Policy Paper

EU's Transparency and Targeting of Political Advertising: Good Intentions but Clarifications and Amendments still Needed

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Abstract

The development information technologies, including social media platforms with possibilities of micro-targeted campaigns quickly transformed the concept of political communication and electoral campaigning. The negative impact on electoral system and democratic political processes was revealed with Cambridge Analytica and its scandal, which was just one of many companies offering such services. Online political advertising has not only opened up new possibilities for democratic dialogue and creative engagement, it has also become a relatively cheap and easy way of amplifying information manipulation as well. The impact of such online information manipulation was possible to observe, among others, during the 2016 U.S. presidential elections, the Brexit Referendum in the UK as well as the insurrection at the U.S. Capitol in January 2021. As these new vulnerabilities have emerged with the rise of online political advertising, the European Commission's aim to tackle them and limit their impact on the quality of democracy should be recognized. On November 25, EU Commission published a proposal for a regulation on the transparency and targeting of political advertisement . This paper attempts to provide a constructive feedback on the proposed draft bringing into attention observed practices in information landscaped and election campaigns from Central Europe. Facebook, as the most used and thus the most influential social media platform in the region, is the focus of this paper.

Outdated legislation

According to the GLOBSEC Vulnerability Index, the online environment is not sufficiently covered in the electoral laws in 6 of 8 Central and Eastern European and Western Balkan countries, with Hungary and Czechia being exceptions. Electoral and campaign regulations, however, are not effectively applied and enforced in the online setting in any of the countries.[1] The amount of disinformation being spread by various actors includes rising number of domestic political representatives that see it as a venue for reaching out to societal groups vulnerable to disinformation and conspiracy theories, such messages and information operations are often supported by a number of paid services including those of paid advertisement. Therefore, the need to set rules on political advertisement and enforce transparency measures are the most timely. Looking at (often) state-captured information landscape of several Central and Eastern European states and widespread tendencies of democratic back-sliding, the proposed bill on political advertising misses to address these practices observed in Central and Eastern Europe. These, however, do not have to be region specific.

According Article 2 section (a) *"'political advertising' means the preparation, placement, promotion, publication or dissemination, by any means, of a message:*

(a) by, for or on behalf of a political actor, unless it is of a purely private or a purely commercial nature; or

(b) which is liable to influence the outcome of an election or referendum, a legislative or regulatory process or voting behaviour."[2]

However, at the same time, the proposed bill states that "*messages from official sources regarding the organisation and modalities for participation in elections or referendums or for promoting participation in elections or referendums shall not constitute political advertising.*"[3] The proposed legislation states also that "*the publication or dissemination by other actors of a message that is liable to influence the outcome of an election or referendum, legislative or regulatory process or voting behaviour should also constitute political advertising.*" However, it is not clear what is being understood under "other actors" and how such measures are going to be applied across EU member states.

However, such lack of addressing political messaging, including political advertising using official state resources and communication channels of public institutions, is and can be problematic in many Central and Eastern European countries. While information on elections' organization or messages encouraging people to vote disseminated by official channels are understandable, the smear campaigns against political opponents used by the ruling government, attempt to wage disinformation campaign against the EU or attempt to influence public in other EU member states are not. Such

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[1] https://www.vulnerabilityindex.org/src/files/Globsec_VulnerabilityIndex_online.pdf
[2] https://ec.europa.eu/info/sites/default/files/2_1_177489_pol-ads_en.pdf
[3] Ibid.

messaging amplified via paid advertisement has been possible to observe, for example, also in Hungary.

When public institutions wage information operations

Hungarian government has utilized social issues ads on Facebook[4] not only directed towards its own citizens, but directed its sponsored messaging on Facebook at citizens of other EU countries and spread misleading and false information about migrants. In 2018, the official Facebook account of Hungarian government bought paid advertisement targeting Facebook users in Italy, as is observable from the picture, advocating against member of the European Parliament Guy Verhofstadt and migration, calling for the need to "shake up Brussels".

This anti-migration video[5] was also shared, among others, by Facebook pages and public groups as SLOVEXIT,[6] Welcome to Romania,[7] Estonian Anonymous[8] or Yellow Vests Europe[9] in a number of EU countries.

[4] https://www.facebook.com/business/help/214754279118974?id=288762101909005
[5] https://www.facebook.com/kormanyzat/videos/1724947814301363/
[6] https://www.facebook.com/groups/541099876083561/permalink/1010295349164009
[7] https://www.facebook.com/groups/257222281386816/permalink/590954141346960
[8] https://www.facebook.com/365465593464762/posts/2209957519015551
[9] https://www.facebook.com/groups/2245622328982738/permalink/2259163840961920

Source: Facebook

The video depicts Guy Verhofstadt declaring "we need migration" while portraying a picture of raising violent crimes using pictures from terrorist attacks across the Europe as the result of inflow of migrants to Europe.

Anti-migration messages have been disseminated by Hungarian public representatives and thus by institutions ever since the 2015 migration crisis. Narrative of "migration being a threat" was used as an existential issue in Central European countries during the 2019 election campaign to the European Parliament.[10] In Hungary, the prelude to election to the European Parliament was also a criticized "You have the right to know what Brussels is planning" campaign[11] conducted by the government, which spread anti-Brussels and anti-Soros narratives.[12]

The government-led anti-migration campaign actively attacked Jean Claude Junker, who was at that time President of the European Commission. The issue-based campaign and messages months before the election campaign have set the tone and base ground for messages spread by political representatives attempting to gain voters' support, during which the topic of migration played an important role.[13]

Anti-migration narratives continue to be an important topic actively being communicated by Hungarian government and its public representatives. In the past months, the official Facebook page of the government of Hungary has published a number of videos showcasing, among others, how migrants attack border patrols with stones,[14] (propaganda) videos providing emotional stories of

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[10] https://www.globsec.org/wp-content/uploads/2019/06/European-Elections-in-the-V4.pdf

[11] https://www.facebook.com/kormanyzat/photos/a.134933189912743/2510209519051753/?type=3

[12] https://www.politico.eu/article/viktor-orban-george-soros-hungary-to-end-anti-juncker-campaign-on-march-15/

[13] https://www.globsec.org/wp-content/uploads/2019/06/European-Elections-in-the-V4.pdf

[14] Video titled "The migrants are attacking Hungary's borders with stones, husangs and troops" (Translatero.com) https://www.facebook.com/kormanyzat/videos/1248729828976409/

people living at border with Serbia,[15] or video of government spokesperson with accompanied text "as long as the civil government leads Hungary, we say no to illegal migration."[16] These posts/videos seem to be part of bigger campaign or communication activities of the government and have been professionally prepared and then disseminated via sponsored messages as well.

The video of migrants attacking border patrols with sticks and throwing stones at them has over 2.1 million views on Facebook, and, according to the Facebook Ads Library, the Hungarian government paid for its promotion. However, this ad was taken down due to the violation of Facebook advertising policy. (Please, see the picture the below).
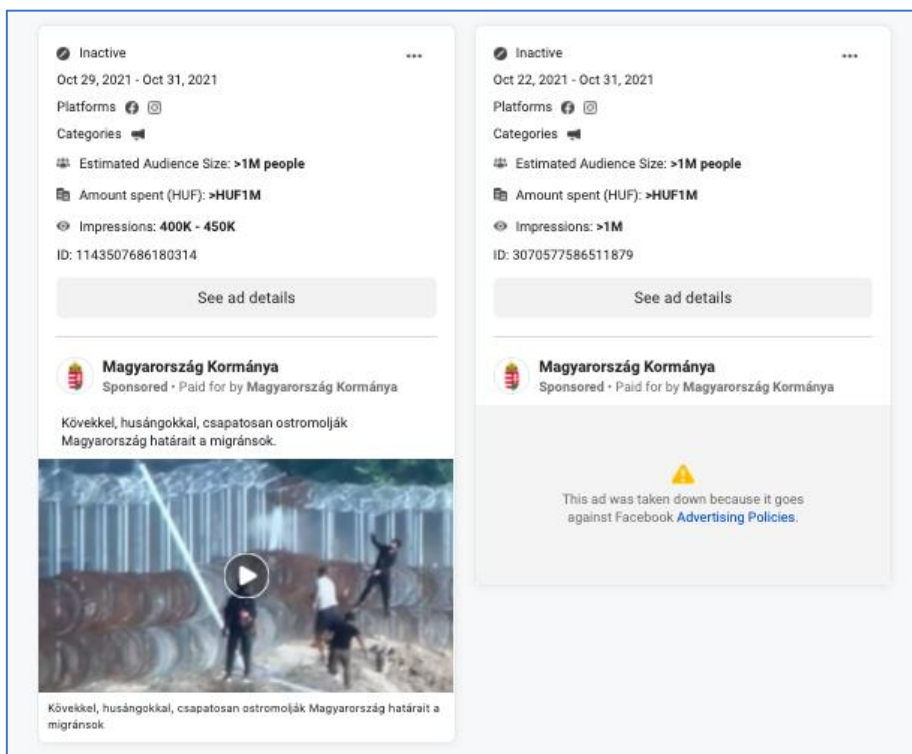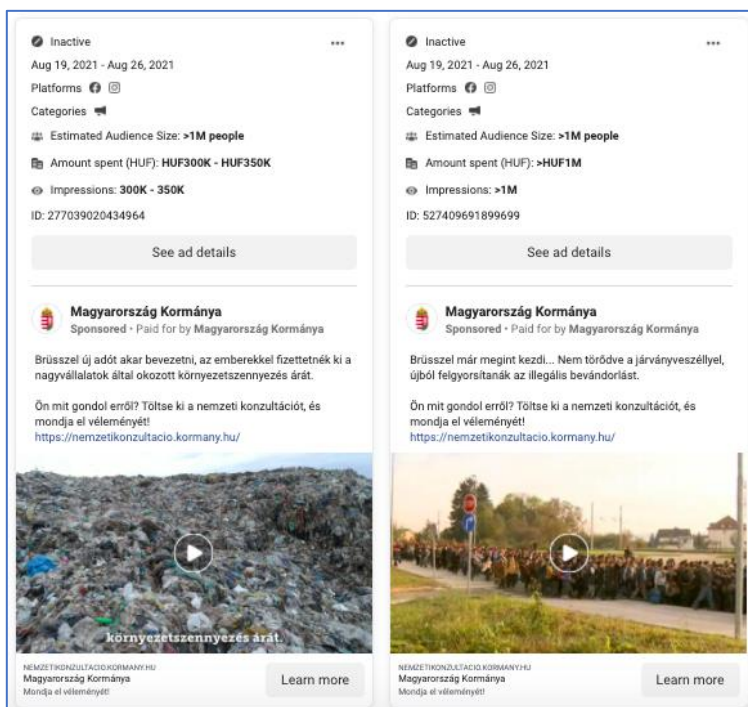

Source: Facebook Ad Library

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[15] Video titled ""I have six grandchildren, all I can think about is protecting our country. At all costs. As the Hungarians have always done." An on-site report on the migration situation on the southern border. https://www.facebook.com/kormanyzat/videos/574154477142366 (Translatero.com)
[16] https://www.facebook.com/kormanyzat/videos/3066186096999454 (Translatero.com)

Another example of using migration as a political issue and "othering" the Brussels as an actor introducing policies that will have a negative impact on ordinary people in Hungary is possible to observe from the sponsored posts from August 2021. (Please, see the picture below).

Source: Facebook Ad Library

The translated description[17] of the sponsored video on the left about pollution and production of trash is:

> "Brussels wants to introduce a new tax, make people pay the price of environmental pollution caused by large companies.
>
> What do you think of that? Fill out the national consultation and give your opinion.
>
> https://nemzetikonzultacio.kormany.hu/"[18]

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[17] Mistakes in translation might have occurred, since an online translation tool – Translatero.com – was used.
[18] https://www.facebook.com/ads/library/?id=277039020434964

The translated description of the sponsored video on the right about migrants is following:

> *"Brussels is starting again... Ignoring the epidemic threat, they would speed up illegal immigration again.*
>
> *What do you think of that? Fill out the national consultation and give your opinion.*
>
> *https://nemzetikonzultacio.kormany.hu/"[19]*

While both posts imply and play on the bigger narrative of "Brussels dictate", Hungarian government spent almost three times more money on the video about migration, which then consequently gained (approximately) three times more views than the video about pollution.[20] The framing of these messages, as well as a larger sum of money paid by the public institution for dissemination of anti-migration posts, indicate intentional usage of such narratives in order to shape public opinion.

Taking into consideration the upcoming parliamentary election in Hungary in spring 2022 and past experience of using migration crisis and migrants as a tool to wage information operations directed at both domestic and international audience, the EU's attempts to drive transparency of political advertisement and curb down malign and polarizing content on social media should include not only political actors as defined in the current proposal, but they should include public institutions as well. In addition, the definitions for the purpose of transparency of online advertising should not be linked only to pre-election periods. As shown in previous paragraphs, political actors or public institutions can spread specific messages that can frame the election debates/campaign and/or conduct unofficial campaigns months before the official launch of election campaign period.

Democratic backsliding of state-captured public institutions

Transparency policies for political advertisement are important, also, due to continuous democratic backsliding in CEE region. For example, Hungary as an EU member state has been accused of interfering in information environment of other countries[21] and spreading disinformation in them. In 2020, during the parliamentary questions of members of the European Parliament to the European Commission Hungarian interference in media in Slovenia and North Macedonia was being discussed, pointing out the findings of the Slovenian Journalists' Association providing evidence on the attempts to discredit the North Macedonian Government. [22] In Romania, the Fidesz government has been spending significant amounts of money on Hungarian media and NGOs, thus reaching out to Hungarian ethnic minority living in the country[23] and potentially exercising undue influence of local authorities. Such activities and information operations are even more worrying when mapping out of Hungarian

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[19] https://www.facebook.com/ads/library/?id=527409691899699
[20] A need for better and more detailed data about targeting sponsored messages including the exact money spent on ads, not estimated lump sums, have been voiced during the feedback on the EU Code of Conduct.
[21] https://balkaninsight.com/2020/12/04/hungarian-media-expansion-in-balkans-raises-worries-but-lacks-impact-2/
[22] https://www.europarl.europa.eu/doceo/document/O-9-2020-000017_EN.html
[23] https://balkaninsight.com/2020/01/30/living-like-in-hungary-orban-bankrolling-romania-ethnic-parallelism/

Facebook using AI Graphika tool revealed that (pro-)government pages and groups repeatedly publish and repost content that spreads pro-Kremlin narratives and provide favorable coverage on Russia, China and other authoritarian regimes.[24]

Similarly, the state-captured information landscape in many CEE countries leads to smear campaigns against opponents, for example in Poland;[25] and to mainstreamization of disinformation and propaganda.[26] Therefore it is important address malign information operations and advertisement conducted by state actors that are also EU members. The current framing of the proposed bill fails to address official (public) sources spreading problematic content and amplifying it via paid advertisement.

Communication with public or electoral campaign?

Another important issue that needs clear and transparent rules is the misuse of public sources for personal electoral campaign. Incumbent public representatives (might) have the advantage of being more recognized and well-known among public due to their work in the office. However, with the development of social media platform and increased communication of public officials on them, it is increasingly important not to misuse official communication channels and public resources for personal political campaigns. Such practices without any rules set can contribute to incumbent's re-election.

During the recent Czech parliamentary election's campaign debate on what social media posts should and should not be considered as part of the election campaign, and thus should have necessary disclaimer and should be included in the set budgetary cap for the election, was elaborated.[27] Crossing of lines between communication on behalf of the official post and public institution and conducting a personal campaign;[28] and reluctant application of electoral campaign financing transparency measures for financing election campaign[29] were one of the main findings of researchers conducting election monitoring.

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[24] https://www.globsec.org/wp-content/uploads/2020/10/Visualising_influence.pdf

[25] https://notesfrompoland.com/2021/08/10/polish-state-tv-provides-almost-100-negative-coverage-of-opposition-leader-finds-study/

[26] https://www.vulnerabilityindex.org/src/files/Globsec_VulnerabilityIndex_online.pdf

[27] https://www.transparentnivolby.cz/snemovna2021/blog-ondreje-cakla-zneuzivani-verejne-funkce-jako-letni-hit-predvolebni-kampane-2021/

[28] https://www.transparentnivolby.cz/snemovna2021/kandidati-do-snemovny-zatim-utratili-pres-160-milionu-korun-z-transparentnich-uctu-predvolebni-kampane-ale-zustavaji-zahaleny-tajnostmi/

[29] https://www.transparentnivolby.cz/snemovna2021/nejtransparentnejsi-kampan-ma-koalice-pirati-a-starostove-nejhorsi-hodnoceni-naopak-ziskala-koalice-trikolora-svobodni-soukromnici-ano-ohyba-system-a-vymyka-se-zakonnym-pravidlum/

Summary

Transparency of political communication and advertisement is an important tool to protect democratic processes against information operations from both domestic and foreign actors during and during the times of democratic backsliding in the region. The following examples attempted to contribute to the debate on the need for clear and more unified approach to regulate political advertisement and provide the CEE perspective. To summarize, the proposed changes/clarifications to the proposed bill are:

- Messages of official sources and public institutions influence public debates and election campaign and thus the proposed legislature need to include these institutions/ sources.

- While the definitions of political advertising in each EU member state are defined by law and should include online advertising for the purpose of election campaign spending limits oversight, the definitions for the purpose of transparency of online advertising cannot be linked only to pre-election periods, but need to be extended beyond them.

- The proposed legislature needs into consideration democratic backsliding and rising state-capture of information landscape and public administration in EU member states, which might influence enforcement of proposed transparency measures.

- It is necessary to set rules for the misuse of public sources for personal electoral campaign.

About the author

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