

Fighting 'fake news' with the law

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Critics say legislation to fight 'fake news' could compromise freedom of expression

Some countries are bringing in legislation to fight "fake news", a particular menace during election campaigning, but critics warn of the danger to freedom of expression and the media.

Here is a look at the situation in a selection of countries.

Germany

The [parliament](#) adopted in June 2017 a law against the posting on social media of hate speech, child pornography, terror-related items and false [information](#).

Under the law [social media](#) platforms like Facebook and Twitter can be punished with fines of up to 50 million euros (\$58 million) if they fail to remove such illegal content.

Their directors can also be individually fined five million euros.

Critics have warned the law will stifle legitimate free speech by prompting the platforms to excessively delete and censor posts as a precaution.

France

Two controversial draft laws are under discussion in the French parliament aimed at guarding against "the manipulation of information" during an electoral period.

The legislation would enable a candidate or political party to ask the courts to order an immediate halt to the publication of information deemed to be false in the three months leading up to a national election.

Backed by President Emmanuel Macron, the draft has been criticised by opposition parliamentarians as an attack on freedom of expression and a move to create "thought police".

They have also railed against attempts to define what amounts to false information.

Brazil

No less than 14 draft laws related to "[fake news](#)" are under examination in the Brazilian parliament, with disinformation a looming battleground in the highly connected country ahead of contested presidential elections in October.

One of the drafts has already passed to the upper house and provides for jail sentences of up to three years for the diffusion on the internet of false information "related to health, security, the national economy, the electoral process or all other subjects of public interest".

Ten of Brazil's 35 political parties signed in June an agreement with the election authority to fight "the dissemination of false information".

Malaysia

The Malaysian parliament in April 2018 approved a law punishing the propagation of partially or totally [false information](#) with prison sentences of up to six years and fines of \$130,000.

It was slammed by the political opposition and rights groups as an attempt to silence criticism of the increasingly authoritarian government.

The opposition went on to win elections in May and the new prime minister, Mahathir Mohamad, who had been among the critics, stunned public opinion when he said the law would be reviewed but not abolished.

Following an outcry, Mahathir has said the legislation will be repealed when parliament reconvenes in July.

Kenya

President Uhuru Kenyatta signed into law in May a sweeping cyber-crimes act that criminalises online bullying but also aims to stop the spread of "fake news".

One clause targets the publication of "false, misleading or fictitious data", providing punishment of \$50,000 or up to two years in prison, or both.

Critics argue it could stifle press freedom and make it easy for authorities to stop journalists from publishing information they dislike.

After a petition was filed to challenge the law, the High Court in late May suspended its full implementation until a ruling is made.

Rights activists have warned of an increasingly hostile and oppressive environment for journalists after a dramatic and bloody [election](#) season in 2017.

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