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E-PAPER

# Spreading propaganda and disinformation using public funds

The case of Slovenia as  
a challenge for EU democracy



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# Executive summary

According to Margrethe Vestager, Executive Vice-President of the European Commission for a Europe fit for the Digital Age and Commissioner for Competition, the Digital Services Act (DSA) and the Digital Markets Act (DMA) serve one purpose: “to make sure that we, as users, have access to a wide choice of safe products and services online. And that businesses operating in Europe can freely and fairly compete online just as they do offline. This is one world. We should be able to do our shopping in a safe manner and trust the news we read. Because what is illegal offline is equally illegal online.”<sup>1</sup>

Among other things, the DSA addresses the issue of disinformation on large online platforms, requiring them to offer the flagging of unlawful content, the possibility to question moderation decisions for user-generated content, and protection for users from misuse and abuse by the platforms themselves. The DSA moves away from the current mechanism of self-regulation to a model of co-regulation, where online platforms have to cooperate with public authorities and remove illegal content.

We have seen several global cases of harm done by the spread of disinformation and propaganda by different actors, spanning from the assault of the US Capitol in January 2021 to the growing anti-vaccination movement during the COVID-19 pandemic, which have hampered vaccination efforts. We have become aware of the role of disinformation content producers, digital platforms and other intermediaries, which deliver this content to users algorithmically. Moreover, we have identified issues with the platforms’ opaque content moderation practices that impact free speech and have a chilling effect on freedom of expression.<sup>2, 3</sup>

However, the DSA is not addressing a pressing issue in the field of disinformation and propaganda that involves digital advertising platforms, state funds and propaganda outlets that are run by actors connected with national ruling political parties. This e-paper examines the case of Slovenia, where several right-wing political parties misuse national and EU funds via state advertising contracts and contracts with state-owned companies to fund their own propaganda platforms and funnel public money into them, via national digital advertising platforms and TV ad buy.

Slovenia is not an outlier in this field. The expert commentaries on homegrown state-sponsored disinformation in the Heinrich-Böll-Stiftung European Union’s online dossier “Drowning in disinformation”,<sup>4</sup> with focus on Spain, Hungary, Slovenia and Greece, have at least one thing in common: they demonstrate that the disinformation and misinformation industry is a public-private partnership venture, which uses digital tools to produce, disseminate and strengthen politically charged dis- and misinformation to attack the opposition, misdirect public attention and seed public distrust of independent bodies.

Authorities are misusing public funds to finance disinformation operations, and we can see these operations being deliberate and planned with specific goals in mind such as seeding doubt, spreading propaganda and offering a unique method of political party funding. Besides, in almost all instances, the role of citizens or consumers is heavily limited or, in some cases, completely irrelevant.

Instead of algorithmic ads mismatching, where disinformation producers are funded via programmatic advertising<sup>5</sup> that places their advertising next to deceitful and hateful content without their knowledge or consent, these cases describe a different situation. In the Slovenian case, propaganda outlets are knowingly getting public funds via state's advertising contracts.

This e-paper examines systemic failures in curbing the funding of hateful content as well as disinformation and misinformation with the public money of Slovenian taxpayers. At the same time, it describes the very effective yet opaque methods of circumventing the co-regulative measures proposed by the DSA, which tries to curb such practices.

## 1. Introduction

Right-wing media in Slovenia was historically plagued with failed attempts to develop and maintain a working media business model enabling the audience to consume media content featuring right-wing interpretations of the world around them.

These failed attempts had one thing in common – they were all engineered by members of the largest right-wing party in Slovenia, the Slovenian Democratic Party (SDS), with a clear political goal in mind: to try to develop a propaganda outlet that would allow their voice to be heard, uninterrupted and without any opposing arguments.<sup>6</sup>

The failures can be attributed to several reasons, one of which being an issue with SDS-friendly media's editorial guidance, which quickly adopted SDS' party stance, alienating other potential right-leaning readers that did not share the hard-line party agenda. There was also a connected issue regarding a lack of sufficient market-regulated advertising funds to secure steady content production.

This e-paper focus on the establishment of right-wing news television channel and online news portal Nova24TV as an internationally recognized<sup>7</sup> outlet known as a propaganda and disinformation producer. It also shows the opaque business model of Nova24TV's digital and TV advertising, which allows public funds to be channelled into disinformation with a supporting network of online portals.<sup>8</sup>

Historically, Nova24TV was established by the SDS to serve as a "party attack dog" to anyone who opposed their views. It later changed owners, with Hungarian Prime Minister Viktor Orbán<sup>9</sup> establishing a majority share in the company via three connected Hungarian media companies,<sup>10</sup> in a politically-charged deal with the SDS<sup>11</sup>.

Content-wise, Nova24TV has always remained a staunch supporter of the SDS party and their political allies. During the first few years of its existence, it received unknown amounts of money via advertising contracts with companies where the state holds the majority stake, while other companies avoided buying their ad space.

Reasons for this avoidance were ample, as the outlet regularly featured interviews with well-known global alt-right figures,<sup>12</sup> published outright lies about political opponents,<sup>13</sup> targeted refugees with disinformation about their arrivals in the EU<sup>14</sup> and published other problematic content.

A similar media venture called Domovina was established by people close to another right-wing party in Slovenia, Nova Slovenija (NSi), which is part of the current government. The non-governmental organisation Iskreni<sup>15</sup> founded Domovina, which serves as a NSi mouthpiece. Both Domovina and Iskreni promote orthodox Christian values<sup>16</sup> and spread lies about global warming, the LGBTQIA+ community and the political opposition.

Apart from problematic content, several independent sources highlight that these propaganda outlets have a very small audience<sup>17</sup> and their impact is negligible.<sup>18</sup> Why have Nova24TV and Domovina featured numerous advertising campaigns by several ministries of the right-wing government and several companies with a majority stake held by the state?

## 2. State-funded hate

One of the reasons for the electoral success of Donald Trump in the USA was attributed to the Breitbart outlet, an American far-right news and opinion website.<sup>19</sup> The Breitbart business model included algorithmic advertising that placed ads on other propaganda media outlets without the knowledge of the businesses that were paying for the advertising. The Sleeping Giants campaign,<sup>20</sup> a social media activism organization that aims to pressure companies into removing advertisements from conservative and independent news outlets, highlighted the connection between digital intermediaries, businesses trying to advertise online and the algorithmic black box of digital advertising networks,<sup>21</sup> the latter being responsible for the dispersing of advertising budgets in an opaque way.

When the European Commission published its guidance on how the Code of Practice on Disinformation should be strengthened, Thierry Breton, European Commissioner for Internal Market, said: "We need to rein in the infodemic and the diffusion of false information putting people's life in danger. Disinformation cannot remain a source of revenue. We need to see stronger commitments by online platforms, the entire advertising ecosystem and networks of fact-checkers. The Digital Services Act will provide us with additional, powerful tools to tackle disinformation."<sup>22</sup>

In the Slovenian case, national advertising networks (e.g. local Google Ads clones) that are owned by national advertising agencies provide an effective delivery system for

the advertising funds to wind up in the pockets of hate promoters and disinformation producers. Rather than being a case of mismatching ads and content, we are highlighting this issue as one of extremely precise targeting that ignores market-relevant indicators of media popularity, its target audience and even expert opinions from the advertising agency that is officially in charge of media buy.

Instead of the problem being opaqueness of the advertising systems that hampers the agency's efforts to effectively target ads and leaves them with little tools to remedy the situation, we have proven that these advertising deals are deliberate and that parties in charge of the ministries are deciding on the way in which the advertising budget will be spent.<sup>23</sup> Furthermore, as the advertising network is in control of the national advertising agency, the ministry can exert direct pressure and order them to place ads with specific outlets, opposing any marketing reasoning or strategic thinking.

This point highlights a missing feature of the DSA, which does not address the case of state-funded propaganda where the public funds are sent through digital advertising channels deliberately. To make matters even worse, when investigating the issue, one can see that the spending of these public funds is completely undocumented.

Article 24 of the DSA draft addresses online advertising transparency, which is only applicable in the case of covert advertising, but does not address the issue of opaqueness of ad buys where the advertising is used to fund propaganda outlets, using national and EU public funds.

Our digital rights organisation Državljan D has engaged in a year-long project of Freedom of Information Act requests, which has shown major gaps between plans for an advertising campaign, the reports about the executed campaign and the actual ad placements seen.<sup>24</sup> Public funds are spent to fund party-connected propaganda outlets that produce internationally shared disinformation, as well as attack pieces on minorities, the political opposition and individual citizens that the editors of these propaganda outlets (and, by proxy, the coalition parties) perceive as opposing their cause.

### **3. Self-regulatory and regulatory failures**

Despite the fact that government advertising contracts are subjected to several self-regulatory and regulatory measures that prevent the misuse of public funds, the national legal framework is not enough to curb the funding of propaganda and hateful content with public money.

In Slovenia, the current government legalised the direct buying of advertising by government bodies through a set of guidelines to assure "balanced" advertising<sup>25</sup> in different media outlets in order to promote the "I feel Slovenia" tourism brand,<sup>26</sup> regardless of their audience reach and other marketing metrics.

At the same time, these guidelines ordered the ministries to have their marketing plan rubber-stamped by the Government Communication Office, which practically assured that propaganda outlets were guaranteed to receive public funds. In practice this means that any government advertising labelled with the “I feel Slovenia” logo has to go through the approval process of the Government Communication Office, which also decides who is entitled to use the logo.

This goes against the recommendations of marketing experts who warn that effective advertising<sup>27</sup> should be based on the marketing results of individual media outlets and should not be subjected to the mechanism of “balancing”.

In practice, this has legalised a flow of public money into propaganda outlets, as long as the advertisement was carrying the “I feel Slovenia” logo. This means that the ministry can remove the advertising agency as the intermediary, which had previously, at least in theory, assured transparency and oversight of the government advertising contracts.

Even in cases where the advertising agency was, at least in theory, responsible for the advertising, our investigation showed that ministries were influencing the marketing strategies and changing the media spread,<sup>28</sup> despite the fact that the sole qualification of the newly selected media outlets was a connection with the right-wing government parties. Furthermore, this applied even in cases of advertising campaigns that were partially funded by the European Commission via the European Social Fund.<sup>29</sup>

Appeals to the Court of Audit, the national Commission for the Prevention of Corruption and the Supreme State Prosecutor’s Office of the Republic of Slovenia did not generate any results in sanctioning this practice, which shows a clear need for the European Commission to set up an EU-level mechanism to sanction these clearly problematic deals that channel public funds into propaganda outlets that peddle propaganda and hateful content.

In the meantime, right-wing parliamentary parties have stifled parliamentary debate on the matter wherever they could. When activists petitioned the parliamentary commission, which was at that time headed by a member of parliament from the same right-wing party controlling the Nova24TV propaganda outlet, the petition was leaked to Nova24TV,<sup>30</sup> exposing personal data of the petitioner. It is clear that public funds are financing propaganda operations via government and state-owned company advertising contracts, yet almost nobody is addressing this problem at any level (government policies, party politics, media, public, etc.). Even when the former prime minister issued a statement<sup>31</sup> calling for “responsible advertising”, the practices continued.

None of these problems (funding of propaganda with public funds, problematic media ownership and lack of independent control) are addressed in the DSA, which only focuses on digital platforms and highlights issues of algorithmic transparency, mismatching and computational errors.

Citizens have no effective mechanism to counter these campaigns, especially if the state is actually the one enabling and, in some cases, actively participating in these misinformation and disinformation campaigns. By the time the next Slovenian general



election happens in 2022, it is already too late to meaningfully impact the financing aspect of misinformation and disinformation campaigns.

Even if consumers boycott companies participating in the misinformation and disinformation operations, the companies usually funding these ventures via opaque advertising deals are either state-owned or too big to respond to a limited consumer boycott.

On the other hand, these national disinformation operations quickly gain international status as they are often picked up by similar foreign operations and are then brought back into the domestic environment, using foreign sources as a means of amplification. The digital environment offers several ways of financing these operations, the advertising model being one of the most prevalent. Even though the DSA addresses the issue of algorithmic advertising, it only offers a very weak mechanism of self-regulation as a solution.

This is not sufficient as we can see similar self-regulatory measures failing time after time, we can see the amount of energy and focus they have to receive from the public for the companies to react. Additionally, we can see that these self-regulatory practices are completely useless when the companies and advertisers decide to fund misinformation and disinformation campaigns either as a result of political pressure or in an attempt to curry political favours with the ruling regimes.

## 4. Harmful consequences

We will now examine some cases of harmful consequences relating to state-funded propaganda outlets connected with political parties that currently remain unchecked by national or EU regulative proposals. State-funded propaganda not only misuses local and EU public funds, but also causes disruptions in the domestic media industry and negatively influences the development of the free press.

### *Consequence 1: Unfair business advantage*

Since state advertising contracts present a stable source of income for media outlets, the manipulation of the media in order to play favourites with propaganda outlets presents an unfair advantage and can cause a chilling effect on the freedom of speech, the development of independent media outlets and the freedom of the press.

Government advertising contracts that are influenced by the ministries and are not under the control of the advertising agency that is actually managing the marketing buy represent a clear corruption risk as the ministry can direct public funds into outlets that belong to their sphere of influence and can even fund the political party of the minister.

### *Consequence 2: Lack of transparent public expenses*

Despite the fact that we were able to obtain relevant documents about the media buy from the ministry, there were gaps of information regarding the relationship between the theoretical concepts of the media buy, the actual buy and reporting about the advertising campaign.

We attribute this opaqueness to the fact that since there is no marketing reason to purchase ad space on propaganda outlets with no relevant market share, the bundled reporting on the expenses does not show how much public funding actually ends up in propaganda outlets and what their marketing effectiveness is.

#### *Consequence 3: Diminishing consumer influence*

The Sleeping Giants campaign in the USA highlighted the power of consumers, who were able to influence those companies mistargeting their digital advertisements, making them block the propaganda outlets in their marketing strategies and stop the funding of hate and propaganda. In the case of advertising contracts with state-owned companies, consumers are powerless to stop the funding of hate and are at the same time forced into financing these companies with their own money as in some cases these companies are oligopolies, or even monopolies.

#### *Consequence 4: Diminishing citizen influence*

Furthermore, even when exercising one's active citizen role, the efforts are usually hampered by political representatives that block political debate on the matter. This diminishes the role of active citizenship, and thwarts democratic mechanisms (petitions, call to actions, etc.) demanding political solutions to a public issue.

#### *Consequence 5: Chilling effect*

These propaganda outlets generate a chilling effect as they also act as a political party attack dog, exposing the personal data of individuals that express opinions contrary to party positions, insulting the critics and publishing misinformation and disinformation about them in order to silence them. At the same time, these outlets actively pillory their perceived opponents, causing people to avoid public statements and debate.

## **5. Recommendations**

The following recommendations aim to prevent or limit the misuse of national and EU public funds which finance propaganda outlets and help the production of hateful content.

The fact that the current Digital Service Act is not addressing this issue, or the practices taking place in several EU countries where the current mechanism is funding propaganda and hateful content production, shows the urgent need of effective regulatory mechanisms in this field.

If the European Commission is honest in describing the effects of disinformation, for example in the preamble of the Code of Practice on Disinformation,<sup>32</sup> as "threats to democratic political and policy making processes as well as public goods such as the protection of EU citizens' health, the environment or security", then the policy should reflect the same urgency.

### **Recommendation 1: Ensure transparent reporting on advertising campaigns**

One of the basic principles that helps the misuse of public funds in the investigated cases is the opaque reporting on advertising campaigns that hides the actual disbursements of public funds and enables political parties in power to fund their own propaganda outlets and hide the actual money trail.

### **Recommendation 2: Use of common marketing metrics**

Advertising contracts that use national and EU public money should be based on common marketing metrics that are comparable and help researchers and other audiences to compare results of different advertising campaigns. This would show the effectiveness of individual media outlets and public investments in advertising.

### **Recommendation 3: Independence of the advertising industry**

One of the key elements that permeates every state advertising contract we analysed is state interference in the inner workings of the advertising business model. This interference hampers the media outlet's ability to obtain advertising business based on market metrics and enables the propaganda outlets to flourish, despite the fact that they have no marketing results.

### **Recommendation 4: Special framework for ad fraud investigation**

State-funded advertising contracts that misuse public funds in order to fund propaganda and hateful content require a special framework at the EU level. These contracts also require the special training of auditors to detect ad fraud tied to the misuse of public funds and sanction it effectively.

### **Recommendation 5: Media ownership analysis requirement**

One of the leitmotifs of cases where public money is being misused for political party propaganda and hateful content is media ownership that traces back to political parties. A media ownership analysis should be a requirement for advertising contracts that involve public funds and would prohibit public funds being awarded to media companies directly or indirectly connected to national political parties.

### **Recommendation 6: Special EU funding for ad fraud investigative projects**

The EU should encourage public investigations into state advertising contracts with special EU grants for investigative projects. The fact is that investigations into matters of state advertising contracts require special knowledge regarding the inner workings of the advertising industry and require dedicated investigators to focus on the matter for a prolonged period of time during which public documents can be obtained via Freedom of Information Act requests. Since the media outlets are dependent on state advertising contracts and advertising contracts with state-owned companies, it is obvious that they are afraid of investigating them, which would risk bans from further inclusions into the media buys by the state or state-owned companies.

## 6. Conclusion

This e-paper highlights the pressing issue of state-funded propaganda and hateful content that impairs public debate, hampers freedom of expression and enables propaganda to flourish despite its low marketability in several EU Member States.

The fact that we can see how the misinformation and disinformation from national propaganda outlets quickly spreads across the world shows that this is not a local issue of an individual EU Member State but requires a bold and united solution at the EU level. This is necessary because of the inability of the national audience to address the issue either as critical consumers or as active citizens, as advertising contracts often exist as a form of party dealings that exclude public input entirely.

The DSA proposal and EU Code of Practice on Disinformation ignore this issue completely, furthering its ability to flourish without any hindrance. This creates new problems, as we can see with the practice of funding propaganda with public money.

The consequences are very dangerous, not only for national democracies but also for the European Union as a whole. The chilling effect of citizens' political powers being weakened causes more and more citizens to withdraw from public debates. At the same time, as these media outlets often pillory their perceived opponents, they create a code of silence throughout the national political and industry elite, which is unable to address the issues publicly without fear of retribution and public shaming.

The urgency to act is also clear with regard to the state of democracies across the EU, which are struggling to combat autocrats and their support systems that are not only destroying independent auditors and agencies but also targeting individual citizens who are publicly exposing these dealings. If this issue is not addressed, it will trigger the end of free and independent press, of freedom of expression and of democratic societies.

The time to act is now.

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