

Information of Public Interest in the Era of the ‘Fake News Pandemic’

I

“And perhaps the media, too, whose presence is almost total in writing the story of our life and our era, will ask themselves honestly what their part was in the feeling of general disgust in which we were mired before the plague. Why we were left with the feeling that people with unabashed vested interests were manipulating us relentlessly, brainwashing us and looting our money. And that our media were telling us our complicated and tragic story in a cynical and coarse manner. I am not talking about the serious, investigative, courageous press, but about the ‘mass media’ that have long since morphed from media aimed at the masses to media that turn humans into a mass. And not infrequently, also into a rabble.”¹

David Grossman

In a sea of countless headlines, articles and various channels of communication all talking about one thing and one thing only, the coronavirus pandemic, the dramatic flair of one article written by Author David Grossman stands out. Events are unfolding at a rate that is difficult to keep up with. Never before have there been as much analyses, as many predictions, questions posed, theses, counter-arguments and opposing opinions on a single solitary subject. But this has now become a matter of life or death, an event that may potentially leave deep scars in the lives of each of us, our society and the global community.

The coronavirus pandemic has already shaken the very foundations of our healthcare system, our democratic system, international relations, and is testing solidarity within the EU as well as transatlantic relations. The economic outcome, what will happen to the poor, migrants and other vulnerable groups are all still unfathomable.

At the moment this article was written, Serbia just announced its third victim claimed by the virus and the official number of people infected stood at 303. The decision to introduce a state of emergency has been in effect for 10 days now and was rendered without the mandatory declaration of the National Assembly, deriving from a government bylaw banning gatherings of over 100 people.

Each of these topics can and must be analysed to the fullest extent. This article, however, shall attempt to draw attention to one specific phenomenon that we are facing today; the fight against a new form of virus, i.e. ‘the greatest pandemic of our lifetime’² which we are battling at the same time as this new phenomenon - the fake news pandemic or the so-called ‘infodemic’. During the Spanish Flu, the last great invisible war fought against a virus which took more

¹ <https://www.haaretz.com/israel-news/.premium.MAGAZINE-the-plague-is-a-formative-event-when-it-fades-new-possibilities-will-emerge-1.8687842>

² <https://www.wired.com/story/coronavirus-interview-larry-brilliant-smallpox-epidemiologist/>

lives than WWI, the news of the outbreak was withheld from the public for a time due to the war and news from the frontlines. But at that time, news travelled at a much slower pace and it was much easier to put censors into place. Today both information and disinformation travel practically in real time.

On 15 February, the Director-General of the World Health Organisation (WHO) Tedros Adhanom Ghebreyesus addressed participants of the Munich Security Conference with the following: “But we’re not just fighting an epidemic; we’re fighting an ‘infodemic’. Fake news spreads faster and more easily than this virus, and is just as dangerous. “If we don’t face this, he continues, “we are headed down a dark path that leads nowhere but division and disharmony.”³

For years preceding the outbreak of COVID-19, the manner in which we relate to facts began to undergo drastic changes. In the not so distant past, new phrases such as ‘post-truth’, ‘alternative facts’ and ‘fake news’ would have been treated as oxymoron or would have belonged solely to the realms of satire and fiction. Unfortunately, they have become our reality. Irresponsible action and statements made by certain members of the political elite have deliberately undermined the peoples’ confidence in institutions, science, and the media. Under circumstances such as these, we are now dealing with one of the greatest challenges of our time, whilst trying also to regain the trust of the citizenry in political institutions. Now, when we need to be able to trust the authorities rendering the most important of decisions, as these decisions may mean the difference between life or death, those same individuals who have undermined our trust are desperately trying to earn a morsel of respect in order to convince the people to take this state of emergency seriously.

II

“If everybody always lies to you, the consequence is not that you believe the lies, but rather that nobody believes anything any longer.”⁴

Hannah Arendt

There are many examples the globe over of inadequate statements made by the highest of government officials upon the outbreak of the pandemic. The Brazilian Prime Minister Jair Bolsonaro called the crisis caused by the coronavirus a media hoax.

As reported by the *New York Times*, at the end of January this year a team of senior government scientists held a private Senate briefing to inform officials of the seriousness of the coronavirus epidemic. As was reported by this prestigious American newspaper, the briefing was attended by two Republican senators and at the time, many Americans were still unaware of the danger the virus posed. No activities aiming to prepare the public for this epidemic were initiated upon the conclusion of this meeting, instead, both senators sold large amounts of their personal stock holdings, cashing in before the market sharply declined⁵. The same paper criticised the US President for telling reporters at a press conference that for distancing purposes, they should throw out 75-80% of the White House press corps. ⁶

³ <https://www.who.int/dg/speeches/detail/munich-security-conference>

⁴ <https://pescanik.net/o-totalitarizmu-lazima/>

⁵ <https://www.nytimes.com/2020/03/20/opinion/burr-loeffler-stocks-coronavirus.html>

⁶ <https://www.nytimes.com/2020/03/20/opinion/sunday/coronavirus-trump-news-conference.html>

The British-owned *Guardian* published the findings of an opinion poll after the British Prime Minister announced their plans on how to combat the coronavirus. The findings showed that only 36% of Britons trust their Prime Minister, but also that fear exists within the nation, but also that only 53% of those surveyed now wash their hands more often. Furthermore, the results showed that the public trusts the advice provided by Britain's leading medical experts far more than statements by politicians.⁷ This makes sense when we take into account that the British Prime Minister went from advocating for 'herd immunity' to implementing the strictest of restrictions within just days of each other.

As a rare example of a responsible public address, the global press shared the delivery of a public statement made by the German Chancellor, Angela Merkel, who, among other things, had the following to say: "We are a democracy. We thrive not because we are forced to do something, but because we share knowledge and encourage active participation. This is a historic task, and it can only be mastered if we face it together."⁸

In Serbia, we do not have access to these types of polls, whether or not they are being conducted, therefore, we cannot know what kind of insight they would be able to provide. However, declaring a state of emergency would lead to the first arrests being made of those spreading panic. Undoubtedly, in a situation such as this, the spreading of disinformation and panic by certain members of the population may have very dangerous outcomes. But, in addition to falling on the general population, accountability in terms of spreading fake news and the duty to behave responsibly and seriously must fall much more on the shoulders of the highest representatives of government in times such as these. Unfortunately, during the first days of the epidemic everyone viewed this as 'the most ridiculous virus in history', that neither children nor expectant mothers could catch the virus, and during an official press conference of the Serbian Government, it was announced that Serbia's citizens could continue to visit Italy on shopping tours, a country that is now living through tragedy and the loss of human life. Later on, it was explained to us that this had been said jokingly. At first the Prime Minister announced that information pertaining to the number of available respirators in Serbia was a state secret, but soon after the President disclosed this information. The question of whether or not the date of the first registered case of Covid-19 was purposefully withheld from the public for political reasons or was simply a 'slip of the tongue' on behalf of the Deputy Director of the Dr Milan Jovanović Batut Institute, will most likely remain unanswered. The scale at which suspicion prevails, the number of unambiguous answers, and attempts to hide information can in no way contribute to creating an atmosphere of trust and discipline in the fight against a dangerous infectious disease.

During this state of emergency where the atmosphere is such that the population is constantly criticised for its lack of discipline, yet the government is made out to be 'sacrificing themselves' for their ungrateful countrymen, media channels with close ties to the government have started to issue threats stating that social media may be shut down. Despite being frequent spaces of chaotic freedom, disinformation and an irresponsible public, imposing any kind of census not only violates Article 10 *Freedom of Expression* of the European Convention on Human Rights, this would only serve to create further mistrust and widen the gap between the population and the government. Not to mention that a move such as this would sever important channels of communication between people in times of isolation. It is important to note here that small, independent investigative media outlets such as Krik, Cenzolovka, CINS, BIRN and others with a predominantly online presence have been the ones to lead the fight in uncovering

⁷ <https://www.theguardian.com/world/2020/mar/14/only-36-of-britons-trust-boris-johnson-on-coronavirus-poll-finds>

⁸ <https://www.bundeskanzlerin.de/bkin-en/news/statement-chancellor-1732302>

the truth and getting to the facts during the pandemic in Serbia. Their professional and investigative approach to journalism has granted them as credible sources of information. Regrettably, the Committee in charge of issuing budget funding for projects that deal with public interest content did not prioritise according to quality nor choice of topic. What's more, the never-finalised privatisation process placed Tanjug in a position of privilege in relation to other news agencies such as Beta and Fonet. And officers of the state are more willing to appear in and to praise those massive electronic and printed media outlets in which investigative journalism has been banished, so to speak, and which now produce content of a tabloid-like and sensationalistic nature.

Withholding important information during peace times is dangerous, but doing so in extraordinary circumstances can have dire consequences. According to *Južne Vesti* [Southern News], this was the case in Niš when information on the number of infected individuals was passed on 'word of mouth' creating panic among the town's residents, while officials failed to provide any information on these rumours. "During a state of emergency, public interest increases manifold, and in a situation such as this the authorities are obliged to regularly inform the public, thereby preventing the spread of panic among the people", said Gordana Bjeletić, Editor of the local news portal *Južne vesti*.⁹

Article 15 of the Law on Public Information and the Media stipulates that public interest within the area of public information must be truthful, impartial, timely and must ensure the complete provision of information for citizens of the Republic of Serbia. The Serbian Journalists' Code of Ethics also includes provisions on journalism as a profession and professional ethics.¹⁰ The UK's National Union of Journalists, for example, provides a more detailed definition of public interest: a) detecting or exposing crime or serious impropriety; b) protecting public health and safety; c) preventing the public from being misled by an action or statement of an individual or organisation; d) exposing misuse of public funds or other forms of corruption by public bodies;

III

*"When people are told the scientific facts, and when people trust public authorities to tell them these facts, citizens can do the right thing, even without a Big Brother watching over their shoulders. A self-motivated and well-informed population is usually far more powerful and effective than a policed, ignorant population."*¹¹

Yuval Noah Harari

We have seen both domestic and global examples where this issue was not met with due seriousness, and of the unverified and irresponsible statements made. Regardless, today there is hardly a single government that has failed to urgently address the pandemic. The time for humour, error and deception has passed. Perhaps introducing a state of emergency was the only possible solution at this critical time (in that, as mentioned above, we disagree with the manner in which this decision was rendered). However, the fact remains in times of mistrust, manipulation of human fear and the real possibility of limiting certain human rights it becomes necessary to carefully defend citizens' rights, their interests to receive accurate and timely notification.

9 <https://www.cenzolovka.rs/drzava-i-mediji/uskracivanje-informacija-o-koronavirusu-prosirilo-paniku-u-nisu-o-zarazenima-na-kraju-samo-na-pinku-i-rt-s-u/>

10 http://www.savetzastampu.rs/doc/Kodeks_novinara_Srbije.pdf

11 <https://www.ft.com/content/19d90308-6858-11ea-a3c9-1fe6fedcca75>

For this reason, it would seem reasonable and necessary to expect representatives of the Independent Journalists' Association of Serbia (NUNS) and the Journalists' Association of Serbia (UNS) to advise the state to in no way introduce censors nor limit the right of free speech for as long as the state of emergency is in effect.

The Government of Serbia has recently adopted a new media strategy, i.e. Strategy for the Development of the Public Information System in the Republic of Serbia for the Period 2020-2025.¹²

The Serbian Government could right now, at precisely this moment, demonstrate its level of dedication to public interest by correcting the deficiencies it has identified. The Strategy ascertains that public service broadcasters, as key actors in establishing public interest in terms of information provision, are still 'quite dependent on state budget funding', i.e. from government funding and this is not in line with the Law on Public Service Broadcasting. For this reason, we need to strengthen the editorial and financial independence and autonomy of public service broadcasters. With caution it is also noted that the Regulatory Authority for Electronic Media (REM) has lost the trust of 'one group of the public' and this has a 'direct impact on the trustworthiness and independence of the members of its Board of Directors, and on this Board's ability to appoint a public service broadcasting Director. It was found that an analysis of the effects of project co-financing of public interest content was never carried out. In other words, conditions that will ensure that budget funding is truly allocated to quality educational, documentary, research projects, and not to the media and companies with close ties to the government.

In regard to REM, the most sensitive area in terms of our media system, the necessity of ensuring the impartial, transparent operation of this body and its total independence is highlighted, and includes regulatory accountability. The fact has not gone unnoticed that the parliamentary majority of the competent Culture and Information Committee of the National Assembly directly impacted the election of individual members of the REM Council and that this was conducted upon the recommendation of a civil society organisation, which has led to doubt in terms of the personal and functional independence of the work of this body. It has also been acknowledged that the measures applied in choosing members of the REM Council do not have the level of required precision, nor are they able to accurately assess the responsibilities of said members. We are all quite familiar with the inadequate manner in which REM representatives communicate with the public and the politicising of the work performed by this body, whose representatives act as though they are spokespeople of the ruling party and not functionaries obliged to work in the interests of the people and tax payers. We do not need to wait for new parliament or the establishment of new laws to begin to implement the principles mentioned here. Many will say that these proposals are completely naive, bearing in mind the experiences we've had with the government as well as its behaviour in regard to the provision of public information. Nevertheless, all we need at this stage is intent. This will demonstrate whether or not these times will serve only to strangle our freedoms further, or will the crisis serve to build new bridges of trust between the people and the institutions that serve them.

And finally, global crises require global answers. It's as though we want to forget that we're a full member of the Council of Europe, a leader in defending the principle of freedom of

¹² https://www.media.srbija.gov.rs/medsrp/dokumenti/medijska_strategija210_cyr.pdf

expression, as Europe's oldest organisation dedicated to upholding democracy, the rule of law and human rights, founded on the ruins of World War II and the experiences gained from suffering great loss.

How will the global crisis be resolved with weak international organisations? How long will the hypocrisy continue of those states which are members of these multilateral organisations that do not want to abide by the principles and values adopted by these institutions? Has it become so naive for us to say that it is important for us, as a member state, to abide by the message provided in the Statement by the Council of Europe's Committee of experts on media environment and reform (MSI-REF)?

"The evolving coronavirus (COVID-19) pandemic is causing a public health emergency. In this time of great public concern, it is of particular importance for member states to recognise the crucial role of independent media.

Now, more than ever, we need reliable journalism, resting on the standards of professional ethics, to keep the public informed and to scrutinise the measures taken in response to the global health threat. We need accurate information, including in-depth research by science journalists, to counter rumours and disinformation that could lead to panic. This can be facilitated by creating forums for dialogue among governments and media stakeholders.

In line with the Council of Europe Guidelines on protecting freedom of expression and information in times of crisis, the crisis situation should not be used as a pretext for restricting the public's access to information. Neither should states introduce any restrictions on media freedom beyond the limitations allowed by Article 10 of the European Convention on Human Rights.

Member states, together with all media stakeholders, should strive to ensure a favourable environment for quality journalism, in line with the standards set out by the upcoming Council of Europe Recommendation. In these circumstances, special attention should be given to ensuring appropriate working conditions for journalists, including medical protection for any work-related coronavirus risks.

Freedom of expression, media independence and open deliberation, rather than information control, are the core principles underlying European democracy which will allow us to surmount the great challenges facing our countries."¹³

The MSI-REF Committee has also been mandated with defining guiding principles addressing the shift from established channels to social networks and related risks such as: manipulation of public opinion, lack of public trust, information disorders.

Non-government organisations play a special role in protecting accurate and factual information during times of crisis. They should strive to ensure the protection of freedom of expression and information.¹⁴

We shall conclude the same way we began, by citing the article written by David Grossman. He poses the question - is this a catastrophe of biblical scale, or will this modern 'plague'

13 <https://www.coe.int/en/web/human-rights-rule-of-law/-/freedom-of-expression-and-information-in-times-of-crisis>

14 https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805ae60e

become a fateful and formative event in the continuation of our lives. Once healed, he asks, will a new spirit pervade humanity? Will we understand that this murderous virus has given us a new chance to free ourselves from the greed.

The greed of our era is also the need to control the media, to manipulate public opinion, to purposefully lie to and deceive the people. We need a strong public, and that means a well-informed public. These days, in conversing with my former colleagues at the Parliamentary Assembly of the Council of Europe, who are also currently involved in the dramatic struggle to save the lives of their countrymen, to keep their families safe and to maintain democratic values, this was the topic at hand. The scale of the events taking place in Europe and globally are tragic. The world will never be the same after Covid-19. All of our countries are paying the price of failing to invest in our respective public healthcare systems. When this is all over, what will be required is another world, one that is both safer and wiser. The challenges of the times we live in will require priority-based solutions: pandemics, climate change, big data, information and privacy protection, strengthening democratic institutions and increasing the trust of the people living in democratic states. More than ever, we will need institutions such as the Council of Europe as they will play a central role in ensuring the rule of law, democracy and the protection of human rights in the new era. We must also hope that the already catastrophic consequences of the pandemic and 'infodemic' will bring about vital economic and social changes over the long term. Public services are vital to our survival. These include public broadcasting and the provision of information of public interest.

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