Fake news, or rather “disinformation”, have become a viral phenomenon over the last couple of years and have possibly had a significant impact on major voting decisions, notably including the 2016 US presidential election and the Brexit referendum. As concern spreads at the global level, what kind of legal measures can be devised to tackle the issue?

This talk provides a comparative analysis of the legal provisions passed or proposed at the national and supranational level, in an attempt to map out the different approaches pursued by lawmakers as they try to grapple with an unprecedented issue. Common patterns emerge in relation to the difficulty to provide clear legal definitions and to avoid disproportionate blanket restrictions on journalistic freedom. In the last analysis, the efforts to tackle the rise of fake news reveal a worrying trend towards a redefinition of the theoretical foundations of media governance and the boundaries of freedom of expression.

Paolo Cavaliere, Lecturer in Digital Media & IT Law, University of Edinburgh