

Countering Hate Speech in Elections: Strategies for Electoral Management Bodies

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The following excerpt is from the International Foundation for Electoral Systems (IFES) white paper "Countering Hate Speech in Elections: Strategies for Electoral Management Bodies." The full paper is available [here](#).

IFES' white paper, "Countering Hate Speech in Elections: Strategies for Electoral Management Bodies," aims to help election management bodies (EMBs) better understand the range of issues surrounding hate speech during the electoral cycle and the regulatory and non-regulatory options that may be brought to bear. The opening of the briefing paper summarizes applicable international standards, foremost the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR); discrimination based on race, gender, and disability are also highlighted.

This summary is supplemented by a discussion of national legislation that may directly or indirectly deal with the issues of hate speech, incitement to hatred, and hate crimes. EMBs are primarily concerned with constitutional provisions, election law, political party law, and legislation governing media and elections. At the same time, EMBs should be aware of all the legal and regulatory instruments that may come into play. By doing so, EMBs can identify other responsible regulatory, oversight, and enforcement bodies with whom to share information and coordinate a response.

EMBs need to be aware that regulatory responses to hate speech are controversial in that they involve restrictions on access to information, free speech, and even political and electoral rights. Fundamental guarantees such as free speech and anti-discrimination can come into conflict with each other and can be difficult to balance. As such, EMBs will need to tread carefully.

Moreover, regulatory responses are fraught with a range of other potential problems, including definitional issues, implementation and enforcement challenges, and politicization and abuse of the law. EMBs will face additional considerations including the centrality of free

speech and competing ideas to election campaigns, the need to maintain neutrality and treat candidates equally, the application of appropriate and proportionate penalties, and the need to provide for a safe electoral environment.

This paper also makes the point that incitement of hate directed against women in the electoral process is indeed hate speech, as some national and international definitions tend to leave gender/sex out of the definition. The authors refer to the International Foundation for Electoral Systems' (IFES) comprehensive violence against women in elections ([VAVIE](#)) framework to address physical and psychological violence and intimidation against women.

The remainder of the briefing paper looks at non-regulatory options available to EMBs and emphasizes the importance of external stakeholder outreach and collaboration as follows:

Engage other stakeholders: Making inroads against hate speech will be contingent upon forming strategic partnerships and alliances, and working collaboratively. To achieve greater scope, scale, and sustainable success, EMB strategies to counter hate speech will need to leverage the existing mandates, capabilities, and resources of government institutions, independent agencies, and civil society.

Model good behavior: The baseline of any EMB strategy to combat hate speech should be to ensure that it does not engage in or tolerate discrimination or hateful speech toward any individual or group by the members of the institution or any of its election staff (permanent and temporary). This modeling behavior will extend to human resources practices, internal and external communications, the substance of regulations, the provision of services, the content and delivery of public information and voter education messages, the handling of complaints and appeals, and advocacy directed at electoral reforms.

Dear readers,

We hope you are having a great start to the new year. In honor of International Human Rights Day, which was celebrated on December 10, this edition of the ACE newsletter features an excerpt from a forthcoming International Foundation for Electoral Systems (IFES) white paper on strategies for electoral management bodies to combat hate speech during elections. The January 2018 edition of the ACE Newsletter further highlights:

- The latest questions and discussions on the Practitioners' Network
- Updates to the ACE Encyclopaedia
- New Publications and resources from ACE partner organizations

The ACE Electoral Knowledge Network promotes credible and transparent electoral processes with an emphasis on sustainability, professionalism, and trust in the electoral process. ACE offers a wide range of services related to electoral knowledge, assistance, and capacity development.

Thank you for reading January's newsletter and for your involvement with ACE. We look forward to your contributions to the Network!

Happy holidays,

The ACE Electoral Knowledge
Network

Speak out against discrimination and hatred: As public officials, EMB chairpersons and commissioners have a platform from which to speak out against hate speech. By speaking out, EMB leaders can help to raise awareness of hate speech and its consequences, which, in turn, can help to mobilize a public response. EMB leaders, especially when they have public confidence, are well-positioned to explain the dangers of hate speech and incitement to hatred to the electoral process and democracy.

Open space for pluralistic public dialogue: EMBs are in a position to create opportunities and promote activities that expand public dialogue and debate during election campaigns. This may involve providing airtime to a diverse set of stakeholders. EMBs should support public forums, such as televised candidate debates, town hall meetings, and roundtable discussions, that are designed to promote issue-based discussions.

Contribute to learning: EMBs face a challenge in designing and delivering better strategies, programs, and messages during elections when information is lacking about the extent to which various electoral stakeholders understand hate speech and how this affects their mindsets and behaviors. Investments in public opinion surveys and focus groups can help EMBs better understand how, in what manner and to what extent speech impacts behavior. Research is also essential to understanding what counter strategies are effective in a given context.

Monitor, collect and report data: The collection, monitoring, and reporting of data on the occurrence of hate speech, as with instances of electoral violence, will also be essential to developing and putting into place effective risk-mitigation strategies and security plans, as well as informing investigation and adjudication processes. Government agencies and civil society actors may be involved in this process.

Mitigate risk through security planning: EMBs should apply available data on hate speech to mitigate electoral violence and safeguard the security of all electoral stakeholders. EMBs will need to engage various security actors in joint security planning and implementation. When police act as perpetrators or supporters of hate speech in elections, EMBs will need to collaborate with human rights commissions or police oversight commissions to hold them accountable. EMBs should also engage organizations and service providers addressing gender-based violence to effectively respond to the differential forms of violence against women and men in the electoral process.

Adjudicate effectively and responsibly: If EMBs are responsible for adjudicating cases involving

hate speech and incitement to hate during election campaigns, EMBs will need to avoid the pitfalls encountered by other judicial and administrative bodies. These include slow adjudication, broad interpretation, inconsistent jurisprudence, political bias, legal overreach and abuse, disproportionate penalties, and non-compliance with international obligations.

Train electoral stakeholders: Typically, EMBs are involved in training a range of electoral stakeholders from their own personnel to political party representatives, candidates and their surrogates, NGOs, and the media. Training programs should integrate themes relating to human rights, voting rights, non-discrimination, gender equality, protected and prohibited speech, what constitutes hate speech and incitement of hatred, and obligations under national law and international instruments.

Raise awareness and educate voters: Public information campaigns and voter education programs provide accurate information that dispel myths and misconceptions. Such efforts can help voters identify and address intolerance in their own lives and recognize and resist hate speech purveyed by officials, candidates and their supporters, and the media. Longer-term civic education is also important to raising civic literacy levels and reducing the public's vulnerability to hate speech and calls to violence.

The use of hate speech during elections is a dynamic and rapidly evolving issue. Its scope and complexity will require a strategic approach that connects with and mutually reinforces the efforts of a range of stakeholders. Regulatory solutions can be controversial, difficult to reconcile when fundamental rights come into conflict, and their effectiveness is limited. As such, EMBs would be well advised to explore non-regulatory solutions in collaboration with both state and non-state actors. To date, rigorous quantitative research about how distinct populations understand and react to (or act upon) hate speech and about the effectiveness of counter measures in specific country contexts is limited. Comparative practice of EMBs is not readily accessible to the broader community of election practitioners, nor is information about how EMBs have successfully leveraged the experience of other government bodies or civil society.

To better capture and disseminate learning about effective strategies and successful multi-stakeholder efforts, IFES invites EMBs and practitioners to share their experiences with epeace@ifes.org.

Practitioners' Network

Since August, **599 members** logged on to the Practitioners' Network and shared their experiences, knowledge and expertise through **70 contributions** to questions asked by their peers. Recent questions include: [Political Party Registration](#), [EMBs administering political party primaries](#), [EMB media strategies](#), and [Negative preferences in list electoral systems](#).

[Consolidated replies](#) are published summaries of the discussions on the Practitioners' Network. The following page highlights some recently published consolidated replies, including: [Case studies of risk factors for electoral violence](#), [EMBs maintaining level electoral playing field](#), and [Demographic voter information collected by EMBs](#). Dozens of questions have been consolidated already, so be sure to look [here](#) for a full overview.

Join the Network!

- Are you an election practitioner with expertise and experience?
- Are you not yet a member of the ACE Practitioners' Network?

If so, submit an application to be a member of the Practitioners' Network now: www.aceproject.org/apply.

Recently Consolidated Questions

[Case studies of risk factors for electoral violence](#)

As part of a research project on risk factors for electoral violence, I am looking for recent examples where the following problems have seriously hampered the effective conduct of elections or even resulted in violent acts:

- Inadequate operational planning by the EMB
- Inadequate funding, financing, and budgeting of elections
- Poor training for election officials
- A poor voter information campaign
- Lack of transparency of special and external voting processes
- Provocative party rallying

[EMBs maintaining level electoral playing field](#)

I am looking for examples of EMBs taking necessary steps to ensure a level playing field in the pre-campaign period/before

the announcement of the election schedule. Any specific example or legal framework or code of conduct on this will be welcome.

[Demographic voter information collected by EMBs](#)

Voter turnout is usually reported as an aggregate figure (total vote figure divided by the number of registered or eligible voters). However, in depth understanding of voter participation requires more data about which segments of the population are turning out more or less than the others. My question: are there any electoral management bodies (EMBs) who compile official voter participation data dis-aggregated by gender, age, level of education, level of income, ethnicity, religion, or any other characteristics of voters? I am not interested in survey data, post-election studies, polls, etc. I would like to learn if any EMBs collect administrative data, meaning that they use official voter registration and polling station data to compile dis-aggregated data described above.

ACE Encyclopaedia: The Latest Updates

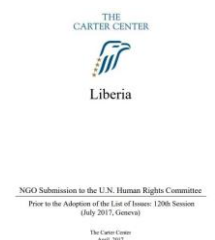
If you would like to see a particular topic addressed in an ACE Focus On or translated into Spanish, French, or Arabic please send your suggestions to facilitators@aceproject.org.

Recent Publications by ACE Partners



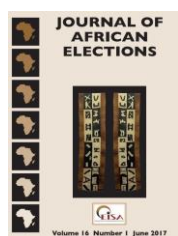
[Youth Participation in Electoral Processes – Handbook for Electoral Management Bodies \(UNDP & European Commission\)](#)

The handbook provides strategies and entry points to assist electoral management bodies (EMBs) in removing existing barriers for youth electoral participation at different levels and in different areas, including the national legal and political framework and youth's lack of confidence in national institutions. The publication also explores how EMBs could capitalize on innovative solutions to make electoral processes more inclusive and peaceful and to prevent youth from being incited to electoral violence by political parties. Finally, the handbook links these objectives to the outcomes and indicators of SDGs, in particular Goal 16.



[Submission to the U.N. Human Rights Committee for the List of Issues for Liberia \(The Carter Center\)](#)

This submission builds on the data collected by The Carter Center's 2011 election observation mission to Liberia and observation of the pre-election period ahead of the 2017 polls. It addresses gaps in the legal framework for elections in Liberia, as well as observed issues related to the implementation of elections during the 2011 general elections and the 2017 pre-election period. This submission offers questions that the Committee may consider asking of the State Party, and also provides some key recommendations to ensure that various stages of the electoral process are implemented in accordance with Liberia's obligations under the ICCPR in the future.



[Journal of African Elections - Volume 16 Number 1, June 2017 \(EISA\)](#)

EISA's *Journal of African Elections* (JAE) is an accredited, interdisciplinary, biannual publication of research and writing in the human sciences which seeks to promote a scholarly understanding of developments and change in Africa.