

Political campaigning, electioneering, marketing and post-truth. Codes of conduct for political parties

[00:00:18] **Speaker 1** Welcome, I'm Tatia Money. I'm a legal expert for UNDP's Bureau for Policy and Programme Support in New York. I'm pleased to meet you online to introduce you to the second part of module 4. The previous presentation of this online course has illustrated the work of journalists, media, electoral practitioners, and citizens in seizing the opportunity of the digital era when addressing the much higher prevalence of unverified information manipulation and information pollution in today's information ecosystem. In this context, political leaders occupy a key position at the heart of the competition to help create a constructive online ecosystem. In what some call the post-truth era, a new era in which feelings will matter more than facts, is this real estate? What are the experiences, risks, and opportunities when political leaders adopt a specific legal framework as legislators?

[00:01:21] Well, let's look at the preliminary consideration of some of these questions. I would like to start first with a reference document for UN electoral assistance, the 2021 U.N. Secretary-General Report on Enhancing Periodic and Genuine Elections. The report encourages member states to consider ways in which candidates and other political leaders from across the spectrum can voluntarily commit to responsible behaviors during electoral processes. The report also specifies that this would also apply with regard to online activities and that the U.N. is ready to work with member states if they were to request it. You will find these reports in the introductory material of the MOOC with an overview of electoral assistance, as well as a video of how the U.N. processes request for electoral assistance. Secondly, I'd like to focus on what has been the content and how the contributions of voluntary commitments from political leaders have materialized. Traditionally, voluntary commitments have ranged from specific concerns about political campaigns or the post-election period, commitments such as requesting support to prevent campaign posters from disappearing to more aspirational issues, such as not resorting to intimidation and violence. In the digital era, recent commitments of political leaders increasingly include promises to use verified and official sources of electoral information or to use political advertising in a responsible manner. They also aim at preventing practices by voluntarily prescribing the use of leaked or stolen digital material or refraining from knowingly conveying false or misleading information. In our practice, we receive feedback on these types of voluntary agreements when they truly reflect pluralistic views, and they can, in the short term, positively impact the environment of digital campaigns. The voluntary commitments have also covered legal gaps and prevented overregulation. In the long run, the commitments can also help test and calibrate measures before legislators consider putting them into law. In sum, they can be useful. However, they do require a credible report on the implementation of the commitments so that voters are able to make an informed choice on whether a candidate is trustworthy and whether he or she wants to support him or her. The reporting would be established by an impartial electoral observation, by civil society organizations, and through credible reporting from journalists in the media. The leaders, in turn, either change their behavior, distance themselves, or ensure that their supporters use restraint partly because of their concern that this would otherwise cause them the loss of votes. In the digital era, we heard earlier about the difficulty of identifying credible reports, and this affects the capacity of citizens to understand whether leaders do adhere to voluntary commitments or not. As we just heard, civil society organizations and journalists are increasing their monitoring and fact-checking online to hold leaders accountable. Social media companies have also developed moderation processes and are called upon to strengthen them, for instance, by preventing algorithms from supporting emotions more than facts to responsibly manage

political advertising and to provide the needed transparency on the functioning of the platform for voters. In sum, a healthy online ecosystem is required.

[00:05:23] Let's move to a second action in which political leaders are involved in as legislators: the regulation. A recent report by the Office of the High Commissioner for Human Rights—an article that is available in the references of this course— states that many legislations regarding hate speech and disinformation remain ambiguous and that these legislations create a broad scope for such interventions to be arbitrary or to be used for political or other inappropriate ends. The document, published in May 2022, also reports 931 "Internet shutdowns" in 74 countries between 2016 and 2021 and 52 elections affected by shutdowns in the same period. These have been documented by a coalition of 224 civil society organizations. The OHCHR report reminds us that the Human Rights Committee in 2012 and the Human Rights Council in 2016, as well as special procedures mandate holders and appeals from regional organizations, all, denounced the incompatibility of the internet shutdowns with human rights law. In sum, the report reminds member states and legislators that they need to be extremely careful when limitations of the freedom of expression are at stake and that they need to meet the criteria set by human rights law.

[00:07:04] As UNDP, we set the ambitious objective of a governance research framework to support legislative and regulatory measures to advance all fundamental freedoms together. Freedoms related to civic space, civic engagement, and the integrity of the information ecosystem belong together. Now in several countries where there is a tradition of regulation of media access during the regular campaign, this has been established to foster pluralism and a level playing field. So in those countries, the legislature and media regulatory authority need nowadays to address the online dimension of the electoral campaign. I will hand over to our next speaker, Benoît Loutrel, who will present in more detail the experience of the French authorities in establishing a more structured dialog with social media companies, candidates, and voters based on the recent legislation.

[00:08:07] Thank you for your time. These were some of the preliminary considerations aiming at feeding into the wider efforts in dispute. In sum, there is no panacea, no single stakeholder. Not even leaders can fix this issue. It takes our joint efforts across disciplines and across expertise to support a healthy online.