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Most "Fake News" Legislation Risks Doing More Harm Than Good Amid a Record Number of Elections in 2024

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Most “Fake News” Legislation Risks Doing More Harm Than Good Amid a Record Number of Elections in 2024

As the world launches into 2024, we face a year with a [record-breaking number of countries](#) (50) holding national elections including the United States, India and Mexico. With these elections come heightened concerns about the spread of disinformation and the challenge of providing voters with fact-based news.

Discussions about how to guard against disinformation and encourage the delivery of fact-based news are critical. In working toward the best actionable outcomes, these discussions need to consider both the potential and realized impact of recent legislative policies related to this topic. This study focuses specifically on policies laid out as guarding against “fake news.”

Legislation targeting “fake news” — a [contested term](#) used to reference both news and news providers that governments (or others) reject as well as disinformation campaigns — has increased significantly over the last few years, particularly in the wake of [COVID-19](#). This study finds that even when technically aimed at [curbing disinformation](#), the majority of “fake news” laws, either passed or actively considered from 2020 to 2023, lessen the protection of an independent press and risk the public’s open access to a plurality of fact-based news.

Indeed, governments can — and [have](#) — [used](#) this type of legislation to label independent journalism as “fake news” or disinformation. According to the [Committee to Protect Journalists](#), among the 363 reporters jailed around the world in 2022, 39 were imprisoned for “fake news” or disinformation policy violations. Even within well-intended legislative policies, like [Germany’s laws](#) which focus on platform moderation of “illegal content” related to hate speech and Holocaust denial, [concerns](#) can [arise](#) over potential government censorship.

There are several pieces of legislation, such as the United Kingdom’s [Online Safety Act](#), that are important to consider in broader policy discussions about online safety and algorithmic regulation (and are discussed in other [CNTI reports](#)) but they go beyond the scope of this study. This analysis examines the language within 32 “fake news” policies proposed or enacted from 2020 to 2023 in 31 countries, 11 of which have elections scheduled in 2024. Overall, the study reveals that the language in the 32 pieces of legislation does little to protect fact-based news and in many cases creates significant opportunity for government control of the press. The lack of safeguards in this legislation risks curbing press and journalistic freedoms heading into a major election year. Among the key findings:

- **“Fake” or “false” news is explicitly defined in less than a quarter (7/32) of this legislation.** Omission of these definitions leaves them open to interpretation by whomever has oversight authority which, in these cases, is often the government itself.
- **In what is very much a double-edged sword, two pieces of legislation examined here explicitly define journalism or what may be considered “real” news,** one defines journalists and four define news organizations. While definitions can help protect press freedom, they can also be used as legal grounds to protect media that props up the government and ban media that does not — especially if the court's application is also dictated by the government.
- **14 of the 32 policies clearly designate the government with the authority to decide what is or is not “fake news.”** In some cases it is the central government itself and in others it is an entity within the government whose independence from the central government is often unclear. The remaining 18 policies provide either vague or no language about who has that control, ceding it to the government by default. Putting this power in the hands of the government — whether explicitly or by default — introduces greater risk of governmental press and message control.
- **Although press control issues are more prevalent in the countries with autocratic rather than democratic regimes, definitional issues and a lack of clarity are found in legislation from both regime types.** Of the 31 countries studied, 19 are autocratic and 11 are democracies as identified by the research organization V-Dem.¹
- **Criminal penalties for the publication of “fake news” vary dramatically, from fines to suspension of publications to imprisonment.** Among the 27 policies with clearly noted penalties, three-quarters (20 policies) include imprisonment, ranging from less than one month in Lesotho to up to 20 years in Zimbabwe.

These findings warrant concern. Vague or missing definitions can create, intentionally or not, opportunities for governments to censor opposing voices and restrict press freedom and freedom of expression. Any legislation, even if developed while under leadership that values an independent press, must account for the possibility of future regime change or legal interpretation.

Putting hard lines around false information is certainly [not easy](#). The challenge is exacerbated when trying to discern intentional versus unintentional efforts to mislead. Legislation can be an important part of creating a digital news environment

¹ One country, Vanuatu, has no noted V-Dem regime type. In this case, we have supplemented this data with indicators from the [U.S. Department of State](#), the [United Nations](#) and [Freedom House](#) showing that Vanuatu is a parliamentary democracy and conducts democratic elections.

that safeguards both an independent press and the public’s access to fact-based news, but those aiming to develop policy should be aware of these challenges. CNTI offers five key questions that anyone seeking to construct policy to guard against false information in a way that safeguards an independent press and public access to a plurality of fact-based news should consider. Detailed in the “Important Policy Considerations” section of this report, they include: **1)** whether policy or other non-governmental methods are the best approach for the current situation; **2)** if specific independent oversight is laid out; **3)** whether there are clear adjudication processes; **4)** who the subject — or target — of the policy is; and **5)** what future or global implications might emerge?

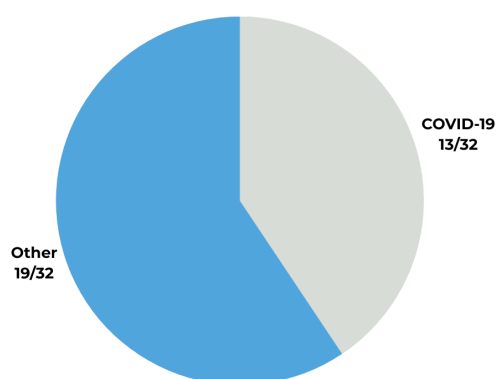
This report is one of many CNTI efforts to help address the challenges of today’s digital news environment in ways that safeguard an independent, competitive news media and the public’s access to a plurality of fact-based news. It is also a part of CNTI’s work in the specific area of defining journalism in our digital, global society. Any legislation related to journalism and news needs to thoroughly address the range of implications that can ensue.

Approaches to “Fake News” Policy

A substantial portion of the legislation we examine was developed in response to the COVID-19 pandemic, often targeting the spread of false information about the pandemic as well as information that contradicts government and public health officials. About two-fifths of the policies examined here (13/32) focus specifically on false information about COVID-19 and disputing government public health officials. For example:

- **Botswana’s** [Emergency Powers \(COVID-19\) Regulations](#) and **South Africa’s** amendment to its [Disaster Management Act](#) use the exact same wording, penalizing “any statement, through any medium, including social media, with the intention to deceive any other person about COVID-19; COVID-19 infection status of any person; or any measure taken by the Government to address COVID-19.”
- **The Philippines’** [Bayanihan To Heal As One Act](#) penalizes “individuals or groups creating, perpetuating, or

Topic of legislation: COVID-19 or other
out of 32 policies studied



spreading false information regarding the COVID-19 crisis on social media and other platforms.”

While a narrow scope might be less susceptible to abuse, these policies nonetheless risk chilling effects on free expression or political criticism. Indeed, narrow "health" proscriptions have been used in [Zimbabwe](#), for example, to persecute journalists questioning COVID-19 policies and exposing corruption in COVID-linked procurement practices. These topic-specific policies also suggest the potential for passing similar legislation in other topic areas deemed risky by the government.

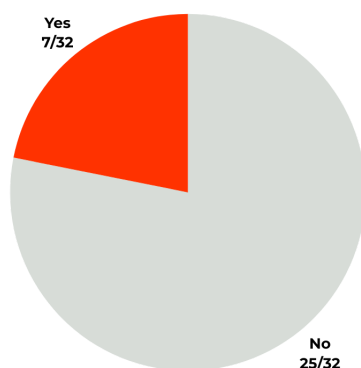
Other recent legislation, meanwhile, include much broader — and more easily exploited — phrases about information that criticizes or harms the country’s military or economy, or sows discord:

- **Greece’s [legislation](#)** on false information includes “anyone who publicly or via the Internet disseminates or disseminates in any way false news that is capable of causing concern or fear among citizens or of shaking public confidence in the national economy, the country's defense capability or public health.”
- **Hungary’s [legislation](#)** denotes anyone who “states or disseminates any untrue fact or any misrepresented true fact with regard to the public danger that is capable of causing disturbance or unrest in a larger group of persons at the site of public danger” is guilty of a crime.
- **Myanmar’s [draft legislation](#)** defines the creation of misinformation and disinformation as “causing public panic, loss of trust, or social division on cyberspace.”

Defining “Fake News”

Explicit definition of “fake news”

out of 32 policies studied



While many countries’ legislation are similar in how they define the type of information that qualifies as false or malicious, the level of specificity varies dramatically across policies, with only occasional shared phrasing (see Table 1).² A lack of clarity and use of vague language, when definitional language exists at all, carries risks for journalists and the public.

² One potential reason we may not see greater similarities in phrasing is that most legislation was translated from the native language to English.

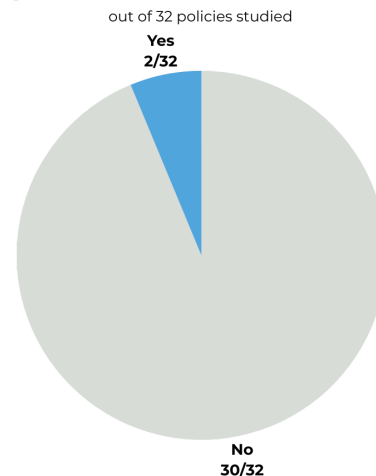
“Fake” or “false” news (sometimes referred to as disinformation, misinformation or other terminology in legislation) **is explicitly defined in less than a quarter of this legislation** (7/32). As is the case in disinformation studies more broadly, the question of intent often complicates definitions of “fake news,” with four of the seven seeking to separate *accidental* or *unintentional* from *intentional* spreading of false news (see Table 1). In some contexts, such as [Nigeria](#), legislation explicitly states that it is illegal to produce “*knowingly* false” information, though how this definition is adjudicated is unclear.

A natural follow-up question to how false news is defined is if and how journalism — or what might be considered “real” news — is defined. **Less than a quarter of these policies define any terms related to journalism.** Four of the 32 policies explicitly define **news organizations**, while **journalism** (as in *news content*, not “fake news”) is defined in two of the 32 policies and **journalists** in only one.

Even when explicit definitions of journalism are present, they are often vague and thereby open to a wide array of interpretations. For example, in Togo’s 2020 [Press and Communication Code](#), journalism is broadly defined as “original content” about current events of “general interest.” It is unclear in this legislation what qualifies as “original” or what counts as “general interest.”

References to or definitions of “journalism” or “journalists” within policy are just as — if not more — critical to fully consider than those of “fake news.” While they may be intended to protect independent, pluralistic journalism, these definitions can also be used to sanctify government control of the press.

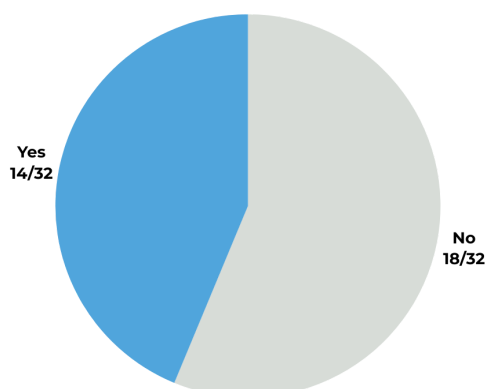
Explicit definition of news content



Authority to Decide What's “Fake”

Oversight authority clearly labeled

out of 32 policies studied



Another element to consider is the authority responsible for, and the process of, determining what or who constitutes “fake news.” This authority is clearly designated in less than half of the legislation (14/32), often making legislation susceptible to abuses aimed at [curbing press freedom](#) (see Table 1).

Among the remaining 18 policies with unclear or no noted oversight authority, 11 of them include regulations for “fake news” or disinformation that are wrapped into broader legislation related to COVID-19. The entity most often noted as having any kind of authority within these broader COVID-19 policies is the country’s health minister, but it is unclear exactly what authority that entails when it comes to adjudicating “fake news” specifically.

Among the 14 policies with clearly noted oversight authorities, the arbiter of such decisions is often designated as the head or body of a government commission, ranging from ministers of communications, information or technology to electronic transactions control boards and communications authorities (see Table 1). Others, in practice, have unclear or limited independence from the state. For instance, Togo’s Haute Autorité de l’Audiovisuel et de la Communication (HAAC) has the authority to sanction media actors and grant press accreditation. While its [structure](#) is technically independent from the government, it is not particularly transparent and in the past has been found to [censor](#) news organizations at the state’s request.

Penalties

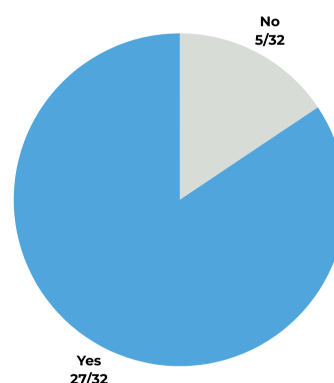
The criminalization of “fake news” has a long history in many countries that have experienced [penal codes](#) imposed under [colonization](#). Similar types of penalties are embedded in many of these modern policies.

About four out of five of these policies (27/32) explicitly note criminal penalties for creating and publishing “fake news” or disinformation — most commonly fines and/or imprisonment, though some legislation includes the temporary suspension of news publications (e.g., Togo) or compulsory community service (e.g., Uzbekistan).

Among the 27 policies with clearly noted penalties, three-quarters (20 policies) include imprisonment, ranging from less than one month in Lesotho to up to 20 years in Zimbabwe.

Together, these policies reveal the serious consequences journalists face especially when legislation does not include clear oversight authorities or processes and is then abused by governments. Further, the risk of imprisonment or heavy fines may create

“Fake news” criminal penalties clearly labeled
out of 32 policies studied



broader impacts, discouraging independent journalists through potential consequences such as their work being labeled as “fake news.”

Important Policy Considerations

While news and news organizations are not necessarily a central consideration of “fake news” or disinformation policies, the ripple effects of these policies impact independent journalism and press freedom. Codified policies focused on news, disinformation and/or journalism — as well any language used to define these and related terms — carry tremendous power, creating opportunities for governments or other powerful actors to intentionally or unintentionally threaten the independence, diversity and freedom of the press as well as broader elements of free expression.

As Table 1 shows:

- A majority of the countries examined in this study (19/31) have some form of autocratic governance (versus 12 democracies).
- Among the 30 countries in this study that also appear in the Reporters Without Borders Press Freedom [Index](#), more than half (17/30) rank in the bottom half of the index.

Together, these findings indicate high risks of undue political influence compounded by vague language and a lack of clear definitions and oversight processes. They also suggest that a majority of these policies may not have been intended to promote democratic values such as an independent press or free expression. Those aiming to construct policy that promotes an informed public and independent press should be aware of these conditions.

It is critical to take a careful and deliberate approach to codification of what “fake news” (*real* news) is and is not. This is not an easy task, as CNTI discusses in some of our [issue primers](#), and has become even more complicated in the digital era. This study reveals five important questions to consider in policy development in this area:

- **Are legislative policy or other non-governmental methods the best approach to address disinformation?** The latter could include processes such as human rights or information risk assessments, content moderation or data sharing on digital platforms, news and media literacy initiatives or other related efforts. Each option, including legislative policy, has potential benefits and harms which are important to think through.
- **Are specific, independent oversight of these definitions included in policy?** This can be designated via self-regulatory bodies or through independent government agencies designed to protect against undue political influence.


- **Are there clear adjudication processes for these definitions?** Can journalists, news entities or civil society formally challenge definitional decisions by oversight bodies and if so, how?
- **Who is the subject of the policy?** Who would be liable? Solely individuals? Publishers? Platforms? Some combination based on the circumstances? While complex, it is important to fully consider who the law would implicate and why.
- **What potential future and global implications might emerge?** These decisions have global consequences, as policies in one country inherently impact those in others. And, as [new](#) technologies for disinformation and digital manipulation emerge, new tactics for addressing them may be necessary.

Table 1. Definitions or descriptions of “fake news” or disinformation



Country ⚠ = COVID-19 legislation	Definitions or descriptions of “fake news” or disinformation (when applicable) ✔ = explicit definitions of “fake news”	Oversight authority	“Fake news” criminal penalties	V-Dem regime type	RSF Press Freedom ranking	Elections in 2024?
Angola	Commits the crime of abuse of freedom of the press, punishable by imprisonment for 6 months or a fine for 60 days, which, by means of social communication, proceed: An incitement to the practice of crime or apology for criminal fact; Dissemination of information that incites secession in the country, the creation of organized groups of crime, racial, tribal, ethnic and religious hatred and apology of fascist and racist ideologies; The intentional promotion of a campaign of persecution and defamation, through the systematic and continuous dissemination of false information about facts, attitudes; Intentional publication of false news.	Undefined	Imprisonment of 6 months or fine	Electoral autocracy	125/180	No
Azerbaijan	Dissemination of false information threatening to harm human life and health, causing significant property damage, mass violation of public safety, disruption of life support facilities, financial, transport, communications, industrial, energy, and social infrastructure facilities, or leading to other socially dangerous consequences.	Prosecutor General	Undefined	Electoral autocracy	151/180	Yes
Botswana ⚠	A person who publishes any statement, through any medium, including social media, with the intention to deceive any other person about COVID-19; COVID-19 infection status of any person; or any measure taken by the Government to address COVID-19, commits an offence and is liable to a fine not exceeding P100 000 or to imprisonment for a term not exceeding five years, or to both.	Undefined	Imprisonment of < 5 years, fine or both	Electoral democracy	65/180	Yes
Brazil	Undefined	Undefined	Undefined	Electoral democracy	92/180	No
Burma/Myanmar	Whoever is convicted of creating misinformation or disinformation with the intent of causing public panic, distrust or social division on a Cyberspace shall be punished with an imprisonment for a minimum term of one year to a maximum term up to three years, or with a fine not exceeding 5,000,000 Kyats, or with both.	Ministry of Communications, Posts and Telegraphs; Electronic Transactions Control Board	Imprisonment of 1 to 5 years, fine or both	Closed autocracy	173/180	No

<p>Cuba</p>	<p>Article 15. The user of public telecommunications/ICT services has as duties those of: e) prevent telecommunications/ICT services from being used to attack the Security and Internal Order of the country, transmit false reports or news, or in actions aimed at causing harm or damage to third parties and as a means to commit illicit acts;</p> <p>Article 69. Operators and suppliers, in coordination with the competent authorities, implement technical operation and supervision measures to minimize the risks associated with the use of their networks and services or interrupt them when they are used to affect those of other operators or countries, or transmit information that is false, offensive or harmful to human dignity; of sexual, discriminatory content; that generates harassment; that affects personal and family intimacy or one's own image and voice; the identity, integrity and honor of the person; collective security, general well-being, public morality and respect for public order; or as a means to commit illicit acts, regardless of the criminal, civil or administrative liability that may arise from the act.</p>	<p>Ministry of Communication</p>	<p>Fine</p>	<p>Closed autocracy</p>	<p>172/180</p>	<p>No</p>
<p>Ethiopia</p>	<p>“Disinformation” means speech that is false, is disseminated by a person who knew or should reasonably have known the falsity of the information and is highly likely to cause a public disturbance, riot, violence, or conflict;</p> <p>Disseminating of any disinformation on public meeting by means of broadcasting, print or social media using text, image, audio or video is a prohibited act. Notwithstanding to Article 5 of this Proclamation, a speech will not be considered as disinformation and prohibited if a reasonable effort has been made under the circumstances by the person making the speech to ensure the veracity of the speech or if the speech is more inclined to political commentary and critique instead of being a factual or news report. ✓</p>	<p>Ethiopian Broadcast Authority</p>	<p>Imprisonment from < 1 to 5 years or fine</p>	<p>Electoral autocracy</p>	<p>130/180</p>	<p>No</p>
<p>Eswatini ⚠</p>	<p>A person or an institution or organization shall not spread of any rumour or unauthenticated information regarding COVID-19; use any print or electronic media for information regarding COVID-19 without prior permission of the Ministry of Health; publish any statement, through any medium, including social media, with the intention to deceive any other person about – COVID-19; use print or electronic media on the COVID-19 infection status of any person; or spread of any rumour or unauthentic information regarding any measure taken by the Government to address COVID-19. A person or an institution or organization that indulges in an activity that contravenes this Regulation commits an offence and shall, on conviction, be liable to a fine not exceeding twenty</p>	<p>Undefined</p>	<p>Imprisonment of < 5 years or fine</p>	<p>Closed autocracy</p>	<p>111/180</p>	<p>No</p>

	thousand Emalangeni (E20,000.00) or imprisonment for a term not exceeding five (5) years.					
Germany*	NA	NA	Fine for providers of social media platforms that do not moderate "illegal content"	Liberal democracy	21/180	No
Greece ⚠	Anyone who publicly or via the Internet disseminates or disseminates in any way false news that is capable of causing concern or fear among citizens or of shaking public confidence in the national economy, the country's defense capability or public health shall be punished by imprisonment for at least three months and a fine. If the act was committed repeatedly through the press or through the Internet, the culprit is punished with imprisonment of at least six months and a fine.	Undefined	Imprisonment of 3+ months and fine	Electoral democracy	107/180	No
Hungary ⚠	A person who, at a site of public danger and in front of a large audience, states or disseminates any untrue fact or any misrepresented true fact with regard to the public danger that is capable of causing disturbance or unrest in a larger group of persons at the site of public danger is guilty of a felony and shall be punished by imprisonment for up to three years. A person who, during the period of a special legal order and in front of a large audience, states or disseminates any untrue fact or any misrepresented true fact that is capable of hindering or preventing the efficiency of protection is guilty of a felony and shall be punished by imprisonment for one to five years.	Undefined	Imprisonment of < 3 years; imprisonment of 1 to 5 years	Electoral autocracy	72/180	No
Lesotho ⚠	members of the press shall refrain from publishing fake news;	Undefined	Undefined	Electoral democracy	67/180	No
Lesotho ⚠	A person who publishes or spreads fake or false information commits an offense and is liable, on conviction, to a fine not exceeding 5,000.00 Maloti or to imprisonment for a period not exceeding one month, or both.	Undefined	Imprisonment of < 1 month, fine or both	Electoral democracy	67/180	No
Malaysia ⚠	"fake news" includes any news, information, data and reports, which is or are wholly or partly false relating to COVID-19 or the proclamation of emergency, whether in the forms of features, visuals or audio recordings or in any other form capable of suggesting words or ideas; ✓	Minister charged with the responsibility for communications and multimedia ; Sessions Court	Imprisonment of < 3 years, fine or both	Electoral autocracy	73/180	No

Mauritania	<p>False information: information that is inaccurate or contrary to the truth; Misleading information: misleading information with the aim of manipulating or deceiving a person or audience; Fake news: allegation of a non-existent, inaccurate or misleading fact or its attribution to others; Dissemination of false news: publication of false news through any online media or digital platform.</p> <input checked="" type="checkbox"/>	<i>Undefined</i>	Imprisonment of 3 months to 1 year and fine	Electoral autocracy	86/180	Yes
Moldova	disinformation - intentional dissemination of false information, created to harm a person, social group, organization or state security; <input checked="" type="checkbox"/>	Audiovisual Council	Fine	Electoral democracy	28/180	Yes
Namibia 	A person commits an offence if that person - not being an authorised officer, by words, conduct or demeanour falsely represents himself or herself to be an authorised officer; hinders, obstructs or improperly attempts to influence an authorised officer when exercising or performing a power or function conferred or imposed by or under these regulations or another law; furnishes or gives false or misleading information to an authorised officer; does anything calculated to improperly influence an authorised officer concerning a matter connected with the functions of the authorised officer; or publishes, through any form of media, including social media - any false or misleading statement about or in connection with the COVID-19; or any statement that is intended to deceive any other person about the COVID-19 status of any person or measures to combat, prevent and suppress COVID-19 as specified in and under these regulations.	<i>Undefined</i>	Imprisonment < 6 months, fine or both	Electoral democracy	22/180	Yes
Nigeria	"Disinformation" means verifiably false or misleading information that, cumulatively, is created, presented, and disseminated for economic gain or to deceive the public intentionally and that may cause public harm; "Misinformation" means the unintentional dissemination of false information; <input checked="" type="checkbox"/>	National Information Technology Development Agency (NITDA), Nigerian Communications Commission (NCC), and the National Broadcasting Commission (NBC)	<i>Undefined</i>	Electoral autocracy	123/180	No

Pakistan	<p>A Social Media Company shall deploy proactive mechanisms to ensure prevention of live streaming through Online Systems in Pakistan of any content in violation of any law, rule, regulation for the time being in force or instruction of the National Coordinator particularly regarding online content related to terrorism, extremism, hate speech, defamation, fake news, incitement to violence and national security, shall remove, suspend or disable access to such account, online content of citizens of Pakistan residing outside its territorial boundaries and posts on online content that are involved in spreading of fake news or defamation and violates or affects the religious, cultural, ethnic, or national security sensitivities of Pakistan.</p>	<p>Office of the National Coordinator; Minister in charge of the Division concerned with Information Technology and Telecommunication</p>	<p>Fine</p>	<p>Electoral autocracy</p>	<p>150/180</p>	<p>Yes</p>
Philippines 	<p>Individuals or groups creating, perpetuating, or spreading false information regarding the COVID-19 crisis on social media and other platforms, such information having no valid or beneficial effect on the population, and are clearly geared to promote chaos, panic, anarchy, fear, or confusion; and those participating in cyber incidents that make use or take advantage of the current crisis situation to prey on the public through scams, phishing, fraudulent emails, or other similar acts;</p>	<p>Undefined</p>	<p>Imprisonment of 2 months, fine or both</p>	<p>Electoral autocracy</p>	<p>132/180</p>	<p>No</p>
Romania 	<p>In the event of the propagation of false information in the mass media and in the online environment regarding the evolution of COVID-19 and the protection and prevention measures, public institutions and authorities undertake the necessary measures to inform the population correctly and objectively in this context. Hosting service providers and content providers are obliged, upon the reasoned decision of the National Authority for Administration and Regulation in Communications, to immediately interrupt, with the information of the users, the transmission in an electronic communications network or the storage of the content, by removing it at the source, if the respective content promotes false news regarding the evolution of COVID-19 and to the measures of protection and prevention measures. Upon the reason decision of the National Authority for Administration and Regulation in Communications, the providers of electronic communications networks intended for the public have the obligation to immediately block the access of users in Romania to the content that promotes fake news regarding the evolution of COVID-19 and to the measures of protection and prevention and is transmitted in an electronic communications network by the persons from para. (3) which is not under the jurisdiction of national law.</p>	<p>National Authority for Administration and Regulation in Communications</p>	<p>Undefined</p>	<p>Electoral democracy</p>	<p>53/180</p>	<p>Yes</p>

Sierra Leone	<p>"false news" means incorrect deceptive information or propaganda misinformation or hoaxes deliberately spread under the guise of being authentic news via traditional print and broadcast news media or online social media written and published with the intent to mislead for gains; A person, including a corporation, partnership, or association, who makes or causes to be made, either directly or indirectly, any false news as a material fact in writing, knowing it to be false and with the intent that it be relied upon respecting his identity or that of any other person or his financial condition or that of any other person for the purpose of procuring the issuance of a card or other instrument to himself or another person commits an offence and shall be liable on conviction to a fine not less than Le 50,000,000 and not more than Le 100,000,000 or to a term of imprisonment not less than 3 years and not exceeding 7 years or to both such fine and imprisonment and in the case of a corporation, partnership, or association, to a fine not less than Le 100,000,000 and not exceeding Le 250,000,000 <input checked="" type="checkbox"/></p>	Minister responsible for information and Communications; National Cybersecurity Advisory Council	Imprisonment of 3 to 7 years, fine or both	Electoral democracy	74/180	No
South Africa 	Any person who publishes any statement, through any medium, including social media, with the intention to deceive any other person about– COVID-19; COVID-19 infection status of any person; or any measure taken by the Government to address COVID-19, commits an offence and is liable on conviction to a fine or imprisonment for a period not exceeding six months, or both such fine and imprisonment.	<i>Undefined</i>	Imprisonment of < 6 months, fine or both	Electoral democracy	25/180	Yes
Syria	Whoever publishes false news on the Internet that would undermine the prestige of the state or harm unity shall be punished by temporary imprisonment for a period of three to five years and a fine of (5,000,000) five million Syrian pounds to (10,000,000) ten million Syrian pounds.	Minister of Communications and Technology ; Telecommunications and Postal Regulatory Authority	Imprisonment of 3 to 5 years and fine	Closed autocracy	175/180	No
Taiwan 	Individuals who disseminate rumors or false information regarding the epidemic conditions of severe pneumonia with novel pathogens, causing damage to the public or others, shall be sentenced to imprisonment for not more than three years or criminal detention, or in lieu thereof or in addition thereto, a fine of no more than NT\$3 million.	<i>Undefined</i>	Imprisonment of < 3 years, fine or both	Liberal democracy	35/180	Yes

Togo	The dissemination or publication of information contrary to reality with the clear aim of manipulating consciences or distorting information or facts is punishable by a fine of 500,000 to 1,000,000 FCFA. Any reproduction by a press company of information contrary to reality, published or broadcast by a foreign publication or broadcasting body, is punishable by a fine of 500,000 to 1,000,000 FCFA. A suspension of publication or issue of thirty days to three months may be pronounced against the organization in question without prejudice to the fine provided for in the preceding paragraph.	Haute Autorité de l'Audiovisuel et de la Communication	30 day to 3 month suspension of publication, fine or both	Electoral autocracy	70/180	Yes
Türkiye	<i>Undefined</i>	<i>Undefined</i>	<i>Undefined</i>	Electoral autocracy	165/180	No
Uganda	A person shall not send, share or transmit malicious information about or that relates to another person through a computer. A person who uses social media to publish, distribute or share information prohibited under the laws of Uganda under a disguised or false identity, commits an offence. Where the information under subsection (1) is published, shared or distributed on a social media account of an organisation, the person who manages the social media account of the organisation shall be held personally liable for the commission of the offence.	Minister responsible for information and communications technology	Imprisonment < 7 years, fine or both	Electoral autocracy	133/180	No
Uzbekistan	Dissemination of false information on the spread of quarantine and other infections dangerous to humans in the conditions of the emergence and spread of quarantine and other infections dangerous to humans – shall be punished by a fine of up to two hundred basic monthly wages, or compulsory community service of up to three hundred hours, or correctional labor of up to two years. Dissemination of information specified in part one of this article in printed or otherwise reproduced text or in the media, as well as the worldwide information network Internet – shall be punished by a fine from two hundred to four hundred basic monthly wages or compulsory public works from three hundred to three hundred and sixty hours, or correctional labor from two to three years, or restriction of freedom up to three years, or imprisonment up to three years;	<i>Undefined</i>	Imprisonment of 2 to 3 years, community service or fine	Closed autocracy	137/180	Yes
Vanuatu	false written representation means any representation that is untrue or misleading made in writing or by use of pictures; false representation means any representation that is untrue or misleading made in an oral statement or by reproduced audio or video recordings; <input checked="" type="checkbox"/>	<i>Undefined</i>	Imprisonment < 3 years	Democracy (via U.S. Department of State, the United Nations and Freedom House)	n/a	No

Vietnam	Impersonating other organizations/individuals and disseminating fake or false information which infringes upon legitimate rights and benefits of other organizations/individuals; Providing false information with the aims of distorting, slandering or damaging the prestige, honor and dignity of other organizations or individuals;	Minister of Information and Communications	Fine	Closed autocracy	178/180	No
Zimbabwe ⚠️	For the avoidance of doubt any person who publishes or communicates false news about any public officer, official or enforcement officer involved with enforcing or implementing the national lockdown in his or her capacity as such, or about any private individual that has the effect of prejudicing the State's enforcement of the national lockdown, shall be liable for prosecution under section 31 of the Criminal Law Code ("Publishing or communicating false statements prejudicial to the State") and liable to the penalty there provided, that is to say a fine up to or exceeding level fourteen or imprisonment for a period not exceeding twenty years or both.	Undefined	Imprisonment of < 20 years, fine or both	Electoral autocracy	126/180	No

* Germany's legislation is a broad attempt to moderate "illegal content." [Legal interpretation](#) has indicated that false information can fall within that scope which is why it is included in the analysis. The definition provided refers back to earlier legislation on "illegal content."

Methods and Data

This study included quantitative and qualitative analyses of 32 "fake news" legislative policies. Two content analysis coders compiled case data and coded for a range of variables including country, short and long titles of legislation, dates of legislation draft and latest update, legislation status, definitions of key terms ("news"/"journalism," "fake news," "journalists," "news entities"/"publishers" and "platform"/"news intermediary") and authorities responsible for overseeing each definition. Five test cases were coded by both coders simultaneously to assess intercoder reliability with 99.3% agreement.

The coders used a conservative approach to coding definitions. Some pieces of legislation hinted at a concept in an extraneous clause, but if the term was not explicitly defined, it was coded as "not defined." Links to all legislation included in this research and the study's codebook can be viewed [here](#).

Cases representing "fake news" legislative activity from 2020 to 2023 were drawn from the [Center for International Media Assistance](#) (CIMA), [LEXOTA](#) and [LupaMundi](#) reports and databases. Additional information, including the actual drafts of legislation for analysis, was compiled from government websites and international news articles. Therefore, the analysis was limited to legislation with a full, publicly available draft or bill online. When compiling policies, some public drafts could not

be found and were coded as missing cases. Google Translate was used for the 13 policies that were not available in English to keep the source of translation consistent across all pieces of legislation. All translations were also checked against ChatGPT's translation tool to ensure that the interpretations were reliable.

Legislation analyzed per year:

<u>Year</u>	<u>Number of Bills Examined</u>
2020	19
2021	7
2022	5
2023	1

Legislation analyzed per geographic continent:

<u>Continent</u>	<u>Number of Bills Examined</u>
Africa	14
Asia & Middle East	9
Australia & Oceania	1
Europe	6
North America	1
South America	1

About CNTI

The [Center for News, Technology & Innovation](#) (CNTI), an independent global policy research center, seeks to encourage independent, sustainable media, maintain an open internet and foster informed public policy conversations. CNTI's cross-industry convenings espouse evidence-based, thoughtful but challenging conversations about the issue at hand, with an eye toward feasible steps forward.

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