This leads the government supporters who identify as die-hard supporters to engage in hyper-partisan politics and harass dissenters.²⁷ The second model is the In-house Staff Model. This is the most common model whereby a politician employs political campaign experts and an administrative staff “to boost support for their candidates, to parry critiques against them, and to attack their opponents.”²⁸ This is achieved through the use of fake Facebook accounts in promoting the politician in closed Facebook groups and attacking other political opponents.²⁹ The third model is the Advertising and PR Model. Here, experts in advertising and public relations professionals are hired to use their expertise for political trolling through “hierarchical but loosely networked” teams.³⁰ At the top of the hierarchy are the chief disinformation architects who craft the campaign, followed by anonymous digital influencers who labor into making the campaigns viral in social media posts, and finally the community-level fake account operators who share the posts as supporters of the campaign.³¹ The last model is the Clickbait Model which is the “most politically agnostic and commercially driven model of digital disinformation production.”³² Unlike the three models, the Clickbait Model relies on web and social media analytics such as Google’s AdSense and Facebook’s Instant Articles which generate financial reward for high audience engagement.³³ Here, sensational posts are favored as they invite more clicks and generate more digital activity. “The ‘cat-and-mouse game’ of manipulating platform algorithms to optimize the reach and engagement of salacious news headlines led to the proliferation of slanderous content appealing to the worst interests and instincts of online users.”³⁴ Thus, the proliferation of fake news is reinforced.

Goals and Methods



Political Trolling

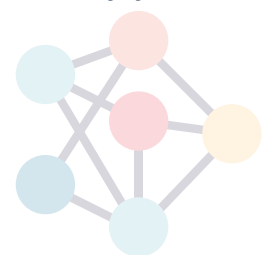
Seven Commandments of Fake News

Russia has always been elaborate in crafting and implementing disinformation campaigns, targeting the neighboring states. Their tactics had been known as the "Seven Commandments of Fake News" which highlights seven elements. The first element is to look for cracks in the target society, social divisions that can be exploited and wedged open - economic, regional or linguistic ones. Look for ways to emphasize those divisions and actually make people lose trust in one another. The second element is to create a big bold lie that is so outrageous that no one could possibly believe that it was made up. The third element is to wrap the big bold lie around a kernel of truth. It is said that propaganda is most effective when there's a little bit of truth in it. Disinformation, on the other hand, is eventually accepted as a whole. The fourth element is to conceal hands by making it seem like the story came from somewhere else. The fifth element is to find a useful idiot who would unwittingly take the message and push it into the target audience. The sixth element is to deny even if the truth is obvious if someone is trying to expose the efforts made. Finally, the last element is to be prepared to play a long game and put large resources into things that may not bear fruit for many years to come.

Algorithm and AI manipulation

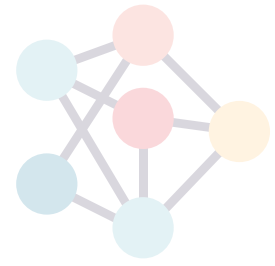
Targeted Profiling

Through a person's online behavioral profile, marketers or advertisers would be able to assess in real time a person's interests, wherein a person's biases and vulnerabilities would also be known. These biases and vulnerabilities are used by marketers or advertisers to do targeted messaging to a particular audience. Researchers who do behavioral profiling are, for example, able to identify personality traits such as "impulsivity, depression, sensationalist interest, life satisfaction, emotional stability, drug use, sexual orientation, and political views."



Goals and Methods

Algorithm and AI Manipulation



Targeted Profiling

The first area of research in online behavioral profiling is called "persuasion profiling" which theorizes that "consumers differ in their susceptibility to various forms of persuasion." Through persuasion profiling, one would be able to know what motivates a certain person³⁴ and "dynamically change the advertisement accordingly in real time."

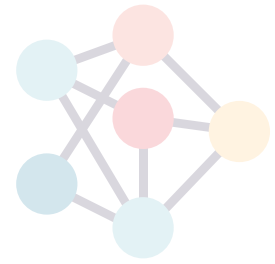
The second area of research recognizes "that consumers have different 'cognitive styles,' or ways of thinking and engaging with the world." Based on the cognitive styles of a particular audience, the way a message is being communicated is "morphed" to suit those cognitive styles.

Big companies such as Amazon, Google, and IBM have patent applications for "dynamic emotional targeting" through the use of smart devices like Alexa or through facial recognition technology, which would enable them to detect the moods of a particular user. Keyboard typing patterns also help in determining emotional states such as confidence, nervousness, sadness, and tiredness. "More broadly, mobile phone sensor data could be used to predict mood, personality, stress levels, gender, marital and job status, age, level of disease, mental health issues, sleep, and physical movement." Another example is an algorithm created by Facebook wherein they could detect if a person, through his or her social media profile, have a tendency to commit suicide.

Knowing an audience's biases and vulnerabilities would allow the marketers and advertisers to target and communicate different and specific advertisements, messages and offers for that particular audience and even adjust their content accordingly, based on real-time information that is obtained through research. In other words, marketers and advertisers, through online behavioral profiling are able to exploit the vulnerabilities of a specific audience.³⁵

Goals and Methods

Algorithm and AI Manipulation



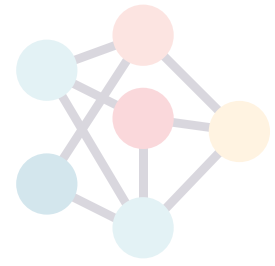
Coordinated Inauthentic Behavior

An example of how AI manipulation happens is how Philippines' Twinmark Media Enterprises earned millions of dollars for repeatedly “violating Facebook misrepresentation and spam policies and exhibiting coordinated inauthentic behavior.”³⁶ Facebook banned Twinmark Media Enterprises, a digital marketing group for “spamming” and “spreading of fake news” using Instant Articles.³⁷ Instant Articles are “a feature of Facebook that allows users to read or view stories and videos without going out of the social networking site; content is thus served within the Facebook platform. Sponsored content is served by Facebook as ads on Instant Article stories and videos.”³⁸ It must be noted that Facebook banned Twinmark not for the content it produced but because of fraud related to artificially inflating distribution for profit.³⁹

Facebook’s own write-up states that Twinmark is banned for “repeatedly violating misrepresentation and spam policies — including through coordinated inauthentic behavior, the use of fake accounts, leading people to ad farms, and selling access to Facebook Pages to artificially increase distribution and generate profit.”⁴⁰ One of the examples Facebook showed was changing the name of a page after it gained several followers. Initially, the page “Trending Topics PH” with 180K followers changed its name to “The Filipino Insights, Source of the Global Community” and released news articles which are politically colored. While Facebook did not specifically state that those were “fake news,” the act of changing the page name was a violation of its policies for misleading the original page followers.⁴¹

Goals and Methods

Algorithm and AI Manipulation



Political Bots and Manipulation of Public Opinion

In an article titled “The good, the bad and the ugly uses of machine learning in election campaigns”⁴² written by Dr Vyacheslav Polonski stated that AI was used as a way to manipulate public opinion in regard to the elections through the use of massive swarms of political bots to spread propaganda and fake news on social media. The article defined “Bots” as autonomous accounts which were programmed to spread one-sided political messages to create an illusion that a certain candidate has public support. Also, the Bots were discovered to be effective in persuading voters from the opposing camp or even have an effect of discouraging them from voting. Lastly, the author stated that because of AI manipulation, there is a threat in having free and fair elections because the aforementioned technology is continued to be used to manipulate voters.⁴³

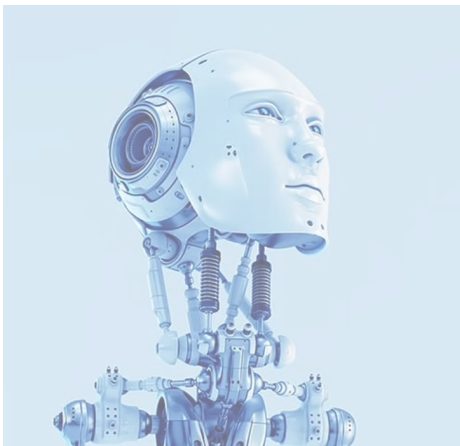
In an article titled “The next-generation bots interfering with the US election”⁴⁴ by Giorgia Guglielmi, stated that a report by the US Senate showed that Russian operatives used tools such as bots, automated accounts to share content, to deceive social media users in the United States in order to sway the election in favor of President Donald Trump.⁴⁵ Likewise, the article “AI and Elections – Observations, Analyses and Prospects”⁴⁶ by Jessica Heesen stated that Artificial Intelligence (AI) is one of the key technologies in the 21st century and can affect the political and public realm of the world. AI systems were seen primarily as a threat to democracy because there can be a manipulation of voters by using bots to influence which candidate to vote for. One of the means to manipulate individual voting decisions is through targeted disinformation campaigns.⁴⁷

Goals and Methods

Algorithm and AI Manipulation



Future of AI



The future of AI can encourage consumers to buy products and services. Consumers are more convinced of the power of AI when the algorithms show “how” things are done rather than “why” things are done. It underlies the reason that consumers believe that AI still has no capacity to understand why such people would consume such products or services but rather they believe that AI has the ability to educate the buyers in how to use such goods or services.

*The Impact of Artificial Agents on Persuasion:
A Construal Level Account of Kim and Duhacheck*

Goals and Methods

Algorithm and AI Manipulation



Regulations about Algorithm and AI Manipulation

The careless use of AI may lead to inaccuracies that may lead to the detriment of the community, which requires regulation of the same.⁴⁹ Given that the use of AI is increasing rapidly and the reasons why there is a need for regulation, there is unfortunately no legislation yet that specifically regulates the use of AI.⁵⁰

In the Philippines, we have the National AI Roadmap which was launched last 05 May 2021. According to the DTI, the AI roadmap provides an actionable guide on how to harness AI's potential to uplift Filipinos, our local industries, and our economy. The Roadmap covers (1) Digitization and Infrastructure, (2) Research and Development, (3) Workforce Development, and (4) Regulation. The aim of Regulation is to “build an AI ecosystem ‘conscience’” with three objectives in which the most relevant here is “to establish a committee of experts in data and AI ethics who will guard against abuse/misuse of data and AI algorithms.”⁵¹

Goals and Methods

Algorithm and AI Manipulation



Artificial Intelligence and Disinformation

Different AI technologies are ready to be used for misinformation campaigns. Deep fake videos pose a clear danger, nevertheless, generative text, deep fake images and voice cloning also warrant attention.

AI has been used as a tool to create articles without the aid of humans. The Guardian has generated an article entitled, “A robot wrote this entire article. Are you scared yet, human?”⁵² This was created through the use of language generator, Generative Pre-Trained Transformer-3 (GPT-3), developed by OpenAI. According to Helmus, the editors of the Guardian instructed the GPT-3 to write a short op-ed on why humans should not be fearful of AI.⁵³

This technology may result in a higher risk to propaganda and fake news. In China, the #Xinjiang hashtag was initially utilized to inform the public of this Chinese region’s forced labor and other human rights abuses. However, through the use of bots, this hashtag will show to the public Xinjiang’s cotton exports and the fields in which they grow.⁵⁴

For deep fake videos, it comprises of synthetically modified footage that has been altered to show changes in the subjects’ faces or body parts. The pictures in these fabricated videos are created by means of generative adversarial networks (GANs).⁵⁵

A robot wrote this entire article. Are you scared yet, human?

GPT-3

Goals and Methods

Algorithm and AI Manipulation

Artificial Intelligence and Disinformation

Meanwhile, voice cloning is another approach to use deep fakes. A number of mobile and web applications like Celebrity Voice Cloning and Voicer Famous AI allow the users to mimic celebrity voices.⁵⁶

Also a cause for concern are deep fake images. Deep fake images most commonly come in the form of headshot photos that appear remarkably human and lifelike. Such images are readily accessible via certain websites, allowing users to quickly and easily construct fake headshots. Deep fake images have increasingly been used as part of fake social media accounts. It has become an alternative to use stolen images of real people. Using fake photos allows propagandists to get around defensive measures, such as reverse image search, and use photos that are otherwise untraceable.⁵⁷

AI can also generate artificial yet lifelike text by using natural language computer models, known as generative text. Text-generation programs could be used to produce text-based propaganda at scale. It could also be utilized to mass-produce fake news stories on a particular topic in a tactic akin to barrage jamming, a term applied to an electronic warfare technique in which an adversary blinds a radar system with noise.⁵⁸

Deepfakes and other AI-generated content increases the risk not only to society but also to national security. In 2020, Christoffer Waldemarsson identifies four key ways in which deepfakes could be weaponized by adversaries or harmful actors. First, deepfake content could manipulate elections. Second, deepfake content could exacerbate social divisions. Third, deepfake content could lower trust in institutions and authorities. Lastly, deepfake content could undermine journalism and trustworthy sources of information.⁵⁹

Goals and Methods

Algorithm and AI Manipulation

Reverse Image Search



Google Reverse Image Search makes it simple to find visually comparable photographs on the internet. When you upload a desktop image to Google Images, it will immediately display relevant images that have been used on other websites along with various sizes of the same image.⁶⁰

Journalists have been utilizing the reverse search function to determine an image's original source or to get a rough idea of when it was initially posted online. Also, photographers can find out which websites are utilizing their images without their consent by using the "search by image" tool.⁶¹

Goals and Methods

Historical Revisionism

Historical revisionism is defined as the “distortion of the past as accepted by a considerable segment of the population, especially to suit a personal or political agenda.”⁶² Medical anthropologist Gideon Lasco said in an article that while historical revisionism is not necessarily bad, it may be used as a “euphemism for outright lies.”⁶³

One example of historical revisionism is the characterization of the Marcos regime as glorious where the People Power Revolution is deemed as a mere coup against Ferdinand Marcos orchestrated by Corazon Aquino, that the Philippine economy prospered during the Marcos administration, and that there was no abuse of power and human rights.⁶⁴ On the contrary, the People Power Revolution is not a coup headed by Corazon Aquino but “a manifestation of the discontent and furies that began with the parliament of the streets during Marcos’ totalitarian rule, as Filipinos began, determinedly, to shake off the subjugation.”⁶⁵

Furthermore, the claim that the Philippine economy was at its peak during the Marcos regime was found to be false based on studies done by economists. The poverty rate increased from a record of 4 out of 10 families being poor before Marcos took office to 6 out of 10 families being poor by the end of his rule; daily wages decreasing by about 30%; a triple increase in the price of goods; and international debt increasing from \$0.36 billion in 1961 to \$28.26 billion in 1986.⁶⁶

Abuse of human rights during the Marcos regime is also recognized by the creation of the Human Rights Violations Victims’ Memorial Commission under R.A. No. 10368 or the Human Rights Victims Reparation and Recognition Act of 2013. The Board received 75,749 applications filed by victims during the Marcos Administration from 1972 to 1986, and more than 11,000 people were identified as human rights violations victims.⁶⁷

Regulations Worldwide

Bangladesh

The Digital Security Bill of 2018 was passed to deal with cybercrimes, hurting religious sentiment, negative propaganda against the Liberation War and Bangabandhu, and illegal activities in e-transactions and spreading defamatory data. However, the law has faced vocal opposition from journalists and rights campaigners saying it could quash freedom of speech – especially on social media – and would undermine responsible journalism.⁶⁸

Belarus

Belarusian lawmakers have passed amendments to the country's media laws despite claims by domestic and international groups that the move risks leading to further censorship of the press.⁶⁹ These amendments include: 1) Enabling the government to prosecute people suspected of spreading "false" information on the Internet; and 2) Requiring that authors of all posts and comments in online forums be identified and that comments be moderated by website owners. It would allow for social networks and other sites to be blocked if found in violation.

Burkina Faso

In 2019, Burkina Faso's parliament adopted a law which focuses on the publication of "fake news" information that would compromise the nation's security operations and false information regarding rights abuses among others. The law imposes fines up to £7,000 or imprisonment up to 10 years.⁷⁰

Cambodia

In 2018, the government enacted a measure that would enable the government to block any information that would threaten national security in order to address any misinformation that would happen leading up to the 2018 election. The law provides for the following penalties: (1) imprisonment for 2 years or (2) a fine of \$1,000.⁷¹

Regulations Worldwide

China

In 2016, the government adopted a new Cybersecurity Law which criminalizes the spreading of rumors that would weaken the nation's economic and social order. In 2017, a law called Provisions for the Administration of Internet News Information Services demanded that internet news providers reprint information published by government-acknowledged news organizations without "distorting or falsifying news information." In 2018, Chinese authorities launched an application that lets people report potential fakery. Said application also leverages artificial intelligence to automatically detect rumors and has accounts on platforms like Weibo and WeChat, on which it broadcasts reports from state-owned media.⁷²

Egypt

The Egyptian government passed a law which prosecutes media outlets and social media accounts with more than 5,000 followers from publishing fake news that would lead to breaking the law.⁷³

France

A new law was passed which defines "fake news" as "in exact allegations or imputations, or news that falsely report facts, with the aim of changing the sincerity of a vote." Said law was enacted in order to impose strict rules on the media in relation to electoral campaigns. It also provides a mandate to all online platforms to establish a system that would fight against fake news.⁷⁴

Germany

In 2017, a law was passed titled "Netzwerkdurchsetzungsgesetz" which imposes social media platforms with more than 2 millions members such as Facebook to remove "obviously illegal" within 24 hours and failure to do so would subject the social media platform to fines amounting to €50 million.⁷⁵

Regulations Worldwide

Kenya

A Computer and Cybercrimes law was passed in 2018 criminalizing cybercrimes, including cyberbullying, espionage, computer forgery, and misinformation. Under this law, people who knowingly share false or misleading information in an attempt to make it look real can be fined up to 5,000,000 shilling (nearly \$50,000) or imprisoned for up to two years.⁷⁶

Malaysia

In 2018, the Malaysian government passed a law that criminalized the sharing of fake news. The said act will be punishable by up to six years in jail and a fine of 500,000 ringgit (\$128,000). It also makes online service providers more responsible for third-party content, affects foreign news outlets reporting on Malaysia and anyone can lodge a complaint against an alleged purveyor of misinformation.⁷⁷

Myanmar

Myanmar's military junta plans on passing a new cybersecurity bill that would grant powers to the authorities such as allowing them to access user data, block websites, order internet shutdowns, and prosecute critics and representatives of non-complying companies. The bill also includes new provisions that would ban use of virtual private networks (VPNs), abolish the need for certain evidentiary proof at trial, and require online service providers to block or remove online criticism of junta leaders. The draft law⁷⁸ also contains provisions requiring online service providers to block or remove a wide range of information at the instruction of the authorities. Prohibited content includes "misinformation and disinformation," information "causing hate, disrupting the unity, stabilization and peace," and statements "against any existing law." Anyone who posts "misinformation or disinformation" faces a minimum of one year and up to three years in prison if they are found to have done so "with the intent of causing public panic, loss of trust or social division."

Regulations Worldwide

Singapore

In 2019, Singapore enacted a law titled “The Protection from Online Falsehoods and Manipulation Act” which criminalizes the dissemination of false information online. The law provides that it is illegal to spread “false statements of facts” that would result in compromising the security and public safety of the country. A person that would be considered guilty under the law could receive a penalty of heavy fines or imprisonment.⁷⁹

South Korea

The Democratic Party launched a fake news countermeasure task force and has filed around 500 complaints against the people disseminating the allegedly problematic content. Lawmaker Shin Kyung-min proposed an amendment to the Promotion of Information and Communications Network Utilization and Information Protection Act that would criminalize manipulating online comments using bots. In October 2018, the government took additional action against misinformation, with Prime Minister Lee Nak-yon ordering police to punish those who generate fake news with malicious intent and systematically spread it. He also told a government regulatory agency to take action against websites that harbor fake news and advocated for a new law regulating its spread.⁸⁰

Taiwan

Under Taiwan’s Social Order Maintenance Act, people who publish misinformation online could be punished by up to three days in jail or a fine of up to \$30,000 New Taiwan dollars (US\$1,000). The existing regulation already imposes fines and prison time for anyone who spreads rumors. The legislature’s proposals for harsher penalties was approved, thereby by increasing the fine to up to \$300,000 New Taiwan dollars and six months in jail.

Regulations Worldwide

Tanzania

Tanzania is taking advantage of growing concern about online misinformation to levy new regulations against online publishers. The government plans to charge bloggers about \$920 a year for the privilege of publishing online — in a country with a nominal per capita income of less than \$900. This move is an effort to curtail lies online by passing costs on to publishers. Violators will be fined a minimum of five million Tanzanian shillings (US \$2,202), jailed for no less than a year or both.

Thailand

Thai officials have been expanding a 2007 law called the Computer Crime Act that punishes anti-government criticism. Instead of only focusing on statements made about the monarchy in Thailand, officials can now go after journalists and bloggers who make anti-military claims. Violators could face up to 15 years in prison. In 2019, Thailand's Digital Economy and Society Minister announced plans to set up a "Fake News Center" with the cooperation of the police, the military, the Consumer Protection Board, the Food and Drugs Administration and the Public Relations Department. The center would be responsible for eliminating social media content that put peoples' safety at risk or violated the Computer Crime Act.

Uganda

Beginning 2018, a social media tax has been imposed on the citizens on the basis of using social media platforms. This tax was levied to cut down on the spread of gossip and aims to create another revenue stream for the government. They are charging mobile phone users 200 Ugandan shillings (\$0.05) for using platforms like WhatsApp, Viber, Twitter, and Skype.

United Arab Emirates

In October 2018, a Dubai police official informed citizens that sharing misinformation on social media is a crime punishable by law. Sharing rumors online could merit a fine of up to Dh1 million (roughly \$272,250).

Regulations Worldwide

Vietnam

A new law took effect in 2019 that requires internet service providers to disclose user data so that the government can trace the origin of specific posts. Said law also requires platforms like Facebook to delete content at the government's request. The spreading false information is already a crime that can land someone in prison.

United States

Congress announced a bill in October 2017 that would require online platforms (such as Facebook and Google) to keep copies of ads, make them public and keep tabs on who is paying — and how much. The legislation attempts to impose existing TV and radio ad regulations on social media companies.

In November 2017, representatives from Facebook, Twitter and Google testified to a Senate judiciary committee on their role in spreading disinformation during the election. During said meeting, there was broad consensus that Russia did manipulate their platforms, but the platforms projected an appearance of control when it comes to monitoring fake accounts and ad buyers.

The California state government passed a law in September 2018 that bolsters media literacy in public schools. It requires the Department of Education to list instructional materials and resources on how to evaluate trustworthy media. The law was inspired by a Stanford University student who found that most students can't distinguish between sponsored content and news stories and comes amid several current and former attempts to improve media literacy in at least 24 states. One of those states is Washington, where lawmakers are debating a media literacy bill that would establish a grant program for organizations working to include media literacy in school curricula. In 2018, Massachusetts lawmakers passed a bill that mandates civic education with an emphasis on media literacy.

Exiting Regulations in the Philippines

Article 154 of the Revised Penal Code

This law penalizes the unlawful use of means of publication and unlawful utterances, specifically any person who by means of printing, lithography, or any other means of publication shall publish or cause to be published as news any false news which may endanger the public order, or cause damage to the interest or credit of the State. The penalty for which shall be a fine.

Section of R.A. No. 10175 or the Cybercrime Prevention Act of 2012

This provision cured the insufficiency of Art. 154 of the Revised Penal Code (RPC) by stating that all crimes defined and penalized under the RPC that are committed by, through, and with the use of information and communications technologies shall have a penalty higher than that provided in the RPC.⁸¹

Section 6 (f) of R.A. No. 11469 or the Bayanihan to Heal as One Act

This law penalizes the spread of fake and false information regarding the COVID-19 virus having no valid or beneficial effect on the population. The penalty may be imprisonment or a fine.⁸² However, it should be noted that this law is no longer effective and in force because the law itself provides that it would only be effective for three (3) month after its publication or circulation; this was published in 2020.

Existing Regulations in the Philippines

Section 6.5 of R.A. No. 9006 or the Fair Election Act

This law provides that all members of mass media shall not suppress essential information nor distort the truth by improper emphasis on matters or by omission. Members of the media shall also recognize the duty to report the other party and they have the duty to correct substantive errors within a reasonable time.⁸³

Resolution No. 10730, in relation to the Fair Election Act

In relation to the 2022 national elections, the Commission on Elections (COMELEC) released this resolution clarifying that only verified accounts, websites, blogs, and/or social media pages may run electoral ads, and boost or promote electoral posts. In addition, it stated that campaign propaganda shall be truthful and not misleading, nor shall it tend to unjustifiably cast doubt on the integrity of the electoral process. The electoral ads must show a disclosure that identifies who paid for the ad. Further, all members of the news media, television, radio, print, or online, were mandated to scrupulously report the news, taking care not to suppress essential facts or distort the truth by omission or improper emphasis.⁸⁴



Constitutional Limitations

Article III, Section 4 of the 1987 Constitution

This provision states that no law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

Article IX, Section 4 of the 1987 Constitution

The COMELEC may, during the election period, supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges, or concessions granted by the Government or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity, time, and space, and the right to reply, including reasonable, equal rates thereof, for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, honest, peaceful, and credible elections.

Article III, Section 7 of the 1987 Constitution

The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

Article XIV, Section 10 of the 1987 Constitution

The State shall provide the policy environment for the full development of Filipino capability and the emergence of communication structures suitable to the needs and aspirations of the nation and the balanced flow of information into, out of, and across the country, in accordance with a policy that respects the freedom of speech and of the press.

Constitutional Limitations

Prior Restraint

This refers to the official government restrictions on the press or other forms of expression in advance of actual publication or dissemination. The prohibition of "prior restraint" is not absolute. Forms of prior restraint includes but is not limited to licenses and permits as prerequisites to publication; censorship; judicial prior restraint; license taxes; and flat license fees.

Any law or official that requires some form of permission to be had before publication can be made commits an infringement of the constitutional right, and remedy can be had with the courts.⁸⁵

CONTENT NEUTRAL REGULATION	CONTENT BASED RESTRAINT
Merely concerned with the incidents of the speech, or one that merely controls the time, place, or manner, and under well-defined standards.	The restriction is based on the subject matter of the utterance or speech. The cast of the restriction determines the test by which the challenged act is assailed with.
There is a presumption of constitutionality	There is a presumption of unconstitutionality. The burden of proof to overcome the presumption is with the government.
Test to be used is the Intermediate Approach	Test to be used is Clear and Present Danger
If unpaid, the business or activity does not become illegal.	If unpaid, the business or activity itself can become illegal.

Constitutional Limitations

Intermediate Approach Test

This is used when the speech restraints take the form of a content-neutral regulation. Only a substantial governmental interest is required for its validity because regulations of this type are not designed to suppress any particular message, they are not subject to the strictest form of judicial scrutiny but an intermediate approach - somewhere between the mere rationality that is required of any other law and the compelling interest standard applied to content-based restrictions. Further, the test is called intermediate because the Court will not merely rubber stamp the validity of a law but also require that the restrictions be narrowly tailored to promote an important or significant governmental interest that is unrelated to the suppression of expression.

The intermediate approach test, as provided by the Supreme Court, has been formulated in such a way that "a governmental regulation is sufficiently justified if it is within the constitutional power of the Government, if it furthers an important or substantial governmental interest; if the governmental interest is unrelated to the suppression of free expression; and if the incident restriction on alleged freedom of speech & expression is no greater than is essential to the furtherance of that interest."⁸⁶

Constitutional Limitations

Clear and Present Danger Rule

In determining whether a circumstance constitutes clear and present danger, the court must inquire whether in each case the gravity of the evil justifies an invasion of free speech to avoid the danger.

The question in every case is whether the words employed are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about substantive evils that the State has a right to prevent. It is a question of proximity and degree.⁸⁷



Proposed Changes

The authors propose the following changes:

- A multi-pronged approach like Canada and Denmark
 - A "Critical Election Incident Public Protocol" that will monitor and notify other agencies and the public about disinformation attempts. That task force will be led by five non-political officials and is an addition to a "rapid response mechanism."
 - Government calls on social media platforms to do more to combat disinformation ahead of the election. It should be done together with a legislation that aims to compel tech companies to be more transparent about their anti-disinformation and advertising policies.
 - Funding a media literacy campaign aimed at increasing public awareness of disinformation online.
- Countering disinformation based on promoting facts like Sweden
 - Sweden's proposed authority has a different flavor than those in other countries. Rather than attempting to directly fight false or misleading information, it instead is aimed at promoting factual content.
- Regulating the economic activity of troll farms and organizations through various government agencies.
 - Instead of enacting legislation controlling the content of social media, the State should monitor and regulate the economic activities of organizations engaged in circulating disinformation so as not to constitute prior restraint.



Proposed Changes

- Controlling the content of social media platforms would be unconstitutional because it violates freedom of speech, which, if implemented, would be subject to the strict scrutiny test before the courts.
- On the other hand, controlling the time, place, and manner of how the troll farms and organizations conduct their activities would only constitute a restraint on economic rights of natural and juridical persons. This would only require the rational basis test before the courts, which demands only a legitimate government interest fighting disinformation and a reasonable connection between it and the means employed to achieve it.
- This is similar to the Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) which controls, mitigate the adverse of criminal economic activity, and promote integrity and stability in financial markets.

Moreover, the authors recommend highlighting personal stories that are backed by data. Filipinos are more inclined to listen to stories and are more likely to believe personal stories instead of going through data and records. This does not mean that data and records will be abandoned. The data and records will just be amplified by showcasing personal stories and testimonies.



OTHER PROPOSALS

Maria Ressa, Dmitry Muratov's 10-point plan to address the information crisis

We call on all rights-respecting democratic governments to:

1. Require tech companies to carry out independent human rights impact assessments that must be made public as well as demand transparency on all aspects of their business – from content moderation to algorithm impacts to data processing to integrity policies.
2. Protect citizens' right to privacy with robust data protection laws.
3. Publicly condemn abuses against the free press and journalists globally and commit funding and assistance to independent media and journalists under attack.

We call on the United Nations to:

10. Create a special Envoy of the UN Secretary-General focused on the Safety of Journalists (SESJ) who would challenge the current status quo and finally raise the cost of crimes against journalists.

We call on the European Union to:

4. Be ambitious in enforcing the Digital Services and Digital Markets Acts so these laws amount to more than just 'new paperwork' for the companies and instead force them to make changes to their business model, such as ending algorithmic amplification that threatens fundamental rights and spreads disinformation and hate, including in cases where the risks originate outside EU borders.
5. Urgently propose legislation to ban surveillance advertising, recognizing this practice is fundamentally incompatible with human rights.
6. Properly enforce the EU General Data Protection Regulation so that people's data rights are finally made reality.
7. Include strong safeguards for journalists' safety, media sustainability and democratic guarantees in the digital space in the forthcoming European Media Freedom Act.
8. Protect media freedom by cutting off disinformation upstream. This means there should be no special exemptions or carve-outs for any organisation or individual in any new technology or media legislation. With globalized information flows, this would give a blank check to those governments and non-state actors who produce industrial scale disinformation to harm democracies and polarize societies everywhere.
9. Challenge the extraordinary lobbying machinery, the astroturfing campaigns and recruitment revolving door between big tech companies and European government institutions.

OTHER PROPOSALS

Philippine Senators on Disinformation

Senator Risa Hontiveros

Empowering the public with discernment

"People who are empowered to accept nothing short of the truth can starve fake news peddlers out of business. We expect the government to lead the way by being uncompromising on the truth so that integrity becomes the norm again"

She points to the habit of truth seeking backed by legislation supporting skills-based training and media literacy programs with the aim of helping people detect false information and fake news and highlights that this should be backed by a strong partnership between national and local government, schools, NGOs and other training institutes. Moreover, adopting the practice of the European Union which requires social media companies to be more accountable for the spread of disinformation by submitting reports on how disinformation and its spread will be of great help.

Senator Joel Villanueva

He authored Senate Bill No. 366, or the **Anti-Spam Act**, to end the messages and calls that have been victimizing the public due to the absence of an enabling law that will protect telephone and mobile subscribers against electronic scams and threats. This aims to serve as a deterrent against the misuse and abuse of technology.

Senator Jinggoy Estrada

Criminalization of the dissemination of fake news

"Bad decisions affect public interests, safety, order, and people's lives. And bad choices stemming from false information cost money and unnecessary wastage of precious human, natural, financial, and time resources,"

He authored Senate Bill no. 1296 criminalizing the creation and dissemination of fake news. He emphasized that misinformation and disinformation are serious matters.

Senator Nancy Binay

Multi-sectoral Effort

"Kaya we need people or even non-government watchdogs who can refute fake news publicly. Mas makakatulong kung may program or campaign ang gobyerno, together with the academe and the private sector in fighting fake news."

She acknowledges that fake news is an uncontrolled virus but doesn't think legislation is necessary as the Constitution guarantees free speech.

Senator Grace Poe

She authored Senate Bill No. 547, or the **Anti-Fake News Act** which seeks to amend the Code of Conduct and Ethical Standards for Public Officials and Employees to further promote professionalism in information dissemination among public servants by ensuring that they do not become sources of misinformation.

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The Truth about Lying:

a Primer on Disinformation



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