

Regulating election campaigns online with codes of conduct: the example of North Macedonia

Activity Brief



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Between September 2022 and October 2023, ODIHR supported North Macedonia's **Agency for Audio and Audiovisual Media Services** (the Agency) in developing a **Code of Conduct in the Online Sphere during Electoral Processes and Referenda** (the Code).

The Code addresses the conduct of political parties and candidates online, including on social networks, during electoral processes and referendums. It also covers the online conduct of the media, fact-checkers and other entities that may influence the public during a campaign. The Code is voluntary and is intended to serve as a guide for ensuring the integrity of information online during elections and referendums. It also aims to ensure the transparency of online campaign advertising and its funding, the privacy and safety of the processing of citizens' personal data, and seeks to prevent the spread of disinformation, hate speech and discrimination.

The Code is an innovative tool for tackling the challenges of electoral integrity in the online sphere and is the first such initiative in the Western Balkans. The Agency adopted it through an inclusive and proactive approach together with the Association of Journalists of Macedonia, the Macedonian Institute for Media, the Council of Media Ethics of Macedonia, the Institute of Communication Studies and the "Metamorphosis" Foundation. The process was based on good practice, with preliminary information gathering on regulatory options, followed by broad and structured consultations with all parties concerned. This should foster the Code's legitimacy, consolidate its effectiveness and enhance the sense of ownership and commitment. In order to ensure the provisions were consistent with the issues and objectives identified at the start, the Code was subject to a comprehensive review process.

ODIHR's assistance to the Agency was part of the **Support to Electoral Reforms in the Western Balkans** project, funded by the European Union and the Austrian Development Agency. The project supports institutions and civil society in their efforts to follow up on election observation recommendations.

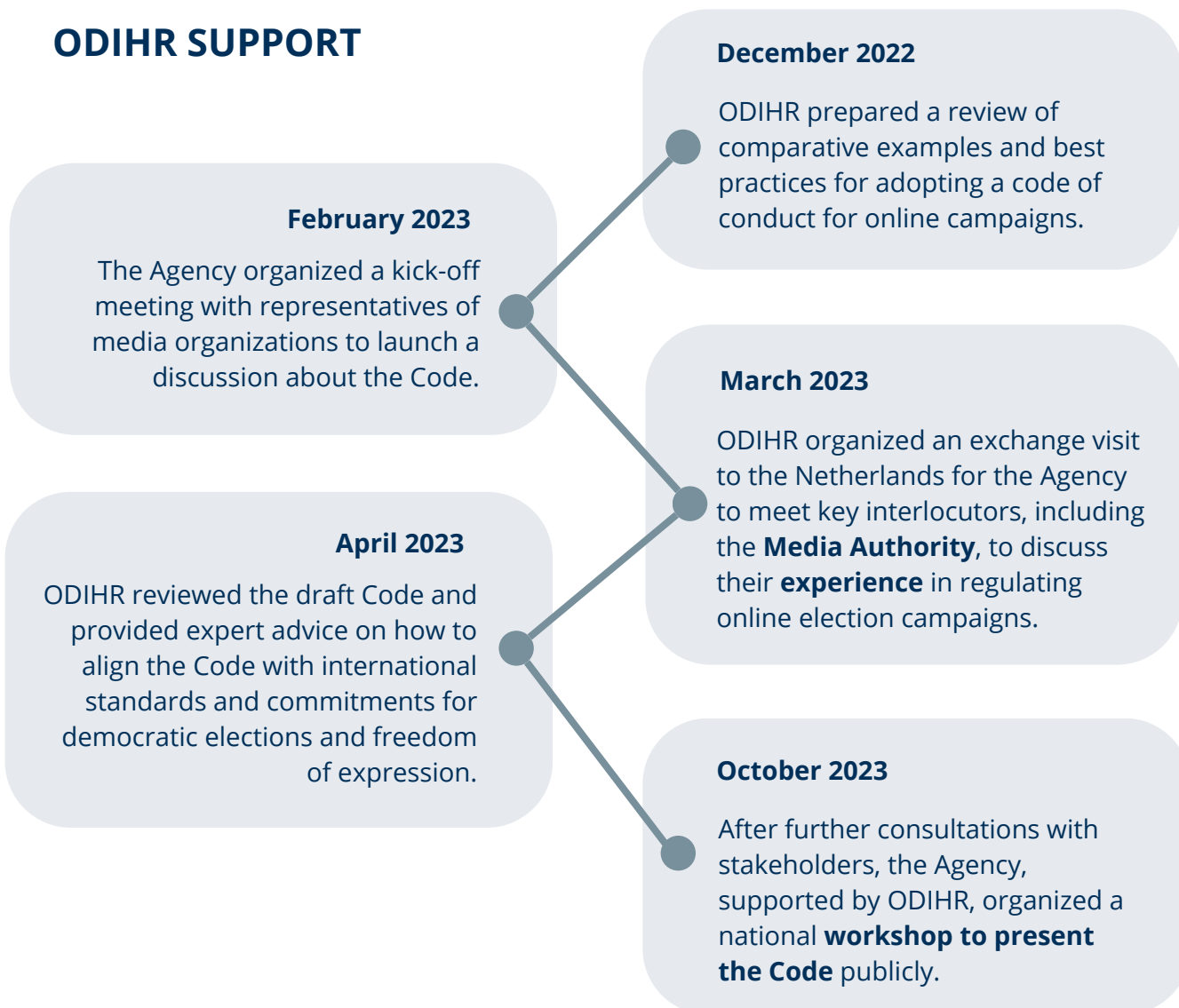
PROCESS OF ADOPTION AND THE ODIHR ASSISTANCE

While offline election campaigns are generally subject to clear regulatory provisions, online campaigning remains largely unregulated and attempts to counter digital threats to the integrity of elections are relatively recent; regulation of the online sphere is constantly evolving in response to emerging policy objectives. Against this background, multi-track regulatory efforts — including establishing codes of conduct — may represent the way countries address the emerging threats that social networks and online media platforms may pose to democratic debate.

In July 2022, the Agency contacted ODIHR with a request for assistance in different areas of media regulation, including in developing guidelines for creating a code of conduct for the main election stakeholders on campaigning in the online sphere.¹ The Agency was proactive in initiating the process of defining, elaborating, consulting and adopting the Code. ODIHR supported the Agency in the process in several ways.

1. This request followed the Agency's participation in ODIHR's conference "**A Regional Perspective on Online Election Campaigning - Challenges and Opportunities for Electoral Integrity**", held in May 2022.

ODIHR SUPPORT



KEY ELEMENTS OF THE CODE

The Code addresses the regulation of online campaigns in line with democratic principles and good practice to protect freedom of expression, covering key issues such as information integrity, the transparency of campaign advertising and how the campaign is funded, disinformation, hate speech and discrimination. Its main strength lies in its comprehensive approach, which recognizes the complex nature of election campaigns and related online threats to election integrity, while engaging all key electoral stakeholders.

The Code also includes a vital element of regulation through the creation of a multi-stakeholder oversight mechanism — the Co-ordinating Body — that is in charge of addressing complaints. Its composition and functions are informed by dialogue, transparency and openness, and are set down in a detailed Memorandum of Cooperation. A dedicated **webpage** for complaints and responses fosters the transparency and accountability of the Co-ordinating Body. Another important innovative element is the consultation process between the Co-ordinating Body and other state institutions; a mechanism that should enhance the legitimacy and soundness of the decisions adopted.

NEXT STEPS

The implementation of the Code can only be assessed after the next elections in North Macedonia, scheduled for 2024. It will then be possible to draw conclusions and assess the achievements and areas for improvement. Before this, however, it is possible to reflect on potential challenges to the Code's effectiveness and ways to prevent and/or address them:

- It is crucial that all actors involved genuinely commit to the principles established in the Code, including political parties and candidates that have not yet subscribed to it.
- It is equally important that complaints procedures are prompt and that adjudication of alleged violations is implemented fairly. This is to ensure, on the one hand, the right to an effective remedy and, on the other, the legitimacy and implementation of the decisions adopted by the Co-ordinating Body.
- The sources of disinformation are often domestic actors and the climate of an election campaign may amplify their tones and communication strategies. It is of paramount importance to engage these actors in this attempt to regulate the online sphere.
- The involvement of tech companies is another crucial element. The Co-ordinating Body should explore whether channels of cooperation and consultation can be opened with the main platforms active in North Macedonia.
- The Co-ordinating Body will also need strong expertise in social media analysis. Regular meetings between signatories to the Code to discuss its implementation should foster understanding of and insight into the key provisions and their interpretation.
- Finally, it can be difficult to attribute content and behaviour on social networks and private groups may be difficult to monitor; no code can be expected to be fully respected. Therefore, expectation management is key to ensuring trust and acceptance of the Code.

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