

## Written Representation 42

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**From :** Mr Nicolas ARPAGIAN – France - [www.arpagian.eu](http://www.arpagian.eu)  
**To :** Parliamentary Select Committee on deliberate online falsehoods –  
Republic of Singapore  
**Object :** Open Request for Written Representations -  
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- Challenges face by the French gouvernement in combatting falsehoods
- France's experience with online misinformation, especially during the French elections
- How France had prepared to combat online falsehoods in French elections prior to the elections, what limitations it faced and wether the preparations had been sufficient.

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France has a long tradition of freedom of speech in the press and the public debate. The principle defended by the law establishes the right to publish any information in the press. But the author and the editorial director of the media (TV, Radio, written press) will be legally responsible if someone feels defamed by information or comments published by a media.

It exists long before the Internet era because the law of July 29, 1881 punishes “all publication, dissemination or reproduction of false news by any means whatsoever (...)”. It is very important to notice that this text is still relevant and enforceable at the digital age. Because it ignores technologies and is focused on the goal of protecting simultaneously the freedom of the press and the right of not being wrongly insulted. The French jurisprudence of the last decades is based on this legislation, with an emergency procedure (dealt by the “juge des référés”). That allows to stop rapidly the distribution of a newspaper if the court decides that the information is declared detrimental.

This procedure is possible because all the medias must declare their address and names of their editors-in-chief. There is then no material obstacle to eventually sue them.

The difficulty is that the main place where information is now created, broadcast and shared is the Web. Where the main platforms like Facebook, Youtube... insist not be considered as a publisher. With all the responsibilities linked to such status. They prefer obviously to be designated as simple web hosts. With a very light-touch legal regime.

France established a single point of contact in the Ministry of Interior to facilitate connections with the platforms (like the GAFAM) and reduce their time of reaction once an information found in their pages has to be removed.

As it takes a lot of energy and a large number of people to keep an eye on what is published, it is mandatory to invest on education and increase the capacity of the general public to learn how to analyze information. To avoid to have them wrongly influenced by fake news. If the public has some keys to decrypt information they will be less exposed to such campaigns of disinformation. By understanding more how the information is built, what they have to verify concerning the sourcing of the massive quantity of information that are now available, they will be more efficient to identify these operations of interference or destabilization. This will considerably limit the widespread dissemination of untrue information.

French medias built their own offers to fight back disinformation. And create teams and web pages dedicated to demonstrate the fake arguments found in particular in articles available in the social networks. Notably the one specially written to be viral on the web. Because we notice that's precisely that kind of outrageous articles that are very popular once people tweet, re-tweet, like and share them once they are sure they are true. If they are specially tailored to be distributed on line with some efficient title, pictures, videos... they can circulate very rapidly in a community.

After the leaks that affected the team of Emmanuel Macrons during the presidential election in France in spring 2017, the elected president of France announced a law specially designed to punish disinformation campaigns during election times. This new text was presented on February 13<sup>th</sup>. 2018.

It will allow (if voted by the Parliament) the Council in charge of radio & television (CSA) to suspend the right to broadcast during a maximum period of five weeks the media suspected of working on behalf of a foreign power. And want to force the digital platforms to clearly mention the sponsored contents (by indicating the price paid and the name of the entity that ordered it). The platforms will see their duty of cooperation that already exist about child pornography or any promotion of terrorist activities enlarge to the subject of fake news. They will have to be particularly vigilant during elections periods, with a larger number of people involved to remediate if any fake news are identified.

This new law is reusing the mechanism of the law of 1881 to determine what is a fake/problematic news.

France is supporting the policy initiated by the European Commission in 2017 to elaborate a common body of rules at the EU level to face this international risk of disinformation.