

COMBATING DISINFORMATION CAMPAIGNS IN THE SPHERE OF NATIONAL SECURITY:

Civil society proposals

EXECUTIVE SUMMARY



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The fundamental rights and freedoms enshrined, at the European level, in the Charter of Fundamental Rights of the European Union and, at the national level, in Spain's Constitution, are the foundation underpinning today's democratic societies under the rule of law. Real democracy can only prosper in a climate of respect for freedom of thought, information and speech, which enable each citizen to shape and express their own opinions and therefore participate in social and political debate.

The digital transformation that has taken place over the past few decades, specifically as regards the information domain, offers excellent new opportunities for democratic participation. However, it has also brought to light significant new vulnerabilities, some of which have facilitated the proliferation of high-impact disinformation campaigns, which pose a potential threat to national security.

Disinformation campaigns, in the field of national security, consist in patterns of behaviour found in the information domain, conducted in a coordinated and intentional manner, whose implementation and dissemination represent a threat to constitutional values, democratic processes, democratically established institutions and, consequently, to national security.

In December 2018, the European Union underscored the need to address this threat in its Action Plan against Disinformation, in which it stated that: "A comprehensive response to disinformation requires active participation by civil society". Moreover, the Plan stresses that to address this challenge, we need: "a better understanding of the sources of disinformation and of the intentions, tools and objectives behind disinformation, but also of our own vulnerability".

Later, in December 2020, the European Union once again highlighted the threat of disinformation in its European Democracy Action Plan, in which it warned Member States of the risk posed by disinformation, both for the security of the

EU's institutions and Member States, and for the integrity of the democratic values and processes of Europe as a whole. Once again, at the EU level it was underscored that the Member States needed to acquire deeper knowledge of this threat, and they were urged to cooperate more closely with pertinent parties from civil society, academia and the industrial sphere.

In this context, in late 2020 Spain's Department of National Security convened a group of experts from civil society—including journalists, academics, representatives from think tanks, social organizations and digital platforms—to work together with representatives from the public administration to analyse the threat posed by the phenomenon of disinformation as well as possible strategies to detect this threat, counter it and, thereby, safeguard democratic values and fundamental freedoms and rights.

This group of experts was, in turn, broken down into five groups to carry out the work presented in the respective chapters of this report. The aim of this work was to analyse the different dimensions from which the phenomenon of disinformation can be addressed and countered: from contextualizing and defining the threat and determining the need to foster media literacy, to evaluating the regulatory framework and future prospects in the sphere of regulation, to recognizing the marked vulnerability of electoral processes and the need to design a national strategy against disinformation so as to provide a coordinated and effective response to this threat.

This work took a year—from late 2020 to late 2021—so the chapters do not include time references beyond its end date, and they therefore do not make any reference to Russia's invasion of Ukraine (February 2022) or to the disinformation-related lessons now learned from this conflict.

However, it is necessary to underline that the levels of disinformation and of manipulation of information observed with regard to this war—with clear impacts on the European Union and its Member States, including Spain—have contributed significantly to highlighting, even more, the need for democratic societies to develop mechanisms to respond to disinformation campaigns and safeguard democratic values and processes and their national security interests.

In this regard, the content of the group's work, their proposals and reflections—albeit having been made before said invasion—are now timelier and more necessary than ever in order to advance in each of the areas analysed.

The importance of this work was recognized in the 2021 National Security Strategy, approved in December 2021, which underlined the magnitude

of the threat of disinformation campaigns for electoral processes, and highlighted their great potential to polarize society and undermine its trust in institutions. Moreover, the Strategy confirmed the pressing need for public-private collaboration in designing detection and response measures, including awareness-raising and training of citizens on the phenomenon of disinformation.

In this context, on 31 May 2022, the Council of Ministers approved the creation of the Forum against disinformation campaigns in the field of National Security. The formal constitution of this Forum, as a collegiate body, provides continuity to the work and contributions of the different civil society representatives in the group of experts who are the authors of this report.

The report has been structured as follows:

CHAPTER 1: Disinformation: A threat to democracy

Given their potential to corrupt public debate, erode trust in institutions, manipulate public opinion and condition foreign policy, disinformation campaigns represent a threat to democratic societies. In fact, disinformation is one of the strategies most used by hostile foreign powers in interference operations aimed at undermining the proper functioning of institutions. In order to identify and combat disinformation it is important to have a precise definition of this term.

In this chapter, the authors refer to the definition given by the European Union's High-Level Group of Experts, which describes disinformation as “the creation, presentation and dissemination of verifiably false or misleading information for the purposes of economic gain or intentionally deceiving the public, and which may cause public harm”.

CHAPTER 2: Proposals for regulation against disinformation

The regulation of this phenomenon is extraordinarily complex and sensitive, because it affects fundamental elements of the democratic system, such as citizens' freedom of information, networks, platforms and media. In this regard, any Spanish regulation must be based on the significant actions and regulations implemented by the European Union.

In this context, co-regulatory and self-regulatory models are valued positively, as they enable harmonization between the goal of combating disinformation

and that of preserving the freedom of information and the freedom of the press of the different parties involved. This chapter takes special account of the intense work carried out on platforms and assesses the role of the media and of fact-checkers, with regard to which possible lines of regulation are suggested. On this basis, the chapter proposes improvements to institutional and organizational regulation in the sphere of combating disinformation, in line with the necessary transparency and integration of civil society. It also includes proposals for improvement with regard to international threats, cyber defence and cooperation with the EU. In the electoral sphere, in line with recent rulings by the Supreme Court, possible improvements are put forward, including improvements regarding the powers of the Electoral Commission, election advertising, and in the more specific sphere of data protection for platforms.

CHAPTER 3: Media literacy: A key tool to combat disinformation

In an increasingly digital world, media literacy plays a key role in countering disinformation, which makes no distinction by age or social class, but does affect the most vulnerable groups in particular, such as persons at risk of social exclusion or those who have not been trained in digital skills.

Media and information literacy is key for people to develop their critical capacity and express balanced opinions based on the information they receive. This chapter explains the importance of fostering innovative initiatives in this sphere, in addition to describing many initiatives already implemented by the media, fact-checkers, social media, organizations and institutions.

The experts who contributed to this chapter consider it essential to include media literacy as a specific subject in academic curricula at every level of education. Students, at every level, need to be made aware of the repercussions of messages in order to detect, prevent the dissemination of and, as the case may be, delete hate speech, and promote an inclusive culture of coexistence and peace. In a more social dimension, it also seems appropriate to work on designing awareness-raising campaigns that help the general public to be on the alert.

CHAPTER 4: Proposals to combat disinformation campaigns in electoral processes

Disinformation campaigns constitute a serious threat to electoral processes. The danger lies in their possible influence on election results and, especially, in their structural effects, such as the polarization of society or distrust in and

delegitimization of democratic processes and institutions. The fight against disinformation during elections requires the coordinated work of civil society and the State's public servants in the following three essential areas: information and transparency, media training or literacy, and prevention.

Considering these three areas, this chapter includes a set of recommendations or suggestions for different actors in electoral processes, such as the public administration and the legislator, the Electoral Commissions and the Court of Auditors, political parties, digital platforms, the media and fact-checkers. The chapter also includes cybersecurity recommendations aimed at combating disinformation.

The evolution of technology and of our society requires constant review of these matters. Therefore, one of the conclusions underscores the need to have a stable forum for dialogue, contact, communication and work, which makes it possible to address each electoral process comprehensively.

CHAPTER 5: Principles for a strategy to counter disinformation

Disinformation, in bulk or packaged into campaigns, has been identified as a threat posing national- and international-scale risks. The neutralization strategy requires defining principles for the use of new capacities, which go beyond those of the conventional instruments available to date.

This chapter seeks to assess the seriousness of the damage that may be caused by the different types of disinformation, and to describe the measures that are already being adopted by third countries and non-State actors to counter them. It is of interest to observe how the mere announcement of this analysis sparked a broad political, social and media debate, fostered by the healthy concern that—in the endeavour to defend the validity of the prevailing democratic system—the intangible assets of fundamental rights and freedoms (of the press and of speech) may be eroded.

Considering this urgent need to ensure that a future strategy against disinformation and the measures proposed therein contribute to solving the problem described, it is understood that the strategy and measures must be drafted in terms that are scrupulously respectful of the basic principles which are our hallmark, that are fully in line with constitutional rights and obligations and with advanced European initiatives, that preserve the right to legitimate defence of national security, and that guarantee the participation of private and civil society actors, who must necessarily acquire media literacy.