

# ELECTORAL COMMUNICATION AND MEDIA COVERAGE OF ELECTION CAMPAIGNS



Legal instruments

Recommendation CM/Rec(2022)12

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

# ELECTORAL COMMUNICATION AND MEDIA COVERAGE OF ELECTION CAMPAIGNS

## **Recommendation CM/Rec(2022)12**

adopted by the Committee of Ministers  
of the Council of Europe

on 6 April 2022

at the 1431st meeting of the Ministers' Deputies

French edition:

*La communication électorale  
et la couverture médiatique  
des campagnes électorales*

(Recommandation  
CM/Rec(2022)12)

The reproduction of extracts (up to 500 words) is authorised, except for commercial purposes as long as the integrity of the text is preserved, the excerpt is not used out of context, does not provide incomplete information or does not otherwise mislead the reader as to the nature, scope or content of the text. The source text must always be acknowledged as follows “© Council of Europe, year of the publication”.

All other requests concerning the reproduction/translation of all or part of the document, should be addressed to the Directorate of Communications, Council of Europe (F-67075 Strasbourg Cedex or publishing@coe.int).

All other correspondence concerning this document should be addressed to the DGI, Directorate General Human Rights and Rule of Law, Council of Europe, F-67075 Strasbourg Cedex.

Cover design and layout:  
Documents and Publications  
Production Department  
(SPDP), Council of Europe.

© Council of Europe, April 2022  
Printed at the Council of Europe.

# Contents

---

<b>RECOMMENDATION CM/REC(2022)12</b>	<b>5</b>
Preamble	5
Recommends that the governments of member States	8
Appendix to Recommendation CM/Rec(2022)12	9
Guidelines on electoral communication and media coverage of election campaigns	9
Scope and definitions	9
1. Governance principles	11
2. Principles for political advertising online	13
3. Transparency of campaign support, financing and electoral spending	15
4. Transparency and accountability relating to the use of algorithms, content curation, content moderation and handling of problematic accounts	17
5. Privacy, consent and microtargeting	20
6. Media and election campaigns	20

---



# Recommendation CM/Rec(2022)12

---

## of the Committee of Ministers to member States on electoral communication and media coverage of election campaigns

*(Adopted by the Committee of Ministers on 6 April 2022  
at the 1431st meeting of the Ministers' Deputies)*

### **Preamble**

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Having regard to the fundamental role of political and electoral communication in ensuring a democratic debate;

Reaffirming that fair, free, trustworthy and reliable information is essential to guarantee the integrity of the electoral process;

Underlining that the integrity of elections and their outcomes must be guaranteed;

Conscious that political parties, politicians and the media, each in their own domain, play essential roles in political and electoral communication;

Recognising that online platforms play an increasingly central role in the way citizens gain access to information, including on political matters;

Bearing in mind that electoral communication is increasingly online, and online platforms are rapidly taking precedence over the traditional media as platforms for political advertising, while usually not being subject to a specific level of regulation and public oversight;

Recognising that new or upgraded techniques of political advertising are being widely deployed and that they increasingly process a large amount of personal data to deliver microtargeted political messages;

Considering that online communication has facilitated the conditions for permanent political debates and campaigns, thus making it difficult to distinguish political communication in non-electoral periods from that in electoral periods;

Considering that the possibilities of online platforms have enabled a wide array of actors with political agendas to take part in political communication and advertising;

Considering that a wide range of individuals and interest groups increasingly engage in political campaigns in a systematic and/or organised way, combining human and automated actions;

Considering furthermore that data brokers – organisations or companies that collect, aggregate and analyse data – use different strategies and multiple sources to compile profiles on potential voters to target the dissemination of political advertising;

Noting that traditional actors of electoral communication, such as the media, political parties and candidates, are adapting and increasingly relying on the tools and possibilities offered by online platforms to connect with voters;

Noting that online platforms are themselves important actors in the democratic debate as their possible functions and their policies on content moderation and curation, which often rely on algorithmic systems, shape the context for online political communication and advertising;

Considering that online advertising may be less costly than in the traditional media, which encourages its use by electoral campaigns; noting at the same time that online platforms and political actors may not be fully transparent with regard to the funding of electoral campaigns and political advertising expenditure, and that other actors with political agendas, in addition to registered political parties and candidates, are financially supporting candidates or parties online, also often in a non-transparent manner or in a transborder context, which impedes effective monitoring and oversight;

Recognising that the integrity of electoral procedures is guaranteed when equal conditions of access to media and fairness in electoral campaigns are respected, and acknowledging that the new information ecosystem may create inequalities and opacity among political parties and candidates;

Noting that the use of online communications for electoral purposes may lead to an abusive use of personal data and techniques of microtargeting, use of opaque techniques and the inappropriate use of bots and algorithms to distribute information; and acknowledging that segmentation of the voters may boost the polarisation of the debate and produce a shift from a public political debate to closed, personalised and targeted communication;

Considering that electoral campaigns have evolved and are widely employing new procedures and technologies for psychological profiling designed to elicit responses from voters on the basis of emotional reactions rather than reasoned, autonomous and fully informed choices;

Conscious that citizens are increasingly exposed to disinformation online, making it more challenging to maintain the integrity of elections, ensure pluralistic media and protect the democratic process from manipulation;

Considering that the spread of online disinformation has been used to undermine free and fair elections, including through foreign governments' strategies and manipulation;

Acknowledging furthermore an increasing need for empirical research and data on electoral microtargeting, communication practices of political actors, content moderation and curation practices of online platforms, and that, in addition, there are ever-greater challenges involved in conducting such research, including limited access to the functional data of platforms;

Convinced that any changes to the existing frameworks of electoral communication and media coverage of electoral campaigns should build on the principles of media, communication and internet governance as set out in previous Committee of Ministers' recommendations to member States and declarations, notably:

- Recommendation CM/Rec(2020)1 on the human rights impacts of algorithmic systems;
- Recommendation CM/Rec(2018)1 on media pluralism and transparency of media ownership;
- Recommendation CM/Rec(2018)2 on the roles and responsibilities of internet intermediaries;
- Recommendation CM/Rec(2016)1 on protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality;



- Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors;
- Recommendation CM/Rec(2016)5 on Internet freedom;
- Recommendation CM/Rec(2011)7 on a new notion of media;
- Recommendation CM/Rec(2007)3 on the remit of public service media in the information society;
- Recommendation CM/Rec(2007)15 on measures concerning media coverage of election campaigns;
- Recommendation Rec(2003)4 on common rules against corruption in the funding of political parties and electoral campaigns;
- Recommendation Rec(2000)23 on the independence and functions of regulatory authorities for the broadcasting sector;
- Recommendation Rec(99)15 on measures concerning media coverage of election campaigns;
- Declaration by the Committee of Ministers on the financial sustainability of quality journalism in the digital age (13 February 2019);
- Declaration by the Committee of Ministers on the manipulative capabilities of algorithmic processes (13 February 2019);
- Declaration of the Committee of Ministers on the role of community media in promoting social cohesion and intercultural dialogue (11 February 2009),

## **Recommends that the governments of member States**

1. implement the guidelines set out in the appendix to this recommendation;
2. in implementing the guidelines, take account of relevant Committee of Ministers' recommendations to member States and declarations, the case law of the European Court of Human Rights and related international standards;
3. promote the goals of this recommendation at the national level, including in the national and minority languages of the country, engage and co-operate with all interested parties to achieve the widest possible dissemination of its content in a variety of publicity materials, and exchange their expertise and practices across borders with a view to establishing consistent policies on electoral communication and media coverage of election campaigns;

4. review regularly, in consultation with the relevant stakeholders, and report on the measures taken to implement this recommendation with a view to enhancing their effectiveness.

## **Appendix to Recommendation CM/Rec(2022)12**

### **Guidelines on electoral communication and media coverage of election campaigns**

#### **Scope and definitions**

1. The following guidelines should apply to all types of political elections taking place in member States, including, where appropriate, referendums and other popular votes.

2. Considering the impact of online communication on public opinion, and the role of online platforms in disseminating information, this recommendation focuses in particular on principles to ensure the transparency of online electoral communication and expenditure, to prevent manipulation of the electorate and to ensure that political parties and candidates can compete on equal terms and that the national legal frameworks can address the concerns about the fairness and legitimacy of electoral processes that have emerged as a result of the new formats and digital techniques of online electoral campaigning.

3. Unlike the traditional media and especially audiovisual media, public or private (whether radio or television), online political advertising is largely unregulated. This lack of legal framework and the insufficient level of transparency of online campaigning have been observed in the last decade with regard to intermediaries, campaigns, techniques, actors involved and spending.

4. Any legislative measures regulating political communication online should be carefully assessed for their potential impact on a range of human rights of various stakeholders, in particular the right to free elections guaranteed by Article 3 of the Protocol (ETS No. 9) to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, “the Convention”), the right to freedom of expression enshrined in Article 10 of the Convention and the right to privacy and data protection guaranteed by Article 8 of the Convention. Furthermore, any such measures should be necessary and proportionate to the aims pursued.

5. This recommendation builds on and complements the principles set out in Recommendation CM/Rec(2007)15 of the Committee of Ministers to member States on measures concerning media coverage of election campaigns, which include general provisions on the media coverage of election campaigns and specific measures concerning broadcast media.

6. Having regard to Recommendation CM/Rec(2011)7 of the Committee of Ministers to member States on a new notion of media, the guidelines in this recommendation are designed to provide additional and complementary principles for the media in light of the technological convergence. This implies that the general principles set out in Recommendation CM/Rec(2007)15 should continue to apply to the media in a convergent environment, save where the new guidelines provide specific standards that have an impact on the validity and/or application of those principles due to the different nature of online communication as regards technology and usage.

7. For the purpose of this recommendation:

- “political advertising” refers to content that appears in paid space offered by the media or online platforms throughout the year and that makes a case, directly or indirectly, for or against a party, a candidate or a position in elections, referendums, popular votes, regarding draft legislation or any other policy issue (issue-based advertising);
- “political communication” refers to communication about politics distributed by the media or by online platforms, including communication undertaken by politicians and other political actors for the purpose of gaining greater popular support compared to other candidates or parties and achieving other specific objectives; communication addressed to these actors by non-politicians such as voters and communication about these actors and their activities, as contained in journalistic discussions of politics in the media;
- “election campaign” refers to a set of systematic and organised efforts and actions aimed to influence the voters’ decision making;
- “electoral communication” refers to political communication in relation to elections;
- “political actors” are understood as individuals or organisations involved in campaigns that seek to directly or indirectly influence electoral outcomes through organisational, institutional, financial and communication means;
- “the media” refers to actors that have the intention to act as a media outlet, have the purpose to produce and disseminate content, have

editorial control over content, follow professional standards, seek outreach and are subject to the expectations of the public, as proposed by Recommendation CM/Rec(2011)7 on a new notion of media. This definition encompasses print, broadcast and online media including audio and video-streaming services;

- “online platforms” are understood as digital services offered by actors that connect participants in “multisided” markets, set the rules for such interactions and make use of algorithmic systems to collect and analyse data and personalise their services (in the field of communications, such platforms include search engines, news aggregators, video-sharing services and social networks);
- “algorithmic systems” are understood as applications that perform one or more tasks such as gathering, combining, cleaning, sorting, classifying and inferring data, as well as selection, prioritisation, the making of recommendations and decision making, as defined in Recommendation CM/Rec(2020)1 on the human rights impacts of algorithmic systems;
- “segmentation” refers to the process that political campaigners use to identify the segments of a voting population they intend to engage for identification, persuasion and/or mobilisation;
- “microtargeting” refers to a strategic, data-driven process that is geared towards addressing persuadable or mobilisable voters with tailor-made, personalised messages, while ignoring other voters;
- “co-regulation” (sometimes also called “regulated self-regulation”) refers to industry self-regulation with a mandate and/or some oversight by the State;
- “disinformation” refers to verifiably false, inaccurate or misleading information deliberately created and disseminated to cause harm or pursue economic or political gain by deceiving the public.

## 1. Governance principles

1.1. Legal and regulatory frameworks related to political advertising and election campaigns, as well as self- or co-regulatory approaches in this area, should be developed and enforced in compliance with Council of Europe standards and the relevant case law of the European Court of Human Rights, giving due regard to the diversity in the constitutional and legal frameworks at national level. In the light of the specificities of the online environment and online platforms, States should consider co-regulation as a proportionate

approach to regulating online political advertising and, where applicable, online election campaigns. Any such regulation of online platforms should be transparent and non-discriminatory.

1.2. As part of such co-regulatory frameworks, States should consider specifically addressing political advertising, in an appropriate and proportionate manner, including outside of election periods as defined by national rules.

1.3. The guidelines pertaining to online platforms should apply particularly strictly to platforms that are more dominant, given their reach, scale and influence.

1.4. Under these co-regulatory frameworks, States should establish appropriate sanctions for non-compliance to guarantee the effectiveness of the measures proposed in this recommendation. States should ensure that the sanctions are proportionate so that online platforms do not apply excessively prudent measures which may lead to limitations of lawful content and unjustified interferences with the right to freedom of expression.

1.5. Under these co-regulatory frameworks, States are encouraged to consider and develop, in cooperation with online platforms and civil society organisations, an independent democratic oversight mechanism which should include reporting duties by online platforms to designated independent regulatory and oversight authorities (hereinafter “relevant authorities”). These can be existent independent authorities or national networks of independent authorities with relevant and complementary capacities and competences. Indeed, States should provide formal mechanisms of networking and collaboration between relevant authorities to ensure a holistic perspective in the supervision of co-regulatory rules. States can also establish new independent authorities if it is deemed necessary.

1.6. Relevant authorities should engage in regular, open and inclusive consultations, co-operation, and dialogue with all relevant stakeholders with a view to ensuring that an appropriate balance is struck between the public interest, the interests of users and stakeholders and industry interests.

1.7. Relevant authorities should be clearly designated with powers to issue timely, proportionate and, where appropriate, graduated measures and sanctions in case of breach of statutory or co-regulatory rules.

1.8. States should ensure that the relevant authorities have the tools and resources to evaluate online platforms’ content curation and moderation practices, such as the blocking of accounts and removal of content aimed at

unduly influencing election campaigns or action taken against violations of the applicable rules on electoral campaigning.

1.9. States may provide for the establishment of independent advisory bodies to support relevant authorities. These multistakeholder advisory councils should be composed of independent experts and representatives of civil society with relevant and up-to-date knowledge to support relevant authorities or networks of relevant authorities in assessing, on a regular basis, the compliance with co-regulatory obligations. Independent advisory councils can furthermore be entrusted with advising relevant authorities on various emerging issues in contemporary campaigning and can also provide knowledge and understanding of multifaceted issues for different authorities involved in the co-regulatory frameworks.

1.10. States should ensure, also under co-regulatory frameworks where necessary, that researchers have privacy-compliant and functional access to the data of relevant online platforms.

1.11. States should require online platforms to offer access to effective remedies for users and media outlets which are affected by platforms' actions related to political communication. Furthermore, States should require that online platforms provide channels where users can report political actors that are not in compliance with the applicable provisions, or actions (mistakenly) taken against content, accounts or advertisements by online platforms.

1.12. Continuous and fast-moving social, economic and technological developments require States and public authorities to regularly monitor the development of political advertising and election campaigns and assess, with the participation of all relevant stakeholders, the rationality and effectiveness of the deployed policies.

## **2. Principles for political advertising online**

2.1. As a general principle, online political advertising, including issue-based advertising, should be transparent. States should promote co-regulatory frameworks aimed at ensuring that political advertisements are clearly marked as such and identify the campaign leaders. At a minimum, political and issue-based advertising materials should contain the names and addresses of the campaign leaders (that is, natural or legal persons responsible for the production of the material and natural or legal persons who paid for such material).

2.2. States may, where relevant and necessary, consider introducing provisions in their regulatory frameworks to ensure that political parties and candidates conducting personal campaigns keep archives of all their political advertisements published offline and online, together with specifications regarding the groups that have been targeted with individual advertisements, thereby reporting on the granular demographics of these groups in the same manner in which were used for the purchase and dissemination of the advertisements.

2.3. Under co-regulatory frameworks, online platforms should keep archives of all political advertisements distributed by them. This requirement should be limited to platforms reaching a certain size, market share and impact in order not to overburden micro and small actors while taking into account the responsibility of dominant ones. Such archives should provide the necessary details about the advertisements, such as specifications of targeting methods and groups that have been targeted with individual advertisements.

2.4. The archives held by political actors and online platforms should be kept in an open and machine-readable format; they should be accessible in real time to the general public and to the scrutiny of the relevant authorities, independent advisory bodies, academia, election observers and civil society.

2.5. The archives, as described in paragraphs 2.2. and 2.3., should be in compliance with the requirements arising from the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108, "Convention 108") and its Protocol (CETS No. 223, "Convention 108+"). In particular, personal data should be deleted once the purpose for which it was processed has been achieved, or kept in a form which prevents any direct or indirect identification of the data subjects concerned.

2.6. Relevant authorities, which may be supported by the independent advisory bodies, should develop tools to evaluate how successfully online platforms are ensuring that political advertisements are classified as such and do not go unnoticed. Such tools should also target advertisements from campaign participants that are external to the political parties and candidates and enable monitoring of bots (software applications that run automated tasks) and co-ordinated inauthentic behaviour. In order to develop effective evaluation mechanisms, solid collaboration processes should be established with online platforms and involve academic, expert and civil society actors to ensure that the monitoring is developed in a research-grounded, cutting-edge and human-rights-compliant manner.

2.7. States should ensure, using co-regulatory measures, that online platforms offer access to political advertising space in a fair and non-discriminatory manner and charge everyone the same prices for the same services. States may also consider updating any rules governing political advertising during the electoral period to encompass online advertising.

### **3. Transparency of campaign support, financing and electoral spending**

3.1. States should ensure that all political parties and candidates have an equal opportunity to compete in elections, including in the context of paid advertising. This may involve adopting specific measures to prevent a person or organisation from obtaining undue influence on political campaigns through financial donations. States may consider including in their regulatory frameworks provisions requiring transparency of income and expenditure by political parties, candidates conducting personal campaigns and other political actors including persons and entities acting on their behalf, such as campaign organisers, consultancy companies or analysts and data collection companies.

3.2. In terms of regulation of electoral spending limits, States should, where applicable, consider adapting the legislation regarding spending limits for political parties, candidates and relevant political actors to also effectively apply to the digital environment and its different functioning and price models compared to traditional offline campaigning.

3.3. States should, where applicable, consider adapting their legislation regarding thresholds on donations, including crowdfunding, to the online environment. In addition, States should consider prohibiting or substantially limiting foreign donations and political campaign expenditure. States should furthermore prohibit or restrict the amount of donations from anonymous sources. The effective implementation of these rules should be guaranteed by relevant national authorities.

3.4. States should consider introducing obligations for political parties, candidates and relevant political actors to disclose to the relevant national authorities their campaign spending and campaign contributions (in-kind and financial), taking into account the administrative burden associated with such disclosure. Data on campaign spending and donations should be available in an open and machine-readable format that anyone can access, use and share, in order to enable citizens, journalists and other interested actors,



such as election observers, to access, cross-reference and analyse the data. The detailed data should cover spending and (in-kind and financial) contributions on each of the following items:

- online campaigns;
- distribution across different media outlets and online platforms;
- political advertisements, related consultancy, database and market research costs, and funds channelled through intermediaries such as data analysts or data collection companies aimed at curating online political advertisements for political parties and candidates;
- target groups, including the granular demographics used for the dissemination of advertisements to these groups.

3.5. States should require, using co-regulatory frameworks, extensive transparency of electoral spending, including from online platforms. Online platforms should provide detailed data to relevant national authorities and also make them accessible to the scrutiny of the independent advisory bodies and the general public in an open format, covering spending by political parties, candidates and relevant political actors by target group. These data should be provided with the same type of granular demographics used for the dissemination of the advertisements as soon as possible and, where feasible, in real time.

3.6. In designing their frameworks for the transparency of campaign spending and contributions as set out in paragraphs 3.4 and 3.5, States should provide for appropriate safeguards for the processing of personal data, considering in particular that data relating to political opinions fall within the special categories of data in Convention 108+, which, due to their sensitive nature, should only be processed where complementary safeguards are provided for by law to protect the data subjects from the risks that the processing of such sensitive data may present for their rights and interests.

3.7 Relevant authorities should have the necessary competences and conditions to reinforce their monitoring of electoral spending and adapt it to online campaigning, and should be provided with the following:

- the power to request information about digital political advertising expenditure from online platforms and political parties and candidates, as well as powers to enforce such requests, including adequate sanctions for non-compliance;

- the necessary funding, resources and analytical skills to employ up-to-date methods for the monitoring of campaign spending, especially that related to online campaigns;
- the power to review the current spending categories and methods for calculating the ceilings on political donations/spending to adapt them to the online environment;
- the power to review the effectiveness of the current quotas, ceilings and reporting categories in the area of electoral spending with consideration for the growing trend of online political advertising;
- the power to review the development of new funding methods, such as cryptocurrencies, which are increasingly used by specific organisations, persons and/or States for the collection of funds/donations for election campaigns.

#### **4. Transparency and accountability relating to the use of algorithms, content curation, content moderation and handling of problematic accounts**

4.1. The algorithms used by public and private actors to rank and display political advertising and electoral communication material, and those used in content moderation practices, should be transparent and verifiable, especially regarding potential bias and inaccuracies of the systems used. States, under coregulatory frameworks, should establish appropriate levels of transparency of algorithmic systems to ensure their compliance with international human rights standards and in particular with Recommendation CM/Rec(2020)1 of the Committee of Ministers to member States on the human rights impacts of algorithmic systems. To this end, States should:

- develop frameworks, standards and policies for the transparency of algorithms, in line with Recommendation CM/Rec(2020)1;
- allocate the power and resources to relevant authorities to scrutinise and audit algorithms;
- ensure that these authorities regularly monitor and publicly report on transparency of algorithms and bias;
- create opportunities for multistakeholder groups to address concerns about the deployment of algorithms, inviting a wider range of stakeholders, including representatives of civil society and political parties, to participate in the policy-making processes;

- request that online platforms publish transparency reports and statistics on the use of algorithms in content curation – periodically and in a timely manner – including information on how they rank and profile digital campaigning material, how they moderate such content and how they target users with this content;
- ensure that online platforms build in feedback and continuous auditing mechanisms for algorithmic systems and their usage;
- ensure that oversight mechanisms are properly integrated into an effective appeal system which includes judicial review.

4.2. Platforms, under co-regulatory frameworks, should put in place safeguards to guarantee the integrity of services (actions against bots and fake accounts), and act against misrepresentation and the intentional spread of political disinformation, while ensuring full respect for the rule of law and human rights standards as laid down in the Convention and other relevant Council of Europe instruments, notably the right to freedom of expression, as guaranteed by Article 10 of the Convention, anonymity and confidentiality of private communications.

4.3. With regard to paragraph 4.2., States should require online platforms to implement transparency systems for clearly labelling automated accounts and actions, so that those activities cannot be confused with human interactions.

4.4. With regard to paragraph 4.2., States should require online platforms to put in place clear, transparent and foreseeable policies for ensuring the integrity of services and countering misrepresentation and the intentional spread of political disinformation. Furthermore, in line with Recommendation CM/Rec(2018)2 of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries, when restricting access to content in accordance with their own content-restriction policies relating to electoral matters, platforms should do so in a transparent and non-discriminatory manner. Any restriction of access to content should be carried out using the least restrictive technical means possible and should be limited in scope and duration to what is strictly necessary to avoid the collateral unjustified restriction or removal of legal content.

4.5. States should require online platforms to improve the scrutiny of advertisement placement in order to reduce the revenue of the purveyors of political disinformation.

4.6. States may require online platforms, under co-regulatory frameworks, to enforce electoral silence rules or blanket bans on opinion polls during electoral periods, where applicable. States may moreover require media and online platforms, when publishing the results of opinion polls, to provide sufficient information to make a judgment on the value of the polls, including the information about natural or legal persons who commissioned and paid for the poll.

4.7. Considering the present context of information abundance, attention scarcity and the polarisation of public debate, and in accordance with Recommendation CM/Rec(2018)<sup>2</sup>, States are encouraged to engage with online platforms and civil society organisations to draft policies designed to contribute to an informed community and enhance exposure to diverse information on platforms, including by encouraging the development of appropriate selection and presentation techniques. Such diversity can be improved, among other ways, by changing the presentation of recommendations, providing interactive navigation through diverse sets of recommendations or enabling citizens to change the recommendation settings.

4.8. States should ensure that online content and data flows pertaining to electoral matters are treated in an equal and non-discriminatory manner by the relevant internet service providers, in accordance with the principle of network neutrality set out in Recommendation CM/Rec(2016)<sup>1</sup> of the Committee of Ministers to member States on protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality. In particular during electoral periods, relevant internet service providers should be prevented from deciding unilaterally on the effective availability of online data.

4.9. To allow for public scrutiny of all the policies and actions undertaken by online platforms in the electoral context, States should require them to regularly report, in a manner compliant with the applicable data protection rules, on their content moderation measures as well as the content and accounts blocked, removed or downgraded. These reports should be presented in a transparent manner, as machine-readable data, and include the grounds for the actions taken. States should also require online platforms to collaborate with relevant authorities and provide them with the data necessary for independent oversight.

## **5. Privacy, consent and microtargeting**

5.1. States should consider the implications of targeted or microtargeted political advertising for citizens' voting behaviour and, in this context, their access to information and exposure to politically diverse viewpoints and their right to freely express their political opinions and choices. To that end, States should ensure that the manner in which their data protection laws and policies are applied in the context of electoral campaigning and communication is in full compliance with the data protection requirements arising from the existing legal frameworks for privacy and data protection, including relevant international standards set forth in Convention 108 and Convention 108+.

5.2. States should ensure that citizens receive information from online platforms on why they are being targeted with political advertisements online, with the same level of detail that advertisers use to target their audiences.

5.3. States should require online platforms to create tools that allow citizens to opt out of online political advertising.

5.4. As stipulated in paragraph 1.5., States should provide for formal mechanisms of collaboration between relevant authorities, which should include data protection authorities, to enable them to effectively define guidance on political microtargeting and inform citizens about their data protection rights.

5.5. Political parties, interest groups supporting parties, candidates and other political actors are strongly encouraged to adopt codes of conduct aimed at avoiding the abuse of microtargeting techniques.

## **6. Media and election campaigns**

6.1. Considering the impact of the media on the formation of public opinion, the following general principles set out in Recommendation CM/Rec(2007)15 of the Committee of Ministers to member states on measures concerning media coverage of election campaigns should be taken into account in the implementation of this recommendation:

- non-interference by public authorities in the activities of journalists and the media;
- protection measures against attacks, intimidation or other unlawful pressure on the media;
- editorial independence of the media;

- equal and fair treatment of political contenders in publicly owned media outlets;
- respect for the professional and ethical standards of the media, including self-regulatory measures by the media;
- transparency of, and access to, the media;
- the right of reply or equivalent remedies;
- transparency of political polls; and
- a day of reflection as a possible regulatory option.

6.2. Any regulatory requirements based on the existing principles should be proportionate and graduated to reflect the impact of the different media in a convergent environment, in line with the standards set out in Recommendation CM/Rec(2011)7 on a new notion of media.

6.3. Considering the powerful effect of audiovisual media on public opinion, States should consider introducing measures, with due respect for the editorial independence of these media, for them to cover election campaigns in a fair, balanced and impartial manner. Such measures should apply in particular to linear private and public media.

6.4. Insofar as political parties and candidates are permitted to buy advertising space of audiovisual media for election purposes, all political parties and candidates should be able to buy such space on equal terms and at equal prices.

6.5. States should recognise the crucial role of independent public service media in fostering public debate and political pluralism and, in the context of electoral periods, in guaranteeing equal conditions in the allocation of airtime to political parties and candidates. States should guarantee the independence and sustainability of public service media in order to enable them to continue to play this role in the multimedia landscape.

6.6. Media and information literacy, including digital skills and critical thinking, is an essential part of citizenship in the new online environment and a precondition for informed participation in the political life of a country, either as voters or politicians. Media and information literacy skills and competences allow citizens to search, acquire and evaluate information from diverse sources. States should promote media and information literacy in school curricula, as part of lifelong learning cycles and through support schemes for the media, in particular for public service media and community media.









Free, fair, and trustworthy information is essential to guarantee the integrity of the electoral process. Electoral communication and advertising increasingly move online. Consequently, in addition to political parties, politicians and media, online platforms and other new actors have assumed an important role in the way individuals gain access to information on political matters. Online advertising techniques differ from the traditional ones; they are based on processing a large amount of personal data to deliver targeted political messages adapted to individual voters' interests and preferences.

This new information ecosystem provides tools for more effective campaigning but may also create inequalities and opacity amongst political parties and candidates. It may involve abuse of microtargeting and personal data, abusive use of bots and algorithms as well as disinformation campaigns, aimed at persuading the voters based on their emotional rather than informed choice. Also, funding of electoral campaigns and expenditure of political actors may be conducted less transparently online.

This Recommendation seeks to assist member States in addressing the concerns for the fairness and legitimacy of the electoral processes that have emerged because of the new formats and digital techniques of online campaigning.

[www.coe.int](http://www.coe.int)

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE