



THE DISINFORMATION IN PARLIAMENT PUBLIC AGENDA: THE FEDERAL SENATE STRATEGIES AGAINST FAKE NEWS

Michel Carvalho da Silva*

Abstract: It analyzes the treatment given by the Federal Senate to the issue of disinformation, discussing how a social demand becomes a public problem, which requires action by the State. In this sense, the Senate gives visibility to the discussion around the need for public policies to deal with the effects of the spread of false content. The work shows that the Senate strategies adopted in the institutional/communicational and legislative spheres seek to strengthen the image of this parliament with the population. However, it appears that a social problem, such as that of disinformation, cannot be solved with timely and merely mediatic actions. The fight against false information requires broad and effective measures, with the participation of different sectors of civil society.

Keywords: disinformation, agenda, legislative communication, public policies, visibility.

1 Introduction

The national survey "Social Networks, Fake News and Privacy on the Internet"¹, held by DataSenado in partnership with the Ombudsmans' Office of the House of Representatives and the Federal Senate, showed that approximately eight out of ten respondents have identified fake news on social networking sites (SNS), and the majority (82%) also claims to check if a news story is true before sharing it. However, the most worrying, according to the study, is that almost half of respondents (47%) considers it difficult to identify the veracity of the information received. If people have difficulty verifying whether certain content on the web is fake or not, imagine a well-edited video with intonation and tone of voice very similar to that of a real person, as in the case of *deepfakes* (CHESNEY; CITRON, 2018).

The 2018 Brazilian elections were marked by the deliberate distribution of untruthful content on social networking sites (SNS). From erotic baby bottle to kit-gay, going through the threat of extinction of the *Bolsa-Família* (Family Grant) program until the manipulation of electronic voting machines (GRAGNANI, 2018). At the time, the newspaper *Folha de São Paulo* published a report on an alleged scheme in which allies of a presidential candidate irregularly bought massive packages of sending messages by WhatsApp to reach their opponent with different false information (fake news) (MELLO, 2018).

*PhD student in Humanities and Social Sciences (UFABC). Master in Communication Sciences (ECA/USP). Member of the Research Group Mediações Educomunicativas (MECOM). Head of Media Services in the City Council of Cubatão (SP). E-mail: midiacidada@gmail.com. ORCID iD: <https://orcid.org/0000-0001-8635-136X>.

¹ We interviewed 2,400 citizens who have access to the Internet, through calls to landlines and mobile phones, in the period from 17 to 31 October 2019. The margin of error is two percentage points, with a confidence level of 95% (BRASIL, 2019a).

Far from being a local phenomenon, the viral distribution of rumors and false information on the web had already demonstrated its effects on the 2016 presidential election in the United States, the UK Brexit referendum in other countries. In Brazil, some episodes, such as the multiplication of fake news about the execution of Councilwoman Marielle Franco (PSOL) and the truckers' strike, gave a sample of the speed of dissemination of this untruthful content and its potential harmful to public debate. The use of this expedient has shown the capacity to convince, to the point of establishing consensus, even when the traditional media disprove information fraud.

It is not only in the political field that disinformation brings a lot of damage. Misinformation can generate behaviors and attitudes that generate risk in relation to health, either by inducing inadequate medications, adopting treatments without any efficacy or refusing protective measures. Recently, rumors about the yellow fever vaccine spread through the SNS, which ended up directly compromising the immunization goals of the Ministry of Health.

With communication disintermediation and self-communication (CASTELLS, 2019), the dissemination of false, distorted or incomplete information on the most varied topics has reached an uncontrollable dynamic. Simulating truthfulness and appealing to emotion, fake news operates as informational shortcuts by which society creates meaning for reality and forms its interpretative schemes. The problem is that these contents end up uneducating and misinforming the citizen on important issues such as health, economy, public security, human rights and politics. Thus, disinformation functions as an instrument for manipulating public opinion and, often, spreading hate speech.

The spread of lies is a historical phenomenon used since the 19th century (DARNTON, 2017), but with the ubiquity of SNS in people's daily lives, its impact gains another dimension (FERRARI, 2018). Given this scenario of misinformation, in which objective facts are less influential in forming public opinion than appeals to personal beliefs, what can governments and parliaments do to combat the deliberate distribution of untruthful content? From this premise, we will focus on the strategies adopted by the Federal Senate against fake news.

In 2019, the Senate intensified the debate on the problem of disinformation. Public hearings were held² by Human Rights Commission and Participatory Legislation (HRC) of the Senate on the influence of fake news on society. In addition, was created the Joint Parliamentary Committee of Inquiry (JPCI) of the fake news, to investigate cyber-attacks against democracy and public debate, use of fake profiles in the 2018 elections, cyberbullying about vulnerable public agents and internet users, and grooming children for hate crimes.

² On April 1, 2019, the HRC discussed the influence of fake news on society, with the presence of representatives of the *Intervozes*, *Safernet*, Brazilian Association of Radio and TV Broadcasting (Abert), Instituto Alana, Google Brasil, Facebook and Twitter. In the public hearing on July 4, 2019, representatives of Abert, House of Representatives, National Federation of Journalists (Fenaj), Brazilian Press Association (ABI), National Forum for the Democratization of Communication (FNDC), Reporters Without Borders, NGO Article 19, and Federal Senate participated in the public hearing on July 4, 2019.

The Senate also launched in June 2019 an institutional campaign against the spread of fake news, with the slogan: “Fake news is fought with good information”. Through legislative media³ of the House, the initiative presents two main objectives: to show how to recognize false information about the National Congress and how the citizen can help prevent untruthful news from spreading. In the legislative sphere, the Senate also tries to combat the creation and sharing of false information, proposing projects that establish penalties for those who disclose fake news.

In view of this senate position on the issue of disinformation, the article, in a critical-comprehensive approach, proposes a discussion about how parliament, as an arena of public discussion and decision-making sphere, frames a certain social problem in its agenda, giving it political treatment. The idea is to reflect how the dissemination of untruthful content emerges on the legislative agenda, to the point that the Senate proposes debates with different political actors and thus contribute to the process of formulating public policies against fake news.

The article is organized as follows: in the following topic, a general overview of the context of disinformation, thinking about the definitions of the term and the consequences of this phenomenon for democracy and the discussion of public policies. Next, we propose a reflection, within the paradigm of public policies, on public problem, communication and agenda. Finally, we will discuss the framing of fake news as a public problem based on the treatment given by the Senate, reflecting on the actions (institutional and legislative) of this parliament on the subject in question.

2 Misinformation as a public problem: concepts and dimensions

Brazilian history collects episodes in which reputations were destroyed due to the spread of lies and rumors, such as the case of the Base School in 1994, where the owners of a college were wrongfully accused of child sexual abuse (RIBEIRO, 2000). However, misinformation gains new contours from the amateur and deliberate production of fake news in the digital ecosystem. To get an idea of the seriousness of the theme, in 2014, Fabiane Maria de Jesus was beaten to death by residents of Guaruja (SP), where she lived. At the time, a Facebook page ran a fake story about the woman, accusing her of practicing black magic with children.

There is no consensus among the theorists in the field to communicate about the term "fake news". Some advocate the use of this concept, popularized during the 2016 US elections, as it was incorporated into political semantics and journalistic coverage; others consider the denomination inaccurate, because it is confused with other types of misinformation, such as

³Are vehicles and social networks of the Senate: Senate Newspaper, Senate News Portal, Senate Radio, Senate TV, twitter.com/SenadoFederal, twitter.com/RadioSenado, twitter.com/tvsenado, www.instagram.com/senadofederal, www.facebook.com/SenadoFederal, www.facebook.com/RadioSenado and www.facebook.com/TVSenado.

exaggerations, omissions, speculations, poorly refined news and decontextualized or even satires. The present article then starts from the specialized literature to conceptually delimit the idea of fake news and present its multiple dimensions.

Allcott and Gentzkow (2017) explain that fake news is proven false information, intentionally produced with the aim of influencing public opinion. The researchers exclude from this group errors of communication, rumors, conspiracy theories, satires, false statements of politicians, biased or misleading reports.

Bounegru *et al.* (2017) point out that the meaning of fake news cannot be understood outside of their digital circulation. In addition to the form or information content, fake news should be considered in terms of mediating infrastructures, platforms and participatory cultures that facilitate its dissemination. According to the authors, to be classified as fake news, information needs to mobilize a large number of readers, including from users who agree with the disseminated content, as well as opponents to challenge and disprove the published information.

For Vargo, Guo and Amazeen (2017), fake news is intrinsically linked to the so-called partisan media, that is, in many issues, false information circulating in certain media corresponds particularly to the agendas of specific political agents. Aymanns, Foerster and Georg (2017) discuss another important feature in the conceptualization of fake news, who point out that the absence of factual basis in this type of content is not obvious, that is, the falsehood or misrepresentation of the message is not far-sighted. Fake news to have some kind of effect on the public needs to be confused with true data and information.

On the other hand, there are authors who seek to understand the problem of the dissemination of false news within the phenomenon of informational disorder, in which a set of communicational strategies are articulated to undermine the functioning of institutions (State, press, universities, among others) and western democratic culture (BENNETT; LIVINGSTON, 2017). The researchers consider that this process of delegitimization, which involves public trust and credibility, deepens due to the emptying of political parties and the very idea of electoral representation.

Wardle and Derakhsan (2017) explain that this universe of informational disorder encompasses different degrees and types of misinformation, through false context, false content, manipulation, satire and deceptive content. For researchers, there are three important definitions to understand this scenario that surrounds fake news. *Misinformation* would be the dissemination of false information, although without intent to harm. *Disinformation* would involve content known to be false, fabricated or manipulated with intent to generate damage. *Bad information*, on the other hand, would represent the dissemination of correct information, although manipulated to harm, such as leaks, speculation, harassment and hate speech.

From this theoretical framework about fake news, we defend the thesis that fake news is a strand of disinformation. If the concepts surrounding this communicational phenomenon are still in dispute, there is no doubt as to the pernicious effects of the proliferation of deliberately untrue content. In an increasingly mediated society, characterized by a dynamic of disintermediation, anyone with a mobile phone has the possibility to produce viral content (MOROZOV, 2018). If, on the one hand, this change enables an increasing number of individuals to achieve visibility and agency power, without the help of mediators; on the other hand, it means that many messages, in circulation in the SNS, can be consumed as true information, even without any evidence.

The naturalization of lies and the preference for untruth by a significant part of the population reached an unimaginable level. There is a real fake news factory in activity in Brazil and in the world, which produces and spreads untrue or distorted messages, using bots, algorithms and mass shootings, according to shady interests of these groups. This content circulates in the form of texts, photos, videos, images, memes and other formats on WhatsApp, Facebook, Twitter and YouTube. Modus operandi is generally based on the construction of narratives on controversial or controversial issues that may reinforce prejudice, harm opponents or provoke informational disorder, ranging from decontextualized or inaccurate news to deliberately false content.

In a context of radicalized political polarization (ABRANCHES, 2019), the disruptive public sphere emerges, in which central and moderate positions disappear, and people are willing to dialogue only with those who converge with their ideological spectrum, everything that is contrary to this conception of the world is immediately considered as something that does not deserve credit. Individuals are creating a dynamic in which they only see what they want, in which they interpret data as they agree and share only what they believe (KEEN, 2012).

The bubble filter (PARISER, 2012) reinforces this type of polarized behavior and creates a favorable environment for spraying fake news and the emergence of hate speech. Sastre, Oliveira and Belda (2018) argue that in a scenario highly divided between two ideological poles, if a given individual shows interest in information related to the "A" side, the process of "bubble filter" will limit access to information only about it. Thus, information without factual ballast that uses this standard for its dissemination will be more successful, because it will not have access to other information that could contradict or even clarify the facts. SNS, for example, by using algorithmic logic to map users' preferences to customize timelines, create echo chambers that reverberate only intersubjective views, regardless of any objective validation (FERRARI, 2018).

Another factor contributing to spraying fake news on a global scale is the business model based on the use of compensation tools through audience conquest and indirect ad sales. According to Sastre, Oliveira and Belda (2018), fake content, which generally exploits controversial and polarized topics in a sensationalist way, is shared massively in digital media, generating traffic on websites and allowing financial gains with ads through the Google AdSense⁴. Given this situation, it is observed that SNS profit from the proliferation of fake news, because the more news shared, regardless of its veracity, the more revenue the ads generate digital platforms.

The debate around the spread of fake news leads to a number of key issues, ranging from guaranteeing freedom of expression to the legal accountability of digital platforms with regard to the dissemination of misrepresented content, through the creation of laws that penalize the dissemination of fraudulent content and public communication policies that contribute to a reliable and diverse informational environment.

Next, we will discuss the process of defining a public agenda within the parliamentary sphere, based on the media visibility of a given public problem.

3 Public problem, communication and agenda

The practice of spreading rumors or lies has been going on for a long time, since antiquity, but with online social media, this expedient has become a public problem, because it affects the daily lives of a significant number of citizens and the functioning of the state's own institutions. Fake news can lead to the consumption of products and services, violating the fundamental right to clear and accurate information.

Health misinformation has serious consequences for public management, such as decreased vaccination coverage⁵ and the reappearance of diseases such as measles and mumps. Low adherence to vaccination procedures and the inappropriate use of medicines or other substances alert society and demands responses from political actors, who should think of strategies to expand the scope of educational campaigns and improve the mechanisms for checking health information.

When we refer to a public problem, such as disinformation, the State, society and the media are involved in the establishment of the agenda - defined as the set of issues on which the government, and people connected to it, focus their attention at a given moment (KINGDON, 2003). For the author, an issue becomes part of the governmental agenda when it attracts the attention and interest of public policy makers.

⁴ Free tool that serves ads on registered site through the selection of topics of interest and audience volume.

⁵ To get an idea, according to data from the Ministry of Health, both in 2016 and in 2017, polio vaccine coverage was, for the first time, more than 10 percentage points below the target, which is 95%: 84.4% in 2016; and 83.4% in 2017.

Considering the large number of events in daily life, which requires the attention of the State, the dispute for attention is complex, and should consider which problems are considered more or less relevant over time, which is fundamental to understand the governmental action (or lack) (CAPELLA, 2013).

The formation of agenda is related to the cycles of visibility of a given social problem. One of these processes is related to the framework given by the media to the subject that requires public action. The themes receive attention from governments when repeatedly exposed in the media. The representation of social reality constructed by the media refers us to the hypothesis of the setting agenda, a theory formulated by researchers Maxwell McCombs and Donald Shaw in the 1970s, which investigates the importance of media as a mediator between the individual and the reality from which he is distant.

As a study of the long-term effects, the setting agenda resizes the degree of influence of the media. The power to intervene directly in human behavior is replaced by the attempt to hierarchize and soften the issues that will be discussed by people on a daily basis. "Over time, topics emphasized in the news become the subjects considered the most important by the public. The media agenda becomes, to a large extent, the public agenda" (MCCOMBS, 2009, p. 18).

For Miguel (2002), the media has the ability to formulate or reformulate social concerns and demands, by bringing up aspects that come to be perceived both by the population and by political agents and public servants, "who find themselves in the obligation to answer those questions" (MIGUEL, 2002, p. 171). The media schedule then creates the climate in which the information would be received, fixing not only what will be discussed, but how and by whom.

If today, with the networked society, it makes no sense to talk about the direct effects of journalistic media on the public agenda, the ability to mobilize the media is undeniable, which can be explained by the power of communication in making the world intelligible to society. Silverstone (2005) explains that human experience is enriched or impoverished by images and words to which we would not have access without the presence of the media.

However, the insertion of a topic in the media agenda is not automatic and its biases often result in an inappropriate approach to issues to governments (HOWLETT, 2000). Moreover, as Penteado and Fortunato (2015) observe, the influence of the media finds limits that extend from its dependence on the political field as a source of information, funding resources and political interests to the interference of advertisers, which can interfere in the dynamics of coverage of that particular communication group.

Capella (2018) explains that while in the field of communication, studies on the media agenda focus on the set of issues emphasized by the media, research on the public agenda considers the importance attributed by the public to certain issues. For government policymakers, then, the analysis of the agenda should include emerging issues in the media agenda and its connections to public and public policy agendas.

Hogwood and Gunn (1984) argue that there are two other cycles of visibility that interfere with the establishment of the agenda: the cycle of "crisis", whose external events, such as wars, natural disasters or epidemics, can initiate a process of problem-building; and the "political" cycle, in which the beginning of a problem originates from the power of mobilization of a political leadership or in the articulation of organized segments.

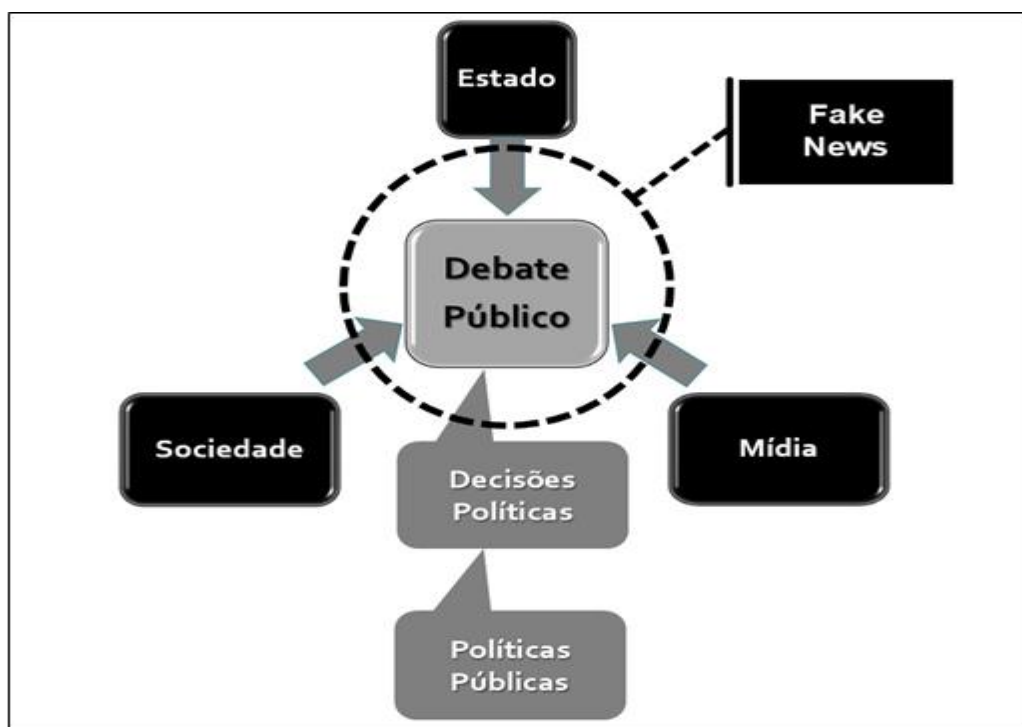
Another relevant aspect in this process is that public problems are difficult or impossible to solve through individual action (ANDERSON, 2011) and, therefore, require state intervention. In the case of misinformation, there is a consensus around the idea that it is necessary to formulate public policies to build a balanced, safer information ecosystem for web users.

The formation of the agenda is fundamental for the public debate on the problems on screen and the resulting government action, that is, the implementation of public policy. In this sense, the Legislative Branch, as a mediating sphere between society and government, presents itself as a privileged space to define which public problems will be faced and which ones can wait. Parliament, as a fraction of one of the powers of the State, has the original function of conducting debates on topics of public interest, welcoming the manifestations of the social actors involved.

Public problems are choices made by political agents in relation to the various issues that circulate in the public arena. Because parliamentarians are the constant target of distorted or fraudulent news in the digital environment, we consider it natural that the issue of disinformation has been privileged at this time on the Senate agenda. However, when the legislature prioritizes certain issues, it ends up ignoring others, perhaps more relevant with regard to the number of those affected by the social problem or the need for urgency in resolving it. The political agenda does not always coincide with the public agenda, related to the common good and society as a whole.

In the case of the framework given to disinformation by the Senate, as outlined in Figure 1, it appears that this legislature identifies the proliferation of false content as a public problem, which affects public debate and, consequently, political decisions. Of course, by framing the aforementioned issue within the paradigm of public policies, the Senate wants to influence or at least participate in the elaboration of possible solutions to combat the practice of spreading lies for political and economic purposes.

Figure 1 - Explanatory scheme on how fake news interferes with the dynamics of public policies.



Source: Prepared by the author (2020)

Next, we will discuss the strategies adopted by the Federal Senate to combat the problem of disinformation, but first we will present some episodes that involved this Legislature with fake news.

4 Misinformation on the Senate agenda

In a survey conducted with the communication channels of the Senate, we found that this Legislature, as well as other organs of the government, has been a recurrent target of misinformation. In 2013, the SNS circulated an untruthful news that the senator at the time, Ana Rita (PT-ES), would have created the project that established the scholarship of R\$ 2 thousand monthly prostitutes (GOMIDE, 2013). The Senate published in its communication channels information that proved that it never processed proposal with this content. Even so, fake news still circulated for quite some time in digital media.

On August 9, 2017, the Senate even published on its *fanpage* a post in which it denied the existence of a bill, which would automatically cancel the driver's license after thirty days of expiration. The publication mentions that "it is easy to check whether such news is true or false", just the citizen research the number of parliamentary matters on the institutional website of the Senate and check whether such project object of viralized rumor exists or not.

The *fanpage* of the Senate Presidency disclosed on 5 March 2018 a note of clarification⁶ that disproved the information that the President of the Senate at the time, Senator Eunício Oliveira (MDB-CE), had requested the elaboration of a bill to change the Penal Code, the Electoral Law or the Civil Framework, with the aim of creating mechanisms of censorship free manifestation and information on the internet. The publication also mentioned that the senator had not requested the Communication Council of the National Congress, an advisory body and without the faculty to submit projects, any suggestion on the subject. At that time, a fake news, circulating in digital media, claimed that the Senate was creating a legal mechanism to criminalize those who criticized political agents on the internet.

In September last year, the WhatsApp app circulated the information that the Senate TV had aired a video about the House Bill No. 27/2017, (known as "Ten Measures against Corruption"), but that after the censorship imposed by Congress, the content had been removed from the communication channels of the aforementioned parliament. However, according to the note of the Secretariat of Social Communication of the Senate (acronym in Portuguese: Secom) released at the time, the station never came to broadcast such video (BRASIL, 2019b).

On the other hand, the Senate has also been accused of propagating misinformation in its communication channels. In June 2018, the *fanpage* of this Legislature deleted a Facebook post in which it disclosed, citing information from the Federal Police, that marijuana could lead to death. In the post entitled "The evils caused by marijuana", in reference to the National Anti-Drug Week, among the possible immediate effects pointed out were "difficulty thinking", "aggressiveness" and "death". Among the effects of continued use, "death" appeared again, alongside "cardiac diseases", "pulmonary" and "cancer" (CARVALHO, 2018). The *post* provoked controversy on social networks, and most comments questioned the lack of scientific rigor of information and the sensationalist approach of the Senate.

When the controversial content was deleted, the post already had 50,000 shares and 21,000 more comments made. By deleting the post, the Senate reported that it had sought support in material prepared by the National Academy of the Federal Police on the subject and that, in the face of negative repercussions, opted for the removal of material from social networks. The episode illustrates how the Senate, through its legislative communication, can disclose inaccurate or manipulated information to meet the interests of the political agents who run this parliament.

In this context of growing distrust of Brazilian citizens towards public institutions (MOISÉS, 2010), the Senate tries to respond by treating the issue of disinformation as a public problem, that is, as an object that requires the action of the State, and has its main source in current events. In the next section, we will see that the Senate has been discussing strategies to

⁶ Available at: <https://www.facebook.com/643992795641315/posts/2082914131749167/>. Access in: 07/25/19.

combat the spread of false information, both in the institutional/communicational and legislative spheres.

5 Institutional/communicational sphere

In an attempt to strengthen itself as a democratic, republican and trustworthy institution, the Senate developed some actions in the institutional sphere last year to discuss the problem of disinformation, favoring legislative communication strategies, which give greater visibility to the purposes of this parliament.

On June 10, 2019, at the launch of the campaign against disinformation, Senate President David Alcolumbre commented that the initiative was a democratic management tool: “In the war against fake news, which is maliciously created to confuse public opinion, the Senate is doing its part” (BRASIL, 2019c). The director of the Secretariat of Social Communication of the Senate, Angela Brandão, highlighted that the citizen can be a partner in controlling the spread of lies. According to the manager, the more people know how to detect fake news, the less it will spread.

The advertisements referring to the campaign against disinformation were published in the products of the Senate Agency – Portal Senate News and the Senate Journal – and aired on Radio Senate and TV Senate throughout their schedules. The digital platforms (Facebook, Twitter and Instagram) of the House also disclosed the pieces, which have a utility character, with guidance on how to identify false or deliberately distorted content.

The advertisement published in the Senate Journal (figure 2), in the edition of June 10, 2019, in addition to the campaign slogan, the publication presents steps so that the citizen is not deceived by fake news. The piece also carries the following warning "before sharing a dubious news about the Senate, find out what the Senate Journal has to say on the subject", in an attempt to strengthen the credibility of the House's own institutional communication.

Figure 2 - Edition of the Senate Journal (07/10/2019)

**NOTÍCIA FALSA SE COMBATE
COM BOA INFORMAÇÃO.**

Procure sempre seguir alguns passos simples para não cair nas fake news:

- Nunca compartilhe antes de ler o texto completo. E não leia apenas o título da matéria.
- Observe se os títulos apelam para o exagero e abusam de recursos visuais, como negrito, letra maiúscula e pontos de exclamação.
- Confira se há erros de ortografia, concordância ou lógica.
- Verifique se a mensagem estimula o compartilhamento rápido, sem pensar.
- Caso você não tenha certeza depois desses cuidados, pode ser fake news. Não passe adiante o boato.

Antes de compartilhar uma notícia duvidosa sobre o Senado, descubra o que o **Jornal do Senado tem a dizer sobre o assunto.**

senado.leg.br/noticias **jornal do senado** **agência senado**

Source: Senate Journal

In the vignettes of the campaign, broadcast during the programming of TV Senate and on the social networks of this parliament, the journalists of the Federal Senate participate in the pieces, explaining about the nature of fake news and how society can fight them. The campaign focuses on the idea that it is possible to identify fake news in circulation on social networks, and one of the possibilities is for the average citizen to follow the news produced by the legislative media of the Senate.

The campaign suggests that the national media are reliable sources of information to check news about projects, votes, public hearings, and the daily parliamentary lives of senators and representatives ("Do you know the best way to avoid fake news? Go after the official sources. We are here in the corridors of the Senate every day"). With this, the Senate tries to strengthen the image of legislative communication with the population as capable of offering a broad and impartial journalistic coverage of political events.

It is interesting to note that, in one of the vignettes, the journalists of TV Senate reinforce the idea that they are fulfilling their role of combating information fraud ("We will continue doing our part"), but that it is necessary that the average citizen also mobilizes in the task of not sharing false content. For this, one of the advertisements mentions a series of procedures that serve to identify a lying news, such as: paying attention to the text, checking if it has a spelling problem and if it is well written; distrust sensationalist headlines or those messages that encourage you to share quickly without criticism; and search other media, noting if another press agency released the news. The vignettes point out that if the individual is not

sure about the veracity of a particular content, he should not pass it on.

In addition to the institutional campaign against fake news, the Senate Facebook page since 2013 publishes informative content on the spread of misinformation⁷, and most of these posts have an educational character, in which it seeks to make people aware of the pernicious effects of false information on life in society. The main objective of the other publications is to deny some false information about the Senate and its members. As one of the public authorities' most widely reaching communication channels in Brazil, the Senate *fanpage* has the potential to reach a large number of users on the Internet and thus contribute to raising people's knowledge about the phenomenon of disinformation.

In a general analysis of the Senate's communication strategies, we can assert that the choice of the slogan of the institutional campaign ("Fake news is fought with good information") oversize's the role of journalism, suggesting that the effects of fraudulent content put into circulation on the Internet can be neutralized or banned for verified and quality information. In this respect, it is worth reflecting, from the content published by the Senate, which press outlets allegedly produce a "good journalism" and, consequently, "good information". Could it be the traditional media or the Congress' own legislative media?

The corrosion of traditional journalism, the result of communication disintermediation and the negative campaign promoted by some political groups, is imposed as a challenge to the media of parliament, because historically they are associated with the so-called "chapabranquiismo (white slate)", which is linked to the personal promotion of their representatives.

6 Legislative spheres

In the National Congress, some projects related to the problem of the deliberate distribution of disinformation and the irregular use of personal data by digital platforms are being processed. The matters differ as to which legislation would be amended to receive the new type of crime. There are proposals that add inclusions in the Penal Code, the Consumer Protection Code, the Electoral Code and the Civil Framework of the Internet (figure 3).

⁷ In an ongoing doctoral thesis, the author of this article has been studying the senate *fanpage* publications that deal with the problem of misinformation from 2013 to 2019.

Figure 3 – List of propositions that deal with the fight against fake news

Lei nº 12.965/2014 (Marco Civil da Internet – MCI)	Legislação eleitoral	Matéria Criminal
<ul style="list-style-type: none"> • PLS 471/2018 • PLS 533/2018 • PL 7604/2017 (temática do MCI, não modifica lei) 	<ul style="list-style-type: none"> • PLS 471/2018 • PL 533/2018 • PL 2601/2019 • PL 9626/2018 • PL 9973/2018 • PLS 218/2018 • PL 9532/2018 (apensado ao PL 5742/2015, que trata sobre propaganda enganosa) • PL 11004/2018, PL 10915/2018 e PL 10292/2018 (apensados ao PL 9532/2018) 	<ul style="list-style-type: none"> • PL 6812/2017 (tipificação criminal) • PL 2917/2019 (apensado ao PL nº 4336/2016 - retratação sobre crimes contra a honra quando da veiculação de notícias falsas na internet) • PLS 471/2018 • PLS 533/2018 • PLS 473/2017 • PL 2601/2019 • PLS 241/2019, 9838/2018, 200/2019, 9884/2018, PL 9761/2018, PL 9554/2018, PL 8592/2017, PL 9533/2018 (apensados ao PL nº 6812/2017)

Source: Grigori (2018)

Among the legislative initiatives, is the PLS (Senate bill) No. 473/2017, authored by Senator Ciro Nogueira (PP-PI), which is under analysis in the Constitution, Justice and Citizenship Commission (CCJ), under the rapporteur ship of Senator Rodrigo Pacheco (DEM-MG). The proposal amends Decree-Law No. 2,848 of December 7, 1940 – Penal Code – to typify the crime of dissemination of false news (BRASIL, 2017a). The matter provides for sanctions for those who are aware that certain news is false and that it may distort, alter or corrupt the truth about information related to health, public security, the national economy, the electoral process or that affect the relevant public interest.

The aforementioned bill provides for detention, from six months to two years, and fine, if the fact does not constitute a more serious crime. If the agent practices the conduct using the Internet or another means that facilitates the dissemination of false news will suffer imprisonment, from one to three years, and fine, if the fact does not constitute a more serious crime. The penalty increases by one to two thirds if the agent discloses the fake news to gain advantage for himself or for other people.

In the justification of the project, the parliamentarian mentions that when the victim can be identified, the disclosure of fake news, as a rule, constitutes a crime against honor (slander, slander or defamation). However, there are situations in which, although the damage cannot be individualized, the diffuse right of the population to receive true and uncorrupted news is achieved. According to the aforementioned legislative matter, it happens that for these cases the criminal law does not provide for any kind of punishment. Thus, the initiative seeks to criminalize the dissemination of false news in which the victim is society as a whole. The senator, in the justification of the proposition, understands that PLS No. 473/2017 will

contribute to repress and prevent the dissemination of fake news.

PLS Project No. 473/2017, as well as all proposals in the Senate, was submitted to public consultation through the E-Citizenship portal⁸. To date, March 14, 2020 at 11:57 am, 51 were counted. 448 votes, 17,374 in favor and 34,074 against, as shown in Figure 5. Although they are not deliberative, that is, it does not produce in direct effect in legislative decisions, the polls promoted by the Senate indicate whether a given parliamentary initiative has support from certain sectors of civil society.

Figure 4 - Public Consultation on Senate Bill No. 473/2017



Source: Screen copy of the E-citizenship program

There are other parliamentary initiatives in the Senate against the intentional dissemination of untruthful content. PLS N° 413/2017, senator Eduardo Braga (MDB-AM), punishes as a crime the use of robots that impersonate real people on the Internet and send automatic messages to influence political debates or interfere in the electoral process (BRASIL, 2017b). PLS No. 218/2018, former Senator Antônio Carlos Valadares (PSB/SE), amends Law No. 9,504/1997, which establishes rules for elections, to establish that institutional propaganda promoted by the TSE (acronym in Portuguese for: Superior Electoral Court) in the election years clarifies the dissemination of information and false news, warning of sanctions arising from its dissemination (BRASIL, 2018a).

The PLS No. 533/2018, former Senator Ataídes Oliveira (PSDB/TO), amends the Penal Code, Electoral Code and the Civil Framework of the Internet, and provides for detention, from six months to two years, and fine, for those who create or disseminate news that knows to be false to distort, change or seriously corrupt the truth on issues related to health, public security, the national economy or other relevant public interest (BRASIL, 2018b). The proposal also imputes detention, from six months to three years, and fine, for those who create or disseminate

⁸ Available at: https://www12.senado.leg.br/ecidania/visualizacaomateria?id=131758&utm_source=midias-sociais&utm_medium=midias-sociais&utm_campaign=midias-sociais. Access on 07/28/19.

false news to unduly affect the electoral process.

We also have PLS no. 471/2018, Senator Humberto Costa (PT/PE), deals with the definition of criminal, electoral and civil offenses to create or disseminate false news (BRASIL, 2018c). Finally, the Senate is processing Suggestion No. 246/2018, presented within the Young Senator project, which provides for punishment to providers who fail to comply with a court order to remove false content (BRASIL, 2018d). Both propositions are, to date, in the Constitution, Justice and Citizenship Committee.

All these proposals presented in the Senate impose, in some way, legal restrictions to combat disinformation, but such projects of criminalization and responsibility for the dissemination of false information may represent a prejudice to the right to individual freedom of expression, by establishing a kind of prior censorship, a mechanism detrimental to the functioning of the Democratic State of Law. On the other hand, individuals have the right to be informed by news checked based on established journalistic criteria. Whoever deliberately produces and shares fraudulent or inaccurate content ends up undermining the democratic ideal, by deteriorating the informational environment and, consequently, the public debate.

Faced with the public problem of disinformation, we observed that the Senate, in the legislative sphere, opted for simplistic and immediate responses, which are not the result of wide discussion in civil society. The projects presented in this legislation do not propose preventive measures to minimize the impacts of the spread of fake news. *Media literacy*, for example, can act as an immunizing element against fake news by empowering users to identify sources, textual genres, fake news, and media biases, as well as enabling individuals to research and use social networks with ethics, creativity and civic spirit (SAYAD, 2019).

7 Final Notes

Disinformation, while a social problem requires public discussion between different institutional actors and a consequent governmental action. As we observed in this paper, the Federal Senate gives visibility to the fight against fake news, putting it on the agenda of congressional concerns.

It was found that the strategies adopted by the Senate in the institutional field reflect the multidimensionality of legislative communication (public, institutional and political), in which parliament schedule a certain theme in the public debate, while seeking to strengthen its institutional image and tries to convince the population about the "nobility" of its intentions by favoring the fight against fake news.

The crisis of credibility in legislative communication, associated with the scenario of informational disorder and radicalized polarization, makes a large part of society not see the Senate as an institution capable of making the population aware of the damage caused by lies

coated with attributes that give it the appearance of truth. In this sense, the institutional campaign against fake news promoted by the Senate, despite its normative and educational character, lacks support from the population.

With regard to the propositions under discussion in the Senate, there is a hurry to give quick responses to public opinion. Disinformation is a broad public problem, and it is important to mobilize different sectors of civil society to understand how fraudulent content spreads and affects daily life. Considering that the dissemination of false information takes advantage of the polarized political environment, its pernicious damage in the public debate and in the decision-making arena require a greater knowledge of the motivations behind this farcical expedient. Still in the legislative field, we must think of strategies that contribute to a plural and diverse environment, with different sources of information available to citizens, in which both freedom of expression and the protection of intimacy, honor and the image of people are respected.

Even if the Executive Branch has strong control over the legislative agenda, reducing the senate's scope of action, it is possible that this parliament contradicts this dynamic and be responsible for inputs in the process of public policy making, as in the case of strategies against disinformation. By leading the public debate around measures to combat the production and sharing of false content, the Senate tries to be responsible for the implementation of public actions in practice. However, such measures will be more likely to be implemented if political negotiations with the Executive Branch are advanced, otherwise the process may lengthen or the government vetoes the proposal⁹.

We also have a long journey to go on to better understand the dynamics of misinformation. As the flow of data and information is increasingly rapid and the distinction between truth and lie is increasingly fragile, it becomes essential to discuss public policies to reduce harm stemming from the spread of false or misrepresented information for shady purposes. When we talk about this communicational phenomenon, we cannot think of it as something isolated from the political culture of a given society. This does not mean that countries with stronger democratic institutions and robust civic cultures are immune to the threat of disinformation, but distrust in the Branches that constitute the state favors the emergence of conspiracy theories and the spread of deception.

⁹ On November 11, 2019, President Jair Bolsonaro sanctioned a section of Law 13,834, 2019, which punishes with two to eight years in prison those who disclose fake news for electoral purposes. The law had originally been sanctioned in June, but a partial veto left out the device that typifies the spread of *fake news* in the elections as a crime. The veto was overturned by Congress in August, which ultimately determined the updating of the standard.

References

ABRANCHES, S. Polarização radicalizada e ruptura eleitoral. *In: ABRANCHES, S. et al.* (org.). **Democracia Em Risco?** 22 ensaios sobre o Brasil hoje. São Paulo: Companhia das Letras, 2019. p. 150-167.

ALLCOTT, H.; GENTZKOW, M. Social Media and Fake News in the 2016 Election. **Journal of Economic Perspectives**, [s.l.], v. 31, n. 2, p. 211-236, 2017. Disponível em: <https://www.aeaweb.org/articles?id=10.1257/jep.31.2.211>. Acesso em: 18 fev. 2020.

ANDERSON, J. E. **Public Policymaking**. 7. ed. Boston: Wadsworth-Cengage Learning, 2011. AYMANN, C.; FOERSTER, J.; GEORG, C.P. Fake News in Social Networks. **ArXiv preprint arXiv:1708.06233**, [s.l.], 2017. Disponível em: <https://arxiv.org/pdf/1708.06233.pdf>. Acesso em: 18 fev. 2020.

BENNETT, W. L.; LIVINGSTON, S. The disinformation order: Disruptive communication and the decline of democratic institutions. **European journal of communication**, [s.l.], v. 33, n. 2, p. 122-139, 2018. Disponível em: https://www.researchgate.net/publication/324193884_The_disinformation_order_Disruptive_communication_and_the_decline_of_democratic_institutions. Acesso em: 10 jan. 2020.

BOUNEGRU, L.; GRAY, J.; VENTURINI, T.; MAURI, M. **A field to guide to fake news - A collection of recipes for those who love to cook with digital methods**. [s.l.: s.n.]. Disponível em: <http://fakenews.publicdatalab.org>. Acesso em: 13 mar. 2020.

BRASIL. Senado Federal. **Notícia falsa envolvendo TV Senado volta a circular no WhatsApp**. Brasília: Senado Federal, 2019b. Disponível em: <https://www12.senado.leg.br/noticias/materias/2019/09/30/noticia-falsa-envolvendo-tv-senado-volta-a-circular-no-whatsapp>. Acesso em: 13 mar. 2020.

BRASIL. Senado Federal. **Projeto de Lei do Senado nº 473, de 2017**. Altera o Decreto-Lei nº 2.848, de 7 de dezembro de 1940 – Código Penal, para tipificar o crime de divulgação de notícia falsa. Brasília: Senado Federal, 2017a. Disponível em: <https://www25.senado.leg.br/web/atividade/materias/-/materia/131758>. Acesso em: 18 fev. 2020.

BRASIL. Senado Federal. **Projeto de Lei do Senado nº 413, de 2017**. Altera a Lei nº 9.504, de 30 de setembro de 1997, que estabelece normas para as eleições, para definir como crime a oferta, a contratação ou a utilização de ferramenta automatizada que simule ou possa ser confundida com pessoa natural para gerar mensagens ou outras interações, pela internet ou por outras redes de comunicação, com o objetivo de influenciar o debate político ou de interferir no processo eleitoral. Brasília: Senado Federal, 2017b. Disponível em: <https://www25.senado.leg.br/web/atividade/materias/-/materia/131368>. Acesso em: 18 fev. 2020.

BRASIL. Senado Federal. **Projeto de Lei do Senado nº 218, 2018**. Altera a Lei nº 9.504, de 30 de setembro de 1997, que estabelece normas para as eleições, para determinar que a propaganda institucional do Tribunal Superior Eleitoral contemple advertência sobre notícias falsas. Brasília: Senado Federal, 2018a. Disponível em: <https://www25.senado.leg.br/web/atividade/materias/-/materia/133125>. Acesso em: 18 fev. 2020.

BRASIL. Senado Federal. **Projeto de Lei do Senado nº 533, de 2018**. Altera o Decreto-Lei nº 2.848, de 7 de dezembro de 1940 (Código Penal), a Lei nº 4.737, de 15 de julho de 1965 (Código Eleitoral), e a Lei nº 12.965, de 23 de abril de 2014 (Marco Civil da Internet), para dispor sobre a definição das infrações penal, eleitoral e civil de criar ou divulgar notícia falsa, e cominar as respectivas penas. Brasília: Senado Federal, 2018b. Disponível em: <https://www25.senado.leg.br/web/atividade/materias/-/materia/134952>. Acesso em: 18 fev. 2020.

BRASIL. Senado Federal. **Projeto de Lei do Senado nº 471, de 2018**. Altera o Decreto-Lei nº 2.848, de 7 de dezembro de 1940, a Lei nº 4.737, de 15 de julho de 1965, e a Lei nº 12.965, de 23 de abril de 2014, para dispor sobre a definição das infrações penal, eleitoral e civil de criar ou divulgar notícia falsa, e cominar as respectivas penas. Brasília: Senado Federal, 2018c. Disponível em: <https://www25.senado.leg.br/web/atividade/materias/-/materia/134781>. Acesso em: 18 fev. 2020.

BRASIL. Senado Federal. **Projeto de Lei do Senado nº 246, de 2018**. Acrescenta dispositivos à Lei nº 12.965, de 23 de abril de 2014 (Marco Civil da Internet), que estabelece princípios, garantias, direitos e deveres para o uso da Internet no Brasil, para dispor sobre medidas de combate à divulgação de conteúdos falsos (fake news) ou ofensivos em aplicações de internet. Brasília: Senado Federal, 2018d. Disponível em: <https://www25.senado.leg.br/web/atividade/materias/-/materia/133353>. Acesso em: 18 fev. 2020.

BRASIL. Senado Federal. **Redes Sociais, Notícias Falsas e Privacidade de Dados na Internet**: mais de 80% dos brasileiros acreditam que redes sociais influenciam muito a opinião das pessoas. Brasília: Senado Federal, 2019a. Disponível em: <https://www12.senado.leg.br/institucional/datasenado/publicacaodatasenado?id=mais-de-80-dos-brasileiros-acreditam-que-redes-sociais-influenciam-muito-a-opinio-das-pessoas>. Acesso em: 18 fev. 2020.

BRASIL. Senado Federal. **Senado faz campanha de combate a notícias falsas**. Brasília: Senado Federal, 2019b. Disponível em: <https://www12.senado.leg.br/noticias/materias/2019/06/11/senado-faz-campanha-de-combate-a-noticias-falsas>. Acesso em: 10 jan. 2020.

CAPELLA, A. C. N. Agenda-Setting. In: DI GIOVANNI, G.; NOGUEIRA, M. A. (org.). **Dicionário de Políticas Públicas**. São Paulo: Imprensa Oficial; FUNDAP, 2013.

CAPELLA, A. C. N. **Formulação de Políticas**. Brasília: Enap, 2018.

CARVALHO, M. **Os dilemas da comunicação pública na era das redes sociais**. Porto Alegre: OBCOMP, 2018. Disponível em: <http://www.ufrgs.br/obcomp/textos-opinioes/0/628/michel-carvalho--os-dilemas-da-comunicacao-publica-na-era-das-redes-sociais/>. Acesso em: 5 jan. 19.

CASTELLS, M. **O poder da comunicação**. 4. ed. Rio de Janeiro: Paz e Terra, 2019.

CHESNEY, R.; CITRON, D. K. Deep fakes: a looming challenge for privacy, democracy, and national security. **SSRN Electronic Journal**, Amsterdam, n. 41, p. 1-68, 2018. Disponível em: <https://dx.doi.org/10.2139/ssrn.3213954>. Acesso em: 18 fev. 2020.

DARNTON, R. A verdadeira história das notícias falsas: Séculos antes das redes sociais, os boatos e as mentiras alimentavam pasquins e gazetas na Europa. **El País**, Madrid, 2017. Disponível em: https://brasil.elpais.com/brasil/2017/04/28/cultura/1493389536_863123.html. Acesso em: 16 fev. 2020.

FERRARI, P. **Como sair das bolhas**. São Paulo: Educ, 2018.

GOMIDE, S. **Polícia investiga autoria de notícia falsa sobre o Senado**. Brasília: Senado Federal, 2013. Disponível em: <https://www12.senado.leg.br/noticias/materias/2013/05/16/policia-investiga-autoria-de-noticia-falsa-sobre-o-senado>. Acesso em: 10 jun. 19.

GRAGNANI, J. Um Brasil dividido e movido a notícias falsas: uma semana dentro de 272 grupos políticos no WhatsApp. **BBC News Brasil**, Londres, 2018. Disponível em: <https://www.bbc.com/portuguese/brasil-45666742>. Acesso em: 13 mar. 2020.

GRIGORI, P. 20 projetos de lei no Congresso pretendem criminalizar fake news. **Agência Pública**, São Paulo, maio 2018. Disponível em: <https://apublica.org/2018/05/20-projetos-de-lei-no-congresso-pretendem-criminalizar-fake-news/>. Acesso em: 8 jan. 2020.

HOGWOOD, B. W.; GUNN, L. A. **Policy analysis for the real world**. Oxford: Oxford University Press, 1984.

HOWLETT, M. A dialética da opinião pública: efeitos recíprocos da política pública e da opinião pública em sociedades democráticas contemporâneas. **Opinião Pública**, Campinas, v. 6, n. 2, p. 167-186, 2000. Disponível em: <https://doi.org/10.1590/S0104-62762000000200001>. Acesso em: 8 jan. 2020.

KEEN, A. **Vertigem digital**: por que as redes sociais estão nos dividindo, diminuindo e desorientando. Rio de Janeiro: Zahar, 2012.

KINGDON, J. **Agendas, alternatives, and public policies**. 3. ed. New York: Harper Collins, 2003.

McCOMBS, M. **A Teoria da Agenda**: a mídia e a opinião. Petrópolis: Vozes, 2009.

MELLO, P. Empresários bancam campanha contra o PT pelo WhatsApp: com contratos de R\$ 12 milhões, prática viola a lei por ser doação não declarada. **Folha de S. Paulo**, São Paulo, 2018. Disponível em: https://www1.folha.uol.com.br/poder/2018/10/empresarios-bancam-campanha-contra-o-pt-pelo-whatsapp.shtml?utm_source=twitter&utm_medium=social&utm_campaign=twfolha. Acesso em: 13 mar. 2020.

MIGUEL, L. F. Os meios de comunicação e a prática política. **Lua Nova**, São Paulo, n. 55-56, p. 155-184, 2002. Disponível em: <https://doi.org/10.1590/S0102-64452002000100007>. Acesso em: 13 mar. 2020.

MOISÉS, J. A. Cultura política, instituições e democracia: lições da experiência brasileira. In: MOISÉS, J. A. (org.). **Democracia e confiança**: por que os cidadãos desconfiam das instituições públicas? São Paulo: Edusp, 2010.

MOROZOV, E. **Big tech**: a ascensão dos dados e a morte da política. São Paulo: Ubu, 2018.

PARISER, E. **O filtro invisível**: o que a internet está escondendo de você. Rio de Janeiro: Zahar, 2012.

PENTEADO, C. L. C.; FORTUNATO, I. Mídia e políticas públicas: possíveis campos exploratórios. **Revista Brasileira de Ciências Sociais**, São Paulo, v. 30, n. 87, p. 129-141, 2015. Disponível em: <https://doi.org/10.17666/3087129-141/2015>. Acesso em: 13 mar. 2020.

RIBEIRO, A. **O caso da Escola Base**. São Paulo: Ática, 2000.

SASTRE, A.; OLIVEIRA, C. S. P. de; BELDA, F. R. A influência do “filtro bolha” na difusão de Fake News nas mídias sociais: reflexões sobre as mudanças nos algoritmos do Facebook. **Revista GEMInIS**, São Carlos, v. 9, n. 1, p. 4-17, jan./abr. 2018. Disponível em: <https://doi.org/10.4322/2179-1465.0901001>. Acesso em: 13 mar. 2020.

SAYAD, A. Idade Mídia: uma idade média às avessas. *In*: BARBOSA, M. (org.). **Pós-verdade e Fake News**: reflexões sobre a guerra de narrativas. Rio de Janeiro: Cobogó, 2019.

SILVERSTONE, R. **Por que estudar a mídia?** São Paulo: Edições Loyola, 2005.

VARGO, C.; GUO, L.; AMAZEEN, A. The Agenda-Setting Power of Fake News: A Big Data Analysis of the Online Media Landscape from 2014 to 2016. **New Media & Society**, [s.l.], v. 20, n. 5, p. 2028-2049, 2017. Disponível em: <https://doi.org/10.1177/1461444817712086>. Acesso em: 13 mar. 2020.

WARDLE, C.; DERAKHSHAN, H. **Information disorder**: toward an interdisciplinary framework for research and policy-making. Strasbourg: Council of Europe, 27 set. 2017. Disponível: <https://rm.coe.int/information-disorder-toward-an-interdisciplinary-framework-for-research/168076277c>. Acesso em: 18 fev. 2018, p. 5-6.

Article received on 2019-07-31

Article resubmitted on 2019-09-21

Article accepted for publication on 2020-03-25