


Chapter 6

Risks and Challenges of Deepfakes in National and European Parliament Elections

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ABSTRACT

Deepfake technology, initially developed for interactive entertainment, has increasingly become a tool for influencing voter behavior, making its impact particularly significant in the context of the 2024 elections. This relevance is heightened by the occurrence of multiple national elections held concurrently with the European Parliament (EP) elections. In response, various countries have introduced legal frameworks to address the challenges posed by deepfakes. This chapter examines these national legal approaches and analyzes their interaction with the broader European Union (EU) legal system in combating disinformation and promoting voter participation. It provides a concise overview of the evolution of deepfake technology, demonstrates its role in voter manipulation through disinformation campaigns, and evaluates the EU's strategic measures aimed at mitigating the adverse effects of deepfakes. Ultimately, the chapter underscores the importance of coordinated legal and policy efforts to safeguard democratic processes across the EU and its member states.

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INTRODUCTION

The Member States of the European Union (EU) should be understood as part of a multi-level democracy, operating under three legal systems: a national legal system, an EU legal system, and international law. This creates a need for synergies between these systems (Levits, 2024). However, this chapter will focus solely on the synergy between the national and EU legal systems. Citizens, through their participation in European Parliament (EP) elections, influence who is elected to the EP and, consequently, who represents their interests at the EU level. Article 10(1) and (2) of the Treaty on European Union (TEU) indicates that the operation of the EU is based on representative democracy, allowing citizens to have direct representation at the EU level through the EP.

Democracy must rest on the free will of citizens to shape their own political, economic, social, and cultural systems, along with their active engagement in all aspects of life. Therefore, it is essential to prioritize the role of information - not only ensuring the right to access information but also the information that guides decision-making by both citizens and parliamentarians. Access to information is vital, as it directly influences an individual's understanding of events, shapes their worldview, and informs the decisions they make based on that understanding (UN General Assembly Resolution, 2015). However, it is equally crucial to be aware of the risks of disinformation, and especially deepfakes. This includes the information encountered during interactions on social media platforms or search engines. Therefore, the quality of information, its dissemination methods, and the communication techniques employed through digital technologies are crucial for both national and EU elections, as well as for comprehending the synergy between the two (Topsümer, Durmuş, Yılmaz, 2023).

LITERATURE REVIEW

This chapter is aimed at readers interested in the interplay between national and EU legal systems concerning disinformation related to elections. In today's context, it would be ill-advised to view national and EP elections in isolation from the advantages and possibilities afforded by digital technologies, especially during pre-election campaigns (Borz, Francesco, 2024; Hoferer, Böttcher, Hans J. Herrmann, Gersbach, 2020; DGI(2017)11). Consequently, this chapter highlights that the adoption of innovative solutions has been a persistent practice, although the definition of what constitutes innovation tends to evolve over time. A notable historical example is Dwight Eisenhower's victory in the U.S. presidential election against Adlai Stevenson, which was significantly aided by interactive television

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