



Integrity of information during elections in the online space

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Introduction

In March 2024, the High Representative in Bosnia and Herzegovina, Christian Schmidt, imposed amendments to the Election Law of Bosnia and Herzegovina. In addition to technical changes related to the electoral process, these amendments also addressed certain issues concerning disinformation and maintaining information integrity. Electoral campaigns conducted on social media have now become part of regulations that allow the Central Election Commission of BiH (CIK BiH) to penalize irregularities occurring in the online space. Political entities participating in the electoral process are also “prohibited from disseminating false information through the media that could jeopardize the integrity of the electoral process and mislead voters”, while anonymous web portals are, de facto, banned from reporting on elections altogether.

On the other hand, the Digital Services Act has recently come into force in the European Union, which also addresses social media governance and stipulates that large online platforms bear legal responsibility for illegal and other harmful content. Since Bosnia and Herzegovina is a candidate country, it is obliged to incorporate EU regulations into its legislative framework, including those that deal with maintaining information integrity in the online space.

In addition to domestic and European legislation, political entities, media, and other actors active on social media must also adhere to the rules of each social network. Considering all these factors and the growing use of social media in election campaigns in Bosnia and Herzegovina, the Citizens' Association (CA) "Zašto ne" focused not only on media and political accountability during the 2024 Local Elections campaign but also on the responsibility of large online platforms. The goal was to examine whether and to what extent existing rules regarding harmful electoral content are respected and how effective reporting and response systems are. The first step in answering these questions was to map all existing rules, laws, and reporting systems.

During the election campaign, from September 6 to October 5, 2024, researchers from the fact-checking platforms Raskrinkavanje and Istinomjer monitored various types of information sources on social media platforms such as Facebook, Instagram, YouTube, X, and TikTok, documenting observed examples of harmful content.

The team at Raskrinkavanje tracked the most-read media outlets in Bosnia and Herzegovina, media previously identified as frequent publishers of disinformation, other social media actors with a history of spreading election-related disinformation, as well as newly emerging relevant sources. At the same time, the team at Istinomjer monitored the official accounts of the largest political parties and their local branches, as well as the pages and accounts of candidates for municipal mayors and city mayors.

Researchers from these two fact-checking platforms searched for disinformation, manipulations, and other harmful content defined by domestic legislation and the rules of very large online platforms. All harmful content identified through their monitoring methodologies was analyzed and assessed in articles published on [Raskrinkavanje.ba](https://raskrinkavanje.ba) and [Istinomjer.ba](https://istinomjer.ba). Content defined as harmful by very large online platforms or domestic legislation, which is not covered by methodologies used by Istinomjer or Raskrinkavanje such as hate speech, incitement to violence, and hate symbols, was reported directly to the platforms by their reporting procedures. Researchers then tracked whether and how very large online platforms responded to these reports and whether they adhered to their own rules.

Based on the collected data and published analyses, CA "Zašto ne" is also publishing recommendations for domestic institutions, very large online platforms, and civil society in Bosnia and Herzegovina.

The issue of very large online platforms

Very large online platforms or social media such as Facebook, TikTok, and YouTube, are becoming increasingly integrated into our lives. The expansion of social media as a primary means of receiving and distributing content and information has significantly changed information flows. Media outlets increasingly rely on social media to reach their audience, and these platforms are playing an increasingly important role in electoral processes. Political entities can now reach voters directly, making social media usage in election campaigns and political advertising via online platforms more prevalent.

At the same time, the technology and operational methods of these companies have enabled numerous manipulations that undermine the integrity of the electoral process, including the use of fake accounts and bots, the spread of disinformation campaigns, non-transparent political advertising, and the dissemination of false public opinion polls.

In Bosnia and Herzegovina, as well as other Western Balkan countries, very large online platforms are entirely unregulated. They have no legal obligation to address illegal and harmful content nor any requirement to adhere to transparency standards. The need to impose some level of obligations and establish accountability for their role in distributing and amplifying such content is, therefore, unquestionable. However, this process carries risks, as any attempt to legally regulate online platforms could easily be used as a tool to restrict freedom of speech.

At the European Union level, the Digital Services Act has been adopted to prevent illegal and harmful online activities, including the spread of disinformation and threats to electoral integrity. The EU has chosen a regulatory approach that holds platforms responsible for ensuring appropriate moderation mechanisms. These include user-reporting mechanisms for illegal content, which platforms are obligated to act upon, and risk-mitigation processes aimed at preventing the spread of harmful content, such as electoral disinformation. This systemic regulatory approach is part of the EU's legal framework, which Bosnia and Herzegovina and other candidate countries should incorporate into their domestic legislation.

However, the question remains whether domestic institutions can implement such legal solutions and, given the small market size, impose obligations on very large online platforms. Therefore, any regulatory measures must be carefully evaluated to ensure they are both practical and adaptable to the local context.

The support of the European Union will be crucial in this regard, particularly in ensuring cooperation between very large online platforms and local institutions and enforcing measures to mitigate systemic risks, such as those related to election processes. Such cooperation is possible even in the absence of formal regulations.

One example is Moldova, another EU candidate country, where the European Commission (EC), ahead of the presidential elections and referendum in October 2024, conducted a readiness test for very large online platforms in cooperation with domestic authorities and civil society organizations. In response to the EC's request, Google, Meta, TikTok, and Microsoft agreed to implement temporary mechanisms to prevent electoral manipulations, such as collaborating with fact-checkers and establishing content escalation channels.

Research findings and their implications

The research conducted by the CA “Zašto ne” identified numerous violations of the Election Law in Bosnia and Herzegovina, as well as the passivity and lack of transparency in the operations of online platforms.

Various very large online platforms have sets of internal rules that govern content moderation, defined through their terms of service and community standards. These rules dictate what content can be published and how its dissemination can be restricted if necessary.

In the context of elections, platform policies address issues such as political advertising, the dissemination of disinformation about the electoral process, and the reporting of content that violates their standards, as well as, in some cases, national legislation. However, for Bosnia and Herzegovina, the option to report illegal content that contradicts national laws does not exist. This is because the country is not yet a member of the European Union and has not aligned its regulations with the Digital Services Act, which mandates that large online platforms implement this reporting mechanism.

As a result, during the monitoring process, it was not possible to report violations of the provisions of the Election Law of Bosnia and Herzegovina to the platforms. For instance, early paid advertising, which is prohibited by law, was repeatedly observed, but there was no way to report it. Similarly, the spread of disinformation that could compromise the integrity of the electoral process could not be reported, even though a provision banning such content was introduced through amendments to the Election Law in early 2024.

Reports submitted under the community standards of different platforms also had little effect. Platform responsiveness was minimal or nonexistent. During its monitoring, “Zašto ne” reported 119 cases of content across five social media platforms. Most reports concerned election-related disinformation (76) and hate speech (29), with a few reports addressing harassment, child exploitation, and spam. Only in 25 cases did the platforms respond with an actual decision. Initially, in all 25 instances, the platforms ruled that the reported content did not violate community standards. After appeals were filed, platforms changed their decisions in only three cases, removing content that was classified as hate speech.

The conducted monitoring also revealed a large number of disinformation posts published by politicians and political parties in Bosnia and Herzegovina. There were numerous instances of using hate speech and hate symbols. Among the imposed amendments to the Election Law of Bosnia and Herzegovina in 2024, political entities were prohibited from spreading false information through the media that could compromise the integrity of the electoral process and mislead voters. However, the Central Election Commission, the body responsible for handling violations, stated that its jurisdiction is limited solely to disinformation related to the electoral process itself. None of the more than 20 fact-checking analyses of politicians' claims published by Istinomjer were considered strong enough to justify sanctions, underscoring the law's extremely narrow interpretation.

The independent fact-checking program available on Meta's platforms also exempts politicians from responsibility for publishing disinformation, placing no restrictions on its dissemination. Thus, neither domestic legislation nor the policies of very large online platforms have curbed the spread of disinformation by politicians and political parties.

The monitoring conducted by "Zašto ne" also documented widespread disinformation published by online media and social media. Meta's independent fact-checking program, in partnership with the platform Raskrinkavanje, is the only transparent measure currently in place to combat disinformation in Bosnia and Herzegovina. However, with the election of the new US administration led by Donald Trump, this program has been discontinued in the United States. Although no changes have been announced for Europe, the growing trend of removing measures designed to combat disinformation is concerning.

Numerous instances of hate speech, misogyny, and other harmful content were also observed in online media and on social media. The volume of such identified and reported content was disproportionately higher compared to the responses of very large online platforms.

The Election Law in Bosnia and Herzegovina was flagrantly violated in the media sphere as well, with no response from the relevant authorities. Monitoring by Raskrinkavanje identified dozens of completely anonymous web portals covering election campaigns despite amendments effectively banning such practices. Online sources reporting on elections are required to disclose their ownership information, as mandated by the 2024 amendments to the Election Law. However, many such sources not only reported on the elections but actively participated in the campaign, openly promoting one side while criticizing the other.

Therefore, the conducted monitoring highlighted weaknesses in internal mechanisms and a lack of transparency in the operations of very large online platforms in Bosnia and Herzegovina. It also revealed shortcomings in the implementation of the imposed amendments to the Election Law. The inability to report content that contradicts domestic legislation was identified as a significant issue, as it leaves no mechanism for removing content that violates Bosnia and Herzegovina's laws.

Conclusion

The online space, which remains largely unregulated in Bosnia and Herzegovina, is a place where election campaigns can significantly influence voters. Additionally, Bosnia and Herzegovina is not covered by the significant regulations imposed on very large online platforms. Even in areas addressed by domestic legislation, the response of the authorities has been lacking.

The moderation of content on very large online platforms in Bosnia and Herzegovina is regulated solely by the platforms' internal rules, defined in their terms of service and community standards. These platforms are not yet required to comply with the provisions of the Digital Services Act, meaning there is no incentive to implement non-mandatory regulations associated with it, such as the Guidelines for Reducing Systemic Risks in Electoral Processes and the Code of Good Practice in Combating Disinformation. The application of these EU regulations in Bosnia and Herzegovina would impose additional obligations on large online platforms and potentially reduce the presence of negative phenomena observed during the 2024 election campaign.

However, platforms did not operate with full transparency, even in cases involving basic rules that they are obligated to apply in Bosnia and Herzegovina. The monitoring conducted by CA "Zašto ne" clearly demonstrated their passivity and lack of transparency in content moderation. Global trends, such as Meta's discontinuation of its independent fact-checking program, suggest a further decline in the level of accountability expected from these platforms.

Although social media platforms have been partially addressed by the amendments to the Election Law of Bosnia and Herzegovina, the monitoring highlighted weaknesses in the mechanisms for implementing these provisions. Narrow interpretations and unclear jurisdiction over the enforcement of these amendments have limited their effectiveness. Furthermore, the mismatch between domestic legislation and the rules of very large online platforms restricts their implementation. For instance, the Central Election Commission (CIK BiH) imposed sanctions on political entities for early campaigning, but social media posts that CIK did not explicitly order to be removed remained online without consequences. There is no legal basis or obligation for platforms to act in cases of violating domestic legislation. While CIK can order political entities to remove problematic content, it cannot compel social media platforms to do the same.

The lack of accountability in the actions of online platforms poses significant risks to democratic processes, particularly during election campaigns. Positive regulatory steps taken in the European Union to oversee very large online platforms could contribute to creating a safer online space in Bosnia and Herzegovina, given its status as an EU candidate country. Proper and effective alignment of domestic laws with the Digital Services Act could ensure significant progress in these areas.

Various provisions of EU legislation related to the operation of large online platforms, especially in the context of periods such as election campaigns, could reduce the presence of harmful and illegal content, like those observed during the mentioned monitoring.

Creating a safer and more responsible digital space is of crucial importance for the citizens of Bosnia and Herzegovina and the region. This process requires active engagement from relevant institutions, large online platforms, and civil society.

Recommendations

1. The competent domestic institutions and decision-makers in Bosnia and Herzegovina should do the following:

- Clearly define the competencies and the mechanism for implementing the provisions of the Election Law of Bosnia and Herzegovina that relate to online media reporting on election campaigns.
- More precisely define and improve the enforcement of the legally prescribed ban on political entities spreading false information through the media that could undermine the integrity of the electoral process and mislead voters.
- Following the example of EU regulations, enhance the domestic legal framework for the transparency of political advertising in all its forms and across all types of media, including social media and posts by political entities, influencers, and similar actors.
- Initiate as soon as possible the process of aligning domestic legislation with the Digital Services Act, with the participation of the expert community and civil society organizations. It is essential to secure support and active participation from the European Commission in this process through expert missions that will result in concrete recommendations and guidelines.

- Continuously demand from very large online platforms the establishment of a contact point and communication channel with the relevant domestic authorities, as well as access to mechanisms for reporting content that violates domestic laws.
- Collaborate with civil society organizations that could take on the role of trusted flaggers for cases of electoral rule violations on very large online platforms.
- Request assistance from the European Commission to facilitate cooperation with very large online platforms and to ensure these platforms implement measures aimed at reducing systemic risks to the electoral processes in Bosnia and Herzegovina.

2. Very large online platforms should do the following:

- Designate a contact point for communication with the relevant institutions in Bosnia and Herzegovina on all matters related to the dissemination of content that violates domestic laws.
- Introduce a feature that allows users to report content violating domestic laws, including the Election Law. Additionally, ensure a feedback system and an appeals process for decisions made on these reports.
- Establish communication channels with organizations acting as trusted flaggers to monitor and report cases of electoral rule violations and election manipulation and respond promptly to their reports.
- To reduce systemic risks in the pre-election period, improve content moderation systems and capacities to ensure they are adapted to the local context and languages.
- Strengthen or establish cooperation with fact-checkers and apply demonetization measures to disinformation, hate speech, and other content that manipulates the electoral process and could influence voters' decisions.
- Ensure full transparency of political advertising for ads originating from Bosnia and Herzegovina.
- Collaborate with the Central Election Commission to enhance the visibility of official information about the electoral process.
- Promote and support local media literacy campaigns in the context of elections.

3. Civil society in Bosnia and Herzegovina should do the following:

- Collaborate with the academic community and researchers in conducting studies and gathering evidence on election manipulations on very large online platforms and the risks of spreading illegal and/or harmful content.
- Strengthen cooperation in monitoring election campaigns, including within existing coalitions and networks, and work in a coordinated manner to build capacity for a future role as trusted flaggers for cases of electoral rule violations on very large online platforms.
- Actively and systematically advocate for the start of the process to align the national legal framework with the relevant EU regulations.
- Conduct media literacy campaigns and empower users to recognize disinformation narratives and techniques, as well as election manipulations, including those related to generative artificial intelligence.

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