

Monitoring of platform functionalities in relation to the 2023 Elections to the National Council of the Slovak Republic

Abstract

By virtue of its statutory powers and in the light of its experience with similar activities preceding the 2019 European Elections, the Council for Media Services (“CMS”) actively monitored the functionalities of Facebook, Instagram, TikTok and YouTube digital platforms throughout the campaign period leading up to the early elections to the National Council of the Slovak Republic in 2023. The CMS’s analysis focused on potential breaches of the Act on Media Services (“AMS”), fulfilling the commitments under the Code of Practice on Disinformation (“Code”) and compliance with obligations under the Digital Services Act (“DSA”). This report provides an overview of activities from the preparatory phase, monitoring and data collection as such, evaluation of findings and identification of potential gaps.

In the preparatory phase, the CMS participated in bilateral meetings with representatives of Meta, Google and ByteDance in June 2023 and presented them with a set of requirements related to the elections. These requirements respected the current European and national legislation and took into account the commitments made by the platforms by means of the Code, namely:

- (1) increasing user awareness of electoral processes through reliable information sources;
- (2) obligation of the entities to observe the electoral silence period;
- (3) transparency of political advertising;
- (4) implementation of preventive and awareness-raising activities targeting the public;
- (5) efficient evaluation of alerts reported by the CMS.

During the preparatory phase, the CMS simultaneously coordinated with other relevant government authorities overseeing the conduct of the elections, such as the State Commission for Elections and Control of Funding of Political Parties.

The data collection took place from the start of the election campaign, launched with the announcement of the elections on 9 June 2023, until mid-November 2023. During this period, the CMS continuously monitored the platforms on its own initiative as well as in relation to alerts received from other government authorities. Furthermore, the CMS monitored the implementation of the requirements communicated to the platforms during the initial bilateral meetings. The CMS strengthened its monitoring activity from 25 to 29 September 2023, with an emphasis on political advertising on the platforms. After the end of the monitoring period, the CMS contacted the platforms with a questionnaire containing questions concerning meeting the requirements.

The above-mentioned activities of the CMS brought on the following **findings**:

- The CMS did not register any occurrences of content that would meet the criteria of illegal content as defined by the AMS.

- Similarly, in relation to the elections, the CMS did not receive any complaints from the members of the public regarding the coverage of the elections on social media.
- The platforms effectively complied with a part of the requirements under the Code. All three monitored platforms mostly met the requirement to increase user awareness of electoral processes through reliable information sources, with TikTok being the best-performing platform. Regarding the transparency of political advertising, Google mostly failed to meet the requirements and Meta mostly succeeded in meeting them, albeit with minor reservations. Regarding the implementation of preventive and awareness-raising activities targeting the public, Meta and Google, in particular, are lagging behind. TikTok met the requirements in this area with only minor reservations. On the other hand, TikTok was the worst performer in terms of efficient evaluation of the CMS's alerts, a requirement that was mostly met by Google and Meta.

As a part of the monitoring of the platforms based on its own capacities and on reports from other government authorities during the election campaign, the **CMS identified the following gaps:**

- Meta Ad Library lacked translations into Slovak and Google Ads Transparency Center lacked advertisers' contact details.
- Upon examining the presentation of political advertising on the user interface, we identified absence of political advertising disclaimer for Meta and absence of marking of political advertising for Google.
- Particularly in case of Meta, we identified shortcomings in the identity verification process and the corresponding advertiser's disclaimer which were evaluated as insufficiently transparent.
- During the active monitoring exercise, the CMS identified several occurrences of content in the last phase of the election campaign which was created using artificial intelligence tools, known as "deepfake". After the content had been reported by the CMS, Google and TikTok responded promptly and removed most of the content without unnecessary delay. After reviewing the content, Meta assessed approximately half of the content as not violating the platform's rules, while a part of this content is still available online.

The results of the monitoring exercise constitute an overview of readiness of the assessed platforms for the parliamentary elections in Slovakia in 2023 and might serve as an inspiration for EU Member States. Simultaneously, they could provide feedback to the Code and its working groups, particularly in terms of evaluating its effectiveness at national and European level. Furthermore, these results can serve as a basis for future activities of the Digital Services Coordinator ("DSC") in Slovakia.