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Policy Brief No. 12



# The Fake News Crisis

## Lessons for Australia from the Asia-Pacific

20 May 2021 | Andrea Carson

Produced in collaboration with **COVID-DEM**

# Summary

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## Key Points

This Policy Brief makes the following key points:

- (a) Before the COVID-19 pandemic struck, the spread of misinformation and disinformation online was a major global problem that can harm social cohesion, public health and safety, and political stability. The pandemic has highlighted how fake news about coronavirus and its treatments, even when spread innocently with no intention of causing harm, can cause real-world harm, and even death.
- (b) A lack of consensus among policymakers, media practitioners and academics on working definitions of fake news, misinformation and disinformation contribute to the difficulties in developing clear policies and measures to tackle this global problem.
- (c) To try to mitigate confusion for readers of this Policy Brief, a simple and broad definition of ‘online misinformation’ is adopted: the spread of inaccurate or misleading content online. ‘Disinformation’, by contrast, is considered as: the spread of inaccurate or misleading content with conscious intent to mislead, deceive or otherwise cause harm. In this way, we consider online disinformation to be a substantial subset of the broad, overarching problem of misinformation. This is a similar position to that of the Australian Communications and Media Authority (ACMA). Fake news is an umbrella term that covers both misinformation and disinformation.
- (d) The pandemic has emboldened many non-liberal states and fledgling democracies to crackdown on fake news through legislative means with threats of jail terms and heavy fines for those found in breach of the new laws.
- (e) Indonesia and Singapore are among a group of early adopter states to play the role of both arbiter of what is online misinformation and the enforcer of laws against alleged misconduct. Critics argue these states are using their new laws to silence a wide spectrum of critics, with major implications for freedom of speech and expression, media freedom, political pluralism and democratic representation.
- (f) So far, the Australian government has taken a voluntary regulatory pathway to tackle fake news. DIGI’s (Digital Industry Group Inc.) new voluntary Australian Code of Practice on Disinformation and Misinformation was launched in February 2021. It commits digital technology signatories to a range of measures to reduce the risk of harmful online misinformation and disinformation.

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## Recommendations

This Policy Brief makes the following recommendations:

- (a) **Find consensus on definitions:** A lack of consensus over the meanings of misinformation and disinformation signifies a lack of clarity about what problem is being addressed by governments and digital media platforms and how best to address it. It can result in siloed approaches by platforms (e.g., Facebook) and governments in responding to misinformation and disinformation. This is problematic as platforms' response times to misinformation and disinformation are triaged differently, notwithstanding that misinformation can also cause real-world harm. Yet, too broad a term, such as 'fake news', can result in the conflation and poor management of specific threats to electoral integrity, hate speech and cyberthreats.
- (b) **Apply a multi-pronged response:** Online misinformation is an extremely complex and multi-layered problem that defies simple, one-size fits all solutions; effective mitigation can only be achieved through multi-pronged strategies involving collaboration and cooperation between governments, policy-makers, digital platforms and community-based organisations.
- (c) **Avoid government overreach:** In pursuing remedies to limit the spread of online misinformation, many early adopters of fake news laws such as Singapore and Indonesia stand accused of misusing their anti-misinformation laws to censor or silence critics, including journalists, political dissidents, and human rights activists. Liberal democracies like Australia face the considerable challenge of trying to strike a balance between mitigating harm and preserving basic democratic tenets such as pluralism, freedom of expression and media freedom.
- (d) **Invest in digital education and media literacy programs:** Australia can learn from digital education programs operating in Indonesia and Singapore such as 'train the trainer' and 'think before you share' programs, and platforms' mass advertising campaigns against fake news. These are useful measures to empower users to identify and limit sharing of online misinformation. However, educational initiatives cannot be done in isolation without other efforts to reduce fake information and remove harmful content. Neither should they be used to identify and punish citizens who have inadvertently spread fake news as has happened at times in Indonesia.
- (e) **Support quality journalism:** An antidote to low-quality and fake information is evidence-based reporting. Digital platforms such as Twitter, Facebook and Google have recognised the importance of supporting journalism on its sites. Funds to support journalism are important to support quality reporting, which in turn is essential to challenge online misinformation and strengthen democratic accountability.
- (f) **Seek greater platform transparency:** Criticism is levied at digital platforms for inadequate reporting of the scale of misinformation and what they are doing to manage it. More open communications by digital platforms about the difficulty of measuring misinformation and what content has been removed (or not) and the reasons for acting would improve public trust and support for digital platforms in the fight against online misinformation and disinformation.

# The Fake News Crisis

## Lessons for Australia from the Asia-Pacific

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### 1. Introduction

‘Fake news’ is a ubiquitous term that generally encompasses misinformation, disinformation and malinformation, although it is not a new phenomenon. The nineteenth century’s “penny press” and “yellow journalism” infamously emphasised sensationalism over fact to sell newspapers to the masses. What is different this century is the globalisation of digital communication technologies that enables fake information online to quickly travel far and wide. Thus, unlike the past, the spread of fake news is no longer limited to the geographical boundaries of newspaper circulations or radio frequencies.

Claire Wardle and her colleagues at [First Draft](#), a global coalition tackling misinformation and disinformation online, describe this world-wide phenomenon as ‘[information disorder](#)’. They define misinformation narrowly: as verifiably fake content that is spread without the intention of causing harm. It is in contrast to disinformation, which is inaccurate or fake information deliberately created and spread to cause harm. They also include a third category of information disorder, malinformation. This is considered to be accurate information inappropriately spread by bad-faith actors with the intent to harm such as malicious gossip. First Draft has developed a useful matrix outlining the manifestations and

motivations of seven different forms of information disorder ranging from parody to government propaganda that fit within one of the three categories: disinformation, misinformation and malinformation.<sup>1</sup>

While the First Draft typology is embraced by many, there is no universal agreement on these key terms. For example, the digital technology platform Facebook [points out](#) that a person’s intention when posting information is difficult to determine. They identify misinformation based on the veracity of the content, and define disinformation with reference both to the actors and inauthentic behaviours online (e.g., bot activity and “super-posters”, i.e., those who post myriad times a day) and to the content’s propensity to cause harm. Other complications emerge. The profusion of fake content surrounding COVID-19, including bogus remedies and vaccination misinformation, shows how misinformation can indeed result in real-world harm.

Thus, governing during a health crisis like the COVID-19 pandemic has made the ongoing problem of online misinformation a top-level policy concern. Fake news stories about COVID-19 treatments have led to medical mishaps resulting in [hundreds of deaths](#) and thousands of people around the world being hospitalised.

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<sup>1</sup> The seven types of misinformation are: satire or parody; misleading content; imposter content; fabricated content; false connection; false context;

manipulated content (Wardle 2018, 953). See the diagram on p.11.

An ongoing problem for governments in the digital age is that as citizens shift online to get news information, their exposure to large scale online falsehoods can fuel distrust in institutions, such as government and media, and undermine democracy. Many surveys, including in Australia, find citizens have trouble discerning fact from fiction online, raising concerns about an epistemic crisis in public knowledge. To complicate matters further, traditional media can generate and amplify misinformation and disinformation, as studies have shown. Politicians, themselves, can be part of the problem, fuelling misinformation with fake claims about COVID-19 treatments such as the Australian example of the federal member for Hughes, NSW, Craig Kelly.

La Trobe University's recent Fighting Fake News research report into misinformation regulation online in Singapore and Indonesia, also finds

## 2. 3 Government Approaches to Online Falsehoods

Governments have choices in how they respond to what the World Health Organisation has labelled an 'infodemic' of online misinformation. Australian academics James Meese and Edward Hurcombe's overview of regulatory and other responses to online misinformation across the globe, identifies three distinct approaches:

- (i) **Voluntary co-regulation initiatives** "that do not involve mandated regulation or state oversight". In these instances, government bodies encourage digital platforms to work with stakeholders to develop and implement a broad set of aims to tackle online misinformation, as is the case with the European Commission (European Union) and most recently, Australia.

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online falsehoods cause a range of harms. Fake news online can incite physical violence against minorities, limit democratic discourse that damages civil society, and individual freedoms.

As discussed below, organisations mapping democracy find that global freedoms have been in decline over the past decade. Strident government measures to tackle misinformation and disinformation in times of crisis threaten to further restrict media and political freedoms across the world.

Herein lies a critical tension for democracies that must be carefully managed: fostering an environment where the right of freedom of expression is upheld, but also to prevent it being weaponised to deceive, manipulate and harm others. In other words, enabling free, responsible, speech and expression without government overreach that curtails these freedoms.

- (ii) **Direct legislative measures**, such as those adopted in Singapore and Indonesia. With some exceptions, governments adopting this approach operate in jurisdictions already known for low levels of media and political freedoms. Democracies including France and Germany have also opted for legislation, but with more checks and balances against misuse than Indonesia and Singapore. Even so, the German government has been criticised for legislative overreach and creating a prototype for online censorship that other, less liberal, governments are pursuing.
- (iii) **Non-regulatory activities**, such as government funding of digital literacy campaigns (Indonesia and the EU) and factchecking operations (Indonesia).

In the past five years, almost 20 countries have adopted new laws and regulations in attempts to tackle online misinformation and disinformation.

In 2019, a Danish judicial think tank, *Justitia*, found more than a dozen countries across the globe were (mis)using fake news laws to suppress dissent online, with many using COVID-19 misinformation as a cover for increasing their grip over citizens and rolling back civil liberties. NGO Human Rights Watch's [review of free speech trends](#) from its 2021 report finds 83 countries have suppressed free speech and peaceful assembly

## 4. Asia Pacific: Government Challenges & Responses

### *Challenges*

Despite their geographic proximity, Indonesia and Singapore are vastly different countries in many ways, including in how misinformation and disinformation manifests online. In-depth

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under the guise of pandemic measures. Among the victims of these legal crackdowns are: “journalists, activists, healthcare workers, political opposition groups, and others who have criticized government responses to the coronavirus”.

### 3. A Global Context: Declining Civil & Individual Freedoms

These documented government attacks on free speech during the health crisis of the pandemic fits a broader global pattern of waning civil and individual rights across the globe.

Both illiberal and liberal governments have presided over 15 years of what non-profit think tank [Freedom House](#) describes as an “assault” on democracy. It warns that digital platforms are the new frontier in this world-wide attack on freedoms. The majority of countries that have opted for fake news laws rank poorly on democracy scorecards such as those of Freedom House and [V-Dem](#).

Sections 4 and 5 examine the recent fake news laws enacted in the Asia Pacific, in the nations of Singapore (with a democracy score of 50 out of 100) and Indonesia (score of 61) according to Freedom House. It argues these new fake news laws serve as a warning about curtailing civil rights and free speech as liberal democracies consider how to best tackle the pernicious problem of online misinformation and disinformation.

interviews with civil society actors, academics, journalists, fact-checkers, and digital platform employees for the 2021 [Fighting Fake News Report](#) into online misinformation regulation in these two countries found large, organised disinformation campaigns were more common in Indonesia, while the bigger problem in Singapore concerned the curtailment of freedom of political expression, particularly during election campaigns.

The negative consequences of online misinformation are many and varied, ranging from emotional and physical harm to individuals, to wider damage to communities through adverse health outcomes such as from anti-vaccination campaigns, and undermining of democracy by limiting freedom of expression. A number of marginalised groups in Indonesia and Singapore are at high risk of being targeted in online misinformation campaigns, including women (particularly in Indonesia), people identifying as LGBTI, journalists, human rights and anti-corruption activists, and minority ethnic groups. Wider social consequences of online misinformation, include:

- Reduced public trust in news media and politics;
- Low quality political discourse in the online environment; and
- Reduced capacity of the public to distinguish fact from fiction.

As noted in the *Fight Fake News Report*, “with its sprawling archipelago spread across five time

zones, and its enormous cultural, ethnic, linguistic and religious diversity”, Indonesia is a particularly challenging environment for technology platforms and governments seeking to deal with online misinformation.

Further, as discussed in the report, Islam, the dominant religion, has an important place in Indonesia’s wider cultural, social and legal fabric. This extends to the application of blasphemy laws and Islamic tenets such as *kafir* (e.g., a person who rejects the authority or existence of Allah), which effectively impose limitations on some types of online content and freedom of expression. As [one Indonesian academic explained](#), this creates inevitable tensions between local and international community standards about acceptable content on issues such as pornography.

### Responses

Generally speaking, digital and media literacy is higher in Singapore than Indonesia, according to experts interviewed for the *Fight Fake News* report. Among the reasons for this is Singapore’s excellent education system and high internet use. The Indonesian government has recognised the importance of improving media and digital literacy across the country with government campaigns to raise citizen awareness about the harms of sharing unverified information online described locally as “hoax news”. Academics and digital platforms have also engaged in “train the trainer” programs to teach people to think critically before sharing online information and to learn how to train others with these skills.

While these non-legislative approaches have value to raise awareness and to limit the spread of online misinformation, academics such as Southeast Asia specialist Ross Tapsell have also exposed how the Indonesian government body responsible for some digital literacy campaigns, Kominfo, coordinates closely with the National Police’s criminal investigation division (Bareskrim). Tapsell [documents](#) the politicised arrests of citizens who can unintentionally spread

misinformation and then be penalised with fines or jail terms.

While pre-existing laws in Indonesia and Singapore are used to tackle the problem of online falsehoods, both countries’ governments have enacted new laws specifically to combat misinformation online and these have been used predominantly against political rivals of incumbent governments in both countries.

Indonesia’s 2016 Information and Electronic Transactions Law (ITE) has led to political opponents accused of spreading fake news facing jail time (up to 6 years) and heavy fines (up to \$AUD69,000). Singapore’s 2019 Protection from Online Falsehoods and Manipulation Act (POFMA) has mainly targeted opposition groups and journalists. Penalties for breaches of POFMA are significant. Individuals face fines of up to S\$50,000 and/or jail terms of up to five years. Non-individuals (such as internet companies) face up to S\$1 million in fines plus S\$100,000 per day.

While there is broad agreement about the need for government regulation of harmful online content especially during the pandemic, critics in both countries question the effectiveness of the new laws and the ways in which governments have applied them to censor opponents.

International human rights groups have criticised POFMA as a threat to free speech. The [International Commission of Jurists](#) criticized the law’s judicial review mechanism, while [Amnesty International](#) argued Singapore’s ruling party’s (i.e., the People’s Action Party) legislated role as the arbiter of falsehoods would stifle the voices of its critics. The United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression raised concerns about POFMA’s legal appeals process argued it reversed the presumption of innocence until proven guilty.

[Southeast Asia Freedom of Expression Network’s \(SAFEnet\) Damar Juniarto](#) said his organisation closely watches governments in Southeast Asia

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that have sought to interfere with citizens' internet access, or to use misinformation as a reason to shut down or slow down the internet. However, he said SAFEnet's vision for freedom of expression online to improve democratic participation must be balanced against the need for people to feel safe online. To help achieve this, SAFEnet works with Facebook and Google to monitor and report hate speech, with a particular focus on gender-based harassment and violence. Here, we see that collaboration and cooperation between different groups, in this case civil society actors and digital platforms, is useful in managing and mitigating the harms caused by online misinformation and disinformation.

## 5. Asia Pacific: Challenges for Platforms

Digital platforms operating in Singapore and Indonesia have achieved some positive results from non-regulatory measures to reduce harmful and "inauthentic" content on platforms, as detailed in the *Fighting Fake News* report. These include:

- Tools and campaigns to improve digital literacy;
- Third-party fact checking of content and use of fake information warning labels;
- Requiring proof of identity to improve account transparency;
- Manual and AI removal of harmful content or limiting its algorithmic spread;
- Reducing services to users who breach community standards;
- Supporting journalism by providing resources and financial support to news media organisations; and
- Funding academic research about the problem.

This range of measures shows that a multi-pronged approach is required to tackle the

scourge of online misinformation and disinformation. It also requires collaboration and coordination from many stakeholders including governments, digital platforms, academics, journalists and civil society leaders. However, the *Fighting Fake News* report finds public recognition of this work appears limited. Platforms would serve themselves and the public better to improve the visibility of existing measures to tackle online misinformation, and to publicise the role citizens more widely can play themselves in preventing the spread of misinformation.

Ongoing challenges for platforms include the cross platform nature of the spread of misinformation and disinformation campaigns, and the need to deal with multiple stakeholders to be alert to fresh fake news campaigns. This requires greater collaboration and information-sharing between stakeholders and between platforms. It also requires regular and transparent reports about the scale of misinformation online and what the platforms are doing to manage it.

This is not as straight-forward as it may sound as the lack of a universal definition for online misinformation and its capacity to transcend nation-states and languages makes it difficult to quantify. More open communications by digital platforms about the difficulty of measurement and what content has been removed (or not) and the reasons for acting would improve public trust and support for digital platforms in the fight against online misinformation and disinformation.

Another challenge is again the definitional issues of fake content online. The *Fighting Fake News* report finds digital platforms have tended to assign separate strategies to manage misinformation and disinformation, and in some cases appoint separate teams to each. This can potentially complicate response times in addressing harmful misinformation as disinformation is prioritised.

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At times, digital platforms say they face unrealistic demands from governments seeking quick responses to cases of alleged online misinformation. In December 2020, the Indonesian Government launched its new Ministerial Regulation no.5/2020 to further regulate how private Electronic Service Operators (ESO), such as cloud computing service providers, social media platforms and other applications serving Indonesians, should operate.

It provides more authority for the Government to obtain data for law enforcement purposes; and to hold platforms accountable to remove misinformation and other content deemed as public disorder, with a strict turnaround time of four hours. Failure to comply can result in heavy financial penalties and even internet blocking of platforms.

This demand for a rapid response can conflict with Facebook's stated commitment to democratic principles of openness and procedural fairness and deny time to ensure thorough and fair processes are undertaken before acting against end-users accused of posting misinformation or disinformation.

The cases of Indonesia and Singapore also highlight an inherent tension in developing platform and regulatory responses that are respectful of national contexts, for example taking a stern approach to pornography in Indonesia. However, national considerations should not be at the expense of complying with international principles such as respect for universal human rights.

the Australian Competition and Consumer Commission's 2019 review of digital platforms, Australia's media regulator, ACMA, was tasked with overseeing a voluntary code of practice developed by the digital platforms to address online misinformation and disinformation. This voluntary co-regulatory approach, as opposed to a legislative one undertaken in Singapore and Indonesia, has led to the establishment of the 2021 Australian Code of Practice on Disinformation and Misinformation.

However, it is early days for the Australian Code. One criticism is that it has just a handful of voluntary signatories: Twitter, Google, Facebook, Microsoft, Redbubble, and TikTok. In terms of managing online misinformation and disinformation, so far the Australian government has resisted the legislative pathway but it is possible this situation could change, as has been the case in Europe.

For example, the European Commission initially followed a voluntary co-regulatory approach to develop its 2018 EU Code of Practice on Disinformation. However in 2020, the EC announced that it will move towards mandatory co-regulation after a series of internal and external reviews of the Code's performance. Ongoing concerns about the EU Code focused on: inconsistent and incomplete application of the Code across platforms and Member States; lack of uniform definitions of misinformation and disinformation; gaps in the coverage of Code commitments; and other limitations intrinsic to the self-regulatory nature of the Code.

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**There is no certainty that the current voluntary co-regulatory pathway will be a long-term strategy to manage misinformation and disinformation online in Australia.**

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## **6. Australia's Response**

While Indonesia and Singapore have different legal, socio-political landscapes to that of Australia, there are clear lessons to be learned from their experiences with tackling fake news. Australia's approach to tackling the spread of misinformation on digital platforms so far is based upon voluntary cooperation. Following the recommendations of

Second, the Australian government has authorised ACMA to advise if further regulatory measures are needed (not yet specified) if digital platforms underperform in tackling online falsehoods under the voluntary Code. The first ACMA report is due to Government in June 2021.

In other words, there is no certainty that the voluntary co-regulatory pathway will be a long-

term strategy to manage misinformation and disinformation online in Australia. Australian media regulators and digital platform companies will be keenly watching how the European Union shifts from a voluntary to a mandatory co-regulatory model.

## 7. Conclusion

To date, Australia has resisted the legislative pathway to tackle the pernicious problem of online misinformation and disinformation. This is to be commended. As the evidence detailed above has shown, the world has taken an illiberal turn towards a less free world for its citizens in the past 15 years, and many governments have seized upon the crisis of the COVID-19 pandemic to strengthen their hold on their citizens under the guise of fake news laws.

The case studies of Indonesia and Singapore have demonstrated how these laws can be problematic when the government is both the arbiter and enforcer in defining and penalising the spread of fake news. Such laws can be easily politicised to crack down on critics of government and further limit freedom of speech. This is not to deny that online misinformation and disinformation is a significant global issue. It is. In recognition of the problem, the European Union is moving away from its initial approach of voluntary co-regulation with the digital platforms to a mandated co-regulatory model.

No doubt, policy makers in Australia will be keenly watching to see if Australians' 2021 voluntary Code of Practice is sufficient to address online misinformation and disinformation or if the Australian government needs to follow Europe and move to mandate that digital platforms must cooperate and take responsibility. In any case, this global problem requires more than just the digital platforms to address it.

Any potential remedy begins with a multi-pronged approach involving cooperation between key stakeholders, investment in public digital literacy education campaigns, and adoption of common definitions so that those endeavouring to find solutions to tackling false news online are actually addressing the same problem. Only then, will we improve the quality of information in the public sphere that is vital to good democratic governance.

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# Making Sense of Fake News

A lack of consensus over the meanings of misinformation and disinformation signifies a lack of clarity about what problem is being addressed by governments and digital media platforms and how best to address it. It can result in siloed approaches by platforms (e.g., Facebook) and governments in responding to misinformation and disinformation. This is problematic as platforms' response times to misinformation and disinformation are triaged differently, notwithstanding that misinformation can also cause real-world harm. Yet, too broad a term, such as 'fake news', can result in the conflation and poor management of specific threats to electoral integrity, hate speech and cyberthreats. The figure below, created by First Draft, a global coalition tackling misinformation and disinformation online, sets out a useful framework for better understanding the landscape.

## 7 TYPES OF MIS- & DISINFORMATION



### Satire or parody

No intention to cause harm but has potential to fool.



### Misleading content

Misleading use of information to frame an issue or individual.



### Imposter content

When genuine sources are impersonated.



### Fabricated content

New content that is 100% false, made to deceive and do harm.



### False connection

When headlines, visuals or captions don't support the content.



### False context

When genuine content is shared with false contextual information.



### Manipulated content

When genuine information or imagery is manipulated to deceive.

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# References

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Note: A variety of references in this text are provided as hyperlinks within the text. This references section lists selected texts.

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## Governing During Crises Series

Governing During Crises is a research theme established by the School of Government at the University of Melbourne. The series seeks to develop our understanding of governing in the face of different types of crisis, at a time when Australia has recently faced the bushfire crisis, is currently addressing the COVID-19 pandemic, and faces even larger and longer-term challenges including climate change.

This Policy Brief series aims to distil academic research into policy analysis and clear recommendations, drawing on the cutting-edge research taking place at the School of Government and the University of Melbourne more broadly, as well as the School of Government's extensive global networks. Selected briefs will be produced in collaboration with the COVID-DEM project ([www.democratic-decay.org](http://www.democratic-decay.org)), which examines how the pandemic is affecting democracy in Australia and worldwide.



### Author

Dr Carson is a political scientist and Associate Professor (Journalism) in the Department of Politics, Media and Philosophy at La Trobe University, Melbourne. Her research examines the intersection between politics, media and public policy, with a focus on political communication. Her special interest is in the quality of information in the public sphere. This includes evidence-based reporting such as investigative journalism with the release of her book *Investigative Journalism, Democracy, and the Digital Age* (Routledge 2020), but also low-quality information such as misinformation and disinformation. She has recently completed a major Facebook industry report on online misinformation regulation entitled *Fighting Fake News: A Study of Online Misinformation Regulation in the Asia Pacific*. Prior to academia she was a journalist with the ABC and The Age.

This Policy Brief is based on Andrea CARSON & Liam FALLON, *Fighting Fake News: A Study of Online Misinformation Regulation in the Asia Pacific*. La Trobe. Report. February 2021.

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