

European Commission for Democracy through Law (Venice Commission)

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Working Session:

monitoring media and social media during pre-electoral periods

Katharine Sarikakis PhD University of Vienna

Director Media Governance and Industries Research Lab

A. Introduction

One of the most problematic stages in the cycle of elections was found to be the media campaign coverage (Norris 2014).

This working session focuses on the media and in particular social media in pre-electoral times and asks: what might be the role of social media in these times; should EMBs be interested in those; what is some of the scientific knowledge about social media and elections in relation to enhancing and securing democratic environments; what might be the connections between established i.e. traditional media and social media and elections?

Starting with the role of established media helps us move to the discussion on social media because:

- a. a great deal of content circulated and re-distributed in social media derives from established media
- b. social media user-generated content engages with media content either in a critical or positive manner to express political sentiments

- c. the context within which social media are used and are permitted to function in societies is partly similar to the context and conditions that underpin established media.
- d. Social media have not and will not – in the foreseeable future- replace established media, they rather compliment the diet of communicative spaces and information flows.

B. The role of (all) Media in pre-electoral periods

Historically, the role of the media in pre-electoral periods has ranged from ‘simply’ providing information about parties, candidates, political manifesta, the electoral process to the very shaping of public opinion through active shaping of representations of parties.

Broadcast and print media are in a position and are tasked with the mission to provide general information about the elections, provide access to representations of political views, actively construct and frame social issues as addresses by candidates, provide checks on the election system and the institutions surrounding the process and facilitate the expression of Q&A on behalf of voters through journalism.

For electoral integrity purposes, Electoral Management Bodies (EMB) are engaged in some form of media monitoring, either through systematic study of representation of elections and the EMB and/or careful observation without study of the media coverage or EMB and the election process.

This monitoring involves – or should involve- *not only domestic but also international media.*

The importance of such monitoring is to

- i. identify international media sentiments toward national elections;
- ii. contextualise possible political pressures on domestic election processes;
- ii. acquire information about problems domestic media cannot report, in cases of troubled political systems.

The media are relied upon for further information and functions and in particular to identify issues related to electoral authorities; processes involving electoral management bodies; and

the degree of electoral integrity. These functions are neither exclusive nor equally spread within the media institutions repertoire in the pre-electoral periods. Although in theory the expectations from and moral obligations of the media and journalism is to act as watchdogs on behalf of citizens by respecting the principles of objectivity, neutrality and critical disposition to power, this is rather a set of principles that may or may not correspond to the practice of media. The degree to which the media will adhere to these standards and maintain the principles of quality journalism depends on

- a. The existence of independent and sustainable *Public Service Media*
- b. The broader media *landscape* of the country and relations of dependency between media, government, market actors
- c. *Media ownership* patterns
- d. The role of *Media regulatory* bodies
- e. The role of *Civil Society* in holding media accountable
- f. *Freedom* indices in the country, including press freedom and protection of journalists
- g. *Development* indices, including gender equality

The above points refer predominantly to the familiar landscapes of established broadcast and print media. In the era of social media, which of these issues still hold true and what changes?

C. Social Media and Elections

The advent of social media and their role in political change across many regions in the world and especially in emerging and transitioning Democracies has stirred the interest of researchers, political actors, citizens, journalists and regulatory bodies.

For a start, all above points with regard the context and role of media in pre-electoral periods are also to be found in the context of social media. As far as the regulatory regimes surrounding social media are concerned, briefly, there is little established i.e. constitutional based protection of free speech for social media use, although, due to recent and sustained crackdowns on such media the Council of Europe has insisted on an adequate freedom campaign.

A core difference between a media landscape before the advent of social media and one after, is that both information *and* exchange of opinion reached citizens at slower pace and at a

greater expense on resources i.e. time and financial resources. These two major changes meant that over the course of the adaptation of social media in our societies, political parties, governments and private companies are engaged also in a struggle to attract and keep the attention of citizens who are engaged actively in social media or who simply follow the flow of information and opinion.

It is important to not assume all social media are the same or similar, as their technological design and social uses are being transformed continuously and by competing populations: FB users are becoming older, former FB users are migrating to new social media, Twitter users are predominantly interested in politics and to share alternative view and sources of information, and so on.

Media and social media firmly belong to electoral cycle as objects of observation and for measuring electoral integrity, hence the debate about social media's place and role in elections has to be viewed systematically through the following issues, from the perspective of a free citizenry and its right to unbiased and objective media campaign coverage as well as exchange of opinion:

a. Free access to and use of social media

Recent cases of censorship and shut-downs of social media, persecution of citizens and journalists for expressing views or distributing critical content in several countries has been a worrying trend. Pre-electoral and post-electoral periods are especially vulnerable stages or public debate and for information regarding electoral integrity.

b. Monitoring of views on political opinion by State authorities, when combined with loss of privacy or punitive behaviour of authorities is a prohibitive factor to democratic elections. The loss of privacy and hence of voters' anonymity (with regard their likely voting behaviour) endangers free expression, affecting elections integrity.

c. In terms of predicting election results on the basis of social media activity, research tells us clearly that no conclusions can be drawn: prediction possibilities is rather inconclusive and contested.

d. There is some suggestion that engaging citizens by political candidates in social media may have an impact in preferential voting. The research derives largely from established and non-fragile democracies.

e. There is an ongoing – an increasing- ‘struggle’ on behalf of political parties eager to publicise their campaigns, by engaging citizens as micro-aggregators, in order to influence public opinion

f. An important function of social media is its agenda setting function, which may enhance established media agenda-setting or seek to undermine and promote an alternative one. In a recent referendum, the exposure (passive or active engagement) to social media coincided with the voting behaviour and final result. This needs to be seen in conjunction with the lack of trust in established media discourses and campaign coverage.

g. The question of trust in social media is an important one: citizens seem to refer to the importance of *reliability* of sources on social media, rather than “*trust*” per se. This means that a. citizens will engage with and will follow accounts and sources proven to provide reliable information, either individual accounts or those of organisations, such as Amnesty International and b. will intellectually connect reliability to established media outlets (either negatively or positively).

Citizens are not only used as micro-aggregators of information. They are also themselves active to influence political opinion and as information and other activists are interested in and motivated to enlighten the public and raise issues that neither politicians nor the media do.

h. Another issue is the use of technology to distort information flows and attract voters’ attention: so called ‘bombs’ - twitter bombs and google bombs being the most recent examples - are used to alter impression of receivers forcing their attention. Social media companies actively intercept such activities, yet not before possibly thousands of users are affected.

i. Social media such as twitter and facebook are by definition *international and real time* media. Their reach and feedback loop functions are based on an international ‘clock’, meaning exchange of information and distribution takes place across borders, even when not in dominant languages. Social media reach diasporas directly and immediately, are translatable and translated, and they provide input from international spheres to domestic in real time.

j. The social media offer the possibility for direct response tools for activism, corrective action in cases of non transparent nominations of EMB and electoral Commission officers; establishing fraud or irregularities during election i.e. voting period and so on. They have been used in such manner in recent referenda.

Added to the issues above these questions emerge:

Should EMBs be engaged in systematic monitoring of social media? If yes, should they monitor citizens' debates and/or political campaigns?

Should EMB monitoring be focused on financial transparency only?

How can EMBs coordinate actions to regulate cross-border political campaigning? How can regulation support consistency and adherence to national laws, given the difference among countries?

What role should EMBs play in civic education in relation to social media? Furthermore, should EMBs be involved in the regulation of media and social media for civic education and civic information for the strengthening of transparency and trust?

Should EMBs be engaged in social media communication with citizens?

In the process of monitoring and evaluating media and social media, what can be the role of civil society and academia to support this process?

Should there be an enhanced collaboration between media regulatory authorities and EMBs in order to ensure a pluralistic environment for campaigning, debate, political participation and education?

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Concluding remarks

I. The discussion raised the issue that monitoring of social media and the role of social media in pre-electoral periods are matters of concern for most EMBs.

Challenges reported were mainly focused on

- a. transparency of the financing of political campaign
- b. adherence of social media to laws regarding pre-electoral and election day silence.

II. Some EMBs reported they already engage systematically with monitoring social media. It was felt that furthering the exchange of information and knowledge about ways to do so is necessary and desired.

III. The discussion pointed to the role of EMBs in enhancing and promoting participation of citizens in the election process. It was argued that the presence of EMBs can enhance civic education, participation and transparency.

IV. EMBs would require resources, from staff to know how and expertise in engaging with social media.

V. Public speech issues were raised and the role of EMBs was discussed in its role to take note of the increased hate speech observed in pre-electoral periods that can be directed against candidates but also against social groups. The protection of the freedom of expression was agreed that it is a paramount goal of institutions involved in elections. Yet also pluralism is important and a safe environment for the expression of opinion and debate.

VI. It was noted that enhanced collaboration between media regulatory bodies and EMBs might be beneficial for the protection of elections integrity.