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## **DISINFORMATION AND SELF-REGULATION: OXYMORON OR...?**

North-East of Moscow. A traffic situation.

There is an SUV ahead of me, bearing two bumper stickers. The one on the right is exactly like the one I have on the rear of my car. The one of the left is something uncommon.

The one that is identical to mine is the "**Disabled Person**" notice. My father, 97 years old, is a disabled war veteran. I am his only transportation around the city, so in my case this decal is legit, not fake.

It is difficult to determine whether the SUV is rightly entitled to bear the same designation; the sticker on the left is confusing: it has a silhouette of a man wearing a helmet and reads "**Caution! Tanker at the wheel.**"

The sticker on the left is an angry, aggressive joke, or something posing as one. But the very combination of these two stickers is a designation of the moment of the *cognitive dissonance*, of mental discomfort of the person driving. But also, of the discomfort caused for those around, who are thereby urged to keep away from this car.

I recalled this road situation, which featured the convergence of things incompatible, in connection with the topic of our round table.

"*Disinformation and self-regulation*" is an *oxymoron*, a reminder of the right of a journalist to make a mistake, to exaggerate or even act agent provocateur, which is recorded in many decisions of the European Court of Human Rights, and of the *nature and limits* of these very *exaggerations and provocations*. And, finally, of the specifics of the *alleged journalism*, as it were, which brought us here.

The anxiety is understandable: it is assumed that journalism is based on such virtue as **integrity**.

The **accuracy of reporting facts and of conveying opinions** are expected from the journalistic message, it is at the core of the profession, and something the journalist vouches for with name and reputation — his own and those of the media.

At the heart of *disinformation*, the *infection* plaguing a fairly significant part of media content today, is what, by definition, lies beyond the boundaries of journalism as a profession: **lies, deception** as a means of *achieving certain goals*.

Having studied the bulk of definitions in various dictionaries, I got convinced of two starting points in any discussion of the topic of disinformation. Forgive the banality, but how to do without it.

The first starting point: we are definitely not talking about a professional slip associated, for instance, with improper verification of information by a journalist or with his honest mistake. It is not about a mistake which a journalist is entitled to (and self-regulatory bodies should always remember this), but about a deliberately *anti-journalistic* (no less) course of action. It is about deliberately misleading the receiver of the message. It is about the deliberate, intentional creation and dissemination of distorted or knowingly false information.

The second starting point is, in fact, rather the primary one. It is about the fact the goal pursued by the creators and disseminators of disinformation is clearly *non-journalistic*. This, as a rule, means *inflicting damage* on those who are elected as objects of deception, manipulation, attempts to control behavior or ideas. Calling things by their proper names — on a political or other *enemy, whose defeat or victory over whom* must be achieved by means of *information warfare*, one of the instruments of which is *disinformation*.

Not being an expert in this sphere that is alien to me, I will offer you, by comparing ideas, a once trending demotivator and a scan of the covers of two books.

The demotivator with the caption "Information Warfare" is basically a "How to?" item. The

photo featuring three people is drawn up like a triptych, divided into three parts. A uniformed man kneeling between two armed men also in uniform is probably a prisoner of war. The one on the left puts the assault rifle to the head of the kneeling one. And the one on the right gives him a drink of water, or at least puts a flask to his mouth. Taken in isolation, the right section of the triptych is perceived (since we do not see the gun to the head) as a deed of good: a soldier helps a person who appears to be severely dehydrated. An idyllic image as also a gross lie, since the interaction of these two is taken out of context. *Distorting context, pulling things out of context* is a sign of disinformation that is worth remembering.

A scan here is a combination of two covers, the first one being upside down relative to the second one. While preparing for one of the seminars, I once arranged the position of the covers exactly in such a way as to emphasize the incompatibility of the subjects of these books. The book with the "Rubik's cube" on the cover is called "Professional ethics of a journalist. Documents and references." This is the fourth edition of a large compendium of legal instruments of journalistic associations and organizations, from Russian to international ones. (The first edition of this compendium was published late last century.) The cover of the other book bears its title and a large image. The title is quite telling: "Information weapon — the arms of modern and future warfare." The microphone serves as a silencer on the assault weapon (this is the picture on the cover) — the visualization of the "brave new world" of information wars.

So as not to miss the gist of the *confrontation* behind the pictures, and not just the conflict of the subjects of discussion let me draw the line:

*Journalism is a profession* where *self-regulation* is a form of *self-reliance* that ensures sustainability and independence, including from excessive government oversight.

*Propaganda*, which pits *disinformation* to its service and is always ready to take a step further and morph into *combat special propaganda* is a **trade**. There is no room for any professional ethics or any self-regulation. This **trade** is always in *standing-by*, expecting the *order* and geared to *execute* it.

It is clear that *lying, misleading* the recipients of the messages, or disseminating *distorted or knowingly false* information will neither build nor sustain **security or cooperation**. It is also clear that in the situation when *propaganda infiltrates journalism*, when disinformation emerges and gets foothold in the space that was traditionally allocated for mass media, journalism will not survive for long, both as a profession and a public good, let along the public trust in it.

*The Public Collegium for Press Complaints*, which I represent, is a media self-regulation body that is part of two structures uniting self-regulatory bodies.

The first, which has existed since the end of the last century, is called the European Alliance of Independent Press Councils (AIPCE) and includes the media self-regulation bodies of 31 countries, not only European ones.

The second is the Network of Self-Regulatory Media Organizations (NSRMO), formed ten years ago by a group of AIPCE members.

NSRMO unites self-regulatory bodies of seven countries sharing common Soviet background. Geographically, the current composition of the NSRMO is Azerbaijan, Armenia, Belarus, Georgia, Moldova, Russia, and Ukraine.

I will leave the difficulties in relations between a significant number of the aforementioned states to the diplomats. My task is to give an idea of *what unites* our self-regulatory bodies. Specifically — to show two NSRMO documents that are directly related to our topic.

The essence, meaning, spirit of the first document adopted by the members of the NSRMO three years ago is in its title: "***Journalistic duty and disinformation are incompatible.***"

I will quote two opening provisions from this Appeal from members of the Media Self-Regulation Network to journalists and editors, as they are of the most important for our round table:

"1. In this case, the members of the NSRMO understand **disinformation** to mean a deliberately produced "information" product, which may include both false information as such and a combination of factual information and intentional lies with the aim to mislead both individual recipients and the general public. By manipulating the thought process,

changing the picture of the world in one's head, disinformation, *inter alia*, affects the ability of the recipient to adequately respond to real problems and threats in the field of public safety: by replacing real threats with false ones, underpinned by the "image of the enemy", sowing mistrust and fear, amplifying the intolerance in interethnic and interstate relations.

2. By clearly making a distinction between news containing unintentional editorial errors and the unreliable "fake news" that are intentionally fake, members of the NSRMO draw attention to the fact that a significant part of "fake news" does not belong to harmless indiscretion tolerated by professional journalistic standards. "Fake news" in the field of politics, economics, and important aspects of public life often reveal a propaganda component that allows one to make an unambiguous conclusion about the violation of basic professional (namely, journalistic) standards by their distributors."

The second document from NSRMO is the "Opinion of the NSRMO Advisory Commission on Counteracting the Propaganda regarding the appeal of the Commission on Journalistic Ethics of Ukraine against a publication by the information agency "Crimea Inform." Let me clarify that the representative of the Russian Public Collegium for Press Complaints did not take part in the consideration of this appeal since the complaint was lodged against a Russian media outlet. I would also like to point out that this "Opinion" was published by the Collegium in the 8th issue of the "Handbook on media self-regulation" and posted on its website. Thus, a large number of Russian journalists, journalism faculty and students had access to the findings of the Advisory Commission, which read "the media outlet that published an investigative journalism item misinforms readers by operating in the logic of forming false sensations." And that the publication "Unfree realities. How Much Does Treason Pay", is propaganda and not a journalistic product.

I will add an excerpt from one of the decisions of the Collegium itself to the two documents of the NSRMO. I am talking about decision No. 220 "*On the complaint by Olga Verbilovich in connection with the publication by the Zhdanov Tower telegram channel and the report by the RT in Russian telegram channel of a story about the Nina Baginskaya incident. (Author - Igor Zhdanov, publication date - August 26, 2020).*"

The timeframe of our round table does not provide for a detailed deliberation on the disputed material or the decision itself. (Those interested may find it at the Collegium's webpage: [presscouncil.ru](http://presscouncil.ru).) I will only quote the last paragraph of clause 5 and the first paragraph of clause 6 of this decision: "The Collegium hereby finds that by isolating a fragment of a larger event (...) not allowing the recipients of the message to get an idea of what was important and preceded it, and, moreover, by providing a personal comment distorting the meaning of both the fragment itself and the event ("incident") as a whole, the *author of the item disinformed (and not misinformed)* the recipients of the message."

"The Collegium finds the story posted by the Zhdanov Tower Telegram channel to be dishonest, unreliable, and misleading. Based on the *manipulation of the recipients mind*, this item contains *sheer deception* of those whom it targets."

I would like to draw your attention to the *technology of production* of a fake bearing signs of a *reliable text*, since the contested report by the author of the telegram channel is based on a fragment of a video footage bearing no signs of editing.

The situation as we saw it: a TV journalist, an employee of a state-run TV channel, in his telegram channel (not on the air of his TV channel), employs arbitrary means to achieve a purely political task: undermining a participant of a protest rally and whitewashing the actions of the police.

The task is accomplished by highlighting the "convenient" fragment of the video featuring a clash between the elderly rally-goer and the police. The hand-picked fragment of a longer video does not include the plot of the conflict, instrumental for understanding the gist of and the real context the conflict. The video snippet is accompanied by a comment, which the Collegium assessed as "distorting the meaning" of both the fragment and the event triggering the specific message in the personal telegram channel of the TV journalist. The final stroke to the picture is the pickup of this post by the telegram channel affiliated with the state-run TV channel employing the author. It is done virtually immediately, with no fact-checking or additional scrutiny — the

message gets amplified for a bigger audience.

I must but point to one thing: the appearance of the word "disinformation" in the decision of the Collegium is a rare case. And this despite the fact that the Collegium has been working for many years with its own, fairly solid set of criteria for distinguishing *journalistic texts* (even those bearing major flaws and even defects from the standpoint of professional ethics) from texts that we consider to be *political propaganda* with elements of *hate speech*: thus drawing the line between *journalism* (profession) and *propaganda*, at times bordering on *special propaganda*.

Our criteria of propaganda (political propaganda with elements of hate speech) were included in the document of the NSRMO "*Journalistic Duty and Disinformation Are Incompatible*"; they were also cited in the Opinion of the Anti-Propaganda Advisory Commission to which I referred.

And for all that, I will repeat, the Collegium *does virtually no work* with the concept of *disinformation*, does not address it. Why is that?

There are at least four reasons.

The first one has already been indicated: any mass-information product, underpinned by *disinformation*, cannot be initially classified as a journalistic item. That is why, it seems to me, neither the concept of "disinformation", nor the attitude to it can be found in any journalistic code of professional ethics that I know, including the most recent Global Charter of Journalism Ethics of the International Federation of Journalists, adopted in 2019.

There is no (at least, until recently) mention of it in the Media Ethics Standard: the regulation that the Collegium is guided by when making decisions on specific complaints.

I must say right away, however, that, given the new experience for us, the Collegium may include two references to disinformation in its Media Ethics Standard. The package of amendments to this regulation, which we started discussing during our recent annual scientific and practical conference, contains two interrelated clauses containing the word "disinformation". "*Journalism is incompatible with participation in information wars, disinformation and manipulation of information and the minds of the audience*". And: "*The publication of material that reveals signs of disinformation is deemed unacceptable, incompatible with the principles and norms of the journalistic profession.*" We will find out in early August whether these amendments will be adopted — it will be put to the vote of the members of the Collegium.

Having drawn your attention to the phrase "*signs of disinformation*" in one of the proposed amendments, I will name the *absence of sufficiently clear criteria, the lack of clarity of signs of disinformation* as the second reason why it is more difficult to tackle the infiltrating disinformation embedded in journalistic texts than it might seem.

The third reason is extremely serious: disinformation is a product based on intent, intent to deceive, and intent is always difficult to prove.

Well, and finally: disinformation is a product that, due to the specifics of its nature, is better handled by the norms of law than by professional ethics.

I will clarify that, without calling it disinformation, modern Russian laws already contain such a sign of an offense or even a crime, as "*Dissemination of deliberately unreliable socially significant information in the media, as well as in information and telecommunication networks, under the guise of reliable messages...*" or "*Dissemination in the media, as well as in information and telecommunication networks, under the guise of reliable messages, of knowingly false information about the circumstances that...*"

I am not a lawyer and I will not comment in any way on the articles of the Code of Administrative Offenses and the Criminal Code of the Russian Federation, which deal with the

news that today bear the name of "fake news" even in Russia.

I admit with regret that, first of all, our journalistic organizations missed starting gun to tackle the phenomenon of dissemination of this very "*deliberately unreliable socially significant information*" as a problem of involving journalism in information wars. And, second of all, to treat it as the task of systemic *counteraction to such involvement*, on the one hand, and the systemic *counteraction to illegal enforcement* in this area, on the other.

I am getting back to the issue of *self-regulation* — in connection with the phenomenon of an active attack on journalism and society, which is revealed in the current active penetration of propaganda and disinformation (as a specific instrument of propaganda) into the journalistic field itself.

What can *self-regulatory bodies* do, what can be expected of them?

It seems to me that one of their tasks is to correctly recognize propaganda and disinformation in the contested publications, as well as publicly assess such content as non-journalistic. That means to institutionally, by means self-regulatory body's assessments and conclusions, draw the line between the *journalism and non-journalism*.

One can reliably do this only in presence of reliable criteria for sorting wheat from the chaff. This means that self-regulatory bodies need to develop such criteria today - and preferably jointly with journalists and their organizations.

It would be a welcome sight if the media self-regulatory bodies operating in our dissimilar countries were to exchange ideas about such *criteria* or *begin to form* packages of such *identification features* at round tables like this one.

Self-regulatory bodies should definitely actively employ fact-checking, including international one. To this end, I believe it to be beneficial for them, firstly, to build their own relationships with fact-checking organizations. And, secondly, together with journalists and agencies concerned, design and use their means and methods to protect such agencies from pressure, including (or primarily) from those state institutions that may seek to spread this very disinformation through the mass media.

I do not think that self-regulatory bodies have the means and methods of influencing states that regard information wars being a tool to achieve certain goals, including in the field of security. But they can intensify their work with journalists, who are getting by all means involved in information wars, and with associations, including by making *strong decisions*, *explaining* them to journalists and representatives of journalistic unions and associations, and developing their own *recommendations*. And without shying away from public discussions related, among other things, to the quality of these very decisions or recommendations.

And my final point will be fairly personal. During professional and ethical seminars with journalists, I often refer to the well-known findings of the so-called Hutchins Commission (USA) — "Free and Responsible Press", to those basic functions of the press, which are spelled out in this outstanding document. Let me remind you its first provision: free and responsible press must "Provide a truthful, complete and understandable account of current events in the context in which they make sense."

I called this a *personal* point because I was born in that very year 1947, when the formula "truthful, complete and understandable account of current events" was extended to journalists and the recipients of their short-lived messages.

In the same 1947, American nuclear physicists found a vivid image of modern times: "*Doomsday clock*": the symbolic position of the hands relative to midnight, i.e. nuclear apocalypse, which the American magazine Bulletin of Atomic Scientists has been using for almost eight decades to assess the degree of international tension, the degree of threat of a global nuclear conflict.

Speaking about international tension and threats to security, let us all keep in mind the burden of responsibility that the media carry, lest they forget for one day their duty of “providing a truthful, complete and understandable account of current events in the context in which they make sense.”

Ever reminding that a journalist who turns away from the ethics ceases to be a professional is all but the primary task of self-regulatory bodies at all times. All the more so — in our times of the infodemic, when disinformation easily engages societies, groups of citizens, families, and individuals. And it may be not produced, but is disseminated — albeit unwittingly — by the media and journalists.