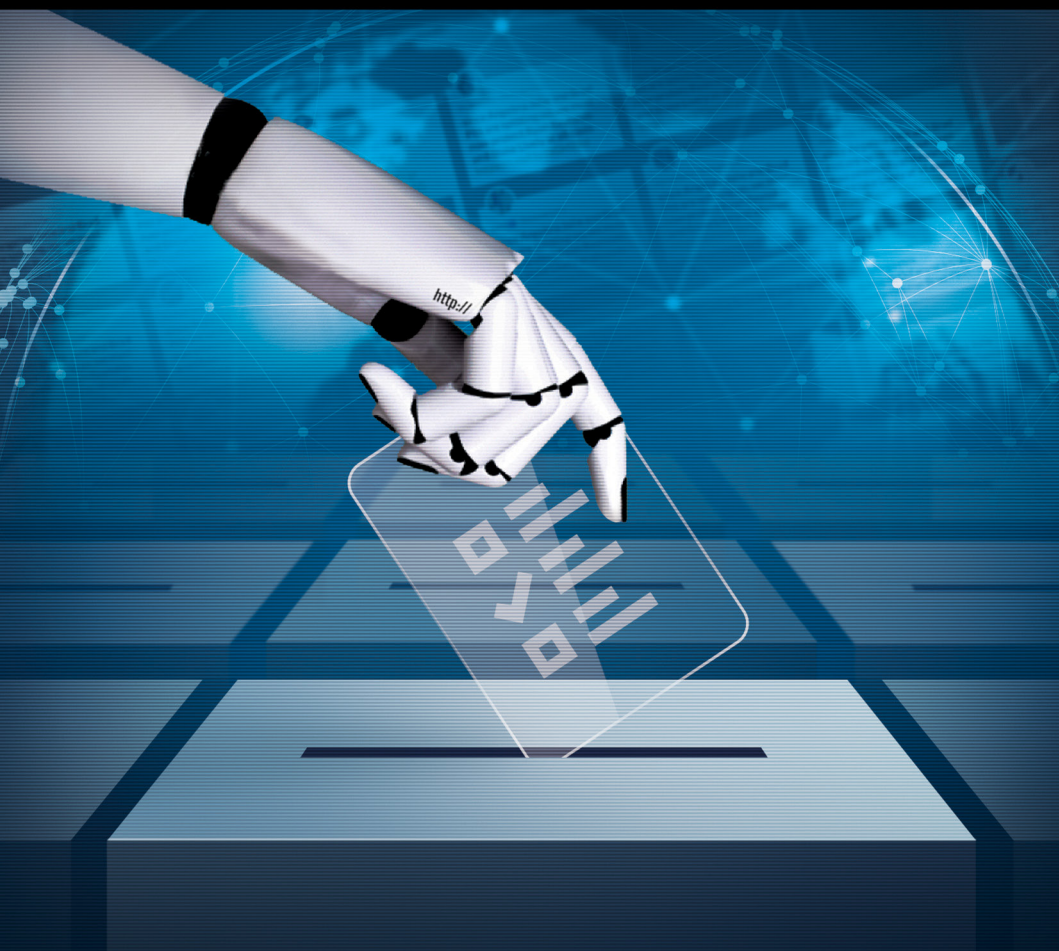




United Nations
Educational, Scientific and
Cultural Organization

Elections and Media in Digital Times

In Focus Series | **World Trends in Freedom of Expression and Media Development**



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Multi-Donor Programme
on Freedom of Expression
and Safety of Journalists

About the In Focus Series

Elections and Media in Digital Times

UNESCO is pleased to present this In-Focus edition of the World Trends Report, covering elections and media in digital times. The study zooms in on a key issue related to the 2019 World Press Freedom Day theme, which focused on “Media for Democracy: Journalism and Elections in Times of Disinformation”.

UNESCO is mandated, by its 1945 Constitution, to promote “the free flow of ideas by word and image”. The trends analysed in this report are of critical relevance to this mission. The increasing digitalization of societies has led to unprecedented opportunities to seek, receive and impart political information and ideas, which are the lifeblood of elections. But there are also growing concerns about the effects on public debate arising from misuse of digital technologies and fragmentation in the communications environment. Political micro-targeting of individual voters is driven by aggregated personal data, which is not always obtained in lawful ways.

New digitally-enabled tactics in political funding, campaigning and advertising, are often lacking in transparency. Meanwhile journalists, whose output can empower the electorate, are under increasing attack. It is against this backdrop that this Report identifies recent trends on disinformation, attacks on the safety of journalists, and disruption in election communications. The report lists possible responses in order to safeguard media freedom and integrity while strengthening news reportage on elections in digital times.

This In-Focus edition represents follow-up to UNESCO’s 36 C/Resolution 53, wherein the Organization’s Member States requested UNESCO to monitor the status of press freedom and safety of journalists and to report on the developments in these fields to the Organization’s General Conference.

This Report also serves as a stepping stone towards the next full World Trends in Freedom of Expression and Media Development edition to be published in 2021. In addition to the current In-Focus Report, two more Reports are being published in 2019, and reported to the 40th General Conference.

In total, the three In-Focus Reports cover the angles of media and elections, access to information, and safety of journalists. These, and earlier editions of the World Trends Report (including regional editions), can be found at <https://en.unesco.org/world-media-trends>



Access to Information: A New Promise for Sustainable Development



Access to Information: A New Promise for Sustainable Development

The surge of access to information (ATI) laws reached 126 worldwide by the end of 2019. This Report explores recent developments in regard to the laws and their implementation, covering evolving international standards, models for implementation bodies, and new digital challenges and opportunities. In order to understand the drivers of change, the Report examines trendsetting activities within UNESCO, the Sustainable Development Agenda, the Universal Periodic Review, the Open Government Partnership, and the standard-setting work of regional intergovernmental organizations and national oversight bodies. The research also draws on unique UNESCO surveys and analysis of Voluntary National Reports presented at the United Nation's High-level Political Forum. The research shows how Sustainable Development Goal 16.10 offers a new opportunity for advancing ATI.



Intensified Attacks, New Defences

Developments in the fight
to protect journalists
and end impunity



Intensified Attacks, New Defences – Developments in the Fight to Protect Journalists and End Impunity

The aim of this Report is to provide a holistic assessment on the safety of journalists around the globe as well as a yearly update on the status of journalist killings. The study covers the period 2014-2018, as well as several developments in 2019. It takes stock of trends in journalist killings and other attacks faced by media professionals. It is based on information provided by Member States, as well as on studies published by international NGOs. Among the key findings, the Report emphasizes the continued trend of impunity for attacks against journalists and highlights the increased prevalence of digital threats and harassment online, including those targeting women journalists. It sheds light on new reporting and monitoring initiatives on the safety of journalists, notably within the framework of SDG indicator 16.10.1, and looks at good practices reported by Member States to enhance efforts to monitor, prevent, protect and prosecute in relation to safety of journalists.

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Foreword

In today's rapidly evolving digital environment, opportunities for communication between citizens, politicians and political parties are unprecedented — with information related to elections flowing faster and easier than ever, coupled with expanded opportunities for its verification and correction by a growing number of stakeholders. However, new technological developments have also shown an increasingly disruptive impact on public debate, which highlights the rising need to safeguard the integrity and credibility of electoral processes, as well as the role of the media during elections.

It is against this backdrop that this In-Focus edition of the “World Trends in Freedom of Expression and Media Development” report sets out to identify trends related to elections and media in digital times, examine key issues, challenges and possible responses.

The publication of this In-Focus edition is aligned with the theme selected for UNESCO's global conference for the 2019 World Press Freedom Day, which focused on “Media for Democracy: Journalism and Elections in Times of Disinformation”. Held in Addis Ababa, Ethiopia, on 1-3 May 2019 and attended by over 2,000 participants hailing from 100 countries, the commemoration fostered discussion on how the digital era is affecting electoral communications, called attention to new attempts aimed at undermining media's role by discrediting professional journalism and disrupting Internet access, and highlighted press freedom's contribution to sustainable peace and democracy.

The discussions held on that occasion, as well as the Addis Ababa Declaration emerging from the conference (see Appendix), resonate with the issues covered by this In-Focus report and underscore its timeliness. Among other concerns, delegates at the conference highlighted the growing prevalence of disinformation as well as of hate speech as threatening elections. They examined the increasing, digitally-fuelled risks faced by journalists, press cartoonists, artists, “activists” and other actors who publicly exercise their right to freedom of expression, which is of particular significance in regards to elections. Also addressed were the risks posed to electoral integrity by the lack of transparency in campaign spending and political advertising, as well as by political micro-targeting of messages seeking to covertly manipulate or mislead voters. Debates warned about problematic instances of curbing of legitimate political speech through Internet or other general communications shutdowns, as well as through other measures unduly restricting information exchange (e.g. through systems aimed filtering or blocking election-relevant content, platforms and applications).

Within its overarching theme, this Report outlines and analyses three intersecting trends in contemporary elections – the rise of disinformation, intensifying attacks on journalists, and disruptions connected to the use of information and communications technology in electoral arrangements. Other related challenges are also examined by this In-Focus report, including how trust in established political parties and news outlets is decreasing, and polarizing political discourse is on the rise.

In light of the trends identified, this Report proposes a series of possible responses going forward. Among other actions, it calls for multistakeholder dialogues to develop strategies to counter electoral disinformation, including options to integrate media and information literacy into voter education programmes. There is also a need to strengthen - before and during and after - polls, the implementation of the UN Plan of Action on Safety of Journalists and the Issue of Impunity. In addition, electoral regulations require revisiting and updating to take digital developments into account.

Moez Chakchouk,

UNESCO's Assistant Director-General for Communication and Information

1. Introduction and scope

The increasing digitalization of societies across the world has led to unprecedented opportunities to seek, receive and impart political information and ideas, which are the lifeblood of elections. The Internet, and in particular social media and social messaging, have changed the way politicians, political parties and the electorate communicate with each other, with the chance of being more direct and quicker than at any point in history. The accuracy of information can be checked and corrected faster, more thoroughly and by a greater number of actors than ever before.

But there are also growing concerns about the disruptive effects on public debate arising from the misuse of digital technologies. Political micro-targeting of individual voters is driven by aggregated personal data, which is not always obtained in lawful ways. Moreover, micro-targeting practices are sometimes manipulative. Little effort is required to generate disinformation and for it to go viral, due to the predominant business models and networked character of the online world. Fragmentation in the communications environment, coupled with new digitally-enabled tactics in political funding, campaigning and advertising, often lacking in transparency, challenges the 'free' nature and the public character of much information during elections. Meanwhile, journalists – whose output can empower the electorate to make informed decisions – are increasingly under attack.

Against this background, this Report identifies a selection of trends on 'Elections and media in digital times' from across the world during the past three years. The study is based on desk research reviewing academic literature, selected regulatory and policy developments and an extensive range of online sources and resources.

1.1 Themes and trends

The central focus of this study is the dynamic and complex relationship between elections and (digital) media. This choice of focus is explained by the need to safeguard the integrity and credibility of electoral processes, as well as the role of the news media during election periods, in the face of new issues related to the digital environment. These issues include (i) online disinformation; (ii) the digital dimension of the safety of journalists and other media actors, and (iii) disruptive practices in election campaigning and communications.

As regards the first category of issues, it is evident that having been pushed onto political agendas all over the world, “fake news” has become a common term in the past few years. It has ignited widespread fears for the integrity of public debate and elections, including the accuracy and reliability of the information that feeds public opinion. A lightning rod for criticism and controversy, the term is now experiencing push-back. Many commentators consider it too vague for policy-making and point to its exploitation as a convenient catch-cry by politicians seeking to undermine uncomfortable facts and critical voices in public debate. In consequence, disinformation has emerged as the preferred and more accurate term in discussions of relevant issues. While disinformation as an escalating trend impacts many issues (for example, public health), it is of particular significance in relation to whether societies have informed electorates.

The second category of issues includes the continued and digitally-intensified patterns of threats and violence against journalists and other actors who contribute to public debate. Killings of journalists and impunity for killings remain at shocking levels. There is a growing urgency about escalating threats and violence against female journalists. Rhetorical assaults, including by political actors, and the increasing digital dimension to attacks on journalists, are worrying trends in general, and with special relevance for elections.

The third category of issues concerns the digitally-enabled disruption of elections and the news media’s role in political communications. Disruption can take many forms, such as the circumvention of campaign financing rules; the lack of transparency in political advertising; the fragmentation of public space through political micro-targeting; ethical shortcomings by politicians, media and Internet actors during election periods; and political actors being able to bypass scrutiny by traditional media channels and associated regulations to reach voters directly through Internet platforms. The key tasks of the media in any democratic society – to inform the public about matters of interest to society; to act as public watchdogs exposing (governmental) corruption and wrongdoing; and to provide a shared forum for public debate – take on added importance in the context of elections. The information and ideas disseminated and debated during election periods influence public opinion- and decision-making processes, which find ultimate and formal expression in the ballot box. Disruptive practices in relation to elections underscore the need for public debate to be nourished by accurate and reliable information.

The present Report explores the three above-mentioned themes and identifies relevant patterns and recent trends in how they have manifested themselves across the globe. It also seeks to give a sense of the responses from international and regional organizations, national governments, and other actors. While each of these three themes has its own distinctive dynamics and drivers, the interplay between them in relation to elections is particularly powerful.

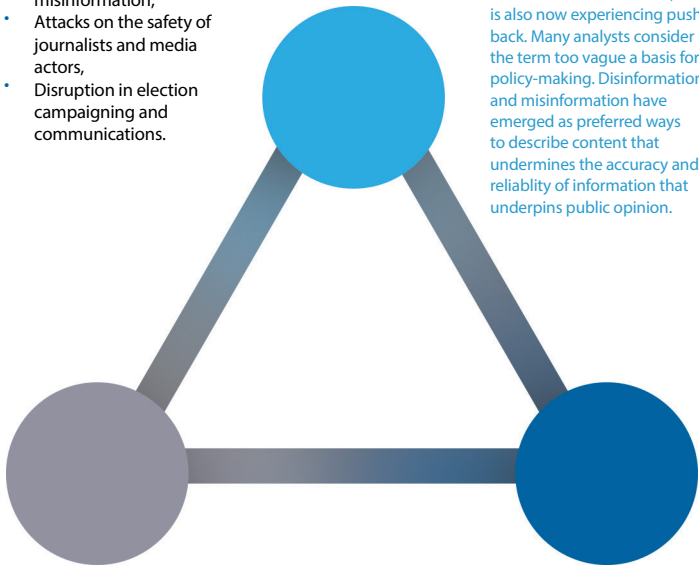
Figure1:
Three trends converge

New developments highlight the need to safeguard the integrity of electoral processes, as well as the role of media during election periods:

- Disinformation and misinformation,
- Attacks on the safety of journalists and media actors,
- Disruption in election campaigning and communications.

Information Under Attack

So-called “fake news” has become a dominant term, but is also now experiencing push-back. Many analysts consider the term too vague a basis for policy-making. Disinformation and misinformation have emerged as preferred ways to describe content that undermines the accuracy and reliability of information that underpins public opinion.



Journalists Under Fire

Threats and violence against journalists have continued and expanded in recent years. Killings of journalists and impunity for killings remain at shocking levels. Hostile rhetoric and online threats to media actors are a growing trend.

Election Integrity at Risk

Disruption of democratic processes today includes: circumvention of campaign financing rules; lack of transparency in political advertising and political micro-targeting; crackdowns on legitimate political content; and shutdowns of internet access and applications.

2. International human rights law framework

It is fitting to first consider trends in disinformation, safety of journalists and other media actors and digital aspects of electoral communications in terms of the international legal framework for the protection of human rights. All human rights are “universal, indivisible and interdependent and interrelated”.¹ The most relevant provisions for the purposes of the present report guarantee the right to freedom of expression (including media freedom and access to information) along with various democratic rights (including the rights of peaceful assembly and to freedom of association, the right to participate in public affairs, the right to vote in secret and the right to education). These rights permeate the principles and commitments that govern the organization of free, fair, periodic and credible elections. There are crucial synergies in the interplay between the cluster of rights relating to freedom of expression and participation in electoral cycles, from the public debate that precedes elections to the integrity of the election process through to the democratic legitimacy of its outcome.



¹ Article 5, Vienna Declaration, World Conference on Human Rights, Vienna, 25 June 1993.

2.1 Core UN standards

The relevant provisions in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights are set out below.²

Rights	Universal Declaration of Human Rights	International Covenant on Civil and Political Rights
Freedom of expression	<p>Article 19</p> <p>Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.</p>	<p>Article 19</p> <p>1. Everyone shall have the right to hold opinions without interference.</p> <p>2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.</p> <p>3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:</p> <p>(a) For respect of the rights or reputations of others;</p> <p>(b) For the protection of national security or of public order (ordre public), or of public health or morals.</p>
Electoral rights	<p>Article 21</p> <p>1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.</p> <p>2. Everyone has the right to equal access to public service in his country.</p> <p>3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.</p>	<p>Article 25</p> <p>Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:</p> <p>(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;</p> <p>(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;</p> <p>(c) To have access, on general terms of equality, to public service in his country.</p>

² These are cited in full and equivalent provisions are aligned next to each other for ease of comparison. Comparable provisions are also to be found in regional human rights treaties, where such exist.

The scope and content of the above rights have been clarified over time, including their interlinkages. Thus, the Human Rights Committee has stated in its General Comment No. 34 on the right to freedoms of opinion and expression that:

“The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. The public also has a corresponding right to receive media output.”³

The Human Rights Committee earlier stated in its General Comment No. 25 on participation in public affairs and the right to vote:

“In order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. It requires the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the Covenant, including freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas.”⁴

The same General Comment also stated:

“Persons entitled to vote must be free to vote for any candidate for election and for or against any proposal submitted to referendum or plebiscite, and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector’s will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind. Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party.”⁵

³ Human Rights Committee, General Comment No. 34 on Article 19 of the International Covenant on Civil and Political Rights (ICCPR) on freedom of expression and information, CCPR/C/GC/34, 12 September 2011, para. 13 (footnotes omitted).

⁴ Human Rights Committee, General Comment No. 25 on participation in public affairs and the right to vote, Article 25 of the International Covenant on Civil and Political Rights, CCPR/C/21/Rev.1/Add.7, 27 August 1996, para. 25.

⁵ *Ibid.*, para. 19.

While General Comments are not legally binding on States Parties to the ICCPR, they are a very important source of interpretative guidance. They reflect the accumulated experience and expertise of the Human Rights Committee on the subject matter addressed.⁶ The above excerpts from General Comments 34 and 25 give valuable insights into the Human Rights Committee's thinking on the rights to freedom of expression and the rights implicated in election periods and processes. The central message is clear: the ICCPR guarantees robust public debate on public affairs and recognises that free uncensored "press and other media" are essential for making that guarantee a reality throughout the electoral cycle. Changing technologies do not alter those guarantees; in fact, changing technologies call for a range of strategies to ensure that those guarantees continue to be effective in the evolving communications ecosystem.⁷

2.2 Beyond treaty obligations

Besides these treaties, there are other noteworthy political standards.⁸ It is beyond the scope of the present study to provide a systematic overview and analysis of the extensive standards and commitments relating to elections and media coverage of elections that have been developed by (specialized branches of) regional intergovernmental bodies, but it is nevertheless important to acknowledge the existence and added-value of those standards and commitments.⁹ Specific regional standards, mechanisms and initiatives will be mentioned and discussed, as relevant, throughout this Report.

In this regard, various UN bodies and actors merit mention, such as UNESCO and specialized mandates, in particular the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. As will be signalled at different junctures in this report, the UN Special Rapporteur issues annual joint declarations on freedom of expression themes, together with the equivalent specialized mandate-holders at the Organization for Security and Co-operation in Europe (OSCE), the Organization of American States (OAS) and the African Commission on Human and Peoples' Rights (ACHPR). The joint declarations often address the issues under discussion here.

⁶ Tarlach McGonagle, "The development of freedom of expression and information within the UN: leaps and bounds or fits and starts?" in Tarlach McGonagle & Yvonne Donders, Eds., *The United Nations and Freedom of Expression and Information: Critical Perspectives* (Cambridge University Press, 2015), pp. 1-51, at 27-28.

⁷ See, for example, UN Human Rights Council, 'The promotion, protection and enjoyment of human rights on the Internet', Resolution 38/7, Doc. No. A/HRC/38/L.10/Rev.1, 4 July 2018.

⁸ The term 'political standards' covers a range of political instruments, such as declarations, recommendations and resolutions, as well as (major) policy documents.

⁹ See further: Election Observation and Democratic Support (EODS), *Compendium of International Standards for Elections* (4th Edition), Brussels: European Union 2016.

Several issues relating to freedom of expression and elections were addressed in the UN Development Programme's 2014 publication "Media and elections: a guide for electoral practitioners", produced with inputs from members of the Interagency Coordination Mechanism for United Nations Electoral Assistance (ICMEA). Developments over the subsequent five years have raised additional questions, particularly as regards information and expression on the Internet. At a colloquium organized by UNESCO and the Global Network Initiative¹⁰ in 2018,¹¹ participants registered that Internet technologies have enriched democracy because:

- Political parties and candidates are using them to better reach out to constituents, mobilize supporters and raise funds.
- Voters use social media to talk to candidates and to each other about election-related issues, and to get involved in campaigns.
- Civil society groups and citizens are using social media to monitor elections.
- Social media are used to provide a certain amount of space for opposition, to compensate for restrictions that might exist.

At the same time, the Colloquium noted:

- Threats to the data security of voters, candidates and political parties, as well as threats to privacy posed by malware attacks and arbitrary surveillance of journalists and human rights activists.
- The use of social media and technologies to spread misinformation, disinformation and "hate speech" in times of elections.
- The use of social media to spread "results" of elections before the official results announcements and to circulate information in countries where the news media observe an official period of election silence.
- The issue of data mining for micro-targeting campaigning and campaign advertising ("dark ads"), making it possible for undetected efforts to influence the results of the elections."

¹⁰ The Global Network Initiative is a multi-stakeholder initiative that aims to "to protect and advance freedom of expression and privacy in the ICT industry by setting a global standard for responsible company decision making and by being a leading voice for freedom of expression and privacy rights". See: <https://globalnetworkinitiative.org/team/our-mission/>.

¹¹ UNESCO. 2018. Improving the information ecosystem to protect the integrity of elections: Conclusions. Colloquium. 8 February 2018. Paris: UNESCO, https://en.unesco.org/sites/default/files/633_18_gni_integrity_of_elections_final_report_web.pdf

As already noted, the interplay between a range of rights, in particular the rights to freedom of expression and to vote, are very important throughout electoral cycles. Optimising these rights in the context of elections resonates with the United Nations' 2030 Agenda for Sustainable Development. In this vision, Goal 16 calls for advancing peace, justice and strong institutions as integral to sustainable development outcomes. Further, Target 16.10 enjoins stakeholders to "[e]nsure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements". Two key indicators have been developed for measuring whether there is progress towards achieving Target 16.10:

Indicator 16.10.1: Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.

Indicator 16.10.2: Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.

Taken together, the SDG Goal, Target and two indicators underscore the relevance of the issues covered in this Report.

3. Disinformation distorts democracy

3.1 Main issues and trends

Although made-up facts are as old as the hills,¹² the phenomenon has had a new surge of attention since 2016 in the so-called “post-truth” era.¹³ The term “fake news” has gained some currency, but it has also been criticized for being too broad and vague, which leaves it susceptible to arbitrary use and misuse.¹⁴ Thus, one reason why many commentators have distanced themselves from the term “fake news” is its politicized use by leaders and opinion-makers, including some political leaders.¹⁵ Politicians sometimes misuse the term as an accusation designed to undermine the reputation and credibility of individual journalists, individual media organizations and the particular information at stake. This has prompted one commentator to describe the term as coming “from the traditional lexicon of autocracy”.¹⁶ If abuse of the rhetoric of “fake news” can itself serve as a form of disinformation, such an exercise does nevertheless also alert us to the growth of fabricated facts in circulation, and the exploitation of this phenomenon for political contestation.

Figure 2: Cover of a UNESCO handbook for journalists sending a signal on the term “fake news”



Some experts speak of a wider “information disorder”, in which mis-, mal- and disinformation co-exist.¹⁷ This framing of the issues is proving influential. Many international organizations and commentators are distancing themselves from the term “fake news” by highlighting that “disinformation” is false information goes wider than “news” formats. It is seen as a manipulative and dishonest communication, planned and orchestrated with the aim of misinforming people or diverting them from content that is verifiable or, at minimum, where the provenance is transparent. It is also seen as distracting them away from, or diminishing their credence in, trustworthy news outlets.

¹² See, for example, A. Chen, The Fake-News Fallacy. The New Yorker. 4 September 2017 and Uberti, The real history of fake news. Columbia Journalism Review. 15 December 2016.

¹³ N.A. Cooke (2017), Posttruth, Truthiness, and Alternative Facts: Information Behavior and Critical Information Consumption for a New Age. The Library Quarterly. 87 (3), 211-221.

¹⁴ See, for example, Tarlach McGonagle, “Fake news”: False fears or real concerns?, 35 Netherlands Quarterly of Human Rights (no. 4, December 2017), 203-209.

¹⁵ Joint Declaration 2017, Preamble.

¹⁶ Matthew D’Ancona, Post Truth: The New War on Truth and How to Fight Back (Penguin, London, 2017), p. 58.

¹⁷ Claire Wardle and Hossein Derakhshan, ‘Information Disorder: Toward an interdisciplinary framework for research and policy making’, Council of Europe report DGI (2017)09, p. 20.

Disinformation can be broadly understood as falsehoods deliberately created to deceive others. It is defined by the Oxford English Dictionary as “[t]he dissemination of deliberately false information, esp. when supplied by a government or its agent to a foreign power or to the media, with the intention of influencing the policies or opinions of those who receive it; false information so supplied”. In contemporary usage, the term refers not only to false content created and disseminated by actors linked to official entities, but also to non-state actors who create and disseminate false content. The term further goes beyond content appearing in the news media to encompass a wider range of media and social media platforms that are exploited for this purpose. News media outlets are recognised as sometimes carrying and even originating disinformation. However, this phenomenon goes well beyond the normal political and ideological learnings of particular outlets, by departing fundamentally from professional standards of ethics and verification of facts - whether intentionally or unwittingly. Thus it is widely recognized that social media and social messaging in particular have become the primary vectors for disinformation, which can be explained in part by their interactive and networked character and their typically wide reach.

Disinformation can be - and often is - embedded within a range of different types of expression, including hoaxes and other types of fabricated content; manipulated images and documents; propaganda; clickbait; conspiracy theories; pseudo-science and historical revisionism.¹⁸ It is sometimes framed in news format, but can be presented in other ways (e.g. Wikipedia entries). In general, it is also found as an ingredient deliberately mixed in with non-informational content in order to give apparent weight to strong and colourful opinions and to supercharge incitement to particular actions or abstentions. Disinformation is also often gendered in its dimensions, and in misogynistic form is used to demean and deter women from participating and playing leadership roles in the public space.

Assessed from the point of view of international human rights standards,¹⁹ disinformation as deliberate falsehood does not per se go beyond the bounds of protected expression. Thus, the right to freedom of expression, as safeguarded by Article 19, ICCPR, does not apply solely to information that is “correct”.²⁰ This point is made in the Joint Declaration on “Fake News”, Disinformation and Propaganda that was adopted by the world’s Special Rapporteurs on freedom of expression in March 2017. It is even conceivable that various types of disinformation, including some of those listed above, may – in certain circumstances – make a positive contribution to public debate.

¹⁸ Edson C. Tandoc Jr., Zheng Wei Lim & Richard Ling (2017): Defining “Fake News”, *Digital Journalism*, 1-17; Tucker, J.A., Guess, A., Barbera, P., Vaccari, Siegel, A., Sanovich, S., Stukal, D and Nyhan, B. (2018) *Social Media, Political Polarization, and Political Disinformation: A Review of the Scientific Literature*.

¹⁹ For a detailed overview and analysis, see: Andrey Rikhter, *International Standards and Comparative National Approaches to Countering Disinformation in the Context of Freedom of the Media*, Vienna: Office of the OSCE Representative on Freedom of the Media, March 2019.

²⁰ Preamble, the United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, Joint Declaration on “Fake News”, Disinformation and Propaganda, 3 March 2017.

For instance, a hoax may serve to focus public and/or political attention on a particular matter of importance or interest to society, notwithstanding its deliberately false nature. Under international human rights law, it is only permissible to restrict or prohibit disinformation in very limited and specific circumstances.

Thus, any legal curbs on disinformation would have to pass the strict test based on Article 19, ICCPR, if it were to be considered legitimate in terms of international law. This means that any restriction on the right to freedom of expression must be provided by law and be a necessary and proportionate measure to achieve one or more of the specific purposes enumerated in Article 19(3)(a) and (b) ICCPR. Moreover, any prohibition of expression under domestic law must clearly correspond to, and be fully in compliance with, relevant specific provisions of international law. Under Article 20, ICCPR, States are required to prohibit “any propaganda for war” and “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.”

Irrespective of its legality in terms of international standards, however, an abiding fear is that disinformation can – and often does – distort democracy (and development), insofar as it deceives the public in relation to their political opinion-forming processes.

The risks are underlined by the ease and sophistication with which manufactured “facts” can be created, and the scale and speed with which these can be spread. Old adages such as “seeing is believing” and “the camera never lies” are no longer truisms. Nowadays, text can be conjured out of nowhere or machine-generated; photographic images can be photoshopped or otherwise doctored; video footage can be dubbed with false texts or otherwise manipulated. With a webcam and readily available software, it is possible to impose very convincing facial and head movements on footage of another person, for example a political leader or other opponent.²¹ This kind of digitally altered images and videos that use AI to combine real source material with manufactured content to create hyper-realistic portrayals of individuals saying or doing things that did not occur are called “deepfakes”. Against this background, concern is growing about how such manipulated counterfeits may disrupt democracy and cause others harms as well. Similar concerns exist in relation to deep-learning technologies and the possible consequences when they are misused.²²

²¹ For a short demonstration of how this works in practice, see: Justus Thies, Michael Zollhöfer, Marc Stamminger, Christian Theobalt & Matthias Nießner, ‘Face2Face: Real-time Face Capture and Reenactment of RGB Videos’ (CVPR 2016 Oral), available at: <http://nießnerlab.org/projects/thies2016face.html>; see also James Vincent, ‘Watch Jordan Peele use AI to make Barack Obama deliver a PSA about fake news’, The Verge, 17 April 2018.

²² Researchers have shown that it is possible to train artificial intelligence to generate fake UN speeches in 13 hours for less than USD 8. ‘You can train an AI to fake UN speeches in just 13 hours’, MIT Technology Review, 7 June 2019, available at: <https://www.technologyreview.com/f/613645/ai-fake-news-deepfakes-misinformation-united-nations/> Joseph Bullock and Miguel Luengo-Oroz, Automated Speech Generation from UN General Assembly Statements: Mapping Risks in AI Generated Texts, <https://arxiv.org/abs/1906.01946>.

Apart from the organic spread of disinformation by and between users, disinformation agents also use resources such as bots to disseminate online disinformation. Bots are algorithmically driven computer programs that are designed to do specific tasks online, such as repeatedly replicate certain messages to make them appear more popular than they really are. For example, they may be used on Twitter to rebroadcast content and amplify the circulation of certain hashtags. Disinformation agents may also employ human-operated fake accounts to make messages more credible by, for example, impersonating a trusted source.²³

Different actors have different motivations for creating and disseminating different types of disinformation. These different types of motivation include: money, politics/power, humour/fun, and passion.²⁴ Other types of motivation may be: ego, status, sociality, sexism and other prejudices, and credulousness. The emergence of an online “clickbait culture” based on “attention-economics” has contributed to the creation and spread of such disinformation. The clickbait business model involves sensationalist and misleading headlines that trigger the curiosity of web-users and entice them towards (often) fabricated content. The business incentive lies in the correlation between online behaviour, data collection and monetisation through advertising or other sources such as selling personal data.

Clickbait websites and content can be generated very cheaply and automatically on a massive scale and the economic incentive makes it lucrative for the producers of such content. The adverse effect of such content, especially when it is generated on a massive scale, is that it competes with, and can potentially drown out, the significance of journalism characterized by verified facts (even when different media outlets exhibit different angles and emphases according to their varied narrative stances). This partial submersion of traditional media sources as intermediaries in political communications weakens the significance of institutions operating traditional journalistic news filters based on truth-seeking, fact-checking and separation of opinion from fact. Over time, this undermines the effectiveness of rules governing false and misleading claims.²⁵

²³ Chris Tenove *et al.*, *Digital Threats to Democratic Elections: How Foreign Actors Use Digital Techniques to Undermine Democracy*, Research Report, Centre for the Study of Democratic Institutions, University of British Columbia, 2018.

²⁴ European Association for Viewers' Interests (EAVI), 'Beyond 'Fake News' - 10 Types of Misleading News', Infographic, available at: <https://eavi.eu/beyond-fake-news-10-types-misleading-info/>.

²⁵ Council of Europe Committee of experts on Media Pluralism and Transparency of Media Ownership (MSI-MED), *Study on the use of internet in electoral campaigns. The rules of the game: the Internet, Social Media and Election Communications*, Rapporteur: D. Tambini, 2017. See further: Martin Moore and Damian Tambini (Eds.). 2018. *Digital Dominance: The Power of Google, Amazon, Facebook, and Apple*. Oxford: Oxford University Press.

The negative impact of clickbait should also be considered in the wider context of the financial difficulties experienced by quality journalism. The steady drain of advertising revenues to Internet companies has proved a major disruption to the traditional business models of much of the news media. Declining revenues, exacerbated in some cases by policies of austerity, have led to cut-backs and closures, while quality journalism remains resource-intensive. In the transformed economic reality of journalism, distribution appears to be rewarded more than its creation, tempting some news outlets to join the click-bait model.²⁶ Various initiatives to find alternative business models are being tried within the media sector, although general success seems elusive.²⁷ Meanwhile, weakened news reporting creates a vacuum in which the flow of disinformation encounters less friction.

There is extensive documentation of disinformation campaigns especially during elections in countries in Latin America, Asia, Eastern and Western Europe, Africa and North America, among others.²⁸ In these, there is also a trend of increased use of private communications via social-messaging apps, such as WhatsApp, to bypass the public sphere and disseminate disinformation, as well as “hate speech” and polarizing messages that inflame election-related tensions. The encrypted nature of such communications can render it difficult to identify and track content that undermines election integrity and to take appropriate action against those who create and disseminate it. At the same time, encryption can provide a valuable safeguard in ensuring secrecy of how individuals voted and in election technology security, as well as serve human rights defenders, journalists, lawyers and others who may need the shield of anonymity in order to exercise both their right to freedom of expression without fear and their right to take part in political life.²⁹

²⁶ The Council of Europe's Committee of Ministers has highlighted some of the challenges in its 2019 “Declaration on the financial sustainability of quality journalism in the digital age”.

²⁷ Adopted on 13 February 2019.

²⁸ Tenove *et al.*, ‘Digital Threats to Democratic Elections’, *op. cit.*

²⁹ Posetti, J. 2017. Protecting journalism sources in the Digital Age. Paris: UNESCO; Schulz, W. and van Hoboken, J. 2016. Human rights and encryption. Paris: UNESCO.

3.2 Main challenges

The challenges for society, and during elections in particular, that are posed by online disinformation are complex and there is no single solution.

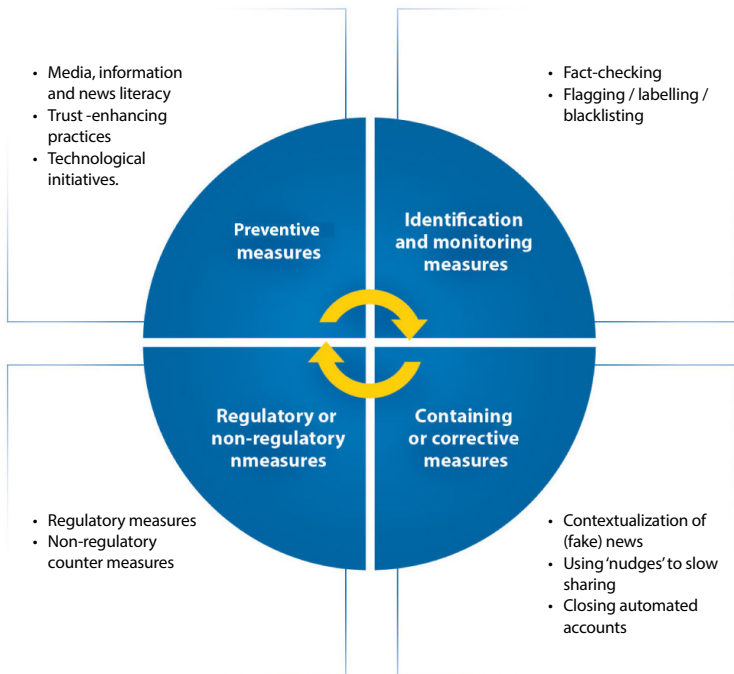
- There is only limited of monitoring during elections of online disinformation, especially that disseminated via private social-messaging apps. This is exacerbated by capacity constraints in electoral observation, and a lack of educational initiatives to encourage voters to identify and report abuse.
- There is excessive opacity around content moderation by the operators of online platforms, amid concerns about privatized decision-making about the availability and prominence of particular types of content and the implications for ensuring an informed electorate as an essential condition for democracy.
- Internet business models that drive attention by polarizing emotions and rewarding fabricated content continue to serve the interests of disinformation; their logic also works against counter initiatives that seek to promote credible information and fact-based decision-making during elections.
- A major risk is that disinformation contributes to societal distrust and apathy. This is exacerbated by news media's economic vulnerabilities, as well as their shortcomings in achieving inclusive and gender-sensitive coverage. There are also problems of media capture by special interests, and ethical lapses in journalistic practices. In a vicious circle, diminishing public trust in news media organizations and actors has been a contributing cause to the rhetoric of "fake news".
- A further issue is that disinformation, especially in combination with "hate speech", may fuel intimidation of voters as well as trigger violent confrontations over the credibility and legitimacy of election results.
- At the same time, a risk is that inappropriate law and regulations to tackle disinformation can be abused to criminalise legitimate expression which is the lifeblood of elections. Likewise, restrictions on encryption can backfire on electoral security and secrecy of the ballot, as well as rights that may be necessary conditions for political participation.

3.3 Responses and looking ahead

In response to the trends identified above, various action lines can be signalled. Because online disinformation is a multi-faceted problem, it requires a range of responses from multiple actors: States, media, Internet intermediaries, political actors, electoral management bodies, civil society, educational establishments and individual citizens. Measures against online disinformation should take account of the different types of potential harm caused by different manifestations of disinformation. Measures can have varying levels of impact and be designed for short-, medium- and long-term periods.

Trends to tackle disinformation can be grouped in terms of the four categories in Figure 3, and further elaborated in more detail below.

Figure 3: Different types of measures and initiatives against disinformation³⁰ (including so-called “fake news”)



³⁰ Derived from: Tarlach McGonagle, Eugénie Coche, Cees Plaizier and Melanie Klus 'Inventarisatie methodes om 'nepnieuws' tegen te gaan', Study commissioned by the Dutch Ministry of Education, Culture and Science, Appendix to a Ministerial Letter to the Tweede Kamer (Dutch House of Representatives) on the future of independent journalism in the Netherlands, Bijlage bij Kamerstukken 2017-2018, 32827, nr. 127, 25 April 2018.

3.3.1 *Preventive measures*

There is a perceptible increase in steps worldwide to create and sustain critical-thinking skills for analysing online news content. Citizens who are media and information literate can better ascertain the reliability of news content and sort fact from opinion in order to make more informed choices about their news consumption and engagements such as sharing, commenting or re-use. Such literacy does not solely concern news content in the form of factual texts, but also includes educating people about persuasion tools that use emotion as well as the manipulative powers of (moving) images. These competencies are always relevant, but they are also especially pertinent to the creation, consumption and sharing of informational content during election periods.

Another trend in countering disinformation is the growth in trust-enhancing practices aimed at strengthening public confidence in traditional news media outlets. These include measures such as producers and distributors of genuine news increasing their own transparency and adhering to high ethical and professional standards, as set out in codes of conduct. Online platforms, news publishers and broadcasters – often prompted by civil society organizations – are all increasingly adopting such practices. However, building trust takes time and it is not achieved through quick-fix solutions. Trust thrives on connections and engagement with audiences and readers. It has been observed that “[t]rust is years in the making and minutes in the breaking.”³¹ Trust can be built from within individual media and news organizations, as well as built collectively at the sectoral level through effective self-regulatory mechanisms.³² Examples of initiatives to build trust are:

- The Journalism Trust Initiative (JTI) was launched in April 2018 by Reporters Without Borders, Agence France Presse, the European Broadcasting Union and the Global Editors Network. The JTI is designed to “promote journalism by adherence to an agreed set of trust and transparency standards to be developed and implemented”. This way, it seeks to combat disinformation by developing standards in collaboration with stakeholders in the coming period.
- The Ethical Journalism Network (EJN) is a worldwide alliance of reporters, editors and publishers who are committed to promoting accountable journalism. Its five key principles are: truth and accuracy, independence, fairness and impartiality, humanity and accountability. The EJN believes that to enforce these core values, newsrooms and media organizations should adopt codes of conduct. <https://accountablejournalism.org/>.

³¹ Sally-Ann Wilson of the Public Media Alliance, cited in Noonan, C. 2019. Why Public Media Matters: Report from the Global Conference for Media Freedom. <https://www.pec.ac.uk/blog/why-public-media-matters-report-from-the-global-conference-for-media-freedom>.

³² See further: Alexander L. Curry & Natalie Jomini Stroud (2019). The effects of journalistic transparency on credibility assessments and engagement intentions. Journalism; Antonis Kalogeropoulos, Jane Suiter, Linards Udris & Mark Eisenegger, News Media Trust and News Consumption: Factors Related to Trust in News in 35 Countries. International Journal of Communication 13(2019), 3672–3693.

- Newsguard is a commercial initiative in the U.S. that reviews and rates online news brands, with the aim of helping users to distinguish between those news brands which strive to pursue legitimate journalism and those which do not. It is a browser extension that informs customers whether a news website they are visiting is reliable. Newsguard employs a team of trained analysts who are experienced journalists. They rate and review “news and information websites based on nine journalistic criteria—such as whether the site regularly publishes false content, reveals conflicts of interest, discloses financing, or publicly corrects reporting errors”.³³ Newsguard generates revenue by assisting advertisers concerned with the reputation of their brands information with keeping their ads off unreliable websites.³⁴

As part of preventive strategies, various Internet businesses are seeking to develop technological and institutional solutions to pre-empt, counter, or contain disinformation. An interesting example in this connection is Facebook’s ‘Election integrity programme’, which the company developed to act against hacking and malware, as well as to examine the role of adverts and foreign interference and to understand fake accounts.³⁵ This policy also pertains to Instagram.³⁶ Furthermore, Twitter published its election integrity policy in 2018.³⁷ Other kinds of responses by Internet companies are discussed in subsequent sections of this Report.

There are also efforts to empower journalists to understand the risks of disinformation as well as its dangers to society and to their work and safety. A valuable resource is the UNESCO handbook for journalism educators and trainers titled “Journalism, ‘Fake News’ and Disinformation”.³⁸ Among other examples, the Council of Europe and the European Union have been providing capacity-building and training workshops in a range of countries, including through joint projects such as the ongoing “TUNISIA Support for Independent Bodies (PAII-T)”. This project has involved training sessions for journalists and media professionals, which were organized by the Council of Europe in cooperation with the Tunisian Independent High Authority for Audiovisual Communication (HAICA). The focuses of the trainings have included internet, social media and electoral processes, and fact-checking and verification techniques. The trainings seek to raise participants’ awareness of the rules and challenges of media coverage of the 2019 elections and the risks of information disorder in Tunisia, and therefore train them in the good practices, methods and tools needed to deal with them”.³⁹

³³ See further: <https://www.newsguardtech.com/how-it-works/>

³⁴ <https://www.newsguardtech.com/>

³⁵ High Level Group on fake news and online disinformation, ‘A multi-dimensional approach to disinformation’, p. 15, footnote 10.

³⁶ <https://newsroom.fb.com/news/2018/07/qa-on-election-integrity/>

³⁷ https://about.twitter.com/en_us/values/elections-integrity.html

³⁸ C. Ireton & J. Posetti (eds.), *Journalism, ‘Fake News’ & Disinformation: Handbook for Journalism Education and Training*, Paris: UNESCO 2018.

³⁹ See: <https://www.coe.int/en/web/freedom-expression/-/sessions-de-formation-des-journalistes-des-medias-locaux-sur-le-fact-checking-et-la-lutte-contre-le-desordre-de-l-information-en-tunisie>

The duties and responsibilities of politicians and political parties can also help to counter the dissemination of disinformation during election periods. An interesting illustration of this can be found in Uruguay. It involves a pact made by the six Uruguayan political parties with parliamentary representation called “Pacto ético contra la desinformación” (Ethical pact against disinformation).⁴⁰ The pact itself was part of the “Campaña Libre de Noticias Falsas” (Free from Fake News Campaign) fostered by the Asociación de la Prensa Uruguaya (Uruguayan Press Association - APU) with support from UNESCO, among other entities. According to the pact, the parties promise to: (i) not generate or promote “fake news” or disinformation campaigns to the harm of political adversaries; to (ii) promote the necessity of avoiding actions or expressions in aggravating tones against adversaries; and (iii) to agree on a permanent consultation mechanism to provide continuity to the pact so as to answer quickly to any situation that may affect its performance. The campaign has three stages: entering into the ethical pact; capacity-building for journalists and media workers about this phenomenon and tools to reduce it; and the establishment of a mechanism for checking false information to detect disinformation campaigns and remove them from circulation. The pact reveals concern with public opinion manipulation for political gains and it proposes that society as a whole is responsible for fighting disinformation.

3.3.2 *Identification and monitoring measures*

Flagging, labelling and blacklisting are all means through which content or content creators are being marked as constituting disinformation (or as being otherwise harmful such as promoting hatred). Some online platforms allow users to flag posts as fake or false, but there is also a growing number of independent organizations working on flagging or blacklisting strategies. The main aim of these initiatives is to identify and signal content that is (potentially) false and thereby, more generally, raise awareness of such content. In some cases, for example, in the case of blacklisting, the purpose may go beyond mere awareness-raising and take on a warning function. Some flagging and labelling initiatives include verification and correction features (akin to fact-checking).

Fact-checking is a central part of wider verification processes employed by journalists and the media during the preparation of news stories and reports. However, it has also grown as a distinctive strategy against disinformation, and extended to involve a wider range of social actors than just news media institutions.

⁴⁰ See further: http://www.uy.undp.org/content/uruguay/es/home/presscenter/articles/2019/04/partidos_politicos_firman_pacto_etico_contra_desinformacion.html.

In this role, fact-checking consists in checking the accuracy of claims by news sources, as well as online content in general, in order to debunk disinformation. This is now being done not only by media, but also technology companies, independent external fact-checking organizations, and through collaborations between them and/or other actors. While a useful tool for countering disinformation, fact-checking is largely reactive, and usually retrospective, in nature, than preventative. Its impact is targeted at specific pieces (or patterns) of content, their authors, disseminators and consumers.

Dedicated fact-checking organizations are burgeoning across the world. They are often non-profit grass-roots organizations,⁴¹ or national partners in transnational initiatives, like First Draft's projects,⁴² such as Comprova in Brazil and Crosscheck in France.

Comprova is a non-profit project involving journalists from 24 different Brazilian media outlets working to discover and investigate misleading, made-up, and deliberately false information about federal government public policies shared on social networks or by messaging applications.⁴³ Their goal is to identify and undermine techniques for manipulating and disseminating misleading content, by investigating the veracity of statements, speculations and rumours gaining momentum and attention on the Internet. Comprova journalists contextualize and clarify information that may be misleading and take steps to minimize the scope and impact of proven, deliberate lies relating to public policies at the federal level. The journalists involved have developed five principles: (i) rigour (using only verifiable evidence and having at least three partner news organizations agree on the verification steps followed, the conclusions reached and the overall veracity of the text); (ii) integrity and impartiality in that while investigations will be done based on the possible rapid dissipation of information, an Editorial Board will review Comprova's production weekly to identify unintended skewed patterns); (iii) independence (operational and editorial decisions are taken collectively without influence by financial or technical support from other organizations; the project does not have political affiliations and participating journalists declare themselves barred from investigating matters where they may have conflicts of interest); (iv) transparency (every report shows how the content was selected and explains the steps taken for and sources of investigation); and (v) ethical responsibility (the project endeavours not to encourage rumours or false information; will not post links to problematic content; and will take measures to protect the identity and dignity of individuals when necessary, among others). Comprova also clearly labels their posts according to set parameters, such as "digitally altered", "false", "wrong context", "misleading", "proven evidence", "legitimate event", etc.

⁴¹ See, for example, Chequeado in Argentina: <https://chequeado.com/acerca-de-chequeado/>.

⁴² For an overview, see: <https://firstdraftnews.org/projects/>.

⁴³ See: <https://projetocomprova.com.br/>; <https://projetocomprova.com.br/about/>; <https://firstdraftnews.org/project/comprova/>.

Crosscheck was an initiative by many reputable French media companies and academic and technology partners that crosschecked the veracity of news regarding the French presidential elections in 2017. The initiative was spearheaded by First Draft and Google News Lab. The crosschecking was done by several newsrooms across France who collaboratively assessed whether a certain story was true. The public could submit through a form on the Crosscheck website which stories they wanted to have checked.⁴⁴

Fact-checking at the regional level is growing and being consolidated. The replication of national initiatives in Latin America, as outlined above, is noteworthy, as are other regional initiatives such as the not-for-profit organization AfricaCheck⁴⁵ and the FirstDraft-backed CrossCheck Europe.⁴⁶ At the international level, the International Fact-Checking Network (IFCN) Code of Principles was launched on 15 September 2016.⁴⁷ Its 67 verified active signatories (in September 2019)⁴⁸ are organizations that regularly publish non-partisan reports on the accuracy of statements by public figures and major institutions. In order to become a signatory, an extensive accreditation process has to be followed which involves external assessors reviewing the applicant.⁴⁹

3.3.3 *Containing or corrective measures*

The identification of disinformation is a prerequisite for a number of corrective measures. Contextualisation measures to counter disinformation provide additional information and context in order to demonstrate the falsity, inaccuracy or incompleteness of disinformation. In this way, research-driven measures are helping to limit the impact of, or counter the effects of, disinformation. One of the main contextualisation strategies is to point readers/viewers towards alternative or opposing sources, with the aim of exposing them to a wider range of sources and viewpoints, including those that are gender-sensitive.

⁴⁴ <https://crosscheck.firstdraftnews.org/france-en/faq/>

⁴⁵ See: <https://africacheck.org/>.

⁴⁶ See: <https://firstdraftnews.org/project/crosscheck-europe/>.

⁴⁷ Poynter, 'International Fact-Checking Network fact-checkers' code of principles' <https://www.poynter.org/international-fact-checking-network-fact-checkers-code-principles>

⁴⁸ This figure does not include 13 verified signatories "under renewal". See further: <https://ifcn.codeofprinciples.poynter.org/signatories>.

⁴⁹ See Poynter, 'Application process for signatories of the Fact-Checkers' Code of Principles' <https://docs.google.com/document/d/1TVH6Xduaz8lYxvRfMzi85PMTxCseNoUQ-gcdqlsnol/edit>

In addition to fact-checking by third parties (as discussed in the previous sub-section), platforms themselves also take measures to identify inauthentic accounts. Some large tech companies have, in the past, targeted large networks of automated accounts in an effort to reduce the spread of faked or misleading information on their platforms. Facebook, for instance, deleted tens of thousands of accounts before elections in France and the UK.⁵⁰ In order to identify unauthentic accounts, the company incorporated a system that searches for patterns such as the repeated posting of the same content, or a sudden increase in the account's messaging activity.⁵¹ One of the criticisms of this practice is that Facebook should not limit such measures to election times. Another is that it does not (yet) apply these in every election contest around the world. In June 2017, Twitter updated the section 'Automation Rules' of their rules and policies in order to better regulate and counter automated accounts and tweets.⁵²

Platforms may also stop short of removing disinformation, but nevertheless take corrective measures by demoting it, or refusing to recommend it. YouTube, for example, differentiates between content that violates legislation or its own terms of service, and borderline content and disinformation. The latter category is not necessarily removed from its service, but may be removed from the recommended videos section. Given the importance of algorithmic recommendation to a video's popularity, the effect may be much the same as deletion in terms of a video's exposure. However, many observers point to continued recommendations on YouTube of disinformational content.

Start-ups are also trying to formulate a response to disinformation on the internet.⁵³ *Fabula AI* (which has now been acquired by Twitter) uses AI technology to provide authenticity scores to any piece of news in any language.⁵⁴ *Logically* is another new company which specializes in a similar service. It develops products that use AI to analyse the credibility and veracity of information on the internet.⁵⁵ A third notable start-up is *Right of Reply*. It provides individuals or companies whose reputation has been affected by disinformation with a possibility to respond to erroneous content.⁵⁶

⁵⁰ Hofileña, C. F. 2016. Fake accounts, manufactured reality on social media. Rappler. 9 October 2016. <https://www.rappler.com/newsbreak/investigative/148347-fake-accounts-manufactured-reality-social-media>.

⁵¹ Lomas, N. 2017. Facebook culls tens of thousands of fake accounts ahead of UK election. TechCrunch. 8 May 2017, <https://techcrunch.com/2017/05/08/facebook-culls-tens-of-thousands-of-fake-accounts-ahead-of-uk-election/>; Ali, S. S. and Associated Press. 2017. Facebook shuts down 30 000 fake Accounts in France ahead of Presidential Elections. NBCnews. 15 April 2017, <https://www.nbcnews.com/news/world/facebook-shuts-down-30-000-fake-accounts-france-ahead-presidential-n746821>.

⁵² See: Twitter rules update: <https://help.twitter.com/en/rules-and-policies/twitter-automation>

⁵³ A selection of European start-ups engaging in such activities is show-cased here: <https://www.eu-startups.com/2018/11/10-european-startups-protecting-us-from-fake-news-and-data-privacy-breaches/>

⁵⁴ <https://www.fabula.ai/>

⁵⁵ <https://www.logically.co.uk/?p=about>

⁵⁶ <https://rightofreply.news/>

⁵⁷ For analysis, see: Toby Mendel, 'The UN Special Rapporteur on freedom of opinion and expression: progressive development of international standards relating to freedom of expression', in T. McGonagle and Y. Donders, Eds., *The United Nations and Freedom of Expression and Information: Critical Perspectives* (Cambridge, Cambridge University Press, 2015), pp. 235-268, esp. at 251-257.

3.3.4 *Regulatory measures and an enabling environment for journalism*

Countering disinformation initiatives must fully be in compliance with the right to freedom of expression and other rights guaranteed by international and regional human rights law. Guidance for States on how to do so is provided by the Joint Declaration of Special Rapporteurs (2017) cited earlier. While not a binding document, it is an influential interpretation of existing international human rights law on the topics they address.⁵⁷

The 2017 Joint Declaration puts much emphasis on the need for disinformation to be dealt with in the context of an enabling environment for free expression. To this end, it states: “States have a positive obligation to promote a free, independent and diverse communications environment, including media diversity, which is a key means of addressing disinformation and propaganda”⁵⁸ The characteristic features of such an enabling environment include a clear regulatory framework for broadcasting and an independent oversight body; independent and adequately resourced public service media; various measures to promote media diversity; and the promotion of media and digital literacy.⁵⁹ Such an environment is self-evidently relevant to the holding of credible elections.

The 2019 Joint Declaration revisits these issues and calls for – in order to “protect against unaccountable private domination of the environment for freedom of expression” – the development of, amongst other things: “Human rights sensitive solutions to the challenges caused by disinformation, including the growing possibility of “deep fakes”, in publicly accountable and targeted ways, using approaches that meet the international law standards of legality, legitimacy of objective, and necessity and proportionality.”⁶⁰

The Council of Europe’s Committee of Ministers’ “Declaration on the financial sustainability of quality journalism in the digital age” (mentioned earlier) proposes various measures to strengthen the financial stability of quality journalism in the digital age. Some of the measures include: “a beneficial tax regime for the production and distribution of journalistic content”; “financial support schemes for media sectors besides public service media, in particular for regional, local, hyperlocal and not-for-profit community media”, and “the possibility for media outlets to operate as not-for-profit organisations and be able to receive donations from local, national and international philanthropic programmes”. The Declaration also drills down into how media and journalism development measures can be financed through a variety of funding schemes, including by private-public partnerships.

⁵⁸ Joint Declaration 2017, Section 3, para. (a).

⁵⁹ Joint Declaration 2017, Section 3.

⁶⁰ Twentieth Anniversary Joint Declaration: Challenges to Freedom of Expression in the Next Decade, 10 July 2019, Section 3, para. (e).

At the national level, governments across the world pursue a wide range of strategies to counter disinformation. The Poynter Institute maintains a database of such actions, organized on a country-by-country basis and according to the following categories: Law, Media literacy, Bill, Internet shutdowns, Law enforcement, Failed legislation, Proposal, Task force, Report, Investigation, Threats, Court ruling.⁶¹ The database reveals a recent flurry of (proposed) legislative measures to counter disinformation, but it does not provide a systematic assessment of whether those legislative initiatives comply with international human rights standards.

Besides traditional regulatory responses, self- and co-regulatory responses are also emerging. In October 2018, for instance, the European Commission oversaw the elaboration of a voluntary “self-regulatory” Code of Practice on Disinformation.⁶² A number of leading online platforms, social networking service providers and advertisers have signed up to this protocol. The signatories have developed roadmaps for action in five areas:

- “Disrupting advertising revenues of certain accounts and websites that spread disinformation;
- Making political advertising and issue-based advertising more transparent;
- Addressing the issue of fake accounts and online bots;
- Empowering consumers to report disinformation and access different news sources, while improving the visibility and findability of authoritative content;
- Empowering the research community to monitor online disinformation through privacy-compliant access to the platforms’ data.”⁶³

The Code of Practice is part of a series of initiatives, including work by the European Commission’s independent High Level Group on Fake News and Online Disinformation, ‘A multi-dimensional approach to disinformation’ (March 2018); a European Commission Communication, ‘Tackling online disinformation: a European approach’ (April 2018), and an Action Plan to counter online disinformation (December 2018).⁶⁴ These initiatives were preceded by the adoption by the European Parliament’s Resolution on EU strategic communication to counteract propaganda against it by third parties.⁶⁵

⁶¹ Daniel Funke and Daniela Flaminio, A guide to anti-misinformation actions around the world, available at: <https://www.poynter.org/ifcn/anti-misinformation-actions/>.

⁶² See: <https://ec.europa.eu/digital-single-market/en/news/first-results-eu-code-practice-against-disinformation>.

⁶³ Direct quote from: <https://ec.europa.eu/digital-single-market/en/tackling-online-disinformation>.

⁶⁴ For an overview of these initiatives, see: <https://ec.europa.eu/digital-single-market/en/tackling-online-disinformation>

⁶⁵ European Parliament resolution of 23 November 2016 on EU strategic communication to counteract propaganda against it by third parties (2016/2030(INI)).

ARTICLE 19, an international freedom of expression NGO, is currently promoting a self-regulatory model for content moderation by social media platforms. It is proposing the creation of a “Social Media Council - a model for a voluntary accountability mechanism that would provide an open, transparent, accountable and participatory forum to address content moderation issues on social media platforms, on the basis of international standards on freedom of expression and other human rights”.⁶⁶ A key feature of this model is multi-stakeholder involvement, with a shared commitment to apply “human rights-based principles to the review of content moderation decisions made by social media platforms”.⁶⁷ The mechanism would not be legally-binding, but would rely on the good faith of participating social media companies.⁶⁸ This approach has also been endorsed by the UN Special Rapporteur on freedom of opinion and expression.⁶⁹ A step has been taken by Facebook in the 2019 creation of an independent oversight board.⁷⁰



In summary, while disinformation appears to be an escalating historical phenomenon in the digital arena, it is also eliciting an increasing number and variety of responses. A diversified approach, involving a range of actors, is needed to effectively counter online disinformation, due to the different types of disinformation that exist, the varying motivations behind them and the potential harms caused. In the context of elections, the falsification and manipulation of political content are of particular concern. The responses documented in this chapter are focused on prevention, monitoring and containment, alongside regulation, self-regulation and a range of efforts to strengthen the enabling environment for journalism. While both trends may strengthen in coming years, it is not evident if either will prevail.

⁶⁶ ARTICLE 19, The Social Media Councils: Consultation Paper, June 2019, pp. 7-8, available at: <https://www.article19.org/wp-content/uploads/2019/06/A19-SMC-Consultation-paper-2019-v05.pdf>.

⁶⁷ *Ibid.*, p. 8.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ <https://newsroom.fb.com/news/2019/09/oversight-board-structure/>

4. Threats and violence against journalists and other media actors

Journalists and other media actors continue to be subject to a litany of threats and violence, which is often aggravated on the occasion of elections. Killings of journalists and impunity for the killings persist worldwide. Rhetorical assaults, legal curbs and digital attacks on journalists, too, are on the rise. All this casts a cloud on the safety of journalists more generally, even if attacks are not evenly spread around the world and are not exclusively within an electoral context.

4.1 Main issues and trends

The 2019 World Trends In-Focus Report on the Safety of Journalists reveals that 495 journalists were killed in 2014-2018, according to the condemnations issued by the UNESCO Director-General, following a mandate conferred in UNESCO General Conference Resolution 29 (1997). In other words, on average, two journalists were killed every week. These statistics are corroborated by similar data compiled and analysed in various civil society reporting and monitoring initiatives.⁷¹ The searchable UNESCO Observatory of Killed Journalists, launched on 2 November 2018, International Day to End Impunity for Crimes against Journalists, shows that these statistics are part of an enduring pattern: 1,356 journalists have been killed throughout the world since 1993.⁷² Impunity for killings of journalists persists: 12% of the 1,109 killings of journalists recorded by UNESCO between 2006 and 2018, i.e. 131 cases, have been followed by a judicial procedure leading to the conviction of one or more perpetrators.⁷³ These continued killings and impunity are not conducive to a climate of protection of journalists during elections, even in places where such extreme attacks are infrequent. This is amplified by a context of rising attacks that involve threats of death and other physical violence targeted to reporters and their families.

UNESCO coordinates the implementation of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity (hereafter referred to as UN Plan of Action), which was endorsed in 2012 by the UN Chief Executives Board.⁷⁴ Within this frame, UNESCO recently linked the safety of journalists and media's role in elections during its commemorations of World Press Freedom Day in more than 100 countries in May 2019. The Addis Ababa Declaration, that emerged from the global commemoration event held in Ethiopia, is an elaborated statement that affirms the relevance of safety of journalists to elections (see Appendix to this book).

⁷¹ See, for instance, Reporters without Borders' World Press Freedom Index.

⁷² Source: <https://en.unesco.org/themes/safety-journalists/observatory> (last accessed on 9 September 2019).

⁷³ These statistics are taken from the 2019 UNESCO World Trends In-Focus Report on the Safety of Journalists.

⁷⁴ The UN Plan of Action on the Safety of Journalists and the Issue of Impunity can be accessed in all official UN languages here: https://en.unesco.org/sites/default/files/un-plan-on-safety-journalists_en.pdf

Patterns of attacks and impunity can be detected in various mapping or monitoring exercises, including at regional levels, e.g. by the Council of Europe's flagship [Platform to promote the protection of journalism and the safety of journalists](#) and reports by its Parliamentary Assembly.⁷⁵ The Platform's 12 partners, including journalists' and media organizations as well as freedom of expression advocacy groups, can register alerts about the safety of journalists, and request responses by the States concerned. As of September 2019, since the launch of the Platform in April 2015, 604 alerts have been registered in 39 countries, including the killing of 26 journalists. A total of 353 of the alerts have either been resolved or have elicited a response from a Member State.⁷⁶ Also, as of September 2019, 123 journalists were in detention in the Council of Europe Member States and there were 20 cases of impunity for the murders of journalists, according to the Platform.

These and other types of attacks cause a chilling effect on freedom of expression and media freedom and can lead to fear and self-censorship among journalists.⁷⁷ In such scenarios, society as a whole loses out because of the adverse impact on the public's right to receive such information and ideas. This is particularly problematic for elections.

Within the overall context of threats and violence against journalists and other media actors, there has been growing awareness of, and attention to, the urgency of three particular dimensions: political attacks, legal and digital attacks, and gender-related threats and violence. Each of these focuses will now be dealt with in turn.

4.1.1 *Political attacks*

Election campaigns and debates typically involve contestation between competing parties and candidates. The contestation is often vigorous and heated in nature. Journalists and other media actors play a vital role in democratic societies by reporting on and informing the public about election issues and debates. Such is the importance of their public watchdog role during election periods, that journalists and other media actors are sometimes perversely made the target of legal harassment, intimidation, threats and violence. The use of (overbroad) laws to restrict speech in the context of elections, and a surge in arrests for online speech has been observed in multiple countries.⁷⁸ An increase in attacks on journalists during election periods has been observed. In Europe, the 2019 Annual Report of the Partners to the Platform concluded:

⁷⁵ See, for example, Parliamentary Assembly of the Council of Europe (PACE), Resolution 2141 (2017), 'Attacks against journalists and media freedom in Europe', 24 January 2017).

⁷⁶ Partner Organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists, [Democracy at risk: threats and attacks against media freedom in Europe](#), Annual Report 2019.

⁷⁷ See, for example, Marilyn Clark and Anna Grech, Journalists under pressure: Unwarranted interference, fear and self-censorship in Europe (Strasbourg, Council of Europe, 2017).

⁷⁸ Shahbaz, A. 2018. Freedom on the Net 2018: The Rise of Digital Authoritarianism, Freedom House, p. 4.

*"2018 saw a clear trend towards verbal abuse and public stigmatisation of the media and individual journalists in many member states, including by elected officials and especially in the run-up to elections. Such actions, which are frequently propagated over social media, brand media workers as potential targets, in some instances triggering hostility, hate and violent actions against them."*⁷⁹

In many countries, there is a growing climate of hostility and aggression both online and offline which involves demonization of selected journalists and news media outlets. These constitute psychological attacks designed to intimidate journalists into silence. The Human Rights Council in 2018 expressed concern at "instances in which political leaders, public officials and/or authorities denigrate, intimidate or threaten the media, including individual journalists, which increases the risk of threats and violence against journalists and undermines public trust in the credibility of journalism".⁸⁰

The various Rapporteurs on freedom of expression and/or the media have expressed alarm over "statements by leading politicians that are specifically designed to attack and undermine media independence".⁸¹ Rhetorical attacks on journalists, which go beyond fair criticism, have led the Rapporteurs to stress that "States should be particularly scrupulous about promoting and protecting media freedom and independence during elections, including by respecting the right of the media to report freely during election periods and to criticise governmental policy and political figures [...]".⁸² This is especially relevant to the mobilisation of trolls and paid commentators to carry out such attacks for political ends.

Of relevance to safety of journalists, including during elections, UNESCO has been helping train security forces in understanding the role of media in diverse countries,⁸³ as well as thousands of members of the judiciary across Latin America and Africa.

⁷⁹ Partner Organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists, Democracy at risk: threats and attacks against media freedom in Europe, Annual Report 2019, p. 8.

⁸⁰ A/HRC/RES/39/6, URL (October, 2018): <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/RES/39/6&Lang=E>

⁸¹ Joint Declaration 2018, Preamble; see also Joint Declaration 2017, Preamble.

⁸² Joint Declaration 2018, para. 1(d).

⁸³ More than 1,000 security forces have been trained in various countries including [Burkina Faso](#), [Colombia](#), [Côte d'Ivoire](#), [the Gambia](#), [Iraq](#), [Libya](#), [Madagascar](#), [Mali](#), [Palestine](#), [Rwanda](#), [Senegal](#), [Somalia](#), [South Sudan](#), [Tanzania](#), [Tunisia](#), [Ukraine](#) and [Uzbekistan](#). <https://en.unesco.org/training-foe/about>

4.1.2 Digital dimensions

The following table provides an overview framework for understanding various factors that can impact on journalists being safe to work with digital tools and opportunities:

Figure 4: Digital dimensions impacting on journalists' freedom of expression and safety

Threats	Potential harms
Laws	Censorship Blocking access to content
DDoS-attacks	Censorship Undermining trust in news organizations Financial damages for journalists or news organizations Blocking access to content
Doxing	Self-censorship Endangerment of journalistic sources Undermining trust in journalists or the media
Phishing	Undermining trust in journalists or the media Expose sources
Disinformation	Undermining trust in journalists or the media Self-censorship Drowning out accurate information

4.1.2(i) Internet shutdowns

Laws that censor, or block access to, online content can adversely affect conditions for the information environment to promote an equal political playing field. In recent years, however, there has been a more severe trend with States blocking access to certain apps or shutting down the Internet altogether.⁸⁴ This had already been observed in 2017, when Internet disruptions occurred around political events throughout various regions.⁸⁵ These curbs have particular impact on the ability of journalists to do their jobs. They limit not only newsgathering by reporters but also news distribution. (In turn, this leaves voters to rely only on rumour, unverified speculation and state media that may lack credibility, all of which can endanger the success of an election).

⁸⁴ Partner Organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists, [Democracy at risk: threats and attacks against media freedom in Europe](#), Annual Report 2019

⁸⁵ Paradigm Initiative. 2017. Digital Rights in Africa Report 2017, p. 57; Anthonio, F. 2019. Internet shutdowns are governments' new weapon of choice. IFEX 2019, <https://www.ifex.org/africa/2019/01/23/internet-shutdowns/>; Access Now's Shut Down Tracker Optimisation Project <https://www.accessnow.org/keepiton/>

Despite concerns about such interferences raised in 2016 by the UN Human Rights Council in Resolution A/HRC/32/L.20, various rapporteurs on freedom of expression since 2011, and in many other quarters,⁸⁶ the phenomenon of wholesale and partial shutdowns of connectivity has continued and intensified in recent years.

4.1.2(ii) *Digital attacks*

The trend of using technical means to harass and hinder journalists as observed by UNESCO in 2015⁸⁷ has continued and grown around the world. There is widespread resort to digitally-mediated psychological attacks, whereby electronic communications are used to threaten or intimidate journalists in what amounts to cyber-enabled crimes. There are also direct digital attacks such as Distributed Denial of Service attacks (*DDoS-attacks*) which flood servers with a large volume of connection requests, destabilizing websites or rendering them inaccessible.⁸⁸ Fake e-mails or websites are used to steal journalists' credentials, in a type of attack called '*phishing*'.⁸⁹ As recently identified by Amnesty International, journalists in various regions have been targeted in this way.⁹⁰ Arbitrary surveillance of journalists through digital means is also an issue.⁹¹

Disinformation is also waged as a weapon against journalists. Sometimes it is used to mislead journalists, trick them into sharing inaccurate information or endanger them.⁹² At other times it is used as part of online smear campaigns intended to vilify journalists – for example by portraying them as foreign spies.⁹³ Factual information of a personal nature is utilized as well, in a tactic called '*doxing*', which is the release of such information – such as home addresses – about an individual onto the Internet in order to intimidate.⁹⁴

In recent years, some technology companies have assisted journalists and human rights organizations in combatting technical attacks, including by offering free protection from *DDoS-attacks*.⁹⁵

⁸⁶ See https://www.article19.org/data/files/Internet_Statement_Adopted.pdf; <https://www.osce.org/fom/99558?download=true>. Another example is the statement by the 30 governments in the Internet Freedom Coalition <https://www.freedomonlinecoalition.com/wp-content/uploads/2017/03/FOCJointStatementonStateSponsoredNetworkDisruptions.docx.pdf>

⁸⁷ UNESCO. (2015). Building digital safety for journalism: a survey of selected issues. Paris: UNESCO <https://unesdoc.unesco.org/arks/48223/pf0000232358>

⁸⁸ Douligeris, C. and Mitrokotsa, A. 2004. 'DDoS attacks and defense mechanisms: Classification and state-of-the-art', Computer Networks, Vol. 44, No. 5, pp. 643–666

⁸⁹ Gupta, B. B., Arachchilage, N. A. G. and Psannis, K. E. 2018. 'Defending against phishing attacks: taxonomy of methods, current issues and future directions', Telecommunication Systems, Vol. 67, No. 2, pp. 247–267.

⁹⁰ Amnesty International. 2018. When Best Practice Isn't Good Enough: Large Campaigns of Phishing Attacks in Middle East and North Africa Target Privacy-Conscious Users. <https://www.amnesty.org/en/latest/research/2018/12/when-best-practice-is-not-good-enough/>.

⁹¹ Posetti, *op. cit.*

⁹² Ireton, C. and Posetti, J. (eds.). 2018. Journalism, 'Fake News' & Disinformation: Handbook for Journalism Education and Training. Paris: UNESCO, p. 209.

⁹³ Platform to Promote the Protection of Journalism and Safety of Journalists, 'British Journalist Targeted by Smear Campaign', Council of Europe 2019, https://www.coe.int/en/web/media-freedom/detail-alert?p_id=sojdashboard_WAR_coesojportlet&p_p_lifecycle=0&p_p_col_id=column-4&p_p_col_count=1&sojdashboard_WAR_coesojportlet_alertId=45633886

⁹⁴ Douglas, D. M. 2016. 'Doxing: a conceptual analysis', Ethics and Information Technology, Vol. 18, No. 3, pp. 199–210; McCully, J. 2019.

'Legal Responses to Online Harassment and Abuse of Journalists: Perspectives from Finland, France and Ireland', Vienna: OSCE 2019, p. 6.

⁹⁵ Newman, L. H. 2018. Jigsaw's Project Shield will protect campaigns from online attacks. Wired 2018, <https://www.wired.com/story/jigsaw-protect-campaigns-from-online-attacks/>.

4.1.3 Gender-related threats

In 2017, UNESCO recorded the highest number of female journalists who were killed (11) since the Organization started systematically reporting on killings of journalists in 2006. The UN Secretary General's 2017 Report, [The safety of journalists and the issue of impunity](#), states: "[T]here has been an increase in violence, threats and harassment against women journalists. Women journalists are subjected to the same wide range of human rights violations as are directed against men journalists". It further noted that they also experience workplace and employment related discrimination and gender-based violence, including threats of violence, abuse and harassment. A number of those recommendations were included in the UN General Assembly's 2017 Resolution on the same topic. Among other things, the Resolution calls on "States to tackle sexual and gender-based discrimination, including violence and incitement to hatred, against women journalists, online and offline, as part of broader efforts to promote and protect the human rights of women, eliminate gender inequality and tackle gender-based stereotypes in society".

As the UN organization with the mandate to protect freedom of expression and head up the UN Plan on safety of journalists, UNESCO has a number of projects that address safety of women journalists. A panel discussion organized by UNESCO in cooperation with Member States of the Group of Friends for the Safety of Journalists in June 2019 brought together journalists, media managers and internet companies around the topic of online harassment of women journalists.⁹⁶ In September 2019, UNESCO took steps towards the initiation of a global study to identify effective measures to tackle online harassment of women journalists. UNESCO was also planning capacity building activities for both female journalists and media managers with a focus on four countries.⁹⁷

At the regional level, the Office of the OSCE Representative on Freedom of the Media has been spearheading a high-profile campaign to protect plurality and safety of female journalists online (#SOFJO). It seeks to raise awareness about the effects of online threats against and harassment of female journalists and society as a whole. Such threats and harassment cause stress and fear and can lead to self-censorship, which in turn hinders society's ability to receive female perspectives on news and matters of public interest. As the campaign puts it: 'Silencing women journalists therefore constitutes an attack on democracy itself'. Particularly, this may contribute to gender-insensitivity when it comes to electoral coverage where issues related to gender inequality already tend to receive little attention.

⁹⁶ "#JournalistsToo: UNESCO conference puts spotlight on online harassment of women journalists," UNESCO. See <https://en.unesco.org/news/journalisttoo-unesco-conference-puts-spotlight-online-harassment-women-journalists>.

⁹⁷ "UNESCO receives 300,000 USD from Swedish Postcode Foundation to tackle safety of women journalists," UNESCO. See <https://en.unesco.org/news/unesco-receives-300000-usd-swedish-postcode-foundation-tackle-safety-women-journalists>.

4.2 Main challenges

- Linking the UN Plan on journalists' safety to elections is relatively new and merits further analysis as to how safety issues in these periods affect, and are affected by, the state of protection of journalists before and after these times.
- Intimidation, harassment, threats and violence targeting journalists, and women journalists in particular, in the context of their election reporting are not comprehensively monitored.
- There are insufficient cases where politicians have a code of conduct towards media that covers the safety of journalists during an election.⁹⁸
- There is a need to consolidate and expand ongoing efforts to eliminate the "double burden" faced by female journalists and enhance their protection, including online, and ensure special attention to these issues in relation to elections.
- The limited resilience of individual journalists and media against digital attacks is a problem, and many news outlets often lack training and other forms of protection, which has particular significance for election coverage.

4.3 Responses and looking ahead

In response to the trends identified on journalistic safety, action lines could cover the following:

- Greater efforts, including stronger measures by States, are needed to tackle the persistent problem of impunity for crimes against journalists and other media actors in a root-and-branch manner.
- Adherence by state actors, political leaders and all politicians to the special duties and responsibilities that govern the exercise of their right to freedom of expression. While it is legitimate for politicians to criticize journalists and the media in the context of public debate, they should "always be careful to ensure that their comments are accurate, avoid stigmatising and discrediting the media, and do not threaten journalists and/or undermine respect for the independence of the media".⁹⁹ They should moreover distance themselves from, and "publicly and unequivocally condemn all instances of threats and violence against journalists and other media actors, irrespective of the source of those threats".¹⁰⁰

⁹⁸ An historical case of such a code which played a significant role was introduced in South Africa's first democratic elections. See http://www.rjr.ru.ac.za/rjrpdf/rjr_no13/proactive.pdf.

⁹⁹ Joint Declaration 2018, para. 4(b).

¹⁰⁰ Council of Europe. Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors, 13 April 2016.

- Intensification of monitoring, based on dedicated mechanisms, of the safety of journalists in general, such as under the indicator referred to earlier in this Report, for Sustainable Development Goal 16.10.1, and using this to positive effect during elections.
- Development of regional platforms replicating key features of the Council of Europe's [Platform to promote the protection of journalism and the safety of journalists](#). The collaborative nature of the Platform; its embeddedness in a normative and political framework, and its emphasis on providing supplementary information and updates on alerts, as well as the responsiveness of (some) member states, are all significant features that are useful for documenting threats to journalists' reporting on elections.
- Facilitation and promotion (while respecting media independence) of digital safety trainings for journalists and other media actors.
- Bringing together of existing and ongoing efforts from across the world to improve the safety of female journalists. Inspiration could be drawn, for example, from the OSCE Representative on Freedom of the Media's campaign to protect female journalists online (#SOFJO).
- Future efforts should map the extent to which all these threats and attacks on journalists result in distortions of a level political playing field during elections.

The persistence of threats, attacks and killings targeting journalists and other media actors around the world, as well as impunity for such crimes, are enduring problems with particular pertinence to elections. There is a growing digital dimension to this phenomenon. The severing of access to connectivity is one manifestation which has direct relevance. Digitally-mediated attacks designed to intimidate journalists and other media actors have strong bearing on whether there are fair and credible environments for free and informed political choice. Gender-specific threats targeting female journalists and other media actors demand urgent attention and tailored responses.

In addressing these challenges, state authorities have primary responsibility. However, the media and online platforms, politicians, civil society and the public also all have clear roles to play when it comes to combating and condemning threats and attacks, and in building momentum to end impunity for these and other crimes against journalists.

5. Changes impacting on election rules and news media's role

Elections are the bedrock of any democratic society. They are the most formal expression of the public's political will. The integrity of elections and their outcomes must therefore be guaranteed by law and in practice. The public, educative, informative and watchdog roles of news media and journalists takes on added importance during election periods. But digital developments are affecting electoral arrangements and communications, often with a disruptive impact on the potential for journalism to make its contribution.

While public media is expected to be entirely independent and politically impartial during an election, it is generally accepted that private media is entitled to choose to be partisan. At the same time, journalism in private media outlets is still expected to be fact-based, even if different entities prioritise and frame the news differently. This norm is undermined by media capture when external forces work to distort journalistic professionalism, and it can also be violated by shortfalls in journalistic practice. Nevertheless, the strength of this norm leads to a different logic in news media compared to that of disinformation as the systematic fabrication and dissemination of false content. In a pluralistic media landscape, the diversity of news suppliers and the political advertising they may carry gives real meaning to the right to choose, and contributes to the vibrancy of the public sphere. All this is challenged by changes in the broader environment of electoral communications.

5.1 Main issues and trends

Increasingly, debate in a common public space is facing counter-trends of individualization and fragmentation, developments which are reinforced by social media and social messaging. At the same time, increasingly more campaign spending is taking place online, through channels other than traditional media, and outside of existing regulatory frameworks. Below-the-radar (and often bot-driven) disinformation, "hate speech" and polarizing messages have raised the emotive dimension of political contestation, at the expense of peaceful and contemplative decision-making founded upon evidence-based debate.

Meanwhile, legal restrictions and cuts on Internet access (as noted in the previous section of this Report) are curbing legitimate electoral communications by news media and others, leaving electorates underinformed and restricted in terms of their right to political participation. This has high significance for electoral

credibility at a time when technology such as electronic voter registration, electronic voting or systems of transmission, and results management can all raise suspicions in relation to fears of manipulation and fraud. There is a need for steps to secure these systems, including by reinforcing encryption, as well as continuing to provide a paper-based trail. But to further build or retain trust by voters in regard to the integrity of an election, it is also necessary to address the wider information and media issues that have arisen in recent years.

The changes wrought by digital technology, and by the actors who avail it and utilise in certain ways, impact all stages of the electoral cycle: the pre-electoral, electoral and post-electoral periods.¹⁰¹ To avoid negative impact on the credibility of elections and the legitimacy of their results, long-term measures may be necessary, as distinct from short-term event-based ones.¹⁰² However, it is also clear that new technological and social developments that influence electoral systems and communications, as well as have impact on voter behaviour, mean that the full range of consequences are hard to predict. This poses an additional challenge for elaborating effective, long-term measures, and also choosing the optimum phase of the electoral cycle in which to implement them.

The upshot of these developments is that the international legal and political standards and rules governing electoral rights and the organization of elections must evolve with the times. Those standards, as well as their national articulations, will need to pay due attention to the respective roles of media and social media/messaging, as well as digital security - plus the role of advanced Information and Communication Technologies (ICTs) such as Artificial Intelligence and block-chain.¹⁰³

5.1.1 Regulation and self-regulation of electoral communications

Campaign regulations have the goal to protect the integrity of elections by ensuring they are free and fair. This is by facilitating public opinion forming through ensuring that citizens have access to a balanced range of views and opinions. In most countries, integrity is also regulated by placing constraints on the role of money in the electoral process through limits on political advertising and campaign spending, especially during the pre-electoral and electoral periods. Political advertising may also be regulated concerning transparency, advertising time and cost, and unpaid political messaging. Furthermore, broadcast media are usually subject to rules concerning impartiality in political matters, as well as on items such as misleading advertising. Such rules are linked to licensing conditions imposed because of the use of a finite public resource in the form of the airwaves, and because this use can pose a risk to an equal playing field for electoral contenders.

¹⁰¹ ACE Project, What is the electoral cycle? Available at: <https://aceproject.org/electoral-advice/electoral-assistance/electoral-cycle> (accessed on 29 September 2019).

¹⁰² *Ibid.*

¹⁰³ See, for example, OSCE Office for Democratic Institutions, Handbook On Media Monitoring for Election Observation Missions, Warsaw, 2012.

In comparison, the Internet allows politicians to present their agenda and mobilize their support base at a lower cost than broadcast media, which can help level the playing field if it benefits less financially resourceful political parties.¹⁰⁴ However, social media platforms may also be used as a powerful tool for targeted advertising based on the mining of users' data, and hence richer actors may benefit disproportionately in exploiting such possibilities. Internet companies are also increasingly occupying important gatekeeper positions akin to those formerly occupied by journalists, but without the accompanying public space visibility nor the equivalent legal and ethical obligations, which may present a further threat to the credibility of elections.¹⁰⁵

The various rules on electoral communications may be contained in election and broadcasting laws and self-regulatory codes, and are also reflected in some international human rights standards. However, new Internet technologies frequently enable a range of actors to evade these rules, posing a significant regulatory challenge and the risk of undermining the preservation of a fair and free electoral environment. Digital platforms, reinforced by particular business models, are seeing users create and disseminate content in a fragmented communications environment and with flows of information that are more difficult to regulate as regards the range of actors and their targeted constituents.¹⁰⁶ For example, involving a vast number of communications, social media enable politicians to operate at scale and interact directly with citizens, reach a more diverse audience and encourage followers to share content in their support. As another example, unlike political advertising through traditional broadcast media, online political advertising happens within a mostly new and vastly unregulated field that is also cross-border in character. In this new arena, disinformational and even imposter political adverts may be circulated undetected as elements of potential campaigns.

Besides regulatory frameworks, systems of many media self- and/or co-regulation can also play an important role. An interesting example presented itself in Italy in 2018: the Italian Communication Authority (AGCOM) published a set of self-regulatory guidelines to ensure equal treatment of parties/candidates on online platforms within the context of the (then) pending general elections.¹⁰⁷ The guidelines dealt with issues such as: equal treatment of political subjects; transparency of online political advertising; reporting mechanisms for illegal content (opinion polls in the 15 days preceding election day and defamation of electoral candidates); public entities refraining from using social media for political communication during election periods; the "desirability" of platforms preventing political groups from campaigning on the eve and day of elections, and the enhancement by Facebook and Google of existing fact-checking mechanisms.¹⁰⁸

¹⁰⁴ Council of Europe MSI-MED, Study on the use of internet in electoral campaigns, *op. cit.*

¹⁰⁵ *Ibid.*

¹⁰⁶ A. Casero-Ripollés, R.A. Feenstra & S. Tormey, Old and New Media Logics in an Electoral Campaign The Case of Podemos and the Two-Way Street Mediatization of Politics (2016). The International Journal of Press/Politics, 21(3): 378-397.

¹⁰⁷ AGCOM, Guidelines for equal access to online platforms during the election campaign for the 2018 general elections, 1 February 2018.

¹⁰⁸ For more details and analysis, see: Ernesto Apa and Filippo Frigerio, 'Italy: Self-regulatory guidelines for online platforms for next general elections published by Italian Communication Authority', IRIS 2018-3: 24, available at: <https://merlin.obs.coe.int/iris/2018/3/article24.en.html>.

An innovative multi-stakeholder mechanism was implemented in South Africa in the run-up to the 2019 elections, where Media Monitoring Africa (<https://www.mediamonitoringafrica.org/>) piloted a Digital Disinformation Complaints Committee to advise the Electoral Commission (IEC), in light of allegations that “hate speech” and disinformation. The process was endorsed by the IEC, the South African National Editors Forum and the Press Council of South Africa (a self-regulatory mechanism). For this initiative MMA, under the auspices of the IEC, launched the REAL411 platform which enabled citizens to report instances of disinformation and “hate speech” through an online form (<https://www.real411.org.za/complaints-create>), as well as to track the status of their complaints and the actions taken to follow-up on them. Social media platforms – including Facebook, Google and Twitter – supported the initiative to assist with moderating content that constituted disinformation when requested, while public awareness about the initiative was facilitated through its inclusion in voters’ education campaigns. A draft code on disinformation during elections (an additional code to the current South African electoral code of conduct) was used as a guiding framework to make decisions on the disinformation complaints. One of the elements of the code, which was also piloted during this period, was an online political advertisement repository (www.padre.org.za). Registered political parties were asked to upload their official online advertisements onto the platform. This repository was included to enable the public to compare and distinguish between legitimate political advertising, and authentic political advertising being distributed as disinformation.

5.1.2 *Changing patterns in campaign spending*

There is evidence in several countries of political parties and candidates allocating campaign expenses to the online plane.¹¹⁰ However, existing regulations that define what counts as spending, and which set limits on this (and that part of it which constitutes formal political advertising), may not effectively track online expenses,¹¹¹ which are often international in nature and below-the-radar such as when “troll armies” are hired for online campaigning. While targeted messaging and statistical analysis have long been a part of democratic campaigns, today computational data collection and processing, together with algorithm-based targeting, has greatly increased both their use and their potential for manipulation. Internet companies with mass data and predictive capacity can offer specific targeting of individuals with messages meant to persuade them – and sometimes also to mislead or otherwise manipulate. Such personal data can be acquired through social media and messaging platforms, search engines, and websites that excel in “sticky-ness” and which exploit user-behaviour through placing tracker software across all user devices. Such data can be sold, or access to their power can be purchased,

¹¹⁰ Tenove *et al.*, ‘Digital Threats to Democratic Elections’, *op. cit.*

¹¹¹ Council of Europe MSI-MED, Study on the use of internet in electoral campaigns, *op. cit.*

for instrumentalist purposes. They can also be acquired from data brokers, and in some cases through the illegal hacking of databases. Governments also collect data about their citizens and employees, which may also come to be hacked, shared or used for political purposes.¹¹²

While political micro-targeting may offer gains by directing more relevant campaign messages to interested audiences,¹¹³ it also focuses largely on swing or undecided voters in order to discredit opponents and install apathy amongst their potential supporters. Such targeting may also deprive people of awareness of the spectrum of political stances and information, which in turn creates inequalities in terms of the available information on which the voters base their political choices.¹¹⁴ This phenomenon has been called “micro-targeting consent”.¹¹⁵

During data processing, algorithms can identify people based on factors such as demographics or geography. Pernicious targeting is possible,¹¹⁶ which may lead to a chilling effect due to the sensation that citizens are being monitored and their online conduct is being tracked. This is because such de facto surveillance essentially involves gathering and processing mass amounts of personal data, which may lead to precise identification and profiling of individual citizens as well as putting their data at risk of hacking and breach. A lack of transparency regarding microtargeted political advertising makes it difficult to check or hold entities accountable for their use. Thus, while this kind of advertising may provide people with relevant political information, it may also facilitate manipulation through customization, exploitation of information deficits, the leveraging of psychological predispositions or vulnerabilities, and limitations on dialogue, critique or counter-argument.

Microtargeted messages will only reach a limited audience.¹¹⁷ Thus, they may therefore easily fragment the electorate:¹¹⁸ as few as twenty people may be targeted in social media campaign messages, based on user data, which may entail completely different political information received.¹¹⁹ Microtargeting could also be a tool for excluding certain candidates or parties from the public debate: parties with less money for campaigning would not be able to conduct online campaigns on a same level as richer ones, which could prevent the public from receiving facts, ideas and opinions that may otherwise enrich their voting calculus. This could also overly empower data-driven service intermediaries,

¹¹² Tenove *et al.*, ‘Digital Threats to Democratic Elections’, *op. cit.*

¹¹³ Solon Barocas, ‘The price of precision: Voter microtargeting and its potential harms to the democratic process’, International Conference on Information and Knowledge Management, Proceedings, 2012.

¹¹⁴ Council of Europe MSI-MED, Study on the use of internet in electoral campaigns, *op. cit.*

¹¹⁵ Cees Plaizier, ‘Micro-targeting Consent: A Human Rights Perspective on Paid Political Advertising on Social Media.’ LL.M. thesis, Informatierecht LL.M. Programme, Faculty of Law, University of Amsterdam, 2018, available at: <http://www.scriptsonline.uba.uva.nl/scriptie/650580>.

¹¹⁶ Tenove *et al.*, ‘Digital Threats to Democratic Elections’, *op. cit.*

¹¹⁷ Tenove *et al.*, ‘Digital Threats to Democratic Elections’, *op. cit.*

¹¹⁸ Wood *et al.*, ‘Fool Me Once: Regulating ‘Fake News’ and Other Online Advertising’, *op. cit.*

¹¹⁹ Desai, ‘Campaigning, Internet and the Law’, *op. cit.*

such as social media platforms, by giving them control to decide which ads to run and how. Meanwhile, the commercial success of this advertising model has negatively affecting advertisement revenues for traditional media.¹²⁰ The effect of this is to weaken the ability of news media to play a countervailing role with advertisements shared in a common public sphere.

What this situation points to, especially in a context of burgeoning disinformation, is a need for further regulation dealing with online political campaigning and advertising. Domestic measures could have the power to deal with a lot of these issues, but given the cross-border character of social media and messaging, effective self-regulation of social media platforms is also a must. This would require extensive internal as well as multi-stakeholder cooperation by Internet companies and targeted engagements with governments, electoral bodies, political parties and civil society in order to draft effective policies and codes of conduct.¹²¹

Under public pressure, the Internet companies have begun to act. Twitter has stated that it will be enforcing strict political advertising rules. Google, too, has affirmed its “commitment to support election integrity and transparency in political advertising” and has devised its Political Advertising Transparency Report as part of that commitment.¹²² This initiative should be seen alongside other election initiatives by the company, with emphases on “Driving Voter Engagement”, “Protecting Elections Information Online” and “Helping Campaigns Manage their Digital Presence”.¹²³

These steps are part of a broader, recent trend among major online platforms to create public online databases that provide overviews of political advertising via their services.¹²⁴ The trend has emerged against the backdrop of growing political and public outcry over the lack of transparency in political and issue advertising online, especially political micro-targeting. Another example within this trend is Facebook’s Ad Library, which “contains data on every active and inactive ad about social issues, elections or politics that’s run in countries where we authorize this type of ad”.¹²⁵ At the same time, it was reported in 2019 that Facebook had decided to exempt political advertising from fact-checking requirements.¹²⁶ Twitter’s Ads Transparency Center “allows anyone across the globe to view ads that have been served on Twitter, and it gives even more details on political campaigning ads, including ad spend and targeting information.”¹²⁷ For the US (only), it also provides details about issue

¹²⁰ Zuiderveen Borgesius et al., ‘Online Political Microtargeting: Promises and Threats for Democracy’, *op. cit.*

¹²¹ Van der Spuy, A. 2018. What if we all governed the Internet? Paris: UNESCO

¹²² See: <https://transparencyreport.google.com/political-ads/home>

¹²³ See: <https://elections.google/#engaging-voters>.

¹²⁴ For excellent analysis of the so-called “platform ad archives”, see: Leerssen, Paddy and Ausloos, Jef and Zarouali, Brahim and Helberger, Natali and de Vreese, Claes H., Platform Ad Archives: Promises and Pitfalls (April 30, 2019). Available at SSRN: <https://ssrn.com/abstract=3380409> or <http://dx.doi.org/10.2139/ssrn.3380409>.

¹²⁵ See: https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=CN

¹²⁶ <https://www.newsweek.com/trump-biden-facebook-misleading-ads-1463054>

¹²⁷ https://about.twitter.com/en_us/values/elections-integrity.html#political-advertising

advertisers, including “the name of the organization funding the ad campaign along with performance, spend, and targeting demographics.”¹²⁸ LinkedIn has also confirmed it will adhere to stricter transparency guidelines.¹²⁹

One issue to an effective self-regulation policy, however, is that online political advertising may be considered a type of protected speech under international freedom of expression standards, since political speech is entitled to special protection and this might include instances of political advertising. In this sense, self-regulatory restrictions on online political advertising could be construed as an illegitimate constraint of the right to freedom of expression, which would entail the danger of unaccountable actors having the power to skew elections through their gatekeeping role as well as through the influence of their business models regarding what content is prioritised, downgraded or excluded. In terms of the UN Guiding Principles on Business and Human Rights, companies are expected to respect rights in terms of their policies and practices.¹³⁰ This includes the rights directly related to expression and elections. All this is particularly relevant to the extent that Internet platforms constitute open public squares on the one hand - or on the other, spaces that are characterised by covert electoral campaigning, as well as arbitrary curtailment of expression, tolerance of expressions that are illegal or otherwise not protected under the ICCPR, and where there are not meaningful rights to redress for aggrieved persons with legitimate complaints.

To navigate these issues, an extensive review should be conducted of the ability of current legal frameworks to ensure a fair, clean and transparent electoral campaign.¹³¹ Such a review would set out the applicability of democratically-derived regulatory frameworks, aligned to international standards, within which self-regulatory regimes could operate. In particular, a review would lay out requirements for transparency concerning political spending and advertising, and intermediaries’ treatment of other political content, in all phases of the electoral cycle. Initiatives tackling these issues and challenges are coming to the fore at the national level. In the United Kingdom, for instance, the Electoral Commission has published a report, ‘Digital campaigning – increasing transparency for voters’, in which it pushes for greater transparency in digital campaign expenditure and labelling.¹³² The report also underlines the importance of clear rules and the enforcement of those rules.

¹²⁸ See: <https://ads.twitter.com/transparency>

¹²⁹ <https://www.socialmediatoday.com/news/linkedin-follows-facebooks-lead-with-new-ad-transparency-tab-on-pages/555281/>

¹³⁰ https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

¹³¹ Council of Europe MSI-MED, Study on the use of internet in electoral campaigns, *op. cit.*

¹³² <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/changing-electoral-law/transparent-digital-campaigning/report-digital-campaigning-increasing-transparency-voters>

5.1.3 *Electoral content regulations for news media and social media*

5.1.3(i) *Regulatory developments*

Regulation governing news media reporting during election periods does not always extend to their online platforms, let alone cover the role of new informational actors online, including on social media and social messaging. However, existing regulation of journalism and news media during election periods is being updated in many countries and there is growing awareness that such regulation must be in tune with modern-day communications realities. One example is in Brazil, where electoral law limits the publication of content deemed “injurious” to candidates during electoral periods, and where under a 2017 Resolution, the electoral court can order platforms to remove online content relaying information “known to be untrue” about candidates.¹³³

In November 2018, the French Parliament adopted a law to combat manipulation of information during electoral periods. Its main aim is to identify and to stop deliberately false or misleading allegations on online platforms in the three-month period preceding an election.¹³⁴ It imposes strict rules on the media during electoral campaigns and it gives the authorities the power to remove fake content spread through social media and enforce financial transparency for sponsored content in the three months prior to elections.¹³⁵ Both of these examples illustrate governmental attempts to extend electoral legislation in order to better deal with the online medium.

5.1.3 (ii) *Normative developments*

Intergovernmental organizations appear to be increasingly concerned by the need for more transparency concerning elections and communications. The Guidelines on Access to Information and Elections in Africa, adopted by the African Commission on Human and Peoples’ Rights, are a noteworthy example. The Guidelines apply to a range of stakeholder groups but also contain a section specifically addressed to the media and online platform providers, which proposes that:

29. Print, broadcast and online media, whether publicly or privately owned, shall proactively disclose the following:

¹³³ See: <https://freedomhouse.org/report/special-reports/internet-freedom-election-monitor>

¹³⁴ European Commission for Democracy through Law (Venice Commission) and the Directorate of Information Society and Action against Crime of the Directorate General of Human Rights and Rule of Law, Joint Report on Digital Technologies and Elections, Opinion No. 925/2018, Doc. No. CDL-AD(2019)016, 24 June 2019, para. 100.

¹³⁵ See: <https://www.poynter.org/ifcn/anti-misinformation-actions/#france>

- (a) Editorial and ethical codes or guidelines utilised in undertaking election coverage, including provisions prohibiting incitement to discrimination, hostility or violence, if any;
- (b) Sanctions for transgressions of these codes or guidelines;
- (c) Complaints procedures for handling breaches of these codes or guidelines;
- (d) Number of complaints received and how these were addressed;
- (e) Code of conduct for staff on procedural matters;
- (f) Criteria for the allocation of airtime or news coverage for political campaign advertisements and activities;
- (g) Polling methodologies and margins of error;
- (h) Actual allocation of airtime or news coverage for political campaign advertisements and activities;
- (i) Plan for a transparent repository of all political advertisements, including those targeted at individuals or specific groups on online media;
- (j) Coverage plan for election day;
- (k) Criteria for the selection of election commentators, political analysts or other experts;
- (l) Guidelines on responsible use of online media; and
- (m) Conflict of interest media ownership information, political affiliations or party support arrangements, if any.

The Guidelines propose that media and internet regulatory bodies should adopt regulations on media coverage during elections that ensure fair and balanced coverage of the electoral process and transparency about political advertising policy on media and online media platforms.

Such regulations should “proactively disclose to the public:

- (a) The complaints procedure against media organisations that violate the regulations;
- (b) The enforcement mechanism for ensuring compliance with the decisions taken and sanctions imposed;
- (c) The code of conduct for online media”.

The European Commission for Democracy through Law (the ‘Venice Commission’) issued an extensive report on digital technologies and elections in June 2019.¹³⁶ As the Council of Europe’s advisory body on constitutional matters, the Commission’s work includes freedom of expression, media freedom and electoral rights and processes. In its report, the Commission’s work includes calls for action in the following areas:

- A. Revision of rules and regulations on political advertising: in terms of access to the media (updating broadcasting quotas, limits and reporting categories, introducing new measures covering internet-based media, platforms and other services, addressing the implications of micro targeting) and in terms of spending (broadening of scope of communication channels covered by the relevant legislation, addressing the monitoring capacities of national authorities);
- B. Accountability of internet intermediaries in terms of transparency and access to data enhancing transparency of spending, specifically for political advertising. In particular, internet intermediaries should provide access to data on paid political advertising, so as to avoid facilitating illegal (foreign) involvement in elections, and to identify the categories of target audiences.
- C. Quality journalism: strengthening of news accuracy and reliability, enhanced engagement with the audience, strengthening of public service media and local media, and empowering self-regulation with an added focus on transparency of online news and their circulation;

¹³⁶ European Commission for Democracy through Law (Venice Commission) and the Directorate of Information Society and Action against Crime of the Directorate General of Human Rights and Rule of Law, Joint Report on Digital Technologies and Elections, Opinion No. 925/2018, Doc. No. CDL-AD(2019)016, 24 June 2019.

- D. Empowerment of voters towards a critical evaluation of electoral communication targeted action for preventing exposure to false, misleading and harmful information (with due reflection on the limits of fact-checking initiatives; efforts on media literacy (including social media literacy) through education and advocacy;
- E. Open internet: ensuring net neutrality, considering legally strengthening users' rights to an open internet, and ensuring that any restrictions on access to internet content are based on a strict and predictable legal framework regulating the scope of any such restrictions, and ensuring that judicial oversight to prevent possible abuses is guaranteed;
- F. Data protection: affirming and protecting the right to anonymity on the internet, regulating and strictly limiting the creation and use of profiles, in all kinds of different contexts. In addition, the Council of Europe might consider adopting guidelines on the restrictions to be imposed on surveillance technologies, including the international trade in such technologies; promoting Convention 108 as the "gold global standard"; and possibly developing a specific legal instrument to address the high risk that the use of digital technologies in political campaigns and advertising represents to personal data protection.¹³⁷

5.1.4 Access to communications infrastructure

The blocking of access to the Internet or to particular websites, online content or services constitutes a far-reaching interference not only with news coverage, as discussed earlier, but also with the right to freedom of expression during an election. It curtails the public's ability to participate in debates on electoral issues insofar as it prevents them from articulating and sharing information and ideas. The possibility for the public to use the Internet to bring to light electoral abuses is undercut. Disruption of connectivity further denies or impedes the public's access to information and ideas that are important for individuals to form their political decisions. According to the Rapporteurs on freedom of expression, while "generally unacceptable under international law", Internet shutdowns and similar interferences are particularly problematic "in the context of political debate and elections".¹³⁸

¹³⁷ *Ibid.*, para. 152.

¹³⁸ Joint Declaration 2018, Preamble.

5.2 Main challenges

- News media's role in elections communications, including political advertising, is progressively being disintermediated as well as weakened through the loss of advertising, while the public space is fragmenting and being availed to organized disinformation campaigns.
- In this ecosystem, perceived and real vulnerabilities in elections technologies can endanger the credibility of election results.
- Elections still often lack a wider enabling environment for journalism and the media that can guarantee their independence, pluralism and financial viability – which are preconditions for journalists and the media to be able to provide election coverage - online and offline - that is accurate and reliable.
- Media capture and shortcomings in adherence to journalistic standards, as well as transparency gaps about elections coverage, are a problem in terms of credibility of content concerning elections.
- Rules on news reporting of elections often do not ensure that the standards that apply to journalists and the media also apply to online platforms or to other relevant actors (as relevant and appropriate).
- Regulatory and policy frameworks governing campaign spending, including adverts, are very often outdated and need to be updated on an ongoing basis in order to keep pace with technological developments.
- Lack of transparency in the curation of online content on social media and its deletion, in particular during the pre-electoral and electoral periods, is problematic as it renders it difficult to trace the provenance of content and thus to assess its accuracy and reliability.
- It is a problem when access is blocked to the Internet or particular websites or services during election times, due to the rapidly growing importance of digital communications for voters seeking, receiving and imparting information about electoral issues and candidates.

5.3 Responses and looking ahead

In response to the trends noted above about changes in elections and the roles of news media, action points could be to:

- Ensure a legal environment for media freedom and independence in terms of coverage of elections, and encourage high professional standards through self-regulation by news media companies.

- Encourage Internet companies to develop self-regulatory systems aligned to international standards, through multi-stakeholder engagement, so as to deal with problems of misuse and manipulation during elections, and to enhance transparency about steps being taken.
- Ensure that international legal standards on privacy, data protection and freedom of expression are strictly adhered to, in the context of political advertising online.
- Develop and implement forward-looking standards for transparency in political campaign spending and advertising off- and online.
- Develop transparency policies such as the Guidelines on Access to Information and Elections in Africa, adopted by the African Commission on Human and Peoples' Rights.
- Strengthen the media and information literacy skills of citizens, with specific emphasis on election-related communications and the democratic role of the media, and involve electoral management bodies and civil society in such initiatives.
- Train journalists to be able to give deeper coverage of the role of digital dimensions of elections such as those outlined in this study.
- Secure critical election infrastructure and provide verification, transparency and a multi-stakeholder approach concerning the use of digital technology during elections, and ensure parallel paper trails where appropriate.

In summary, public debate is becoming increasingly fragmented and taking place more and more online. This extends to political campaigns and, consequently, to campaign spending, both of which might evade (or fall within a gap in) traditional electoral regulatory frameworks. Data collection and analysis is being used in recent years for online political micro-targeting, often covertly and with unpredictable consequences, putting in question the ability of current legal frameworks to ensure a fair, clean and transparent electoral campaign. Certain governments, companies and coalitions have been making efforts to address these issues, but these are very recent and evolving, which makes their effectiveness in the electoral cycle as of yet uncertain. At the same time, restrictions on internet access serves to curb electoral communications and affects the right to a fair and free electoral process.

6. Conclusions

Elections must be inclusive, credible and peaceful. They are decisive moments for every democratic society. They take the pulse of the electorate and provide a mandate for government in the name of the people. Elections can provide an impetus for a society to move towards policies, programmes and accountability that advance humanity along a peaceful development path as per the UN 2030 Sustainable Development Agenda. This is why it is significant that international human rights law safeguards a range of inter-related rights that are relevant to elections, such as the right to freedom of expression (including media freedom) and the right to vote in free and fair elections, the secrecy of the right to vote, etc.

However, recent trends in the information ecosystem, while each raising its own distinct challenges, converge in a powerful way in elections. The rise of disinformation, along with growing attacks on journalists, represent a toxic threat to the democratic ideal. Issues of electoral integrity are thrown up by the affordances of digital technologies and the current business models driving them – in particular in terms of political campaigning and advertising expenditure. The suitability of electoral regulation of news coverage in online space, and the issue of applicability to non-traditional mass communicators and to Internet platforms, has further clouded the picture.

With this fusion of trends in disinformation, threats to the safety of journalists and changes in electoral arrangements and communications, it becomes difficult to anticipate the trajectory in the coming years. But the combination does underscore the importance of the international human rights framework and its dynamic application to these ongoing technological and journalistic issues which go to the heart of democracy.

In this context, effective strategies are needed to respond to digital-enabled changes to the life cycles of elections so as to guarantee in practice the rights and standards that govern the integrity of voting, as well as the robust, but informed and inclusive public debate that underpins opinion-making processes in democratic society. Unless such strategies are put in place, the prospects will be jeopardised for countries to resolve their domestic political differences through democratic public elections that are credible, fair and peaceful.

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The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information:

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Appendix

Addis Ababa Declaration, World Press Freedom Day 2019. “Journalism and Elections in Times of Disinformation”¹³⁹

We, the participants at World Press Freedom Day 2019, International Conference, Addis Ababa, Ethiopia, 1-3 May 2019

Recalling Article 19 of the Universal Declaration of Human Rights (UDHR), which states: “Everyone has the right to freedom of opinion and expression; this includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”;

Further recalling Article 21 of the UDHR, which states: “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures”;

Reaffirming aspiration of Agenda 2063: The Africa We Want, which envisions “An Africa of good governance, democracy, respect for human rights, justice and the rule of law”;

Further reaffirming that UN Member States are responsible for organising, conducting and ensuring transparent, periodic and genuine electoral processes, and that in the exercise of their sovereignty, Member States should involve all electoral stakeholders including the media throughout all electoral operations;

Cognisant of Sustainable Development Goal (SDG) Target 16.10 which calls on States to “ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements”;

Acknowledging the “Joint Declaration on Freedom of Expression and “Fake News”, Disinformation and Propaganda” adopted by the UN, the OAS, African and OSCE special rapporteurs on freedom of expression in March 2017, that called attention on the use of public statements to denigrate, intimidate and threaten the media, which increases the risk of threats and violence against journalists, undermines public trust and confidence on journalism as a public watchdog, and may mislead the public by blurring the lines between disinformation and media products containing independently verifiable facts;

Reaffirming the fundamental importance of election processes to the integrity

¹³⁹ https://en.unesco.org/sites/default/files/draft_wpfd_addisdeclaration_29april.pdf

of democracy and the fact that both rest upon a free flow of information and ideas, as well as uninterrupted means of communication, as guaranteed by Article 19 of the UDHR;

Recognising that respect of fundamental freedoms, including the right to freedom of expression, including press freedom, is a necessary element to a safe, inclusive and conducive environment for electoral participation;
Reaffirming the central importance of freedom of expression, a free, independent, pluralistic and safe media, and respect for democratic principles, to promoting peace and reconciliation, including in societies suffering from conflict;

Emphasising that informed citizens, who have access to diverse and independent media sources and who benefit from Media and Information Literacy skills, are more likely to feel empowered to exercise their democratic rights and to accept the outcomes of credible, free and fair elections;
Recalling that free, independent and pluralistic journalism –both online and offline – serves an essential role in democracies by strengthening accountability, by facilitating peaceful, credible, inclusive, transparent, free and fair elections, and by ensuring that citizens are informed about issues of public interest, including those being debated in elections;

Convinced that respect for the public's right to information, the expansion of Media and Information Literacy, and ensuring the safety of journalists, with cognisance of the particular threats to women journalists, and others exercising their right to freedom of expression, are key to addressing current challenges to elections;

Further recognising the tension between, on the one hand, the enormous potential of ICT innovations to deepen and broaden electoral processes and, on the other hand, the increasing threat posed by malicious actors' efforts to collect and manipulate data and use social media and social messaging, to interfere with citizens' capacity to make informed decisions and undermine the fairness of elections;

Concerned about the growing prevalence of disinformation as well as hate speech, which may undermine elections, as well as the challenges in finding appropriate regulatory and other means of addressing such speech while respecting the right to freedom of expression;

Recalling that the State's responsibility to prevent any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, as well as the "Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence" adopted on 5 October 2012.

Now therefore:

Call on each UNESCO Member State, including their Electoral Management Bodies, to:

- Create, strengthen and/or implement, as agreed in various conventions, **an enabling legal and policy framework in line with international standards** to guarantee respect for freedom of expression and privacy, to foster a diverse, independent media sector, and to ensure that relevant officials are properly trained so as to abide by that framework in practice;
- Adopt and/or implement right to information laws and policies and the required mechanisms to give effect to them, as per **Sustainable Development Goal 16.10**;
- Put in place **transparent and effective systems to protect journalists, including press cartoonists, artists, 'activists'** and others who are at risk of attack for exercising their right to freedom of expression, thereby ensuring that they can carry out their public watchdog role effectively, including during elections;
- Remove existing legal obstacles, and **avoid adopting broad and vaguely-worded regulatory responses** to the problems of disinformation, and repeal measures that fail to respect international standards of legality, legitimate purpose and necessity, or which otherwise risk unduly restricting the right to freedom of expression;
- Consider **releasing imprisoned journalists** by assessing their cases in terms of international standards for freedom of expression such as the requirements of necessity and proportionality for any limitations of this right, and review related laws under which such journalists may be held;
- Refrain from imposing **Internet or other general communications shutdowns**, as well as other measures that unduly or disproportionately limit the exchange of information, including via systems of filtering or blocking of content, platforms or applications;
- Abstain from delegating, legally or through political pressure, the **regulation of online content to internet companies** in a manner which goes beyond what is permitted under international law (privatising censorship);
- Invest in **Media and Information Literacy** among the general public, with a particular focus on the youth, in various ways, including by incorporating these competencies into formal, informal and non-formal education programmes;
- Protect **voters' registration data** and secure critical election infrastructure, including voting equipment, ensuring that election-related measures and practices are underpinned by integrity, as well as protect and respect freedom of expression, press freedom and privacy as it relates to data protection;

- Explore and implement effective ways to **ensure a level playing field for electoral contenders and the free flow of information and ideas during election campaigns** and voting days, including through transparency and regulation related to electoral campaigns' spending and political advertising, while ensuring that any such measures respect international guarantees of freedom of expression and citizens' privacy as it relates to data protection;
- Avoid making, sponsoring, encouraging or further **disseminating statements which they know or reasonably should know to be false** (disinformation) or which demonstrate a reckless disregard for verifiable information (propaganda), as well as statements that undermine the credibility of journalists and media or label them as enemies, liars or opposition;
- Promote a **code of conduct** among political actors to avoid the use of disinformation campaigns in electoral processes and the establishment of accountability mechanisms related to the violation of such a code;
- Foster and **use academic and scientific research** on social media and social messaging effects, as well as safety of journalists, in order to guarantee that institutional and state responses are based on rigorous and extensive public analysis;
- Advocate for **ethical and safe spaces** for disseminating and receiving verified information and enabling peaceful dialogue to strengthen democracy;
- Promote **multistakeholder dialogue** with the players of the electoral ecosystem such as electoral authorities, political parties, intermediary platforms, media regulatory authorities, information and data protection authorities, media outlets, journalists, civil society organizations, parliamentarians, among others in order to address disinformation while respecting international commitments on freedom of expression and privacy.

Call on UNESCO and the rest of the UN to:

- Encourage the development of **electoral assistance strategies** aiming at building trust between all electoral stakeholders, including the media, throughout all electoral operations in order to build ownership and capacity for the delivery of credible, inclusive and transparent elections;
- Further encourage Member States, especially those undergoing peaceful transition towards democracy, to ensure that all **proper constitutional and institutional guarantees are in place to guarantee that elections** take place with due process and inclusion of all stakeholders in order to ensure public trust and acceptance of election results;

- Continue to provide leadership in the implementation of the **UN Plan of Action on the Safety of Journalists and the Issue of Impunity**, and strengthen impunity accountability mechanisms and relevant stakeholder coalitions and networks of focal points, and within Member States where appropriate;
- Work with media organisations, NGOs, electoral management bodies and other stakeholders to **share good practices on the media's role in elections**, including by supporting the work of the Inter-Agency Coordination Mechanism for UN Electoral Assistance (ICMEA);
- Monitor and where necessary, proactively discourage, the potential **over-regulation of digital electoral communications** that can disproportionately limit freedom of expression and privacy;
- Continue, through regional and country offices, and in cooperation with media organisations, to **train journalists on ethical and professional election reporting**, including in relation to journalists' safety, electoral laws and to identify, debunk and investigate disinformation;
- Continue to **monitor the implementation by States of SDG 16.10** on public access to information and respect of fundamental freedoms, including by supporting the collection of data regarding the two indicators under this SDG Target;
- Disseminate good practices on **fact-checking techniques** of media content and transferring relevant skills to the relevant stakeholders;
- Further reinforce **Media and Information Literacy** programme initiatives;
- Collaborate with regional IGOs, as well as with Member States, civil society and other interested stakeholders, to find ways to **ensure a level electoral playing field and the free flow of information during elections** which respect the right to freedom of expression;
- Collaborate with academic institutions and networks, as well as other educational centres and think tanks, to **enhance research in and understanding of freedom of expression and media development issues**, drawing on UNESCO's research tools such as the Journalist Safety Indicators and the Media Development Indicators;
- Carry out independent **analysis of disinformation campaigns** during election processes and their impact on elections;
- Enhance capacity building strategies, such as **UNESCO's Judges Initiative**, in order to offer to relevant players updated knowledge in the application of universal freedom of expression standards to the issue of disinformation;
- Support training for journalists and other media workers in order to challenge **gender stereotyping and misrepresentation of women in the media**, and to sensitize the media and the electorate on the need and benefits of women in leadership positions.

Call on regional Intergovernmental Organisations to:

- Strengthen existing governance mechanisms such as the **Africa Peer Review Mechanism**, as well as the African Charter on Democracy, Elections and Governance which provides for democratic, credible and peaceful elections managed by impartial and independent electoral management bodies under conditions that guarantee press freedom, access to information and safety of journalists;
- Share good practices such as the “**Guidelines on Access to Information and Elections in Africa**” which cover the roles of authorities responsible for appointing the Election Management Bodies; Election Management Bodies; Political Parties and Candidates; Law Enforcement Agencies; Election Observers and Monitors; Media and Online Media Platform Providers; Media Regulatory Bodies; and Civil Society Organisations;
- Further share good practices such as **Resolution 48 of the 2018 General Assembly of the OAS** reaffirming the right to freedom of opinion and expression as essential ingredients during electoral periods to achieve accountability from political actors, as well as to strengthen open debate and the right of citizens to receive information from a plurality of sources in order to exercise their political rights;
- Adopt mechanisms such as the emerging **African protocol on safety of journalists**, as well as strengthen the implementation of the UN Plan of Action on Safety of Journalists and the Issue of Impunity, and implement systems of focal points for the safety of journalists.

Call on journalists, media outlets, electoral practitioners, Internet intermediaries and social media practitioners to:

- Ensure that **media and internet companies respect the human rights** of their users and others;
- Work to ensure that the public is provided with a diverse range of accurate information about parties, candidates and issues, and about any **efforts to manipulate or influence the election**, so that voters can make informed electoral choices;
- Make public the **ownership, editorial line and political position** of a media house, and maintain a separation between verified news on the one hand, and comment and opinion on the other;
- Support effective and accelerated systems of **self-regulation**, whether at the level of specific media sectors (such as press complaints bodies) or at the level of individual media outlets (such as ombudsmen or public editors), which include standards on striving for accuracy in the news and which offer a right of correction and/or reply to address inaccurate statements in the media;

- Consider adopting revised **ethical and operational guidelines** for reporting in times of elections and make them widely available to their staff so as to support the provision of comprehensive, accurate, impartial and balanced news coverage of elections and electoral issues;
- Develop guidelines and policies for the use of **artificial intelligence tools** in content creation and distribution by media organisations and internet companies, taking into account the impact that this form of automation may have on freedom of expression and human rights in general;
- Consider **exposing disinformation and propaganda**, particularly during elections, in fulfilment of a journalistic watchdog role in society and the news media's mandate to contribute to debates on matters of public interest;
- Explore putting in place **fact-checking tools** that identify whether or not news is verified, and clearly identify whether or not a news story has been fact-checked;
- Allocate efforts and resources to strengthen journalism and address the **online filter-bubbles** and the viral spread of disinformation and other content that undermine human rights, ensuring respect for the right to freedom of expression;
- Consider mechanisms to ensure that **digital advertising**, including political advertising, makes the source clear, and avoid the misrepresentation of identities and invisible funding;
- Improve the **transparency of internet companies' terms of service** and other policies, in relation both to their content and the way these are applied in practice, and put in place systems which respect due process guarantees, including, where appropriate, by establishing independent external oversight mechanisms;
- Support systems of **self-regulation** among political parties and other electoral practitioners to address disinformation and hate speech which, amongst other impacts, may undermine elections;
- Make an effort to give greater prominence on online platforms to news content that is verified through independent journalism, and promote the credibility of edited and **verified sources of information**.

Elections and Media in Digital Times



In Focus Series | **World Trends in Freedom of Expression and Media Development**

Digital communications companies are enabling politicians, political parties and the electorate to communicate in unprecedented ways; and expanding the opportunities for seeking, receiving and imparting political information and ideas. Alongside positive developments, there also exist growing concerns about emerging and increasing threats to the integrity and credibility of elections, as well as to media's contribution to free, fair, transparent and peaceful electoral processes.

This Report highlights three converging trends related to media and elections in digital times – the rise of disinformation, intensifying attacks on journalists, and disruptions linked to the use of information and communications technology in electoral arrangements. Offering possible responses to the challenges at hand, this study is a tool for governments, electoral practitioners, media organizations, journalists, civil society, the private sector, academia and individuals.



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