

How can online platforms support the democratic process without censorship:

ARTICLE 19's seven priority calls

Billions of citizens are heading to the polls in over 50 countries this year, including in some of the world's largest states and territories, like Mexico, India, the European Union, and the United States. A number of States already held elections at the start of 2024, highlighting serious challenges to the right of citizens to freely express themselves online and choose their representatives without interference. These range from significant information [manipulation and influence operations by foreign states](#), including using deepfakes and other AI-generated content, to populist [political candidates engaging in hate speech](#) targeting minorities. Additionally, some governments have [tightened their control](#) over the information space in election periods, increasingly relying on online platforms to control expression online. Similar challenges are also expected in the upcoming elections throughout 2024.

The largest online platforms, including Google/YouTube, Facebook and Instagram (both owned by Meta), Twitter/X, and TikTok, play a pivotal role in both exacerbating and mitigating challenges to free speech during elections. They have significantly enhanced voters' ability to access information about political parties and candidates, and to engage with electoral campaigns that are increasingly conducted and decided online. Moreover, they serve as vital forums for civic discourse, influencing public opinion and voter behaviour. It is therefore imperative that these platforms recognise the significant role they play during elections and meet their obligations to safeguard voters' freedom of expression rights, in accordance with the UN Guiding Principles on Business and Human Rights. The Guiding Principles provide that online platforms have a responsibility to respect human rights, including freedom of expression. In the context of elections, they require that online platforms identify and address any risks to the right to freely participate in elections emanating from their practices or the use of their platforms.

Yet, online platforms have frequently fallen short of meeting their human rights responsibilities in past elections. These failures range from a lack of readiness and inadequate investment in the resources necessary to understand and mitigate human rights risks in electoral contexts they do not prioritise, to inadequate content moderation practices that fail to address incitement to violence or attempts to undermine election results. Other concerns include platform features like engagement-driven recommender systems that prioritise and amplify disinformation, divisive content, and incitement to violence as well as a significant lack of transparency regarding the funding sources of political advertisements whose targeting techniques are inherently opaque. Equally problematic are inadequate actions to resist and challenge government censorship and a lack of investment in protecting access to the platforms in the event of internet shutdowns or throttling.

ARTICLE 19 believes that online platforms must do better, and they must do so in a consistent, transparent and accountable manner. We urge them to adhere to our **seven priority calls**, each of them addressed in particular to the largest online platforms and accompanied by specific recommendations. These measures are essential for them to fulfil their responsibilities as significant players in electoral contexts, upholding the protection of freedom of expression and protecting the integrity of democratic processes.

Priority 1: Ensure readiness and sufficient resources for elections in all countries of operation

In each country, election presents unique challenges to freedom of expression and the right to free and fair elections, whether these challenges arise from restricted information spaces, ethnic tensions impaction social cohesion, or low levels of digital literacy. Some elections may also spark protests and post-election violence or conflict. This was, for instance, the case in [Kenya in 2007](#) or more recently in [Côte d'Ivoire in 2020](#). Therefore, online platforms cannot adopt a one-size-fits-all approach to elections. Given the considerable human rights risks associated with electoral contexts, ARTICLE 19 believes that companies must conduct human rights due diligence for each significant election in every country.

Yet, platforms have too often demonstrated their lack of readiness for elections and their inadequate understanding of the specific human rights risks involved, both of which hinder their ability to respond adequately. Proper election preparation crucially requires the allocation of sufficient resources to analyse and identify potential human rights risks, as well as to implement necessary mitigation measures.

Yet, this has not been the recent trend among some of the largest online platforms. Instead of investing in better-equipped teams to address the biggest election year in history (as well as other global challenges linked to climate change or armed conflicts), Meta, X, and Alphabet have [all recently downsized teams](#) responsible for trust and safety, ethics, or human rights-related issues. This trend must be reversed for the 2024 election period and beyond.

Furthermore, it appears that the preparedness and resource allocation of these platforms is determined by the strategic priority assigned to each country. ARTICLE 19 finds this approach unacceptable. Preparedness and resources should be proportional not to the profit potential in a given country or the political power of its government, but rather to the human rights risks and electoral contexts specific to each country.

ARTICLE 19's recommendations:

- Conduct country-specific human rights due diligence before elections. At the minimum, [this must include](#):
 - An assessment of the actual or potential adverse human rights impacts linked to the election period that online platforms' products and services may contribute to. The assessment must be based on a thorough understanding of, among others, key political actors, risks to free and fair

elections within the information ecosystem, the regulatory landscape, the state of media freedom, and the independence of the judiciary. The assessment should encompass the whole election cycle, including the months preceding, during, and following the elections.

- Appropriate measures to avoid, prevent, and mitigate the adverse human rights impacts identified in the human rights impact assessments. The impact of those measures needs to be tracked continuously throughout the election period to allow for adjustments where needed.
- Invest sufficient resources to appropriately address the human rights risks during elections. Tailored strategies and measures for each election context require investment in, among others, public policy, trust and safety, and human rights and crisis response teams staffed with experts with the necessary language skills. Dedicate sufficient resources to ensuring appropriate content moderation, both through human reviewers and properly trained automated systems.
- Conduct [heightened human rights due diligence](#) for contexts with particular human rights risks and implement appropriate crisis protocols to be able to rapidly respond to potential eruptions of violence.

Priority 2: Enable independent scrutiny of election-related actions through transparency and stakeholder engagement

Platforms' transparency and their engagement with civil society is essential to allow independent scrutiny of platforms' actions during elections, including their human rights due diligence. Yet, platforms often fall short on both these fronts.

Beyond our [general transparency concerns](#) related to online platforms' policies and practices, ARTICLE 19 often finds it challenging to locate information about what policies apply to elections and what measures a company has publicly communicated ahead of specific elections. In addition, while some platforms have published measures they have taken for select elections - such as Meta for [the 2022 US midterms](#), [Kenya](#) and [Brazil](#), TikTok for the [2024 European elections](#) or YouTube for the [2024 US presidential election](#) - for most jurisdictions this has not been done. Similarly, it can be unclear which circumstances trigger the application of [crisis protocols](#) or when such protocols have been applied in the past. This complicates the scrutiny of responses and the assessment of their consistency across different electoral contexts.

Platforms' responsibility to conduct human rights due diligence and acquire an in-depth understanding of the election dynamics in the countries they operate in, including risks regarding online hate speech and disinformation, or implications of specific government censorship requests, requires sufficient internal expertise but also continuous engagement with independent external stakeholders. Yet, online platforms' stakeholder engagement is notoriously lacking, [in particular in certain country or regional contexts](#) that they do not appear to see as of strategic global importance.

ARTICLE 19's recommendations:

- Centralise all election-related policies, practices, and measures for easy access to enhance transparency and facilitate closer scrutiny. Clarify in which context each policy is invoked to understand consistency.
- Publicly communicate specific measures adopted in the context of each election, including key aspects of any human rights due diligence conducted.
- Establish regular channels of communication during the election period and the months preceding it with non-state actors active in electoral processes, such as election observers, media experts and civil society organisations. Engage these stakeholders when conducting human rights due diligence, considering policy changes, or formulating rapid responses to crisis situations. Implement effective rapid response systems to enable human rights groups to escalate urgent matters to the platforms during crisis situations or when user safety is at risk.

Priority 3: Ensure that recommender systems and content moderation practices promote access to diverse viewpoints and do not silence any voices

Online platforms have faced criticism for failing to address the dissemination of content, including inciting speech, attacks against minority groups, or online harassment and abuse of female candidates, further silencing those parts of the population who are already often denied a voice. There are also serious concerns about the impact of information manipulation on election integrity and what role online platforms should play in addressing this. The growing use of coordinated and deceptive tactics, along with generative AI, is likely to only accelerate the spread of such content and make it even harder to detect.

ARTICLE 19 believes that many of these issues stem from, or are at least amplified by, the platforms' own systems and processes, particularly their recommender systems and content moderation practices. The engagement-driven recommender systems of some platforms [have been demonstrated to amplify false, polarising and inciting content](#) to their users, hindering open debate and access to diverse viewpoints. Additionally, ARTICLE 19 has emphasised the problem of platforms [locking out competitors that could offer alternative content curation models](#), thus preventing competition that could better protect of freedom of expression, pluralism, and diversity – all key antidotes to the spread of manipulating or extreme content.

Similarly notorious are the flaws in some platforms' content moderation systems and lack of resources invested in such processes, whether they result in insufficient moderation of incendiary language, online threats or doxxing on the one hand or excessive removals on the other. This, again, is often linked to inadequate resourcing, a lack of appropriately trained and skilled human reviewers and flaws and biases in how automated systems are trained. These issues have thus far not been adequately resolved.

While our recommendations do not comprehensively address concerns related to generative AI and other emerging technologies, platforms do have a responsibility to

assess the human rights risks associated with new technologies that can alter the way content is generated and disseminated on their platforms.

ARTICLE 19's recommendations:

- Proactively develop measures to ensure that recommender algorithms prioritize user access to diverse viewpoints about elections and democratic processes, and are not driven by user engagement.
- Allow third parties to offer recommender system services on their platforms on fair, reasonable and non-discriminatory grounds. Also allow users to easily choose between different content curation providers at any time.
- Invest sufficient resources in appropriately trained automated systems and human reviewers to increase accuracy of content moderation decision with appropriate consideration of context and language.
- Bring content moderation policies and practices in line with international freedom of expression standards, including as they relate to elections, in particular relating to political speech (which deserves the highest level of protection under international freedom of expression standards), '[disinformation](#),' or '[hate speech](#).' Make sure that these policies are easily available in all relevant languages.
- Conduct human rights due diligence of the risks associated with the use of new and emerging technologies, such as generative AI, and their role in the creation and dissemination of content, as well as the risks associated with the employment of detection tools and potential restrictive actions following such identification.

Priority 4: Cease harmful political advertising practices

While ARTICLE 19 is mindful that not all of the largest online platforms allow for political advertising (e.g. [TikTok](#)), we are severely concerned about the political advertising practices of some online platforms. [These include](#) a failure to detect advertisements containing content that violates platforms' own advertising policies, such as incitement or conspiracy theories regarding election integrity.

There is also a [significant lack of transparency](#) regarding the funding sources of political messaging. Information available is generally insufficient to 'follow the money' and shed light on the way in which political actors use paid political messaging to influence election outcomes. Lack of sufficient transparency, in particular incomplete and outdated ad libraries, also hampers policymakers', journalists', and civil society's ability to properly scrutinise the role of online political advertisements in elections. Moreover, platforms' transparency requirements for political advertising are often [inconsistently implemented](#) across different countries.

Transparency concerns extend to opaque ad-delivery systems that fail to adequately inform individuals about why they are targeted with specific ads. Additionally,

ARTICLE 19 has expressed concerns [about how micro-targeting techniques can undermine the integrity of political processes](#) and hinder a free and diverse debate on matters of public interest during elections, and the need for platforms to impose adequate limitations on targeting methods.

Branded content, which involves a paid partnership between a political campaign and a content creator, presents distinct yet related issues. Although not technically a “paid for” advertisement (the platform is not directly part of the financial relationship), [the lack of transparency and avoidance of scrutiny](#) is problematic, and further complicates the understanding of the influence of money on elections.

ARTICLE 19's recommendations:

- Undertake a thorough due diligence process on how the platforms’ political advertising policies and practices comply with platforms’ responsibility to respect the right to freedom of expression, privacy, and free and fair elections.
- Ensure that policies concerning political advertising clearly outline the content allowed in advertisements, transparency requirements, and permissible targeting methods, considering relevant international standards on political speech, disinformation, and hate speech.
- Meet the highest level of diligence in ensuring that political advertisements comply with community standards relevant to elections, such as those on hate speech and civic integrity.
- Enhance compulsory transparency standards in political advertisement and ensure their consistent and global application:
 - Clearly distinguish political advertisements, and make visible to the user key information, including the sponsor’s identity and location, or the amounts spent on campaign ads.
 - Increase the transparency of political ads in ad libraries, providing proactive disclosure in real time of ad expenditures during election periods and of metrics regarding political and social campaign ads (the number of people who saw each ad, the number of people who clicked on each ad, the amount spent on each ad).
- Impose limits on targeting options, and in particular not allow for targeting based on sensitive data. [Provide users with increased control](#) over how their data is processed, allowing them to opt in to targeted political advertising. At the very least, users should be in a position to understand why they see a political ad and what selection criteria was used in the targeting decision.
- [Apply branded content guidelines](#) requiring content creators to disclose any paid partnerships with political parties and associates thereof.

Priority 5: When conducting dialogues with electoral authorities, do so in a transparent and human-rights based manner

Online platforms sometimes enter into agreements with electoral authorities ahead of elections. Commitments – which are usually not legally enforceable – often [include](#) disseminating reliable and quality information about the electoral process, facilitating voter access to official content, leading initiatives to promote media and digital literacy, or committing to publishing a transparency report on political ads. [Other agreements](#) have provided for actions aimed at restricting disinformation on the platforms, such as creating a non-binding extrajudicial communications channel for reporting content with information about the election that is considered misleading.

ARTICLE 19 finds that there are a number of factors that could raise concerns when it comes to engagement between electoral authorities and online platforms. While some electoral authorities are [fully independent](#), others have been [accused of bias](#) or of being controlled to varying degrees by the ruling parties, underscoring the significant risks associated with agreements between online platforms and the latter.

Additional risks can also stem from the specific nature of the engagement or agreements between platforms and electoral authorities. ARTICLE 19 does not oppose engaging in dialogues with electoral authorities to better understand the local context and specific risks around any given election or to commit to steps that do not lead to restrictions of freedom of expression but aim at increasing transparency, which is particularly important around political advertising, facilitating voter access to official information about elections or promoting media and digital literacy.

At the same time, ARTICLE 19 is concerned about any backchannels between government agencies and platforms that give the former influence over how platforms moderate online speech, which entails a [particular risk to users' rights](#). There is also often a lack of transparency on how much content was restricted based on such cooperation, as platforms mostly refer to their terms of service as the basis for content takedowns, even if prompted by government authorities. We maintain that any government restriction requests should be based on decisions by independent judicial authorities.

ARTICLE 19's recommendations:

- Analyse, in consultation with civil society, the human rights risks associated with engaging with a specific electoral authority, considering in particular its level of independence. Tailor the mode of engagement accordingly for each election authority.
- Conduct any engagement with election authorities by involving civil society organisations and in a manner that is transparent towards users and the wider public.
- Focus such engagement on ensuring proper understanding of the key human rights risks in election contexts, committing to enhancing transparency in platforms actions relevant to elections, facilitating access to official election content, and supporting digital literacy initiatives.

- Refrain from entering into any agreements that allow electoral authorities to flag content for restrictions without a court order. Agreements should avoid including any substantive provisions that could restrict freedom of expression and which under the legality principle should be established by Parliament.
- Inform users when electoral authorities have requested the removal of their content, and about the details of the process by which such content or accounts are assessed.

Priority 6: Resist and challenge government censorship

Governments often place added pressure on online platforms during elections to grant them access to user data, restrict content, or block accounts, sometimes using the pretext of combating disinformation and preserving election integrity. This, as ARTICLE 19 has seen in [India](#), [Indonesia](#) or [Türkiye](#), is often based on restrictive regulatory frameworks which threaten severe sanctions for online platforms resisting compliance. Those sanctions may include fines, advertising bans, bandwidth reductions that greatly slow down access to platforms' services or render them effectively non-functional ("throttling") or even blocking of the platform.

ARTICLE 19 recognises that the threat of bandwidth throttling or blocking platform access, especially during election cycles, can place platforms in a difficult situation, having to weigh the detrimental impact of the request against the potential consequences of non-compliance. This requires a particularly nuanced assessment, considering factors such as the likelihood of the sanction being imposed or the relevance of the account or content subject to the takedown request in the specific election context.

Yet, [recent elections have demonstrated](#) that when confronted with severe sanctions, platforms are more inclined to yield to government pressure rather than conduct a thorough assessment of the human rights risks involved. ARTICLE 19 asserts that platforms should instead take all possible measures to prevent or mitigate the adverse human rights impacts of such requests and avoid becoming complicit in freedom of expression violations.

ARTICLE 19's recommendations:

- Interpret government demands that are at odds with freedom of expression standards as narrowly as possible in terms of scope and duration. This is especially relevant when it comes to requests to remove speech that could impact election results or public interest content.
- Evaluate the negative implications for freedom of expression resulting from potential sanctions both on election day and during the period leading up to the election and consider the likelihood of these sanctions being imposed.
- Explore all legal avenues to challenge censorship and data access demands that violate international human rights standards.

- Engage and coordinate with other companies to enhance leverage concerning authorities' takedown and data access requests.
- Ensure transparency in reporting regarding the takedown and data access requests received, whether and to what extent they were complied with, and any legal actions taken. If possible, platforms should also report on extra-legal pressure from governments.
- Engage with civil society to inform their assessments, including assessments of the potential significance of specific content and accounts during elections, the probability of sanctions being imposed, and their impact on the electoral process.

Priority 7: Protect user access during internet shutdowns or bandwidth throttling

Internet shutdowns have become increasingly common during election periods. Understood in a broad sense, internet shutdowns can include bandwidth throttling to slow internet access, blocking of specific apps such as social media or messaging services, and the partial or complete shutdown of access to the internet. During election periods, platforms can thus be confronted with the possibility of governments blocking or throttling their services. This is in addition to the more common “blanket” shutdowns where internet access is cut entirely.

Throttling or blocking access to a platform may be a sanction for non-compliance with government orders (as has for instance been made possible in [Türkiye with recent legal amendments](#)). Shutdowns of a specific platform are also sometimes – as has occurred, for example, in [Nigeria](#), or as threatened in [Kenya](#) – justified by citing alleged failure to sufficiently curb ‘hate speech’ and ‘disinformation.’ Given their indiscriminate and widespread impacts, internet shutdowns, including targeted shutdowns of only one online platform, [very rarely meet freedom of expression standards](#). During elections, shutting down online platforms impedes voters from accessing information and freely engaging in democratic discourse and the electoral process and makes the work of journalists and election observers significantly harder.

ARTICLE 19 believes that platforms must therefore make every effort to preserve user access to their platforms in the event of shutdowns during election periods. While platforms have limited means to counter the effects of blanket shutdowns, they can take measures to improve user access in cases of targeted blocking of specific platforms or throttling. Those measures include, on the one hand, legal steps to challenge shutdown orders.

On the other hand, it requires investment in designing technical tools that can help circumvent shutdowns and throttling. Some platforms have implemented an official [Tor onion service version](#), made the platform accessible [by proxy](#), or provide a “[data-light](#)” version of the service that functions even with significantly reduced internet speed, including in cases of internet throttling. These are promising examples and can be expanded upon. Yet, ARTICLE 19 believes that the largest platforms – given

their considerable power and resources - can do much more to allow users to remain connected during key moments such as elections.

ARTICLE 19's recommendations:

- Openly communicate about government threats to impose shutdowns and coordinate with civil society and other online platforms to jointly push back against shutdown orders.
- Publicly disclose details about shutdown orders and explore all legal avenues to challenge them.
- Design tools and promote circumvention technologies, such as Tor onion, proxy or “data light” versions that are easily accessible for users regardless of technological experience to maintain access to the platform in the event of shutdowns, and provide versions of platforms’ service that function even with significantly reduced internet speed in case of throttling.