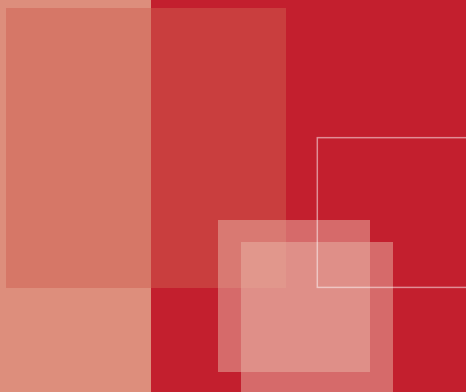




# International IDEA

## Guidelines for the Development of a Social Media Code of Conduct for Elections

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Graphic design by: Original Eva Alkmar  
Printed by: Trydells Tryckeri, Sweden  
ISBN: 978-91-7671-016-6

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# Introduction

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In the past several years, social media has taken elections around the world by storm. Recent examples abound, from Japan's 2013 parliamentary election, which featured the use of election-related social media for the first time in the country's history, to news outlets naming the United Kingdom's 2015 election the 'social media election' (Tabuchi 2013; Channel 4 2015). During India's 2014 election, the winning candidate, Narendra Modi, was the second most 'liked' politician on Facebook, trailing only US President Barack Obama (Das 2014).

Indeed, electoral management bodies (EMBs) have noted stakeholders' increasing reliance on social media throughout the electoral cycle, but they have also voiced concern about the potential for social media to be used to spread hate speech, misinformation and rumours. As a first step towards addressing these concerns, the International Institute for Democracy and Electoral Assistance (International IDEA) has developed a model code of conduct for the use of social media during elections. This document provides general guidelines for EMBs and other stakeholders, including political parties, candidates, citizen journalists and other social media commentators, who wish to agree on a code of etiquette for the publication and dissemination of election-related news and information. Of course, each country must adapt these guidelines to develop a code of conduct that suits its particular political context and its own population's use of social media.

The guidelines can be divided into three sections:

- **Definitions:** The first section discusses the definitions of social media and election-related content. This discussion aims to highlight some of the most important considerations for stakeholders who are attempting to draft definitions that are suitable to their own environments.
- **Model Code of Conduct:** The second section lists nine topic areas to be considered for inclusion in any code of conduct. Within each topic, suggested language is provided, as well as a brief synopsis of why the topic area is important. This model code is not a legal document; rather, it is meant to be a stakeholder agreement, made in good faith, by those who wish to be engaged and involved in the electoral process.
- **References and further reading:** The third section contains a list of links to countries' codes of conduct related to social media, to be used as a reference.

## Section 1: Definitions

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### Defining social media

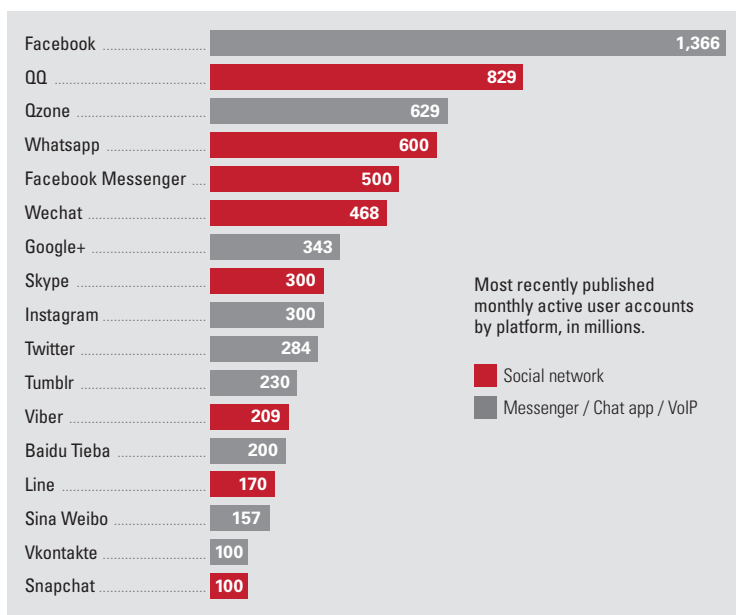
Any code of conduct must be specific about its subject matter. However, specifying content can be a challenge in the context of social media, because new developments are constantly emerging. It is therefore important that codes be reviewed regularly and updated as necessary.

In general ... social media are essentially understood to be web or mobile-based platforms that allow for two-way interactions through user-generated content (UGC) and communication. Social media are therefore not media that originate only from one source or are broadcast from a static website. Rather, they are media on specific platforms designed to allow users to create ('generate') content and to interact with the information and its source.

While social media rely on the internet as a medium, it is important to note that not all internet sites or platforms meet the definition of social media. Some websites make no provision for interactivity with the audience, while others allow users only to post comments as a reaction to particular published content as discussions posts (or 'threads') which are moderated and controlled. (International IDEA 2014: 11)

There are a wide variety of social media platforms available today. Figure 1 summarizes the most popular social media platforms as of January 2015 (We Are Social 2015).

Before defining social media for a particular context, it is important to become familiar with the various features available on different social media sites. Some sites, such as Tumblr, are made especially for photo sharing, while a site like Facebook allows much more in the way of text, video and photos. Snapchat is unique because it only allows recipients to view photos, videos, text and drawings for one to ten seconds, after which the content is saved on Snapchat's servers but is hidden from viewers' devices.

**Figure 1. Active users by social platform—January 2015**

Source: *We Are Social analysis of Facebook data, Q1 2015: latest company statements, correct as of 17 January 2015.*

### Defining election-related content

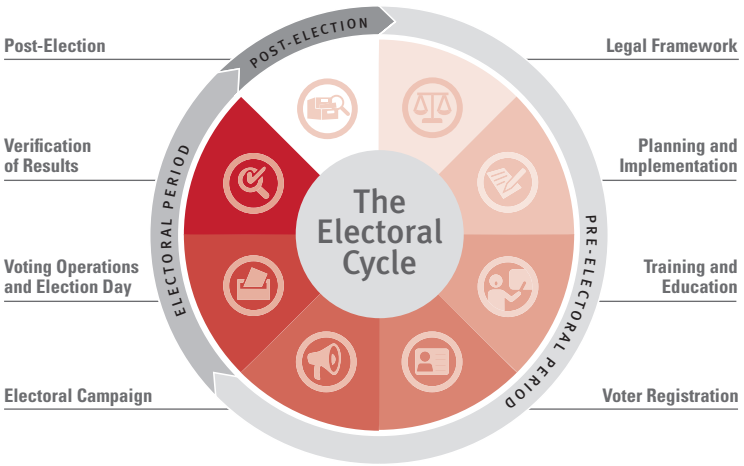
It will be critical for authorities to clearly define election-related content because this is the type of content to be addressed by the code. Content related to non-electoral matters will not necessarily fall within the bounds of the code. At the same time, however, it is worth considering that any content coming from electoral stakeholders could be seen as related to an election campaign. Since the Electoral Commission of New Zealand's code of conduct for social media focuses primarily on political advertisements, the Commission took great care to clearly define an election advertisement, which includes an exemption for an individual's personal political views (Electoral Commission of New Zealand 2014: Part 5).



## Section 2: Model Code of Conduct

In order for a code of conduct to be effective, it should be developed and owned by all interested and relevant stakeholders. It is thus critical for all stakeholders to have a strong working relationship. International IDEA recommends that EMBs that are interested in developing a social media code of conduct engage in a consultation process with a broad range of electoral stakeholders, especially journalists, bloggers, government agencies, and political commentators, that begins in the pre-electoral phase of an electoral cycle (see figure 2). In this way, there is plenty of time to raise concerns, pre-empt problems and debate controversial and/or sensitive issues. In order to be most effective, EMBs may want to consider continuing these consultations throughout the remainder of the electoral cycle so that the code may be amended to suit changing circumstances. Depending on the context, consultations may be held at regularly scheduled times (e.g. monthly) or they may be scheduled as and when needed. It is important to remember that this code is not a legal document. Instead, it should be viewed as an agreement—entered into with sincerity and in good faith—between stakeholders about standards for online behaviour.

Figure 2. The electoral cycle



## **1. Truthful posting and publishing**

Free, fair and credible elections are based on free and equal access to information. Signatories to a code of conduct must respect this principle and consider it their first responsibility to promote the free and equal dissemination of information to the public. This involves a commitment to reporting the truth and to not knowingly publishing, posting or disseminating false or purposely misleading information. At the same time, it must be acknowledged that commentary on social media can include the expression of personal opinions. In such cases, it is important to clarify that a statement is an opinion.

Commitments could include either of the following sample statements:

- We shall consider it our first duty to respect the truth and the right of the public to the truth. We are committed to fact-checking and due diligence to ensure that our reporting is as accurate as possible.
- When expressing our personal opinions on an election-related matter, we shall make it clear that the sentiment is a personal opinion, and we shall credit the sources that led to and support that opinion.

## **2. Accuracy and accountability**

Signatories to a code of conduct must be accountable for their words and posts. If someone else's content is used, it should be properly cited. Without such safeguards, it is much easier for misleading and sometimes dangerous rumours to spread.

Commitments could include either of the following sample statements:

- We consider plagiarism to be a grave professional offence. We shall not plagiarize others' words, photographs, videos or any other content, and we shall always credit the sources of original content.
- We shall not repost or otherwise disseminate information whose source we do not know or do not trust.

### 3. Hate speech

Social media is, unfortunately, often used to disseminate hate speech. This kind of speech is always harmful, but it can be especially dangerous in divided societies. In regulating this kind of speech, it is important to develop a clear and comprehensive definition of hate speech. It is critical, however, to strike the proper balance because too broad a definition risks infringing upon free speech. One guide for the development of a definition is article 20(2) of the International Covenant on Civil and Political Rights:

Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Many countries have expressed reservations about article 20(2), claiming that it is either overly restrictive or that it does not go far enough. Belgium, Denmark, Finland, Iceland and the United States have all entered reservations to article 20(2), mainly because they feel that it discourages citizens from engaging in legitimate democratic debate.

Clearly, the development of a definition of hate speech must take into account a country's specific historical and political experience.

Commitments could include the following sample statement:

- We shall not use the power of social media as a weapon. We shall condemn all forms of violence and intimidation, and we shall not use language that might lead to violence or intimidation.

### 4. Language

One of the media's key roles throughout an electoral cycle is to serve as a forum for public discussion. In order to ensure that discussions and debates are productive and useful, it is important to establish and maintain civility. In this way, contributors are free to express their views in a safe space. Without civility, the forum becomes dominated by certain speakers and skews the representation of public opinion.

Commitments could include the following sample statement:

- We shall be respectful of all views expressed on social media sites. When publishing our disagreements, we commit to maintaining civility and respect in our language and tone.

## 5. Electoral context norms

Various electoral contexts have their own unique customs and norms. In some countries, the day (or days) immediately prior to election day is (or are) considered a media blackout period. During such times, media are prohibited from covering campaigning and other election-related activities. This media blackout often goes hand in hand with a corresponding election silence period in which candidates and parties are prohibited from campaigning. Authorities in contexts that use such periods must consider whether or not social media activity is also restricted.

## 6. Disclosure and independence

It is not unusual for public commentators to receive requests from well-known personalities or entities to endorse them or otherwise feature them in their programming. These kinds of requests are also possible in the realm of social media, where ‘likes’ or other such favourable responses can be interpreted as an endorsement. It is important for electoral actors and political commentators to disclose such requests, if acted upon, so that the public is aware of potential bias.

Commitments could include either of the following sample statements:

- We shall disclose any posts or other materials that are the result of special requests, freebies or similar offers so that the public is aware of, and is not unfairly influenced by, the content thereof.
- We shall commit to rejecting offers of bribes and to reporting such instances to the relevant authorities.

## 7. Social media and electoral law

One particularly complex issue is how social media is considered in relation to the law. For instance, are candidates’ and parties’ posts all considered to be election advertisements? Are supporters’ social media posts considered to be advertisements? On some social media sites, account holders who are willing to pay can take advantage of certain enhanced options (see table 1 for some examples). Are promoted tweets or similar features considered advertisements and therefore subject to regulation? Electoral authorities in each country will have to consider these questions in their own contexts, but the ways in which social media will be treated should be made clear.

**Table 1. Paid and unpaid ads on social media**

Social Media Platform	Paid Election Advertisements	Unpaid Election Advertisements	User Content Related to an Election
<b>Facebook</b>	Sidebar or banner ads	Post on a campaign's Facebook page	Liking or sharing an election-related Facebook post
	Promoted posts	Interacting with other Facebook users through comments and private messaging	
	Promoted trends		
<b>Twitter</b>	Promoted tweets	Tweets on a campaign's Twitter feed	Following an election-related Twitter feed
	Promoted accounts	Interacting with other Twitter users through personal tweets and direct messages	Sharing an election-related tweet
	Promoted trends		
<b>Blog posts</b>	Sidebar or banner ads	Establishing a campaign blog and publishing posts	Interacting with an election-related blog through comments
			User-created blog advocating for a specific election-related position
<b>YouTube</b>	Conventional ads	Posting videos to a campaign-related YouTube account	User-generated video or comments advocating for or against an election-related position
	Video ads	Interacting with other YouTube users	

Source: *International IDEA*

## **8. The responsibilities of electoral management bodies**

EMBs have a responsibility to facilitate easy access to election-related information. As such, EMBs should make every effort to make this information easily downloadable or viewable via their websites. It is also useful for EMBs to devote a section of their website to the media, which could include brief factsheets with relevant statistics, information about press conferences, copies of press releases and so on. In order to facilitate the work of journalists and other stakeholders who are disseminating such information via social media sites, it is also helpful for EMBs to either disseminate information via their own social media accounts or make material social-media-friendly so that others may easily share it via their own networks.

The following is a sample commitment that may be used:

- We shall make a sincere and concerted effort to disseminate election-related information, including voter education material, press releases, public announcements, election results and other relevant information via social media networks, and to make such information easy to access online.

## **9. Multimedia posts**

EMBs and other stakeholders may also want to consider the use of multimedia posts. It is important to consider how to handle the taking and dissemination of photos and videos throughout an electoral cycle, perhaps especially inside and outside polling stations on election day. Also worth considering are photos and videos of polling station staff, election materials and election results. Such regulations can be challenging to formulate because they run the risk of unfairly restricting free speech and expression. However, too much leeway can risk resulting in overcrowded polling stations, violations of secrecy of the ballot and the announcement of unverified election results.

## Section 3: References and further reading

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### Sample codes and guidelines

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## Acknowledgements

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Special acknowledgement is due to Ghazal Haidary and Omid Abrishamchian for their extensive research and dedicated attention to this project. We also thank Lisa Hagman for coordinating the production of this publication. Last but not least, special thanks and recognition go to Dr Annette Monika Fath-Lihic for her comments, editing and guidance.

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# About International IDEA

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The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization that supports sustainable democracy worldwide. International IDEA's mission is to support sustainable democratic change by providing comparative knowledge, assisting in democratic reform and influencing policies and politics.

## **What does International IDEA do?**

In the field of elections, constitution building, political parties, gender in democracy and women's political empowerment, democracy self-assessments, and democracy and development, we undertake our work through three activity areas:

- providing comparative knowledge derived from practical experience on democracy-building processes from diverse contexts around the world;
- assisting political actors in reforming democratic institutions and processes, and engaging in political processes when invited to do so; and
- influencing democracy-building policies through the provision of our comparative knowledge resources and assistance to political actors.

## **Where does International IDEA work?**

International IDEA works worldwide. Based in Stockholm, Sweden, it has offices in Africa, Asia and Latin America.

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ISBN: 978-91-7671-016-6