

## **UNESCO Colloquium: Improving the Communications and Information Ecosystem to Protect the Integrity of Elections**

**Patrick Costello, Head of Division, European External Action Service, European Union**

### **Opening Remarks**

*(Transcript version edited for clarity and length)*

First of all many thanks to UNESCO and the GNI for organizing this event.

I think it is an incredibly timely moment for us to be discussing these issues. I think all stakeholders here, those around this room and beyond, are struggling with the fact that the international norms and regulations are very behind the state of digital development. This has an enormous impact on elections.

The European Union is interested in this in many reasons. We are very interested on it because of our need as a law making and norm body to have our own approach. There is a whole process about how we handle Internet governance in respect to international standards and try to address some of these problems. To give one small example there was a small code of conduct on hate speech online, which was recently issued.

I also do not need to talk much about electoral assistance where we are a big supporter and funder of the UN work in this area.

I want to narrate down to the more specific issue of observation and the use of ICT. We had a recent example in the elections in Honduras, where on the election night the counter started and the initial results were put on the TV and on the web. Then, the system that was transmitting electronically on the votes broke down for six hours. When it came back online, the results had reversed. While the opposition was leading at the begging, suddenly the incumbent was leading. This is was a very closely fought election.

Our observation mission was there. We had a data analyst who was able to have some sense of what was going on, and we were fairly convinced that this was a technical error. That the reason why it has shifted was that the initial votes came in from the urban areas, which were supporting the opposition, and the votes that came later during

the night, were coming from rural areas, which were mainly supporting the incumbent. Therefore, there was a perfectly logical reason why it has shifted.

However, of course, that did not stop enormous suspicious of fraud which created a huge set of demonstrations and protests in which people died and there was a declaration of state of emergency. I give you this example to give you a sense of how important getting the use of ICT right is.

One of the reasons why our observation mission was able, in a small way, to channel things back into the institutional roots to resolve it, was because in addition to the electronic transmission there was a paper trail. This meant that in the polling stations there were copies of all the tally sheets, which were given to each political party. Then those tally sheets were published by the central website. So, any party that suspected fraud was in a position to say: here are the tally sheets, they don't tally with what you added up here. However, in fact it was not possible to do that.

So, while it took a certain amount of time and while our mission was engaging with the electoral management body to encourage them to increase deadlines for appeals to give time for the parties to find the problem, the suspicions did not entirely disappear. Once something like this happens, it sets in people's minds. However, there was a recognition by the stakeholders in the process, the political parties and observers that this had nothing to do with the ICT system.

I think it is an important story because as ICT is used more, the black box which cannot be observed--because I don't believe that observers can get involved in certifying technology-- is going to potentially become bigger and bigger. So the situation of suspicion become greater and the importance of ensuring that there is parallel process becomes even greater.

The Supreme Court last year struck down the elections in Kenya because the paper trail linked to the electronic system could not be found. We should perhaps tackle this aspect during the Colloquium.

Second issue that I wanted to raise is the issue of social media. As observers, our methodology is essentially based on the idea that there are international standards,

such as the International Covenant on Civil and Political Rights. Another very important standard for us is the General comment No. 34 of the United Nations Human Rights Committee. We have a whole set of standards in relation to elections and freedom of expression. We develop our methodology from observing how the electoral process comply with those international standards. We observe this from the laws that are set up to do it; from the decisions that are made by the electoral board; from the way that the campaigns are done. Then at the end of the process, we give an assessment and recommendations as to how that process could be made closer to those international standards. Therefore, there is a real difficulty if the international standards are not developed to the extent that we have a basis on which we can do a methodology to observe what is going on.

There are certain things that we can do in relation to freedom of expression online and offline. Our missions are already to the extent possible including the monitoring of the social media landscape around the elections as well as the mainstream media, to give a sense of how the campaign goes. If we are looking at how political parties are campaigning, it is important to include how they are campaigning on the web. Similarly, if we are looking at how state broadcasters are sharing that time to ensure fairness and impartiality on the political campaign, it is important to look at how that is happening on the web. Here is where the problem starts coming in. First, because there are certain social media which in many countries actually the biggest way in which campaigning is done, for example *Whatsapp*, are closed. So how are you supposed to observe it; how do you suppose to see if certain political actors are using *Whatsapp* to generate hate speech and contribute to the creation of electoral violence. This is very hard to do. There are a whole set of technical questions and very important data protection issues around.

Then there is the issue of campaign finance. If we have an issue now about data mining for targeting campaigning and targeted campaign advertising, it starts to become very unclear who is spending money on what. It is now almost the traditional model of the use of social media to overcome restrictions in national legislation to enable

communication around elections and to enable certain space for opposition to compensate for restrictions that might exist on traditional forms of media.

We are potentially moving into a phase where it is possible for undetected money to buy the results of the elections through effective targeted campaigning in social media. I think there are certain issues about how that can be addressed and regulated in a way which does not interfere with the whole question of freedom of expression and the approach of global internet governance.

There are many unintended consequences. I am really looking forward to the discussions of this morning so that we can at least start all of us seeing it from different perspectives and begin to address complicated questions which, if we are not able to address, is going to have an enormous impact on the credibility of democracy and elections worldwide.

Thank you very much.