

AN EXPLORATORY COMPARATIVE STUDY  
ON MISINFORMATION AND  
DISINFORMATION  
IN VISEGRAD COUNTRIES AND BEYOND  
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## ABSTRACT

This article is a comparative exploratory analysis of significant and symptomatic occurrences of misinformation and disinformation in foreign policy. The thematic foreign policy focus is on the Caucasus region and Russia. The examples analyzed were found in both the legacy media and on social media. They were produced by authorities/politicians, journalists/media, diplomats, experts and fact-checking/debunking initiatives within the EU in general, and in Czechia, Hungary, Poland and Slovakia, collectively known as the (“Visegrad Four”) or (“V4”). The examples found, in particular, those including coverage, commentaries and analyses of the 2008 Georgian-Russian war and the Smolensk air crash in 2010, were then compared with the most recent legislative initiatives aimed at targeting “fake news” (misinformation and disinformation) or freedom of speech on social media in these countries.

On the one hand, there are peculiar cases of foreign policy issues that have been misinterpreted. This misinterpretation, understood either as misinformation or disinformation, is being kept unchanged and continues to be further disseminated within specific foreign policy discourses among specific groups of stakeholders.

On the other hand, there have been interesting correlations identified between these foreign policy misinformation and disinformation tendencies, and the approaches towards tackling misinformation and disinformation at more general levels. In essence, the more the authorities produce or disseminate misinformation and disinformation, the less they are willing to tackle misinformation and disinformation in their regulatory approaches.

Initially, there was a radical trend favoring freedom of speech on platforms in both Hungary and Poland. However, there is a specific case in Czechia where any regulation of free speech on platforms is seen in the context of prioritizing freedom of speech in general. Thus, these findings uniquely bridge foreign policy events and regulatory policies in more than a decade, and do so with a focus on both domestic and foreign issues.

There are rather significant theoretical (academic) and political (foreign policy) implications originating from this study. For the former, there are implications for media/journalists and foreign policy analysts, and for the latter, there are implications for politicians and

diplomats. There are general legal issues to tackle for lawyers interested in international law and regulatory legislation. Specifically, how should foreign policy misinformation and disinformation produced by national authorities, including Parliament, be analyzed from a legal perspective? Accordingly, the study presents several follow-up research questions that have been identified but not yet fully explored.

## I. INTRODUCTION

Following the Russian invasion of Ukraine, there was a rather quickly introduced EU-wide ban on five Russian media outlets operating within the EU.<sup>1</sup> The explanation offered was that: “Russia uses all these state-owned outlets to intentionally spread propaganda and conduct disinformation campaigns, including about its military aggression against Ukraine.”<sup>2</sup> Clearly, within international communication, the major attention is focused on the impact of malign foreign actors on the domestic and foreign policy of EU Member States<sup>3</sup> (“EU M.S.”), and other liberal democracies, including, for example, Ukraine.<sup>4</sup>

Only occasionally are international or nationwide media from liberal-democratic countries mentioned as producers or disseminators

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<sup>1</sup> Initially, the first Russian media outlets banned were RT English, RT UK, RT Germany, RT France, and RT Spanish, subsequently Rossiya RTR/RTR Planeta, Rossiya 24/Russia 24, TV Centre International were also banned. See Council of the European Union Press Release, EU Imposes Sanctions on State-Owned Outlets RT Russia Today and Sputnik’s Broadcasting in the EU (Mar. 2, 2022, 12:40 PM), <https://www.consilium.europa.eu/en/press/press-releases/2022/03/02/eu-imposes-sanctions-on-state-owned-outlets-rt-russia-today-and-sputnik-s-broadcasting-in-the-eu/>; Counsel of the European Union, *EU Sanctions Against Russia Explained*, <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/sanctions-against-russia-explained/#individual>.

<sup>2</sup> See Counsel of the European Union, *EU Sanctions Against Russia Explained*, <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/sanctions-against-russia-explained/#individual>.

<sup>3</sup> See, e.g., Ireneusz Ciosek, *Aggravating Uncertainty, Russian Information Warfare in the West*, TORUN INT’L STUD. 57, (2020).

<sup>4</sup> See generally Elina Lange-Ionatamishvili et al., *Analysis of Russia’s Information Campaign Against Ukraine* RIGA (2015).

of fake news.<sup>5</sup> On the other hand, some governments tend to abuse citizens constitutional rights if they feel threatened by fake news producers.

Foreign policy thinking, communication, and execution face legal, constitutional, and empirical-practical problems. These problems are often associated with controversial definitions and labeling of large amounts of news, speeches, statements, or calls as being, partly or wholly based on, fake news or disinformation/misinformation. There are many academic and country-specific policy debates and studies about proper approaches to regulating either social media (as a major source or the main disseminator of disinformation and misinformation) or regulating “fake news” in general.<sup>6</sup> However, a paradoxical problem, usually ignored—but certainly exists—that deserves more systematic academic attention is that there is an issue of production and dissemination of disinformation/misinformation, or indeed, mal-information, produced by the EU M.S., the EU authorities, experts, journalists/media, and ironically, fact-checking initiatives themselves within the foreign policy field. This is the key issue discussed in this article. There is somehow sidelined an issue of more systematic production and/or dissemination of sometimes rather fundamental misinformation, disinformation, and mal-information in foreign policy thinking, policymaking, and analysis by governmental authorities, experts, media, and fact-checking initiatives. Still, as the Russian invasion of Ukraine demonstrates, foreign policy is in no way an unimportant issue for smaller or medium-sized states. Moreover, some foreign policy issues such as those in the Caucasus region, or those with a focus on Russia, are either blurred for local audiences (e.g.

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<sup>5</sup> See Adrian-Viorel Dragomir et. al., *An Analysis of the Events that Led to the Exacerbation of the Black Sea Crisis in the Last Decade and the Role of Disinformation and Misinformation*, 66 INTERNAL AUDITING RISK & MGMT. 1, 28 (2022) (Monthly brief no. 16—EDMO fact-checking network argued “A new anti-Russia disinformation narrative emerged in September, with many false news reports exaggerating or caricaturing the phenomenon of young Russian males fleeing the country to escape the mobilization.”).

<sup>6</sup> See Amy Kristin Sanders, et. al., *Stemming the Tide of Fake News: A Global Case Study of Decisions to Regulate*, 8 No. 2 J. INT'L MEDIA & ENT. L. 203, 207 (2019); See also Andrei Richter, *Fake News and Freedom of the Media*, 8 No. 1 J. INT'L MEDIA & ENT. L. 1, 1-3 (2018); Andrej Školkay, *An Exploratory Study of Global and Local Discourses on Social Media Regulation*, 10 GLOB. MEDIA J. GERMAN EDITION (2020).

Georgia-Russia War of 2008) and/or they are politically or ideologically interpreted and thus instrumentalized (e.g. the Smolensk air crash in 2010). Most often, audiences get familiar with these foreign policy issues through media reporting, or increasingly, through discussions on social media.

These issues are perhaps even more pronounced in democracies that slide towards autocracies, and/or within ideologically conservative regimes such as Hungary and Poland. For example, the public service media (“PSM”) in Poland are often seen as disseminating fake news, or in old terms, pro-governmental propaganda.<sup>7</sup> This can be seen in a rather bizarre criminal defamation court case in 2019 where PSM TVP (“Polish Television”; one of the key TV stations in Poland) unsuccessfully sued a law professor who criticized a group of the Polish media as “Goebbels media.”<sup>8</sup> Similarly, in Hungary, the government and its affiliated entities (including pro-governmental PSM) are seen by some observers as an occasional source of fake news or even producers and certainly disseminators of disinformation campaigns.<sup>9</sup>

In the case of Hungary, “the channels used to distribute pro-government propaganda . . . are not automated Twitter bots or untraceable Facebook accounts, but media outlets supported with government money, including widely read newspapers dependent on state advertising, online news sites teeming with government-funded banners, and morning talk shows on the public television channel.”<sup>10</sup>

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<sup>7</sup> See Andrzej Krajewski, *Monitoring of the 2019 European Parliament Election Campaign in the Main News Programme of Polish Public TV*, CITIZENS OBSERVATORY (2019); Krzysztof Bobiński & Andrzej Krajewski, *Polish Public Television: Propaganda Instead of News*, TOWARZYSTWO DZIENNIKARSKIE (Mar. 28, 2022), <http://towarzystwodziennikarskie.pl/en/2022/03/28/polish-public-television-propaganda-instead-of-news/>.

<sup>8</sup> Daniel Tilles, *Polish State TV Loses Case Against Law Professor Who Described it as “Goebbels Media”*, NOTES FROM POL. (Dec. 7, 2022), <https://notesfrompoland.com/2022/12/07/polish-state-tv-loses-case-against-law-professor-who-described-it-as-goebbels-media/>.

<sup>9</sup> See Patrik Szicherle & Péter Krekó, *Disinformation in Hungary: From Fabricated News to Discriminatory Legislation*, HEINRICH BÖLL STIFTUNG (June 7, 2021), <https://eu.boell.org/en/2021/06/07/disinformation-hungary-fabricated-news-discriminatory-legislation>.

<sup>10</sup> Márton Bede, *Analysis: Hungarian Taxpayers Fund Unique ‘Fake News’ Industry* INT’L PRESS INST. (Jan. 1, 2021), <https://ipi.media/analysis-hungarian-taxpayers-fund-unique-fake-news-industry/>; Attila Bátorfy & Ágnes Urbán, *State*

In that sense, the Hungarian model is unique in the EU in that it is government-managed and government-funded. Finally, “the fact that the Orbán government has . . . gradually silencing independent media makes this model especially terrifying and effective.”<sup>11</sup>

It is precisely this paradoxical international and regional political and media context that makes this comparative exploratory study of disinformation/misinformation/mal-information in foreign policy discourses of Czechia, Hungary, Poland and Slovakia both needed and challenging. How is it possible that Hungary and Poland, countries that had been seen as forerunners in political and economic reforms in the 1990s, currently seem to be so much involved in producing and/or disseminating foreign policy misinformation and disinformation at governmental and pro-governmental (media sector) levels? But do Czechia and Slovakia fare much better here, or can one identify disinformation and misinformation with a focus on foreign policy in these countries produced by authorities, and in the media sector, too? And if the latter is the case, what does it tell us about this issue?

Additionally, as will be shown, and perhaps expected, there are many challenges with respect to the correct interpretation of events and policies that concern foreign policy towards Russia or of Russia towards its neighbors. This interpretation issue was, until the Russian invasion of Ukraine in 2014, perhaps the most pronounced in the Caucasus region, and from the perspective of the EU M.S., in Poland and Hungary. At a very practical level, in some countries, perhaps ironically, “Government propaganda, media concentration, self-censorship and the failure of the democratic left are more of a threat than the global “fake news” as put by Aleksandra Eriksson in 2018.”<sup>12</sup>

This article further discusses these issues in the following parts. Initially, it further clarifies the research questions, the methodology used, and the case selection procedure. Then, it reviews previous research on the topic(s). This review could be done in a limited way only because there is no specific research that covers selected issues here in a systematic comparative way, or indeed, in all covered research fields. Moreover, this review could be done from many

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*Advertising as an Instrument of Transformation of the Media Market in Hungary*, 36:1 EAST EUR. POL. 44, 49-50 (2020).

<sup>11</sup> *Id.*

<sup>12</sup> Aleksandra Eriksson, *The Pitfalls of Censoring Fake News*, 2 VISEGRAD INSIGHT 40 (2018).

different perspectives. Therefore, this section contains only a single controversial issue for an in-depth discussion.

What follows explains how fake news, hoaxes, disinformation and misinformation are understood and defined (either legally, or in professional-political discourses) in V4 countries. This allows us to understand why there have been different approaches chosen to malign threats alleged to be the same. Additionally, the author discusses different roles of local initiatives against fake news/misinformation / disinformation in V4, as well as tentatively discusses identified (officially or unofficially, or explicitly versus tacitly) major sources that have been labeled as originators of fake news, misinformation/disinformation in V4 countries. In particular, this overview allows us to understand why individual governments have enacted (or did not enact) certain regulatory measures and legislative initiatives against fake news, misinformation/disinformation.

What follows is a major part of this contribution—selected symptomatic examples of misinformation, disinformation and mal-information produced and/or disseminated by authorities, journalists/media, diplomats, experts and fact-checking/debunking initiatives. These examples raise the question of how it is possible that some untrue interpretations of well-known international events exist and are unchallenged. Finally, the author concludes with an analytical interpretation of these complex findings and provide suggestions for follow-up research, including topics for more specific and/or in-depth research.

## II. RESEARCH QUESTIONS, METHODOLOGY AND THE CASE SELECTIONS PROCEDURE

This comparative research is based on a case study methodology and exploratory approach.<sup>13</sup> For the case studies, a relatively

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<sup>13</sup> See *Exploratory Research: Types & Characteristics*, QUESTION PRO (June 7, 2023, 4:30 PM), <https://www.questionpro.com/blog/exploratory-research/> (“Exploratory research is defined as a research used to investigate a problem which is not clearly defined. It is conducted to have a better understanding of the existing problem, but will not provide conclusive results. For such a research, a researcher starts with a general idea and uses this research as a medium to identify issues, that can be the focus for future research. An important aspect here is that the researcher should be willing to change his/her direction subject to the revelation of new data or insight.”).

homogenous sample was selected—four democracies in Central-East Europe that are part of a loosely defined regional foreign policy lobby group—the V4. As mentioned, the members of this informal lobby group are Czechia, Hungary, Poland, and Slovakia. The V4 self-defines its purpose as “to work together in a number of fields of common interest within the all-European integration.”<sup>14</sup>

Moreover, the selection of this foreign policy lobby group is relevant from the point of methodology, since it allegedly represents a rather homogeneous sample. This can be confirmed further by V4’s self-description that they “have always been part of a single civilization sharing cultural and intellectual values and common roots in diverse religious traditions, which they wish to preserve and further strengthen.”<sup>15</sup> However, as will be documented herein and already documented at the level of national regulatory authorities,<sup>16</sup> approaches to tackle fake news/misinformation/disinformation in these four countries are significantly heterogenous, in spite of allegedly shared cultural values. The Hungarian government holds a radically different—less radical and the least anti-Russian foreign policy within the EU. In contrast, there is the most anti-Russian foreign policy in Poland, which is certainly the most radical within V4 and possibly within the EU, too (maybe with the exceptions of the Baltic states). This juxtaposition of the two countries actually puts this case selection into the category of the most diverse cases.

As is typical for an exploratory approach, the goal of this contribution is to identify problems, clarify concepts, and suggest hypotheses.<sup>17</sup> By ‘identify[ing] problems’ the author searches to understand (a) whether and why there is an issue with fake news/disinformation/misinformation in foreign affairs within V4 bloc?; (b) How serious is this issue—are there extreme cases of /disinformation/misinformation found in foreign policy in V4 countries?; (c) Can the main sources of important fake news/disinformation/misinformation in this area be, (e.g.,

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<sup>14</sup> *About the Visegrad Group*, VISEGRAD GROUP, <https://www.visegradgroup.eu/about> (last visited May 31, 2023).

<sup>15</sup> *Id.*

<sup>16</sup> Andrej Školkay, *Social Media Regulation from the Perspectives of National Media Regulatory Authorities in V4*, 14 *MEDIÁLNÍ STUDIA*, 188 (2020).

<sup>17</sup> See PERTTI ALASUUTARI, ET AL., *THE SAGE HANDBOOK OF SOCIAL RESEARCH METHODS 2* (2009).



governments, parliaments, diplomats, media, etc.); (d) If this is so, how is it possible that fake news/disinformation/misinformation are produced not only by “foes,” but also by those players (e.g. governments or ministries of foreign affairs) where one would not expect that to be the case in a liberal democracy? (e) What possible lessons can be learned?

The term “clarifying concepts” requires the following inquiries: (a) What is the definition of fake news/disinformation/misinformation? (b) Who defines the terminology for fake news /disinformation/misinformation and their producers, and on what criteria within the selected countries chosen for the study? (c) What is meant by “vulnerability” to foreign (specifically, Russian) influence?

By “suggesting hypotheses,” the author aims to tentatively answer at least some of the above-mentioned questions. There is some hypothesis suggesting—that there exists some contextualized and temporal direct relationship between enforcing freedom of speech on platforms while, at the same time, believing in some conspiratorial tendencies and promoting/disseminating misinformation. Be that as it may, as it is typical for exploratory research, one ends up with more questions than answers—thus providing a fertile research ground for more qualitative or quantitative follow-up research.

As mentioned, the issues of fake news and hoaxes/disinformation/misinformation have become politically and scientifically relevant not only regionally, but also at the EU level. However, there is a relative lack of interest and a related paucity of academic analysis of the local production of misinformation and disinformation at the high political level. In any case, these issues are usually tackled as single case studies, and discussed from the perspectives of psychology or history, and tend to be rather descriptive. The author mentions such examples when discussing the Smolensk tragedy. This, in turn, justifies the use of the exploratory and comparative approach. It is the task of science, as well as the strength of democracy, to have a critical look at its own failures. Finally, the Russian invasion of Ukraine highlights the importance of foreign policy based on factually correct information and analysis.

It should be mentioned that the author uses the terms fake news, hoaxes, disinformation or misinformation, and mal-information as, by and large, synonyms throughout the article (with conceptual differences specified if needed and possible). This is so because

sometimes it is difficult to argue whether one item should be called misinformation, disinformation, mal-information, or a hoax. For example, it can be rationally assumed that some Polish politicians honestly believe that the Russian state caused the Smolensk tragedy.

A. *Previous Research on The Topic: Challenging “Vulnerability” Concept*

Considering the complexity and scope of this exploratory analysis, there are many possible ways to approach this overview. On the one hand, there was no identified comparative research with this specific focus (topics, geography, actors, time span, etc.). On the other hand, some of the discussed topics (e.g., the Georgia-Russia War, and the Smolensk Tragedy) have been extensively researched and discussed. Therefore, also due to space limitations, just one specific issue that seems to be relevant for a comparative focus and that broadens our knowledge (if reviewed critically) has been included in this review part. This so-called “Vulnerability Index” defines and identifies vulnerability towards foreign malign influence. If correct, such data may be found very useful for this type of analytical comparative study. In 2021, the Vulnerability Index, analyzed “the vulnerabilities” of selected countries towards foreign malign influence in five dimensions: public attitudes, political landscape, public administration, information landscape, and civic and academic space.<sup>18</sup>

Although this article primarily deals with domestic production, dissemination and interpretation of selected foreign policy narratives, this index (and other further cited similar indices) is still useful as an anchoring tool. However, the author interprets “anchoring” here differently than the authors of the Index. It should be perhaps corrected that this Index is not so much about “vulnerability.”<sup>19</sup> In the author’s interpretation, it is specific to the Hungarian case and is about the increased level of tolerance or even symbiosis (congruence) between the discourses and policies in two (or more) countries (in this case, Hungary and Russia, and to lesser degree China). In that sense, it could

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<sup>18</sup> See VULNERABILITYINDEX, <http://www.vulnerabilityindex.org/> (last visited June 20, 2023).

<sup>19</sup> *Id.* (explaining vulnerability is understood as “the quality or state of being exposed to the possibility of being attacked or harmed, either physically or emotionally”).

perhaps be called the “Congruence Index.” This important difference in the terminological specification (in contrast to the original authors’ perception) reflects indicators used (as cited above, with the important impact of the political landscape and public administration) as well as reflects in general rather skeptical long-term research results on the possible direct impact of propaganda of any type. For example, an important variable is missing in this index—general quality and quantity of foreign news as perceived by experts, the public, or ideally, as presented in qualitative and quantitative studies. On the other hand, there are some indicators whose analytical usefulness may be seen as questionable—e.g., cyber security capacity.<sup>20</sup>

There are other indicators that would benefit from revisions, too. For example, within the cumulative indicator “Perception of Russia,” there are sub-indicators: “Russian military is better,” “Russia provokes conflicts,” “Russia is aggressive,” and “Russia is a threat.” First, it is strange that there is only one sub-indicator for China—“China is a threat.” Second, on what basis can an average analyst or non-expert assess Russia’s military abilities/qualities? Similarly, what is the difference between the last three sub-indicators (provokes conflicts, aggression, and a threat)? Be that as it may, how can one correctly assess whether Russia is aggressive when there are indeed wide misperceptions of some key recent relevant and related historical events? Third, it would be interesting to have included a sub-indicator such as “Russia is a political model to follow,” which would possibly be a better indicator of how vulnerable countries are to Russia’s (or China’s) influence. Additionally, there are many other variables and indices that would also deserve critical discussion.

On a scale of 1-100 (0 is the most resilient and 100 the most vulnerable) the Vulnerability Index revealed the vulnerabilities towards Russia’s and Chinese’s influence in Czechia (at 29 points), Slovakia (at 32) and Hungary (at 44) (data for Poland was unavailable).<sup>21</sup> An earlier Vulnerability Index, in 2017 identified Hungary (at 57 points) as the most vulnerable country, closely followed by Slovakia (51), then followed with distance by both

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<sup>20</sup> See generally *Vulnerability Index 2021*, GLOBSEC (2021), [http://www.vulnerabilityindex.org/downloads.html/Globsec\\_VI\\_Methodology.pdf](http://www.vulnerabilityindex.org/downloads.html/Globsec_VI_Methodology.pdf).

<sup>21</sup> See VULNERABILITYINDEX, *supra* note 18.

Czechia (38) and Poland (30).<sup>22</sup> Similarly, based on a different methodology, the Kremlin Influence Index, also in 2017 identified Hungary (61) (compared with Czechia-48, Georgia-54, and Ukraine-49) as the most vulnerable country to the capacity of Russia to influence (initiate, change) the processes in the information space (production, exchange and consuming of information).<sup>23</sup>

The author considers all these indices to be more likely indicators of discourses and policy congruence rather than indicators of vulnerability or as a source of influence in the process of information elaboration. Based on this brief critical overview and conceptual/terminological clarifications, one can assume that Hungary is not that susceptible to foreign malign influence. Rather, one can assume that foreign policy issues may be most often and/or most successfully *internally* instrumentalized in Hungary for misinformation and disinformation purposes (aiming primarily at internal audiences) by local actors.

But why is there a relatively and comparatively high congruence with Russian foreign policy in Hungary, as seen in domestic instrumentalization? The answers to this fundamental question differ. For example, William Natrass argues that Hungary's "pro-Russia" stance is the result of historical and recent political factors, many of which have been shaped by Orbán himself.<sup>24</sup> Others include the energy dependency and the political model of Russia's illiberal state as the reason for Orbán's positive (or at least not as critical) attitude towards Russia.<sup>25</sup> Professor Péter Krekó, director of the Political Capital Institute, found four main factors here: "energy ties, business deals and corrosive capital, intelligence penetration, and information

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<sup>22</sup> Daniel Milo & Katarína Klingová, *Vulnerability Index: Subversive Russian Influence in Central Europe*, GLOBSEC (2017), <https://www.globsec.org/sites/default/files/2017-08/globsec-vulnerability-index.pdf>.

<sup>23</sup> Tamar Kintsurashvili et al., *Kremlin Influence Index*, MEDIA DEV. FOUND. (2017).

<sup>24</sup> See William Natrass, *Hungary's 'Pro-Russia' Stance Was Inevitable*, POLITICO (Sept. 15, 2022, 4:04 AM), <https://www.politico.eu/article/hungary-pro-russia-stance-inevitable/>.

<sup>25</sup> See Amanda Coakley, *Putin's Trojan Horse Inside the European Union*, FOREIGN POLICY (Aug. 3, 2022, 11:09 AM), <https://foreignpolicy.com/2022/08/03/hungary-orban-russia-conservative-politics/>.

influence.”<sup>26</sup> Others see this as just the distinct foreign policy path that was announced by the Hungarian Ministry of Foreign Affairs in 2012 to pursue a multivector diplomatic and economic foreign approach based mainly on the economic interests of Hungary’s—so-called “Eastern Opening.”<sup>27</sup>

Some authors rightly point to the increased vulnerability, but *as a result of chosen policies*: “What the Hungarian government could really offer in return for the Chinese and Russian diplomatic support and some of these business deals favoring governmental oligarchs was increased vulnerability, starting with the Hungarian public sphere and ending with national security issues.”<sup>28</sup> Indeed, Balázs Orbán, political director to Prime Minister Viktor Orbán, has written in his book that Germany, Russia, USA, and China, together with Turkey (understood as historical Ottoman Empire) have been the most significant partners of Hungary. Moreover, among the key ideas he expressed that “states pursue their own interests” and “the most important actors in foreign policy are states.”<sup>29</sup>

Within this context, it may be true that the most disinformation during the elections campaign before the 2019 European Parliament elections among EU member states was disseminated in Hungary.<sup>30</sup> This trend seemed to continue in Hungary, where news spread by the Russian media was often picked up without any criticism by the media in Hungary.<sup>31</sup> It also should be explained that the Russian media does

<sup>26</sup> Péter Krekó, *Russian Influence in Hungary*, ING2 Committee Hearing on *Russian Interference in the EU: The Distinct Cases of Hungary and Spain*, EUROPEAN PARLIAMENT (Oct. 27, 2022).

<sup>27</sup> Zsuzsanna Végh, *Hungary’s “Eastern Opening” Policy Toward Russia*, 24 INT’L ISSUES & SLOVAK FOREIGN POL’Y AFF. 47 (2015); István Tarrósy & Zoltán Vörös, *Hungary’s Global Opening to an Interpolar World*, 28 POLITEJA 139 (2014); Abby Innes, *Hungary’s Illiberal Democracy*, 114 CURRENT HISTORY 95 (2015).

<sup>28</sup> Lóránt Györi, *Hungary Gives Up Its Fierce Pro-Kremlin Stance At Last*, VSQUARE (Mar. 3, 2022), <https://vsquare.org/hungary-gives-up-its-fierce-pro-kremlin-stance-at-last/>.

<sup>29</sup> BALÁZS ORBÁN, *THE HUNGARIAN WAY OF STRATEGY 180-182* (2021).

<sup>30</sup> See Lóránt Györ, *Putin’s Propaganda came from the Hungarian Government Media in the EP Campaign*, ATLATSZO (May 24, 2019), <https://pcblogger.atlatszo.hu/2019/05/24/putyin-propagandaja-szolt-a-hazai-kormanymediabol-az-ep-kampanyban/>.

<sup>31</sup> Kafkadesk Budapest Office, *Meet Lakmusz, the Fact-checking Squad Debunking Fake News in Hungary*, Kafkadesk (Feb. 3, 2022),

not play a significant role in any dissemination of Russia's preferred narratives among foreign audiences. Rather, they are a source of narratives for the local pro-Russian media, in particular fringe media.<sup>32</sup> It is useful to cite an expert opinion that, although not focused specifically on the Hungarian situation, it is quite helpful here:

The media, described as a tool of "Russian propaganda," do not offer much more as an alternative than support for some of the Kremlin's power moves abroad, for example in Syria or Ukraine. They do not present the existing model of political and socio-economic organization in the Russian Federation as a positive alternative. On the other hand, they concentrate various frustrations of a large part of the public, either from socio-economic development or from the wars led by the US and other Western states in various parts of the world, the legitimacy of which is at least questionable.<sup>33</sup>

The argument is that Hungarian authorities tolerate "alternative" fringe news outlets, including those produced by foreign actors (e.g., Russia), precisely for identified reasons. This is simply because the Hungarian authorities and Hungarian pro-governmental media, occasionally instrumentalize these sources, and moreover, they themselves are involved in the production of misinformation and disinformation. Perhaps most importantly, the government enforces foreign affairs policies and communications that are more in line with (or less critical to) policies of certain foreign actors than in the other three V4 countries (or the EU as such).

Indeed, there are many studies, some already cited (including the Vulnerability Index that uses data from the V-Democracy Index), that point to misinformation and disinformation produced by authorities

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<https://Kafkadesk.Org/2022/02/03/Meet-Lakmusz-The-Fact-Checking-Squad-Debunking-Fake-News-In-Hungary/>.

<sup>32</sup> See Kintsurashvili, *supra* note 23, at 8.

<sup>33</sup> Juraj Marušiak, *Not Only About Russian Propaganda*, PRAVDA (Jan. 3, 2017, 8:00 AM), <https://nazory.pravda.sk/analyzy-a-postrehy/clanok/415537-nielen-oruskej-propagande/>.

and pro-governmental outlets in Hungary and Poland.<sup>34</sup> Even more so, “fake news accusations have been instrumentalised as a discursive strategy to discredit the rival understanding of ‘good journalism.’”<sup>35</sup> There has also been, for over a decade, a Polish PiS (Law and Justice) party “promoting a heterodox explanation model for the Smolensk tragedy—in other words, a conspiracy theory.”<sup>36</sup> What matters is that for this phenomenon, indeed, congruence or self-induced vulnerability (to irrational thinking lead by emotions in the Polish case) is a better word than vulnerability. It is not just a matter of the words used—it is a totally different analytical concept and perspective. It is a paradigmatic change. One can indirectly support this novel finding (and suggested terminological corrections as well as resulting in different analytical interpretations) with results from a comparative survey and three country-specific national surveys.

The first survey shows attitudes towards Ukrainian refugees. Only Polish respondents showed a more generous approach towards them (only 15% would allow “none or only a few”). This “negative” data for Czechia, Hungary and Slovakia was actually identical (and as different from Poland): approximately 40%.<sup>37</sup> The more ambiguous question (“satisfaction with government actions towards Ukrainian refugees”) showed more diverse results: Slovakia (3.7 out of 10), Czechia (4.1), Hungary (5.2) and Poland (5.5). It is unclear whether governments were doing enough or should do more. Finally, there was a question about the moral duty to (help) Ukraine/Ukrainian refugees. Perhaps surprisingly, the majority of Hungarians (59%) felt they have somewhat of an extreme duty towards Ukraine, in contrast to about a third of Czechs and Slovaks each. Poles were somewhere in between,

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<sup>34</sup> See, e.g., Patrik Szicherle & Péter Krekó, *Disinformation in Hungary: From Fabricated News to Discriminatory Legislation* (June 7, 2021), <https://eu.boell.org/en/2021/06/07/disinformation-hungary-fabricated-news-discriminatory-legislation>.

<sup>35</sup> Péter Bajomi-Lázár & Kata Horváth, *Two Journalistic Cultures in One Country. The Case of Hungary in the Light of Journalists’ Discourses on Fake News*, JOURNALISM PRACTICE (2023), <https://www.tandfonline.com/doi/full/10.1080/17512786.2023.2223173>.

<sup>36</sup> ALOIS STREICHER, TRUTH AND FICTION: CONSPIRACY THEORIES IN EASTERN EUROPEAN CULTURE AND LITERATURE 297 (2020).

<sup>37</sup> Lenka Dražanová & Andrew Geddes, *Attitudes Towards Ukrainian Refugees and Governmental Responses in 8 European Countries*, ASILE (Sept. 6, 2022), <https://www.asileproject.eu/attitudes-towards-ukrainian-refugees-and-governmental-responses-in-8-european-countries/>.

reaching about 45%. Clearly, the attitudes of Hungarians towards Ukrainians do not show any impact or susceptibility to Russian propaganda.<sup>38</sup>

The second survey, in July 2022 showed that more than half of Slovaks would welcome a military victory of Russia over Ukraine in autumn 2022.<sup>39</sup> The third survey from September 2022 (based on a different methodology) showed that 47% of Slovak respondents would prefer the victory of Ukraine while the victory of Russia would prefer only 19% of respondents.<sup>40</sup> It is unknown what would be the results for Hungary, but this national data (although a bit inconsistent), as well as already available comparative data, questions the hypothesis about the higher vulnerability of Hungarians (or Hungary, for that matter) towards foreign misinformation. This can be confirmed in other surveys, too. For example, the April-May 2022 survey found that Ukraine and Russia were both quite negatively perceived and judged by Hungarians, with Ukraine perceived more favorably.<sup>41</sup>

The lesson from this overview is that, apparently, there is an analytical confusion or unacknowledged conceptual merger between “vulnerability” and “congruence.” Congruence suggests a more active approach and, in effect, a policy choice. It also suggests the limited impact of propaganda (or fake news and disinformation). In contrast, vulnerability paints rather passive actors, possibly a huge impact of propaganda, and limited foreign policy choices. In general, there appear to be rather questionable variables used for various indices. Many of these variables expect in-depth knowledge in many different areas—which is an unrealistic goal. Moreover, sometimes contradictory, or at least of little consistency, the results from public

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<sup>38</sup> The study surveyed a combined total of 8525 respondents in the eight countries between May 25<sup>th</sup> and June 6<sup>th</sup> 2022 with nationally representative samples of approximately 1000 respondents.

<sup>39</sup> Michal Hudec, *Most Slovaks Want Russia to Win Ukraine War*, EURACTIV (Sept. 14, 2022), [https://www.euractiv.com/section/politics/short\\_news/most-slovaks-want-russia-to-win-ukraine-war/](https://www.euractiv.com/section/politics/short_news/most-slovaks-want-russia-to-win-ukraine-war/).

<sup>40</sup> Lukáš Kovalčík, *Vojna na Ukrajine: Takmer štvrtine Slovákov je jedno, kto zvíťazí. Alarmujúci je aj počet ľudí, ktorí fandia Rusku*, STARTITUP (Apr. 10, 2022), <https://www.startitup.sk/vojna-na-ukrajine-takmer-stvrtine-slovakov-je-jedno-kto-zvitazi-almujuci-je-aj-pocet-ktory-fandi-rusku/>.

<sup>41</sup> Andrea Szabó & Zsolt Enyedi, *Opposition Voters do not Share Their Parties' Pro-Ukraine Stance*, TELEX (May 27, 2022, 10:17 AM), <https://telex.hu/english/2022/05/27/opposition-voters-do-not-share-their-parties-pro-ukraine-stance>.



opinion surveys do not contribute to analytical clarity either. This all leads to rather controversial analytical conclusions as well and it does not promote the best follow-up foreign policy options for those actors who follow the original interpretation of this index. In contrast, alternative and correct terminology (and change in analytical perspective) allows us to frame and explain divergent Hungarian findings in a proper analytical and comparative context.

This *pars pro toto* overview actually revealed a rather serious problem in how the impact of foreign misinformation/disinformation or other seemingly relevant factors among some analysts is understood.<sup>42</sup>

### III. UNDERSTANDING FAKE NEWS, HOAXES AND DISINFORMATION/ MISINFORMATION IN V4

Although V4 countries are seen as culturally homogeneous, there have been “drastically different approaches to understanding and tackling fake news”<sup>43</sup> in the past. There was no clear consensus about the best regulatory approaches to social media either.<sup>44</sup> In Poland, the concept of “disinformation,” has been defined in the Draft Act on the Protection of Freedom of Speech in Online Social Networks. Disinformation should be understood as “false or misleading information produced, presented and disseminated for profit or violation of a significant public interest or causing personal injury or property damage.”<sup>45</sup> In Article 3(6), the draft clearly states that disinformation is unlawful. Unlike the EU Code on disinformation, the Polish drafter covered not only public damage, but also damage caused

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<sup>42</sup> The initial partial findings were sent to the key coordinators of Vulnerability Index: Dominika Hajdu & Katarína Klingová, however, although the email was acknowledged, there was no interest in discussing this issue further.

<sup>43</sup> Maryia Sadouskaya-Komlach, *Fake News in Visegrad: Overused and Underestimated*, GREEN EUR. J. (2018), <https://www.greeneuropeanjournal.eu/fake-news-in-visegrad-overused-and-underestimated/>.

<sup>44</sup> See generally Andrej Školkay, *Social Media Regulation from the Perspectives of National Media Regulatory Authorities in V4*, J. FOR CRITICAL MEDIA INQUIRY (2020),

[https://www.researchgate.net/publication/342599396\\_Social\\_Media\\_Regulation\\_from\\_the\\_Perspectives\\_of\\_National\\_Media\\_Regulatory\\_Authorities\\_in\\_V4](https://www.researchgate.net/publication/342599396_Social_Media_Regulation_from_the_Perspectives_of_National_Media_Regulatory_Authorities_in_V4).

<sup>45</sup> Homeland Defence Act (2022 r. DZ. U. poz. 655).

to specific persons.<sup>46</sup> In addition, when it comes to public damage caused by disinformation, there is only regulation combating the dissemination of false information in connection with the election campaign as defined in the Electoral Code.

In Czechia, the Ministry of Interior refers to the “ABC approach” when identifying disinformation. There are three criteria: the accuracy of factual statements, balance in reporting, and the credibility of the sources chosen.<sup>47</sup> In contrast, Manipulatori NGO defined disinformation as “lying, deceptive, false information that aims to influence the judgment and opinion of an individual, several persons or the entire society.”<sup>48</sup> This definition was adapted and used in annual 2022 security situation report.<sup>49</sup> Furthermore, NGO Manipulatori defined fake news as “false, distorted news.” It involves the deliberate dissemination of misinformation through traditional or online media.<sup>50</sup> Similarly, a hoax is defined as “a deliberately created deception masquerading as the truth. In a broader sense, it can also mean false news, mystification, alarm news, but also a joke.”<sup>51</sup>

In Slovakia, the Police defined disinformation indirectly. The “main goal of primary disinformation creators was to cause chaos in society and undermine trust in the state, which was directly related to spread of hatred and mistrust of state institutions. Disinformation has become a hybrid tool in a form of attack on the Slovak Republic interests as well as the security of its citizens.”<sup>52</sup> The 2018 Act on

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<sup>46</sup> Xawery Konarski, *Online Disinformation—How to Understand it and what are the Legal Means of Combating it in Poland and the EU*, TKP (Apr. 26, 2022), <https://www.traple.pl/dezinformacja-online-jak-ja-rozumiec-i-jakie-sa-srodki-prawne-jej-zwalczania-w-polsce-i-ue/>; Marcin. Wielec, *Criminal Law Aspects of Combating Fake News in Poland* 1(2) EUR. INTEGRATION STUD. 179-192 (2021), <https://doi.org/10.55073/2021.2.179-192>.

<sup>47</sup> See Ben Nimmo, *Identifying Disinformation: an ABC*, *Inst. of Eur. Stud.* (Feb. 1, 2016), [http://aei.pitt.edu/82522/1/PB\\_2016\\_01\\_Ben\\_Nimmo.pdf](http://aei.pitt.edu/82522/1/PB_2016_01_Ben_Nimmo.pdf).

<sup>48</sup> *Disinformation*, MANIPULATORI, <https://manipulatori.cz/lexikon/dezinformace/> (last visited June 1, 2023).

<sup>49</sup> See Ministry of Interior, Ministry of Justice and Ministry of Defence, *Analýza připravenosti České republiky čelit závažné dezinformační vlně*, 2022, at 17.

<sup>50</sup> *Fake News*, MANIPULATORI, <https://manipulatori.cz/lexikon/fake-news/> (last visited June 1, 2023).

<sup>51</sup> *Hoax*, MANIPULATORI, <https://manipulatori.cz/lexikon/hoax/> (last visited June 1, 2023).

<sup>52</sup> *Communication and Prevention Department of the Presidium of the Police Force, Police Force Report on Disinformation of the Slovak Republic in 2021*, 5

Cybersecurity includes a definition of “harmful content” as “an activity, data or program resource that has or may result in damage or threat to security, foreign policy or economic interests of the Slovak Republic and is a form of hybrid threat.”<sup>53</sup>

In Hungary, interestingly, following the COVID-19 pandemic in 2020, the local independent media, the opposition and “international liberals” became accused of producing fake news by PSM radio. The authors called this type of discourse about fake news right-wing and populist.<sup>54</sup> On the official website, [koronavirus.gov.hu](https://koronavirus.gov.hu), there is a list of governmental definitions of which we put two (untrue, panic-inducing information type of fake news or prank mostly received by e-mail) into Table 1.

In addition, the National Media and Communication Authority (NMHH) defined five hallmarks of fake news in Table 1. [See <https://perma.cc/4294-U9WT> to Access Table].

Clearly, there is no consensus on key definitions within V4 countries. At a governmental level, there are different approaches, whether one should use a key label “disinformation” (Poland), “fake news” (Hungary), or “harmful content” (Slovakia).

#### A. Initiatives Against Fake News / Disinformation / Misinformation in V4

Regarding fact-checking and debunking, it should be noted that “science supporting its efficacy is at best, mixed.”<sup>55</sup> Some even argue that the consequences of disinformation can be mitigated, but disinformation is not a solvable problem.<sup>56</sup> Similarly, some results are “inconsistent with a simple hypothesis that fake news crowds out hard

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(2022), [https://www.minv.sk/swift\\_data/source/images/slovak-republic-report-dezinfo-2021.pdf](https://www.minv.sk/swift_data/source/images/slovak-republic-report-dezinfo-2021.pdf).

<sup>53</sup> National Council of the Slovak Republic (Jan. 30, 2018), [https://www.sk-cert.sk/wp-content/uploads/2018/03/2018\\_69-Act-on-Cybersecurity.pdf](https://www.sk-cert.sk/wp-content/uploads/2018/03/2018_69-Act-on-Cybersecurity.pdf).

<sup>54</sup> Jenő Bódi et. al., *Az álhír fogalmának átalakulása a közszolgálati híradóban* (The changing concept of fake news in public service news. An analysis of Hirado.hu’s content on fake news, 2010–2020), *MEDIAKUTATO* 7-26, (2022), [https://www.mediakutato.hu/cikk/2022\\_01\\_tavasz/01\\_az\\_alhir\\_fogalmanak\\_atalakulasa.pdf](https://www.mediakutato.hu/cikk/2022_01_tavasz/01_az_alhir_fogalmanak_atalakulasa.pdf).

<sup>55</sup> David Lazer et al., *The Science of Fake News*, *SCIENCE* 359 (2018).

<sup>56</sup> See generally BRANDON VALERIANO ET AL., *CYBER STRATEGY: THE EVOLVING CHARACTER OF POWER AND COERCION* (2018).

news consumption.”<sup>57</sup> In other words, fake news consumption seems to be heavily concentrated among a small group of news consumers.<sup>58</sup> Moreover, it seems logical that in heavily polarized political and media systems (such as Hungary and Poland) pro-government supporters are not necessarily interested in critical opinions that would challenge their deeply rooted ideas.<sup>59</sup> Nonetheless, there is quite extensive but asymmetric network of governmental, private and non-governmental initiatives in this area and in this region. The following summary is incomplete, but still rather extensive. There is the Central European Digital Media Observatory that includes eight partners from Czechia, Poland and Slovakia.<sup>60</sup> There are some attempts to employ AI in the process of debunking.<sup>61</sup>

In Czechia, there are about ten fact-checking initiatives: *manipulatori.cz*, *demagog.cz*, *hoax.cz*, *Kremlinwatch.eu*, *HlídacíPes.org* and *Neovlivni.cz*.<sup>62</sup> There is also a single fact checker from AFP.<sup>63</sup> Among these, *Kremlinwatch.eu*, followed by *HlídacíPes.org* and *StopFake.cz* tackle Russian disinformation. There was also a governmental plenipotentiary for disinformation, as well as the Centre against Terrorism and Hybrid Threats affiliated with the Ministry of Interior. However, this position was abolished in February 2023.

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<sup>57</sup> Andrew Guess et al., *Selective Exposure to Misinformation: Evidence from the Consumption of Fake News During the 2016 U.S. Presidential Campaign*, EUR. RSCH. COUNS. 26 (Jan. 9, 2018), <https://about.fb.com/wp-content/uploads/2018/01/fake-news-2016.pdf>.

<sup>58</sup> *Id.*

<sup>59</sup> See Luca Bertuzzi & Vlad Maksimov, *EU Funds Fact-checking Website in Hungary Ahead of Crucial Elections*, EURACTIV (Jan. 17, 2022), <https://www.euractiv.com/section/media/news/eu-funds-fact-checking-website-in-hungary-ahead-of-crucial-elections/>.

<sup>60</sup> See CEDMO, <https://kinit.sk/project/cedmo-central-european-digital-media-observatory/> (last visited Apr. 19, 2023).

<sup>61</sup> *About Project*, KINIT, <https://oznacuj-dezinfo.kinit.sk/> (last visited Apr. 19, 2023).

<sup>62</sup> See Katarzyna Giereło-Klimaszewska, *Political Fact-checking in the Czech Republic on the Example of Demagog.cz and Manipulatori.cz Portals*, 3(1) MEDIATIZATION STUDIES, 115–135 (2019), <https://journals.umcs.pl/ms/article/view/8364>

<sup>63</sup> See *Facebook has News Launches Fact-checking in Slovakia and the Czech Republic (VIDEO)*, O MEDIACH, (Feb. 11, 2022), <https://www.omediach.com/hoaxy/17165-facebook-ma-novinku-na-slovensku-a-v-cr-spusta-fact-checking-video>.

In Slovakia, Hoaxes and Scams the Facebook page of the Police claims to be the most followed page in Slovakia focused on misinformation with almost 150,000 followers in 2023. One of the most common disinformation narratives that it debunked was related to foreign affairs that the pandemic is a secret plan by the powerful to rule/destroy humanity. Significantly, the 2021 Report raised the issue of foreign actors' involvement: "It is possible that their actions were trying to support the foreign policy interests of state powers abroad. Foreign state powers tried to spread their narratives through their own or befriended media, or fictitious independent activists, often communicating in different way within their own state."<sup>64</sup>

In the private sector, there is just a single fact checker from AFP.<sup>65</sup> Additionally, there are also some NGOs that are involved in monitoring and debunking as presented in Table 2.

In Hungary, there has been a fact-checking website named Lakmusz since January 2022.<sup>66</sup> Interestingly, it was almost immediately attacked for "[t]he Soros networks and methods behind this project."<sup>67</sup> Earlier initiatives included the investigative journalism nonprofit and a watchdog NGO *atlatszo.hu*.<sup>68</sup> The NMHH regards increasing consumer (which includes terminologically citizens) awareness against misinformation as its primary goal.<sup>69</sup> There also was a pro-Russian, pro-government Facebook page called Numbers (Számok)—the antidote to left-wing fake news, which claims to debunk the liberal propaganda/fake news.<sup>70</sup> There are *urbanlegends.hu*, and campaigns by *buvosvolgy.hu* and *kekvonat.hu*

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<sup>64</sup> See *Communication and Prevention*, *supra* note 52 at 5.

<sup>65</sup> See Martin Hodás, *It Verifies Messages for Facebook: You Can Make Up a Hoax in 10 Minutes. We Refute Him for Days*, ZIVE (May 9, 2020), <https://zive.aktuality.sk/clanok/146760/overuje-spravy-pre-facebook-hoax-vymyslite-za-10-minut-vyvraciame-ho-cele-dni/>.

<sup>66</sup> See *Kafkadesk Budapest*, *supra* note 31.

<sup>67</sup> OJIM, *A Hungarian-fact Checker in Partnership with European Commission and AFP: Soro's Shadow* (Feb. 14, 2022), <https://visegradpost.com/en/2022/02/22/a-hungarian-fact-checker-in-partnership-with-the-european-commission-and-afp-soros-shadow/>.

<sup>68</sup> ATLATZO, <https://english.atlatszo.hu/about-us/> (last visited Apr. 19, 2023).

<sup>69</sup> *About Us*, NMHH, <https://english.nmhh.hu/the-nmhh> (last visited July 1, 2023).

<sup>70</sup> See Számok—a baloldali álhírek ellenszere, FACEBOOK, [https://www.facebook.com/szamokadatok/?locale=it\\_IT](https://www.facebook.com/szamokadatok/?locale=it_IT) (last visited Sept. 23, 2023) (announcing termination of its further activities in March 2023, with over 100,000 followers).

(teaching plan, the campaign “recognizing fake news for 17-18 y. olds”), oszd okosan (“share wisely,” people can check whether it is worth sharing a link), Tudatos Net (Conscious Net), Idea Foundation (teaching material), and Álhírvadász (fake news hunter).<sup>71</sup>

In Poland, there were eight fact-checking initiatives in 2019 (Demagog, Konkret24, Demaskator24, Trudat, “Keyboard Warriors”, OKO.press, Sprawdzam AFP and Antyfake).<sup>72</sup> Among these, the majority tackle Russian disinformation. In addition, the Polish Platform for Homeland Security (PPHS) was governmental. [See <https://perma.cc/4294-U9WT> to Access Table].

The Hungarian case appears to represent the least governmental effort to tackle disinformation. Czechia and Slovakia are the most active in this area, while Poland seems to be located somewhere in between Hungary and Slovakia and Czechia. A major leveraging role seems to play the European Commission with its indirect funding of new fact-checking and debunking initiatives. This finding supports the argument of congruence rather than vulnerability in the case of Hungary. This finding is supported by data from Table 3. The data in Table 3 strongly suggests that Czechia and Slovakia seem to feel that they are the most vulnerable to foreign disinformation campaigns. There is a specific and identical situation in both Hungary and Poland. Although there are no “alternative” disinformation/fake news-specific sources banned or targeted legally, both governments and pro-governmental media believe and argue that oppositional politicians, critical media, and liberals in general produce fake news and disinformation. [See <https://perma.cc/4294-U9WT> to Access Table].

#### B. Legislation Targeting Fake News and Hoaxes in V4

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<sup>71</sup> Ivan Marinov, *Source analysis: Szamokadat.hu*, URBAN LEGENDS (Nov. 3, 2022), <https://www.urbanlegends.hu/2022/03/forraslemzes-szamokadatok-hu/>; *Fake News Hunting: Engaging Teenagers in the FakeHunter Game in Libraries*, KIT hírlevél, [http://www.kithirlevel.hu/index.php?kh=alhirvadaszat\\_tizenevesek\\_bevonasa\\_a\\_fa\\_kehunter\\_jatekba\\_a\\_konyvtarakban](http://www.kithirlevel.hu/index.php?kh=alhirvadaszat_tizenevesek_bevonasa_a_fa_kehunter_jatekba_a_konyvtarakban) (last visited July 1, 2023).

<sup>72</sup> Michał Kuś & Paulina Barczyszyn-Madziarz, *Fact-checking Initiatives as Promoters of Media and Information Literacy: The Case of Poland*, CEJC 2, 249-265 (2020).

Following the Russian invasion of Ukraine in February 2022, in addition to the EU-central ban on certain Russian outlets,<sup>73</sup> two V4 countries (Czechia and Slovakia) banned some local news and current affairs websites that were seen as—in general and often not in openly acknowledged terms—a threat to national security. In local conditions, these websites were listed among 262 “controversial” outlets, according to the local vigilante initiative.<sup>74</sup> However, as it is clear from the list, those banned websites were not selected based solely on their ranking in this list of controversial websites. It seems that (in addition to controversial content) a combination of “intensity” and “popularity” was used when considering their blocking. In fact, the official reasons used for the temporary ban were not very transparent and supported by evidence, and certainly widely seen as controversial from a legal–constitutional point of view. In short, there were arguments concerning the legality of these acts when considering the European Court of Human Rights case law. Moreover, it was not certain whether there has not been re-introduced (preventive) censorship in both cases, especially in the Czech case.<sup>75</sup> The Czech Constitution allows limits on freedom of expression and freedom to disseminate information only under specific conditions laid by the law. This clearly did not happen. A non-state body introduced the ban without any legislative support.

In the Slovak case, the hastily passed law was used, but arguments used for banning certain websites were seen as insufficient and publicly available evidence justifying that such an approach was entirely missing. Interestingly, new temporary legislation passed by the Slovak Parliament in 2022 brought more transparency and legality into the process, but it could still be seen as a legally constitutionally problematic approach.

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<sup>73</sup> See Press Release, EU Imposes Sanctions on State-owned Outlets RY/Russia Today and Sputnik’s Broadcasting in the EU, U.N. Press Release (Mar. 2, 2022), <https://www.consilium.europa.eu/en/press/press-releases/2022/03/02/eu-imposes-sanctions-on-state-owned-outlets-rt-russia-today-and-sputnik-s-broadcasting-in-the-eu/>.

<sup>74</sup> *Introduction*, KONSPIRATORI, <https://konspiratori.sk/zoznam-stranok> (last visited July 3, 2023).

<sup>75</sup> See Tomáš Munzar, *Dezinformace jako výzva pro demokratický právní stát v České republice* (Jun 29, 2023), *Advokátní denník*, <https://advokatnidenik.cz/2023/06/29/dezinformace-jako-vyzva-pro-demokraticky-pravni-stat-v-ceske-republice/>.

In contrast, about three years ago, Hungary and Poland showed some intentions to find balance in regulating social media (seen as a key tool for disseminating fake news and hoaxes). That time, though, Poland was aiming more at protecting free speech on social media (following the banning of President Trump on Facebook and Twitter—now X). Interestingly, there was no mention of fake news and hoaxes in the Hungarian draft proposal, save for the electoral campaign. However, while Hungary remained rather passive in this legal initiative, Poland moved further and presented a less radical proposal than its initial draft. It allows quicker decision-making than in the Slovak case and more protection for individual users against platform interventions.

All in all, the issue of fighting fake news and hoaxes seems to be rather relevant. At the same time, it shows rather heterogeneous approaches within V4 countries. Moreover, these approaches are seen as controversial from regulatory and constitutional perspectives.

### 1. *Poland*

There was no specific legislation yet as of late 2022. However, in late 2020, the Ministry of Justice drafted provisions that allegedly effectively implement the constitutional right of freedom of expression and help protect against fake news.<sup>76</sup> One interesting aspect of this draft legislation was the “John Doe lawsuit” approach. If an unknown individual infringed upon someone’s personal rights, he should be able to file a lawsuit to protect these rights without naming the defendant. To file the lawsuit effectively, it would be enough to cite a URL with offensive content, as well as the dates and times of publication and the user’s profile name or login.

However, the 2022 version of the draft act is less radical.<sup>77</sup> It envisages the appointment of the so-called Freedom of Speech Board, which would safeguard the constitutional freedom of expression on social networking sites. The Board would comprise law and new media

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<sup>76</sup> See *A Breakthrough Law on Freedom of Expression on the Internet*, MINISTRY OF JUSTICE REPUBLIC OF POLAND (Dec. 17, 2020), <https://www.gov.pl/web/justice/a-breakthrough-law-on-freedom-of-expression-on-the-internet>.

<sup>77</sup> Marcin Wielec, *Criminal Law Aspects of Combating Fake News in Poland*, 1 (2) *EUROPEAN INTEGRATION STUD.*, 179-192 (2021), <https://doi.org/10.55073/2021.2.179-192>.



experts and it would be appointed by the lower chamber of the Polish Parliament for a six-year term of office, by a 3/5 majority. The draft act also provides that if a website blocks an account or deletes a certain item, even though its content does not violate/infringe upon the law, the user can lodge a complaint with the service provider. The provider must confirm that the complaint has been received and it must be considered within 48 hours. If the provider dismisses the complaint, the user has the right to appeal to the Freedom of Speech Board, which will have to make a final decision within seven days.

## 2. Slovakia

There are two related regulations: Act on Media Services (2022) and Cybersecurity Act Update (2022). In the first case, the Media Services Board can only take action if potentially illegal content is being spread online.<sup>78</sup> These include, for example, child pornography, extremist materials, posts inciting terrorism or national, racial and ethnic hatred, posts denying or approving the Holocaust and crimes against humanity, or posts defaming a nation, race or belief. Before people turn to the regulatory authority, they must notify the operators of the page on which the illegal content is being spread. Of course, the operators must also react if they find problematic content on their own. Potentially illegal content will be decided by the board's three-member senates. If the Board concludes that the content in question is illegal and at the same time its dissemination threatens the public interest or represents a significant interference with individual rights citizens, will issue a decision to prevent its spread. If the platform operators do not remove the illegal content and prevent it from spreading further, they can be fined between 2,500 and 100,000 euros by the Board.

In the second case, the National Security Authority (NSA) could block (until September 30, 2022) “harmful activity...that causes or may cause...serious misinformation.”<sup>79</sup> It was possible to block not only websites, but also accounts on social networks or communication

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<sup>78</sup> European Commission Press Release, Commission Welcomes Political Agreement on European Media Freedom Act (Dec. 15, 2023).

<sup>79</sup> Dušan Vanek, *The Slovak National Security Authority May Be Granted Greater Powers Regarding Cyber Security*, CMS LAW-NOW, (Mar. 31, 2021), <https://cms-lawnow.com/en/ealerts/2021/03/the-slovak-national-security-authority-may-be-granted-greater-powers-regarding-cyber-security>.

platforms. The NSA only acted based on a “reasoned proposal” from the state’s security services, for example, the police, State intelligence or military intelligence. Blocking (in an updated version) required the consent of the Supreme Administrative Court, which had to decide within 15 days. Blocking could last for a maximum of nine months. The first rules (in operation between the spring and summer of 2022) did not even give site operators a chance to defend themselves, for example, by removing problematic content and refraining from further similar actions. This regulation (in two phases or versions) raised several legal questions, including those of a constitutional nature—whether it re-establishes post-censorship practice in the country.

It should be explained that this initiative followed the controversial ban on selected “alternative” outlets (see Table 3) in March 2022, immediately after the Russian invasion of Ukraine in February 2022 until the end of June 2022. This blocking was widely seen as controversial from a legal point of view, specifically, as too vaguely justified and in breach of ECtHR case law—OOO Flavus and others against Russia.<sup>80</sup>

This intervention was done by the NSA and justified vaguely as “blocking of harmful activity.” More specifically, it was stated that the NSA “has identified harmful activity that can cause serious disinformation.” No further specific evidence or arguments were mentioned or made available. These were classified as “sensitive” (dôverné) and “secret.” The law did not define “serious disinformation.” The director of the NSA further justified blocking and its scope, arguing that “blocking should be effective, with purpose and adequate to possible risks associated with blocking.”<sup>81</sup>

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<sup>80</sup> See Peter Šamko, *Blocking of Websites and its Possible Contradiction with the Jurisprudence of the European Court of Human Rights*, PRÁVNE LISTY (Feb. 26, 2022), <http://www.pravnelisty.sk/clanky/a1062-blokovanie-webovych-stranok-a-jeho-mozny-rozpor-s-judikaturou-europskeho-sudu-pre-ludske-prava>. Martin Husovec, *The Current Blocking of Disinformation Sites is Constitutionally Problematic. What About That*, RUBRIKY (April 22, 2022, 12:32 PM), <https://dennikn.sk/2818631/sucasne-blokovanie-dezinformacnych-stranok-je-ustavne-problematicke-co-s-tym/>.

<sup>81</sup> Jaroslav Daniška & Juraj Hajko, *Director of the NBU: Shutting Down the Main News was Justified and Appropriate. We Act on the Basis of One Article*, ROZHOVORY (Mar. 15, 2022), [https://standard.sk/181496/riaditel-nbu-vypnutie-hlavnych-sprav-bolo-opodstatnene-a-primerane-nekoname-na-zaklade-jedneho-clanku/?cookie\\_status=accept](https://standard.sk/181496/riaditel-nbu-vypnutie-hlavnych-sprav-bolo-opodstatnene-a-primerane-nekoname-na-zaklade-jedneho-clanku/?cookie_status=accept).

### 3. *Czechia*

In Czechia there was no specific legislation.<sup>82</sup> However, the Czech social media users already have the right—as defined in the law on Certain Services of the Information Society—to defend themselves with a lawsuit against the operator of the social network against the unauthorized blocking or deletion of a post. Or, on the contrary, for an undeleted post that he feels has been harmed. Yet, it is a relatively complicated legal process.

The responsibility lies with the operator. This responsibility is not excluded if the content of the server contains the statement of a third party. However, the condition for the emergence of liability is at least slight negligence in relation to the illegality of the published information. In the case of digital media, the acquirer's knowledge that illegal information is stored on its infrastructure plays a key role. The operator must, therefore, usually be notified of the illegality. After that, he must delete the information, otherwise, he bears responsibility for its content. However, there are types of information whose illegality is obvious. In such a case, the operator's responsibility arises even without notification by a third party. An example can be the promotion of fascism or a gross insult.

In 2019, there was a draft amendment to the Penal Code. According to it, operators or administrators of internet platforms with more than 100,000 users would face up to three years in prison for deleting user contributions. This draft law, based on an initiative of an obscure MP, did not pass through the Parliament. It should be mentioned that on February 25, 2022, the Association CZ.NIC (Združenie CZ.NIC), national manager of Czech domains, after the call from Czech national security authorities (in particular, National Center of Cybernet Operations—Národní centrum kybernetických operací (NCKO), and following generally formulated Decision of the Government—not legally binding!), blocked eight controversial websites (see the Table 3). In early March 2022, six more were added to blocked websites. Initially, more than twenty controversial websites were targeted upon request by state authorities.

Both decisions were based on the internal rules of the association. Blocking was extended twice for a month and finally ended after three

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<sup>82</sup> See generally Ministry of Interior, *supra* Note 49.

months. The association asked national authorities to provide a relevant court order or decision of the Police or other relevant state bodies. No such order or decision was made available. The association explicitly stated this was an extraordinary and unprecedented measure, subject to regular revisions on a monthly basis. The ending of blocking was explained as “there is no immediate threat to national or international computer security associated with these domains.”<sup>83</sup>

Interestingly, two local NGOs, Otevřená společnost and Institute H21, sued the Ministry of Defense in administrative court cases as a result of this blocking. They argue that the approach by the state was illegal. In their view, blocking was not an independent decision of private subjects.<sup>84</sup>

There was a brief political discussion about the criminalization of disinformation from late 2022 through early 2023. It was based on a legal recommendation suggested by Michal Klíma, a governmental plenipotentiary for disinformation. However, this idea—as well as the plenipotentiary—was dismissed.<sup>85</sup>

#### 4. Hungary

There was no specific legislation save for similar (but more extensively considered) the Slovak Press Act and the Polish Press Act. In other words, there is reference to factually false statements being published in any media content.<sup>86</sup> Moreover, following the COVID-19 outbreak, there was a new update to the law on the Crime of Scaremongering, that criminalizes the spreading of misinformation

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<sup>83</sup> Jan Pokorný, *Šlápli jsme na záchrannou brzdu. Dezinformační weby musí dále řešit vláda, říká ředitel CZ.NIC FiliP*, TITLE (Mar. 6, 2022, 3:32 PM), [https://www.irozhlas.cz/zpravy-domov/dezinformace-weby-legislativa-zruseni-blokovani-propaganda-rusko-cesko-domena\\_2203061532\\_pik](https://www.irozhlas.cz/zpravy-domov/dezinformace-weby-legislativa-zruseni-blokovani-propaganda-rusko-cesko-domena_2203061532_pik).

<sup>84</sup> Upřesňující prohlášení k žalobě – Institute H21 a Otevřená společnost X (Jun 16, 2022), <https://www.otevrenaspolecnost.cz/aktuality/8064-upresnujici-prohlaseni-k-zalobe-institute-h21-a-otevrena-spolecnost-x>.

<sup>85</sup> Anna Dohnalová, Klíma končí jako zmocněnec pro oblast médií a dezinformací. U vlády ztratil důvěru, Aktuality.cz, (Feb 15, 2023, 2:49 PM), <https://zpravy.aktualne.cz/domaci/michal-klima-konci-ve-funkci-zmocnence-pro-oblast-medii-a-de/r~29719f02ad2711eda25a0cc47ab5f122/>.

<sup>86</sup> Miroslava Kernová, *Slovakia: Government Pushes Ahead with Ambitious Media Reform Program*, INTERNATIONAL PRESS INSTITUTE (Oct. 24, 2022), <https://ipi.media/slovakia-government-pushes-ahead-with-ambitious-media-reform-program/>.

deemed to undermine the authorities' fight against the COVID-19 virus with fines up to five years in prison.<sup>87</sup>

The Ministry of Justice started drafting a new bill that aims to make big platforms comply with the law and operate transparently in 2021.<sup>88</sup> The Ministry of Justice has also set up the Digital Freedom Committee, which aims to make the operation of transnational technological companies transparent.<sup>89</sup> The Committee produced a "White Paper" in 2020, however, it does not tackle fake news and hoaxes in connection with the election campaign. The last session of the Committee was in January 2021.<sup>90</sup> There was a public promise that a concept (a draft) on regulating social media would be prepared by the Ministry of Justice and sent to the members of the Committee for review, including consultations with the platforms. However, nothing happened for almost two years since. The Minister of Justice had a meeting with the EC, and they informed her about the possible DSA/DMA regulation, and Hungary withdrew its plans to regulate alone.<sup>91</sup>

The overview of legislative efforts is presented in Table 4 in a more transparent way. This overview also includes related regulations. For example, it includes the Slovakia 2022 Act on Publications, which allows for the demand of corrections in the case of "untruthful statements." In Hungary, the 2011 Press Act allows for demanding corrections to false factual statements published in any media content. Similarly, in Poland, the Press Act allows factual correction of inaccurate or untrue press material. As mentioned, in Poland, there is a law to combat disinformation in connection with the election campaign. According to Art. 111 §1 of the Electoral Code, the candidate has the right, among other things, to apply to the District

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<sup>87</sup> See Csaba Gyory, *Fighting Fake News or Fighting Inconvenient Truths*, VERFASSUNGSBLOG (Apr. 11, 2020), <https://verfassungsblog.de/fighting-fake-news-or-fighting-inconvenient-truths/>.

<sup>88</sup> See *Justice Minister: Govt Preparing Regulation of Big Tech in Hungary*, HUNGARY TODAY (Jan. 26, 2012), <https://hungarytoday.hu/justice-minister-varga-govt-preparing-regulation-big-tech-hungary/>.

<sup>89</sup> See WEBSITE OF DIGITAL FREEDOM COMMITTEE, <https://digitalisszabadsag.kormany.hu/en>, (last visited Oct. 30, 2023).

<sup>90</sup> "White Paper" of the Digital Freedom Committee, FEHÉR KÖNYV [https://digitalisszabadsag.kormany.hu/download/0/41/a2000/Feh%C3%A9r\\_k%C3%B6nyv\\_EN\\_20200702.pdf](https://digitalisszabadsag.kormany.hu/download/0/41/a2000/Feh%C3%A9r_k%C3%B6nyv_EN_20200702.pdf).

<sup>91</sup> See Melinda Rucz, *The DSA Proposal and Hungary*, DSA OBSERVATORY (Mar. 11, 2022), <https://dsa-observatory.eu/2022/03/11/the-dsa-proposal-and-hungary/>.

Court for a ban on disseminating such information. Such a request shall be examined within 24 hours in a non-administrative procedure. The time limit for appealing against such a decision with the Court of Appeal is equally short, and the publication of a correction, either a reply or an apology, must take place within 48 hours at the expense of the obligated party (Art. 11 (3) and (4)). [See <https://perma.cc/4294-U9WT> to Access Table].

After examining this broader context reflecting governments' lead or supported efforts in tackling misinformation, disinformation and mal-information, it may be enlightening to see whether, when, and why there was misinformation, disinformation and mal-information produced and/or disseminated in or by the legacy media and on social media by authorities, journalists, diplomats, experts and fact-checking/debunking Initiatives in the V4 countries. This is not meant to put on the same footing long-term propaganda campaigns in captured media in authoritarian countries such as China or Russia. Yet, clearly, such reflection may be useful, although it may be painful for some involved actors. In any case, it is an interesting exploration from an academic research point of view.

#### IV. MISINFORMATION/DISINFORMATION/MAL-INFORMATION PRODUCED OR DISSEMINATED BY JOURNALISTS, DIPLOMATS, EXPERTS AND FACT-CHECKING/DEBUNKING INITIATIVES

Essentially, this part focuses on some incorrect (false) descriptive and causal ideas (thoughts about how the world works and why) in foreign policy. These beliefs can be assessed according to logical consistency and factual accuracy. This idea was inspired by the thought that: "Some bad ideas masquerade as neutral fact, only to be exposed later on. Others worm their way into strategic doctrines, guiding a wide range of policies that long outlast the original thought. Good ideas, meanwhile, can have bad effects—and bad ideas can be used for good."<sup>92</sup>

Furthermore, this reflects upon the idea that "the concept of mistakes is necessarily linked to agents or their choices playing a substantial role in negative outcomes, and "on the individual level of

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<sup>92</sup> Charli Carpenter, *When U.S. Foreign Policy Went Wrong*, FP, (Jan. 15, 2021, 10:23 AM), <https://foreignpolicy.com/2021/01/15/worst-ideas-past-50-years-foreign-policy/>.

analysis, a particularly rich history of scholarship has put mistakes in IR down to cognitive biases and limitations of decision-makers.”<sup>93</sup> In other words, if one assumes that information disorder produced and/or disseminated by some journalists or media, experts and diplomats, as well as fact-checking and debunking authorities is first of all the result of mistakes. Thus, it can be correctly labeled as misinformation. However, this assumption is challenged in some cases by persistent adherence to some of these mistakes even when confronted with facts, as it happened in some further discussed cases. Thus, some actors continue to adhere to wrong ideas despite the fact that the opposite evidence is available to them and they know about this evidence. One can assume they produce disinformation or even mal-information. The latter case can be seen as an example of a domestic campaign that actually hurts the image of external actors. Many of these examples can be illustrated at through coverage and commentaries of the Georgia-Russia War of 2008 in the following years.

#### A. *The Georgia-Russia War of 2008*

The Georgia-Russia 2008 War is often perceived as a turning point when Russia returned to its expansionist imperial foreign policies.<sup>94</sup> It has been seen as a foreign policy event by many media analysts and diplomats. Some analysts did not consider this war to be a turning point in Russia’s foreign policies.<sup>95</sup> Others agreed that the conflict “may

<sup>93</sup> ANDREAS KRUCK, ET AL., POLITICAL MISTAKES AND POLICY FAILURES IN INTERNATIONAL RELATIONS 1-30, 33 (2018).

<sup>94</sup> See Jan Eichler, *The War Between Georgia and the Russian Federation as an Important Milestone*, MILITARY OUTLOOK (2019), <https://www.vojenskerozhledy.cz/kategorie-clanku/ozbrojene-konflikty/valka-gruzie-ruska-federace>; Lukáš Dyčka & Pavel Faus, *Arming Georgia in the Context of its Efforts to Join NATO* 4 VOJENSKÉ ROZHLEDY, 74, 74 (2016); Oksan Bayulgen & Ekim Arbatli, *Cold War Redux in US–Russia Relations? The Effects of US Media Framing and Public Opinion of the 2008 Russia–Georgia War*, 419 COMMUNIST AND POST-COMMUNIST STUD. 513, 523 (2013); Simbal Khan *Russia-Georgia War and NATO: Implications for European Security*, 28/29 STRATEGIC STUD. 1, 1-14 (Winter 2008 & Spring 2009).

<sup>95</sup> See generally Jacek Raubo, *Wpływ doświadczeń z konfliktu Gruzjińsko-Rosyjskiego z 2008 roku na wizję współczesnego bezpieczeństwa międzynarodowego*; Wybrane pPŁAszczyzny, [The Influence of the 2008 Conflict in Georgia on a Modern Vision of International Security], SELECTED ASPECTS 115-131 (Dec. 2011).

have been a turning point, but in a very different direction. It indicates the end of the 'unipolar moment' and the beginning of a new era in the international system, in which the imperative for recognition and respect of newly emerging or resurgent powers has come into its own."<sup>96</sup> Former Russian president Dmitry Medvedev considers it as one of two points of no return in the global order.<sup>97</sup> Therefore, this brief military conflict deserves a full and in-depth analytical attention. As a case study, the Georgia-Russia 2008 war has generated divergent opinions among foreign policy experts on who was the aggressor: [See <https://perma.cc/4294-U9WT> to Access Table].

The above overview suggests some surprising findings.<sup>98</sup> There is no unanimous consensus on a very basic and, at the same time, fundamental issue—who shot first? It should not be a problem to answer this question if one uses the statements of witnesses, global satellite technologies and other intelligence tools and sources. Yet, one should know the answer to this fundamental question if he is involved in analytical work. In fact, some analysts used rather apologetic or ambiguous language. For example, "Georgian troops were ordered to restore order in the breakaway region of South Ossetia and launched an assault on the city of Tskhinvali, where Russia had a contingent of peacekeepers"<sup>99</sup> Nonetheless, despite this lack of unanimous consensus, most of the analysts more or less clearly and/or indirectly

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<sup>96</sup> Jorge Heine, *The Conflict in the Caucasus: Causing a New Cold War?*, 65 INDIA QUARTERLY 55, 55 (2009).

<sup>97</sup> Dmitry Medvedev, *Points of No Return*, IZVESTIJA (Feb. 27, 2023, 12:01 AM), <https://iz.ru/1475574/dmitrii-medvedev/tochki-nevozvrat>.

<sup>98</sup> See 64 *Georgia—Conflict with Russia*, EU SECURITY AND DEFENCE: CORE DOCUMENTS 2008, 296, 296 (Jul. 1, 2009), <http://www.jstor.com/stable/resrep06971.68>; Aschot Manutscharjan, *Abkhazia & South Ossetia—Russia's Intervention in Georgia* (Aug. 2008), KONRAD ADENAUER STIFTUNG (2008); Constantin-Gheorghe Balaban, *Caucasus War—The End of the Cold War or a New Cold War?*, STRATEGIC IMPACT (2008); Viljar Veebel, *Escaping the Imperial Grip of Russia: Ukraine, Belarus, Armenia, and Georgia*, CROSS BORDER J. FOR INT'L. STUD. (2016); David Darchiashvili, *Russo-Georgian War Of August 2008: Clash of Ideologies and National Projects in the Era of Hybrid Warfare*, SÖJATEADLANE (2018); Ionel Nițu, *Provocări la adresa analizei strategice. Studiu de caz: Implicațiile războiului ruso-georgian asupra echilibrului de putere în Eurasia* [Challenges of the Strategic Analysis. Case 5 study: Implications of the Russo-Georgian War over the Balance of Power in Eurasia], ROM. INTEL. STUD. REV. (2010).

<sup>99</sup> Jakub M. Godzimirski, *What Makes Dialogue Work or Not? The Russia–Georgia Case*, NORWEGIAN INSTITUTE OF INTERNATIONAL AFFAIRS (NUPI) 1, 19 (2012).



and reluctantly acknowledged that it was Georgia who started this war.<sup>100</sup> Most importantly, two official EU reports, (EUISS 2009 and IFFMCG 2009) confirmed Georgia's military initiative here. Within this context, it legally and normatively does not matter whether Georgia was "provoked" into this intervention.<sup>101</sup> Rather, long-term rearmament of the Georgian military leading up to 2008 indicates the opposite—Georgia actively worked to reintegrate breakaway provinces forcefully.<sup>102</sup> Indeed, between 2003 to 2008 Georgia's military expenditures reached its peak. However, Georgia's military acquisitions did not reflect the country's inclination towards the West and NATO, as one would assume.<sup>103</sup>

Similarly, it is irrelevant whether one could consider this military intervention as a legitimate and legal action since there was still formally recognized control of that territory as part of Georgia proper. At that time, South Ossetian, Russian, and Georgian peacekeeping units were present in South Ossetia. Furthermore, it is both normatively and logically questionable whether the Russian military's initial and/or follow-up actions, which included further invasion into Georgian territory, can be referred to without hesitation as "aggression" against Georgia, as it is frequently interpreted.<sup>104</sup> In fact, a detailed study acknowledged long-term ethnic tensions in those regions of Georgia and concluded that "although it is obvious that Russia played a strategic-political game especially in the later phase of the conflict with Georgia and significantly contributed to the victory of the separatists, but to the resulting conflict situation it responded *ad hoc* rather than creating it directly."<sup>105</sup> Similarly, Cory Welt suggested

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<sup>100</sup> See Maurizio Carbone, *Russia's Trojan Horse in Europe? Italy and the War in Georgia* 24 ITALIAN POLITICS 135, 141 (2009) (For example, Carbone wrote bluntly, "In August 2008, Georgia launched a large-scale attack to retake control of South Osseti.").

<sup>101</sup> See generally Charles King, *The Five-Day War: Managing Moscow After the Georgia Crisis*, 6 FOREIGN AFF. 2-11 (2008).

<sup>102</sup> See *Jak Gruzie, Georgia: How Was Prepared*, BRITSKE LISTY (Dec. 8, 2008), <https://legacy.blisty.cz/art/42034.html>.

<sup>103</sup> See Lukáš Dyčka & Pavel Faus *Arming Georgia in the Context of its Efforts to Join NATO*, 4 VOJENSKÉ ROZHLEDY, 74, 74 (2016).

<sup>104</sup> Magdalena Fričová, Michal Thim, & Luboš Veselý, *Ruská válka v Gruzii: Jak dál? Russian War in Georgia: Where Do We Go From Here?*, Policy Paper 4/2008 (2008).

<sup>105</sup> Emil Souleimanov & Tomáš Baranec, *Rusko a občianska vojna v Gruzínsku. Limity gruzínskej nezávislosti na začiatku 90-tych rokov*, DISKUSIA 59, 74 (2008),

“how a mix of limited offensive intentions, insecurity, uncertainty, and cognitive shortcuts and misperceptions had the capacity to lead to inadvertent war between Russia and Georgia over South Ossetia.”<sup>106</sup> Within this context, it is instructive and probably not too surprising to see how differently V4 countries interpreted this war in 2008.

In search of a cause of the Georgian-Russian conflict, Slovakia sided with the conflict rather on the side of Russia, while Poland presented a pro-Georgian position. The Czech representation was divided on this issue; while Prime Minister Mirek Topolánek accepted the arguments of Georgia, President Václav Klaus rather, supported the Russian side. The ruling Hungarian socialist party was relatively cautious in assessing the situation. Later, however, it came around rather on the side of Georgia as an unequivocal supporter of Georgia and a critic of Russia. This was the typical position of the strongest opposition Fidesz party.<sup>107</sup> In fact, “Although initially Western discourse and media coverage took at face value Georgia's version of the unfolding of the war, subsequent evidence has disproved the latter. Russia only reacted to an unprovoked attack on South Ossetia in the middle of the night.”<sup>108</sup>

#### B. *Journalists/Media and Fake News*

Analysis of fake news produced or disseminated by journalists and media during the 2008 Georgia-Russia war suggests that media can be powerful in constructing a certain narrative of an international conflict. This, in turn, can impact public and expert perceptions of the same country or of other countries, as shown within this context in a US example. Specifically, survey results demonstrated that increased media exposure in two major US newspapers (Wall Street Journal and The New York Times) increased the likelihood of blaming Russia exclusively in the conflict. Not surprisingly, the framing of the conflict

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[https://fmv.euba.sk/www\\_write/files/dokumenty/veda-vyskum/medzinarodne-vztahy/archiv/2012/1/2012-1\\_souleimanov\\_baranec.pdf](https://fmv.euba.sk/www_write/files/dokumenty/veda-vyskum/medzinarodne-vztahy/archiv/2012/1/2012-1_souleimanov_baranec.pdf).

<sup>106</sup> Cory Welt, *The Thawing of a Frozen Conflict: The Internal Security Dilemma and the 2004 Prelude to the Russo-Georgian War*, 62 *EUROPE-ASIA STUD.*, 63, 63 (2010).

<sup>107</sup> See generally Peter Brezáni, *Ročenka zahraničnej politiky Slovenskej republiky 2008*, Výskumné centrum Slovenskej spoločnosti pre zahraničnú politiku, BRATISLAVA (2009).

<sup>108</sup> Jorge Heine, *supra* note 96, at 55.

was anti-Russian, especially in the initial stages of the conflict.<sup>109</sup> Another study suggested that selected Russian, Georgian, and Western print media displayed distinct patterns of either balanced reporting or partisan attitudes towards the coverage of this war, which also varied over time.<sup>110</sup>

A study focused on Polish media showed that two Polish newspapers (*Dziennik* and *Rzeczpospolita*) more likely supported Georgia in the conflict with Russia, while two others (*Gazeta Wyborcza* and *Fakt*), took a more balanced or neutral approach but nonetheless favored Georgia.<sup>111</sup> In general, the study claims that the Polish journalists (and political elites) responded to the conflict in line with the past negative experience of the relations between Poland and Russia. However, the study did not answer the question to whom these four newspapers attributed primary responsibility for the war. Indirectly, considering the overall attitude in their coverage, it can be assumed that Russia was primarily blamed for this war. In fact, the very biased nature of the Polish media coverage of this conflict is in itself a serious problem for the reputation of the national press.

Media coverage analysis is not available for other countries within our regional focus. Even less systematic analysis reveals the quality and argumentative inconsistency of coverage. For example, Slovak conservative online newspaper *Postoj* once clearly attributed responsibility for the 2008 war to Georgia.<sup>112</sup> However, in another

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<sup>109</sup> Spe Oksan Bayulgen & Ekim Arbatli, *Cold War Redux in US–Russia Relations? The Effects of US Media Framing and Public Opinion of the 2008 Russia–Georgia War*, 419 *COMMUNIST AND POST-COMMUNIST STUD.* 513, 523 (2013)

<sup>110</sup> See generally Hans-Georg Heinrich & Kirill Tanaev, *Georgia & Russia: Contradictory Media Coverage of the August War*, 3 *CAUCASIAN REV. OF INT’L AFF.*, 3 (2009).

<sup>111</sup> See generally Agnieszka Stępińska, *The Polish Newspapers Coverage of the Russian-Georgian Conflict in 2008*, *ZESZYTY PRASOZNAWCZE*, 59-75 (2011) (This was not only an editors/journalists’ attitude—it was also about a position taken by those who are covered or quoted in the news, interviews, or comments. Altogether, these are all opinions presented in a particular newspaper).

<sup>112</sup> See Jaroslav Daniška, *Who Lost the Georgian-Russian War*, *DENNÍK POSTOJ* (Aug. 7, 2018), <https://www.postoj.sk/v-skratke/2073/kto-prehral-gruzinsko-rusku-voju>.

article it mentioned, “Russian invasion to Georgia in 2008.”<sup>113</sup> Liberal newspaper Denník N published an article by Georgian ambassador in which he claimed that there was a “full scale military aggression of Russia against Georgia” in 2008.<sup>114</sup> Similarly, liberal newspaper SME usually attributed aggression to Russia in commentaries, while its news reporting it was more objective.<sup>115</sup> The Czech newspaper Lidové noviny seemed to blame mostly Georgia, but it did publish foreign opinions that blamed Russia.<sup>116</sup> The Czech liberal newspaper MF DNES also seemed to blame mostly Georgia for the conflict, but it did publish foreign opinions that blamed Russia for the conflict.<sup>117</sup>

The Hungarian liberal news website index.hu was less objective in its coverage of the conflict mentioning Russia as the attacking side: “The Russian attack, which has claimed more and more victims, is a response to Georgia's sending armed forces to restore constitutional order in the breakaway South Ossetia province, which has been under constant attack from Georgians.”<sup>118</sup> The news website origo.hu

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<sup>113</sup> Christian Heitmann, *Diplomacy as Couple Therapy / How the War in Ukraine Can End*, DENNÍK POSTOJ (Nov. 2, 2002), <https://www.postoj.sk/117721/ako-sa-moze-skoncit-vojna-na-ukrajine>.

<sup>114</sup> Revaz Beshidze, *We Have Another Year After the War of August 2008. Russian Occupation of Georgian Territories Continues*, DENNIKN (Aug. 6, 2021), <https://dennikn.sk/2495284/mame-dalsi-rok-po-vojne-z-augusta-2008-ruska-okupacia-gruzinskych-uzemi-pokracuje/>.

<sup>115</sup> See Mykolka Riabčuk, *I Still Remain Czech and Slovak*, SME (Aug. 24, 2018), <https://komentare.sme.sk/c/20898717/stale-zostavam-cechom-a-slovakom.html#ixzz5PCRhmK4>; See also Oskar Bardiovsky, *Distortion of History*, SME (Aug. 11, 2018, 3:59 PM), <https://blog.sme.sk/bardiovsky/politika/skreslovanie-dejin>.

<sup>116</sup> František Šulc, *Miška v ruské pasti*, (Aug. 3, 2008); Lidové Noviny & Petra Procházková, *Saakašviliho, triumph “–přežil*, (Aug. 6, 2009); Lidové Noviny, *Rusko překračuje Rubikon*, Project Syndicate (Aug. 16, 2008).

<sup>117</sup> See *For the First Time Since the War in August 2008, a Plane Left Georgia for Russia*, iDNES (Jan. 8, 2010, 3:02 PM), [https://www.idnes.cz/zpravy/zahranicni/z-gruzie-poprve-od-valky-v-srpnu-2008-odletlo-letadlo-do-ruska.A100108\\_130204\\_zahranicni\\_ash](https://www.idnes.cz/zpravy/zahranicni/z-gruzie-poprve-od-valky-v-srpnu-2008-odletlo-letadlo-do-ruska.A100108_130204_zahranicni_ash); *Georgia and Russia Remember the Bloody Conflict a Year Later, Tensions Continue*, iNDES (Aug. 7, 2009, 7:42 PM), [https://www.idnes.cz/zpravy/zahranicni/gruzie-a-rusko-po-roce-vzpominaji-na-krvavy-konflikt-napeti-trva.A090807\\_101621\\_zahranicni\\_anv](https://www.idnes.cz/zpravy/zahranicni/gruzie-a-rusko-po-roce-vzpominaji-na-krvavy-konflikt-napeti-trva.A090807_101621_zahranicni_anv); *Russians and Georgians Opened a Common Land Border After Three Years*, iNDES (Mar. 1, 2010, 7:15 PM), [https://www.idnes.cz/zpravy/zahranicni/rusove-a-gruzinci-otevrelipo-trech-letech-spolecnou-pozemni-hranici.A100301\\_071551\\_zahranicni\\_ipl](https://www.idnes.cz/zpravy/zahranicni/rusove-a-gruzinci-otevrelipo-trech-letech-spolecnou-pozemni-hranici.A100301_071551_zahranicni_ipl).

<sup>118</sup> Index, *Orosz-grúz háború* (Aug 7, 2008), <https://index.hu/kulfold/gruzpp/>.

published an article marked as “analysis of an international lawyer” which clearly stated that Georgia was the aggressor.<sup>119</sup> However, in other news articles it was less one-sided. One of these articles cited the BBC, and another article was a summary of the events day by day.<sup>120</sup> According to the latter, “Georgian troops attacked the pro-Russian breakaway South Ossetia”, and “Russian troops quickly intervened alongside the South Ossetian rebels, and Georgia found itself facing Russia the next day.”<sup>121</sup> [See <https://perma.cc/4294-U9WT> to Access Table].

### *C. Diplomats/Foreign Service and Fake News*

It should be noted that the European Parliament in its 2018 Statement, mentioned the military aggression of Russia against Georgia in 2008.<sup>122</sup> Nonetheless, it is too strong to claim that somebody who was attacked should be seen as an aggressor if they continue with military operations on the territory of the opponent. Yet, this public statement may explain why the author identified the following examples of questionable content produced by foreign services in this area. First, it was the Slovak Embassy in France that claimed on Facebook in August 2022 that it was Russia that had attacked Georgia in 2008. Following the same reasoning, the Slovak Ambassador in the UK claimed on Facebook that it was Russia that attacked Georgia in 2008.<sup>123</sup> In fact, although the official position of

<sup>119</sup> Origo, Hiába szidják, nem vétett Grúziában Oroszország (Aug 13, 2008, 4:12 PM), <https://www.origo.hu/nagyvilag/20080811-deloszetia-nemzetkozi-jogasz-elemzi-a-haborus-helyzetet.html>.

<sup>120</sup> Origo, Harcolnak a grúzok az oroszokkal Dél-Oszétiában (Aug 8, 2008, 6:16 PM), <https://www.origo.hu/nagyvilag/20080807-nem-nyugszik-a-helyzet-deloszetiaban.html>.

<sup>121</sup> Origo, A grúz-orosz háború napról napra (Aug 12, 2008, 10:56 AM), <https://www.origo.hu/nagyvilag/20080812-deloszetia-gruzorosz-haboru-naprol-napra.html>.

<sup>122</sup> EUR. PARL. Press Release, Parliament Calls on Russia to End the Occupation of Georgian Territories (June 14, 2018), <https://www.europarl.europa.eu/news/sk/press-room/20180607IPR05245/parlament-vyzyva-rusko-na-ukoncenie-okupacie-gruzinskych-uzemi>.

<sup>123</sup> Evidence is available; however, the journal does not publish scanned documents. Exact wording of public statement by Igor Slobodník, ambassador of Slovakia to France, was: “That one anniversary is 7 August 2008, when Georgia was attacked by neighbouring Russia“ (Aug 8, 2022). Robert Ondrejcsák,

the Ministry of Foreign Affairs and European Integration of Slovakia was identical,<sup>124</sup> an Independent International Fact-Finding Mission on the Conflict in Georgia found out that it was Georgia that initiated that conflict.<sup>125</sup> There are many cited studies that—sometimes reluctantly—accept that this time Russia was not an aggressor, or at least not the first one to shoot.<sup>126</sup> Selected examples of alternative explanation of causes of Georgia-Russian 2008 War are thus typical evidence of a situation when “bad ideas can hold fast once embedded in institutions and national narratives.”<sup>127</sup>

#### D. Governments and Fake News

An instructive example of a national government’s high-level deceptive interpretation of a collective EU foreign policy decision is Hungary’s 12<sup>th</sup> “national consultation” on October 14, 2022.<sup>128</sup> The government claimed its call for popular mobilization aimed to correct flawed EU sanctions against Russia. The government claimed that “Brussels decided to introduce oil sanctions, . . . Brussels leaders want to extend the sanctions to gas deliveries as well.”<sup>129</sup> However, this decision was enacted not by “Brussels” or “Brussels leaders,” but by the European Council or by the Council of Ministers.<sup>130</sup> The European Council consists of the heads of state or government of the EU’s member states, together with its President and the European

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ambassador to the UK, wrote similar statement the same day on Facebook: Open aggression of Russia against its neighbours started already in 2008, by attack on Georgia.”

<sup>124</sup> E-mail from Michal Slivovic, Director of Department of States of Eastern Europe, Southern Caucasus and Central Asia (Nov. 8, 2022) (on file with author).

<sup>125</sup> See generally EUR. CT. H.R., O.J. (L 323/66),

[https://www.echr.coe.int/Documents/HUDOC\\_38263\\_08\\_Annexes\\_ENG.pdf](https://www.echr.coe.int/Documents/HUDOC_38263_08_Annexes_ENG.pdf).

<sup>126</sup> See Jan Eichler, *The war between Georgia and the Russian Federation as a major divide* (2019), <https://www.vojenskerozhledy.cz/kategorie-clanku/ozbrojene-konflikty/valka-gruzie-ruska-federace>.

<sup>127</sup> See Carpenter, *supra* note 92.

<sup>128</sup> Nemzeti Konzultáció, *Hét Kérdés A Brüsszeli Szankciókról [National Consultation: Seven Questions about Brussels Sanctions]* (Oct. 14, 2022, 12:32 PM), <https://kormany.hu/hirek/nemzeti-konzultacio-het-kerdes-a-brusszeli-szankciokrol>.

<sup>129</sup> *Id.*

<sup>130</sup> See *European Council Conclusions*, EUR. COUNCIL (June 24, 2022).

<https://www.consilium.europa.eu/media/57442/2022-06-2324-euco-conclusions-en.pdf>.

Commission President. It defines the EU's general political direction and priorities.<sup>131</sup> The Council of Ministers consists of ministers from EU M.S. who share the same portfolio—energy or economy. In that sense, it is clearly and grossly misleading to call it a “Brussels” or “Brussels leaders” decision.<sup>132</sup>

This Brussels' blaming narrative (“Brussels decided to introduce oil sanctions,. . . Brussels leaders want to extend the sanctions to gas deliveries as well”) became part of official speeches of Hungarian authorities in the following period.<sup>133</sup> As put by Gabriella Szabó, political scientist from the Hungarian Academy of Sciences: National Consultations are one of the direct marketing tools of Fidesz.<sup>134</sup> It is often labeled, by Fidesz, as a survey, although technically and purposely, the national consultations are one of the political communication techniques often employed. They started in 2005, and since Fidesz came into power in 2010, eleven rounds of National Consultations have been initiated and completed.<sup>135</sup>

In the Fidesz/Government's rhetoric, “Brussels” is the collective name of the enemy, an empty signifier. Sometimes, it refers to the European Commission, the European Parliament, and occasionally to those foreign figures and institutions who are critical of the Hungarian government. It is not surprising that the National Consultation is not using the correct term and is biased because National Consultation is a political action that aims to mobilize public support. As a political marketing tool, National Consultation is not objective and not neutral, but subjective, emotionally arousing (including negative tonality), and open for

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<sup>131</sup> *What is the Council?*, COUNCIL OF THE EUR. UNION, <https://www.consilium.europa.eu/en/council-eu/what-is-the-council/> (last visited Apr. 11, 2023).

<sup>132</sup> E-mail communication to Embassy of Hung (Dec. 9, 2022) (on file with author).

<sup>133</sup> See A nehéz gazdasági helyzet a szankciós politika következménye - jelentette ki a Miniszterelnöki Kabinetiroda parlamenti államtitkára pénteken Szegeden, egy lakossági fórum előtt tartott sajtótájékoztatón, MAGYARORSZÁG KORMÁNYA, (Dec. 2, 2022, 7:32 PM), <https://kormany.hu/hirek/a-nehez-gazdasagi-helyzet-a-szankcios-politika-kovetkezmenye>.

<sup>134</sup> *Id.*

<sup>135</sup> See Edit Inotai, *Hungary Launches “National Consultation” Targeting The EU, Migrants and Ukraine*, REPORTING DEMOCRACY (Nov. 20, 2023), <https://balkaninsight.com/2023/11/20/hungary-launches-national-consultation-targeting-the-eu-migrants-and-ukraine/>.

collective interpretation.”<sup>136</sup> Zsolt Gál, a political scientist from Comenius University in Bratislava, Slovakia, expressed an essentially identical opinion: “This probably should be seen as a symbolic identification of a new power center of the EU (“Brussels is a new Moscow”), and it is likely an effort to create the impression that Hungarian politicians do not participate at adopted decisions.”<sup>137</sup>

Thus, one can safely argue that the government—and uncritical PSM media—disseminate disinformation, or indeed, mal-information related to foreign affairs, under the pretext that they want to hear the opinion of the people.<sup>138</sup> In effect, National Consultation that initially started as a deliberative process was transformed into a political tool employed to achieve political gains.<sup>139</sup> It is a part of an earlier academic debate, whether and how much could National Consultations be seen from the viewpoint of deliberation or rather as a direct marketing instrument that one can find in the literature on the marketing relationship.<sup>140</sup>

To conclude, less than 1.4 million of Hungary’s 8.2 million registered voters participated in the consultation process. The European Commission then dismissed the results of Hungary’s government consultation on the EU sanctions against Russia.<sup>141</sup>

#### E. *The Smolensk Tragedy*

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<sup>136</sup> E-mail from Gabriella Szabó, PhD., Senior Rsch. Fellow TK PTI, Dep’t of Pol. Behav., (Dec. 9, 2022, 10:39 AM) (on file with author).

<sup>137</sup> E-mail from Zsolt Gal, PhD., Assistant Professor of Comenius U., Dep’t of Pol. Sci. (Dec. 9, 2022, 10:40 AM) (on file with author).

<sup>138</sup> See Dorka Takacsy, *Hungary’s Propaganda Campaign*, VISEGRAD INSIGHT (Dec. 15, 2022), <https://visegradinsight.eu/hungarys-propaganda-campaign>; Péter Hunčík, *Bad Boy Viktor Orbán’s Peacock Dance*, DENNÍK N (Dec. 20, 2022), <https://dennik.sk/3159742/pavi-tanec-zleho-chlapca-viktora-orbana/>.

<sup>139</sup> See generally Daniel Oross & Paul Tap, *Using Deliberation for Partisan Purpose: Evidence from the Hungarian National Consultation*, 5 EUR. J. OF SOC. SCI. RSCH. 803, 803-820 (2021).

<sup>140</sup> Bene Márton, et. at., *The Years of Centralization, Pol. Comm’n in Hung. 2006-2015*, SOC. SCI. RSCH. CENTER OF THE HUNGARIAN ACAD. OF SCI. (2019), <https://politikatudomany.tk.hu/uploads/files/Centralizacioevei.pdf>.

<sup>141</sup> Alexandra Brzozowski, *EU Brushes Off Results of Hungary’s National Consultation on Russia Sanctions*, EURACTIV (Jan. 16, 2023), <https://www.euractiv.com/section/global-europe/news/eu-brushes-off-results-of-hungarys-national-consultation-on-russia-sanctions>.



In 2010, a Polish military plane with the official delegation on board crashed near the Russian city of Smolensk. Since then, the Smolensk tragedy seems to be a reference point for questions of self-definition and cultural identity of many Poles.<sup>142</sup> It also seems to be a rather significant event for Polish-Russian relations regarding national politics as well. For the former, some authors initially claimed that a joint commemoration rite in Katyn in 2010 symbolically created a change in the bilateral relationship between Russia and Poland.<sup>143</sup> However, this is probably too strong of a claim—in particular, if one considers the long term foreign policy of Poland.<sup>144</sup> In fact, the opposite seems to be true. In any case, this tragedy also has strongly impacted domestic party politics. Since the Smolensk tragedy, the Law and Justice Party (PiS) has been experimenting with its long-term ideological project of an alternative vision of history.

The objective is to impose “alternative” truth.<sup>145</sup> In short, it was nourishing conspiracy theories about Russian involvement in the disaster that killed the Polish president and many other officials. The tragedy “intensified division between liberal and enlightened establishment and unenlightened clerical mass.”<sup>146</sup> This extreme alternative approach to reality culminated in December 2022, when the Polish Sejm (Lower Chamber, 231 deputies voted for the resolution, while 226 parliamentarians did not participate in the vote) passed a resolution declaring Russia a “state sponsor of terrorism.” In addition, it explicitly and directly blamed Russia for the 2010 crash of a Polish

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<sup>142</sup> See generally Maria Kobielska, *Endless Aftershock. The Katyń Massacre in Contemporary Polish Culture*, TRAUMATIC MEMORIES OF THE SECOND WORLD WAR AND AFTER, (Jason Crouthamel & Peter Leese eds., 2016).

<sup>143</sup> See generally Michel André Horelt, *The Power of Ritual Ceremonies in State Apologies: An Empirical Analysis of the Bilateral Polish-Russian Commemoration Ceremony in Katyn in 2010*, In: On the Uses and Abuses of Political Apologies, PALGRAVE MACMILLAN (Mihaela Mihai & Mathias Thaler eds., 2014).

<sup>144</sup> See generally Patryk Tomaszewski, *A Comparative Discursive Analysis of the Polish Foreign Ministers’ Speeches Regarding Poland’s Security Policy and Its Cooperation with Ukraine, the Republic of Belarus, and the Russian Federation in the Period 2011-2019*, 21 ROMANIAN POL. SCI. REV. 79, 79-100 (2021).

<sup>145</sup> Francois Bafoil, *The Law and Justice Party in Poland: Family Romances, National Romances*, In: The Politics of Destruction, SCI. POL. SERIES IN INT’L REL. AND POL. ECON. 55, 55 (2021).

<sup>146</sup> Szymon Wróbel, *Mourning Populism. The Case of Poland*, 4 Polish Socio. Rev. 437, 453 (2011).

Air Force flight in Smolensk.<sup>147</sup> This was not the first time that the Polish Sejm passed a resolution concerning the interpretation of history.<sup>148</sup> Clearly, the conspiratorial vision of events seems to correlate with the political vision in which there is no relevant political/ideological alternative.<sup>149</sup> One does not need to know all the details about the investigation of this crash. If there was any evidence of Russian involvement, the opposition would certainly have no problem in supporting this declaration.

Additionally, media and communication tools have been impacted by the “ideologization” of this tragedy. For example, the Polish press has published relatively little “transparent” journalistic photography with a focus on the crash in Smolensk. Moreover, these photographs were often read contrary to the intentions of the photographs because the texts gave another meaning to the pictures.<sup>150</sup> There were differences noticed in how the conservative media (Gazeta Polska, Radio Maryja, TV Trwam) and the left-wing and liberal media (Gazeta Wyborcza, TVN) interpreted the tragedy and surrounding events.<sup>151</sup>

#### F. *Fact-checking/Debunking Initiatives and Fake News*

Even though fact-checking/debunking initiatives are specifically intended to double-check others relevant statements, sometimes they produce inaccurate information or interpretations. For example, one report claimed that Russia acknowledged its policy of “energy

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<sup>147</sup> Voting No. 44 at the 68<sup>th</sup> session of the Sejm, SEJM (2022).

<sup>148</sup> See Resolution of the Sejm of the Republic of Poland Against the Manipulation and Falsifying of History by High Ranking Russian Politicians, GOV.PL (Jan 14, 2020), <https://www.gov.pl/web/qatar/resolution-of-the-sejm-of-the-republic-of-poland-against-the-manipulation-and-falsifying-of-history-by-high-ranking-russian-politicians>.

<sup>149</sup> Juraj Marušiak, Conspiracies as an Accompanying Phenomenon of the Crisis, PRAVDA (Jan. 21, 2021, 2:00 PM), <https://nazory.pravda.sk/analyzy-a-postrehy/clanok/575281-konspiracie-ako-sprievodny-jav-krizy/>.

<sup>150</sup> Magdalena Mateja, Informacja, interpretacja czy ideologizacja? Katastrofa pod Smoleńskiem na fotografiach dziennikarskich [Information, Interpretation or Ideologization? The Catastrophe Near Smolensk in Journalistic Photographs], 103 FOLIA (2011), <https://rep.up.krakow.pl/xmlui/handle/11716/9697>.

<sup>151</sup> See generally Przemysław Żukiewicz, *The Smolensk Tragedy and Its Importance for Political Communication in Poland after 10th April, 2010 (Focusing on the Political Incidents in Front of the Presidential Palace)*, SP 1'15 RESEARCHGATE 63 (2015).

blackmail” towards the EU, although the argument used by the Russian spokesperson was rather different. The Russian President’s spokesperson talked about the technical impact of sanctions, not about the political circumstances or political intentions of Russia.<sup>152</sup>

Indeed, a month later, Russian President Putin still talked about Russia’s interest in supplying oil and gas to the EU.<sup>153</sup> In spite of the fact they became aware of this information via communication with the author of this article, the fact-checking organization had no interest in correcting its previous statement.

## V. CONCLUSIONS

The primary goal of this research was to identify contentious reporting, commentary, commemoration, and generally questionable interpretations of selected but relevant foreign policy issues. These outputs are commonly called misinformation and disinformation, or in the most negative interpretation, mal-information.<sup>154</sup> The focus was on issues originating from the Caucasus region and Russia. The search area included the EU in general, however, a more specific focus was on selected East-Central European countries. Selected political and media discourses revealed tentative findings that were then examined in light of local efforts to tackle misinformation/disinformation and mal-information. The samples comprising Czechia, Hungary, Poland, and Slovakia were supposed to represent culturally and geographically close countries joined in an *ad hoc* regional foreign policy lobby group.

However, despite this selection based on the “most similar cases” approach, the results suggest rather diverse results. It was possible to

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<sup>152</sup> See *Pro-Kremlin Propaganda Running Out of Gas*, EU VS DISINFO (Sept. 08, 2022), <https://euvsdisinfo.eu/pro-kremlin-propaganda-running-out-of-gas/?highlight=%22political%20blackmail%22#>.

<sup>153</sup> See Vladimir Soldatkin & Oksana Kobzeva, *Putin moots gas hub in Turkey with Nord Stream supplies*, REUTERS, (Oct. 13, 2022, 7:26 AM) (Putin moots gas hub in Turkey with Nord Stream supplies - Business Recorder (brecorder.com))

<sup>154</sup> See Media Defense, *Misinformation, Disinformation and Mal-Information*, (last visited Oct. 24, 2023),

<https://www.mediadefence.org/ereader/publications/introductory-modules-on-digital-rights-and-freedom-of-expression-online/module-8-false-news-misinformation-and-propaganda/misinformation-disinformation-and-mal-information/>, (Malinformation is truth, or stems from the truth but is often exaggerated in a way that misleads and causes potential harm on a person, organization or country.).

identify some recent (Hungary, fact-checking portal EUvsDisinfo) or long-term (Poland, Slovakia) examples of mis/disinformation produced by authorities, diplomats or the media (pro-governmental media in Hungary and Poland or independent media in Slovakia), or by an EU-funded fact-checking organization. Interestingly, in all these examples, in one way or another, Russia can be identified as a central, although not necessarily unambiguously negative, actor.

Generally, it seems that “the truth” in foreign affairs can be contextual, ideological, or source-dependent. The media’s reporting, and in particular, its commenting, is often biased, yet it seems that it serves as background material for issuing politically severe declarations and, sometimes, for making foreign policy decisions. However, political declarations define reality anew. Moreover, it was found that there are two different approaches concerning local efforts tackling misinformation/disinformation and mal-information within this regional informal foreign lobby state group.

The first approach can be called “repression of the alternative media in an emergency situation,” addressing “occasional misinformation produced by alternative media,” or “other bodies are tolerated or dealt with mostly by fact-checking and debunking NGOs and only in extreme situations by state authorities.” This was the approach used in Slovakia and Czechia. At the same time, in Slovakia, the government (the Ministry of Foreign Affairs) and the independent (especially mainstream) media (including PSM) occasionally produce what one can call misinformation (no intention to produce disinformation, but nonetheless, they occasionally produce such outputs). In the Slovak case, mainstream media and authorities (diplomats) have no problem producing and sticking to misinformation, which is, in fact, disinformation. However, alternative media produces much more misinformation and disinformation, whose outputs remind more of gossiping. However, these alternative versions of local and especially foreign events produced (or, perhaps more precisely, using a “copy, translate and paste” method) by alternative media occasionally broaden perspectives offered by mainstream media.

The Slovak government, as well as the Czech government, reacted quickly (and most likely unconstitutionally) towards selected alternative media, effectively silencing them for a few months during what was seen as an emergency situation and part of a hybrid war

(immediately after the Russian invasion of Ukraine). The Czech government also considered stricter regulation of fake news/hoaxes in late 2022 through early 2023. However, this was found to be a problematic approach in a more liberal Czech society.

The second approach can be called, metaphorically speaking, “alternative reality is the King, and freedom of the speech on platforms is the Queen.”<sup>155</sup> This situation was identified in Hungary and Poland. However, Poland seemed to be moving towards some restrictions to freedom of speech on the platforms, too. The Polish and Hungarian governments and government-friendly or captured media have no problem with the occasional production and further dissemination of disinformation. From their perspective, it is usually true and correct opinion or fact. The most known and long-term notorious example in Poland is the Smolensk Tragedy. This crash accident is commonly interpreted by the PiS Party, authorities, and friendly or captured media not as an accident, but as a pre-planned and secretly executed mass murder of the Polish elite by Russians. This conspiratorial vision of world events culminated in late 2022, when the slight majority of the Polish Lower Chamber of the Parliament passed a resolution that vindicated Russia from this accident in an official and malicious way.<sup>156</sup> As a result, this act can be classified as misinformation or even mal-information. In addition, the Georgian-Russian War was commonly perceived as Russian aggression by Polish elites within a major part of the media.

In Hungary, the government initiates “national consultations” that, more often than not, include biased formulations. The 2022 initiative included an effort to undermine the EU’s common foreign policy goals towards Russia in the eyes of the local public. For that purpose, rather incorrect terminology was used; in fact, it is more of a norm than an exception to use such ultimately negative nicknames as “Brussels” and “Brussels leaders.” Although it was technically true that the decision

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<sup>155</sup> This metaphor draws inspiration from the game of chess. To win, a player must capture the opponent's king, but the queen has more freedom (mobility) on the chess board. In that sense, the queen is the most powerful piece. On the other hand, the king, has more value because if you lose the king you lose the game.

<sup>156</sup> See Jan Cienski, *Polish Opposition Denounces New Commission To Probe Russian Influence*, POLITICO (May 27, 2023, 4:26 PM), <https://www.politico.eu/article/polish-opposition-denounces-new-commission-to-probe-russian-influence/>.

was geographically made in Brussels, it was done at the meeting by ministers or prime ministers and presidents of EU M.S.

In this context, some variables should be corrected or replaced, and the name and the analytical meaning of the Vulnerability Index should be changed. This index seems to be relevant in particular for Hungary (either in its original meaning or in a newly suggested re-labeling and re-interpretation), with a more suitable name of “Congruence Index.”<sup>157</sup> As previously stated, Hungary is not vulnerable to foreign influence; rather, certain (especially business and sanctions) policies are aligned to some extent with some countries (particularly Russia) that are viewed as highly problematic by other EU M.S. (or, indeed, rated as a top enemy by Poland). Interestingly, both Hungary and Poland are countries that, a few years ago tended to discourage any regulation of social media platforms, allegedly with a focus on defending to the freedom of speech on social media. Poland drafted an earlier version of such a regulation, but the 2022 draft can be considered more moderate. Hungary remained rather passive in that regard, allegedly waiting for a pan-European solution, the Digital Services Act and the Digital Market Act. There was a common perception among governments in both countries that social media platforms tend to limit freedom of speech. Neither government was found to have actually attempted to limit oppositional or critical voices in PSM and other critical legacy media.

The tentative overview of media coverage of the Russian-Georgian 2008 War showed even more heterogeneous results. The least problematic media coverage was found in Czechia, while arguably the most biased coverage one could find in Poland. Slovak and Hungarian media coverage could tentatively be located between these poles. It should be specified that, for example, Slovak media tend to inform correctly in news, but have no problem allowing misinterpretation in commentaries. This was similar to the situation in the Czech media, where certain foreign authors' comments appeared biased. However,

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<sup>157</sup> The authors of the original index ([dominika.hajdu@globsec.org](mailto:dominika.hajdu@globsec.org) & [katarina.klingova@globsec.org](mailto:katarina.klingova@globsec.org)) were contacted, but there was no response either to these criticisms or suggestions.

even respected international media outlets occasionally make mistakes in their foreign coverage.<sup>158</sup>

In conclusion, some incorrect reporting and interpretations of important foreign events can penetrate deeply into the foreign policy thinking and discourses of political spectrum and diplomacy segments, including those of foreign policy experts and media in Hungary, Poland, and Slovakia, though less so in Czechia. This occurrence is probably related to cognitive biases and mistakes (Slovakia), ideological biases (mainly among some Czech, Polish, and Slovak foreign policy experts), (negative) historical legacies and memories (Poland), and more recent utilitarian political instrumentalization (Hungary). In that sense, one could see an alternative reality nourished by the Polish political conservative spectrum and some media probing into (in part) absurd ideological declarations made by a chamber of the Polish Parliament in 2022.

An alternative, partial focus on the Georgia-Russian war in 2008 by some Slovak diplomats, supported by an official but incorrect interpretation of that event, resulted in the dissemination of misinformation by Slovak diplomats on Facebook. It could perhaps be justified by an identically misleading understanding of the Georgia-Russian war by the European Parliament on the tenth anniversary of this war. Hungary is a different case in point. There, the government knowingly produces misinterpretations of foreign policy (and, sometimes at the same time, domestic policy) in orchestrated campaigns covered as “national consultations” or in captured media for local audiences. Paradoxically, in Hungary in particular, and less so, but still, in Poland, misinformation (The Smolensk Tragedy) and disinformation as well as mal-information (2022 “national consultation”) and captured media (especially in Hungary) seem to be more threatening to a healthy media eco-system and foreign policy efforts than the Russian or Chinese misinformation and disinformation efforts. This can also be seen in the attention paid to fact-checking and debunking initiatives. In Hungary, except for some minor local fact-checking initiatives produced by journalists and their organizations, a major push for debunking came directly or indirectly (via pressure on social media platforms) from the EU. In contrast, Slovakia and Czechia

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<sup>158</sup> See *The Times and Iraq*, N.Y. TIMES (May 26, 2004), <https://www.nytimes.com/2004/05/26/world/from-the-editors-the-times-and-iraq.html>.

more actively and widely support debunking and fact-checking initiatives. Poland seems to be located here, somewhere in between these two poles. These are all important tentative findings that should be explored further.

Why are some foreign policy analysts, politicians, and diplomats unable or unwilling to stick to the facts in the face of major foreign policy events? Tentatively, one sees that at least some of them must rely either on biased media coverage (do we have a vicious circle here?) or show some deeply-rooted biases and prejudices (especially in the Polish case). How is it possible that the editors of foreign policy or security studies accept the publication of some articles based on clearly wrong premises? Consequently, how can Russian or other foreign diplomats understand, in part, absurd interpretations (narratives) of some foreign policy events? How can one understand and interpret the incongruity of Slovak diplomacy with the official conclusions of the fact-finding mission of the EU as well as other internal analytical materials in the case of the Georgia-Russia war? How is it possible that members of the European Parliament ignored the same findings from the EU-funded report and other internal analytical materials? Or can one see (and prioritize) an extension of military intervention into the territory of an aggressor as “aggression” by those initially attacked? How can the Polish Parliament (Lower Chamber) pass a political statement contradicting facts (The Smolensk Tragedy)?

How can this “alternative interpretation of reality,” which blames another state for something it did not do, be understood by the Russian foreign service? What are the possible legal consequences of political declarations? If anyone questions the validity of these declarations, can he be seen as disseminating misinformation? How come the Hungarian government has no problem launching a deceiving nationwide campaign that misinterprets foreign policy reality and hurts the image of the EU? What can be done, if anything, concerning clearly biased conservative and PSM media in Hungary and Poland and a section of partially biased liberal private and PSM media in the Czechia and Slovakia in their reporting and especially their commenting on some foreign events?<sup>159</sup> Is it possible to design an

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<sup>159</sup> See generally Josef Trappel, & Talas Tomaz, *Democratic Performance of News Media: Dimensions and Indicators for Comparative Studies*. In: *The Media for*



analytically more relevant congruence index? Can we as scientists avoid including too many very specific questions that can be naturally answered only based on biased media reporting or following the political interpretation or exploitation of certain events? How is it possible that the EU-wide fact-checking and debunking initiative is unwilling to correct its wrong interpretation that concerns the Russian foreign policy goal that, if correct, has fundamental consequences for the EU's foreign policy?

These are all interesting research questions that deserve further exploration. Perhaps there is already a very useful and universal answer to all of these issues, as suggested by a former politician: "In politics, facts matter less than how they are actually perceived."<sup>160</sup>

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<sup>160</sup> Ivan Miklos, *As Ivan Mikloš Reads It: The War Between Russia and Ukraine will be Decided in Crimea*, DENNIKN (Jan. 17, 2023, 12:28 PM), <https://e.dennikn.sk/3195194/ako-to-cita-ivan-miklos-vojna-medzi-ruskom-a-ukrajinou-sa-rozhodne-na-kryme/>.