

ELECTION COMMISSION OF BHUTAN



ECB Social Media Rules and Regulations of the Kingdom of Bhutan, 2018

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ECB Social Media Rules and Regulations, 2018

1. Preamble

In keeping with the Election Act of the Kingdom of Bhutan, 2008 to ensure free, fair and transparent elections and to supplement the *Media Coverage of Elections Rules and Regulations of the Kingdom of Bhutan, 2018*, the Election Commission of Bhutan (ECB):

Believing personal and collective choice is fundamental to a democratic society;

Enhancing civic engagement can lead to healthier and more vibrant communities;

Recognizing that Social Media, in this digital age, is an effective and instantaneous means for interaction and networking in a landlocked country;

Reaffirming that the Social Media tools provide new opportunities to solve problems, disseminate information and engage the public/ community towards collective action as a forum for public debate that could lead to more intelligent policy and decision-making; and

Encouraging every user to ensure that while exercising one's fundamental rights, one must also fulfill the fundamental duty of not undermining the others' rights,

hereby adopts the ECB Social Media Rules and Regulations, 2018 to ensure proper usage of Social Media by the election officials, Political Parties, Candidates and their supporters as well as the media agencies in all matters related to elections in Bhutan, during or outside the Election Period.

2. Definition

2.1 *Social Media* means the online and mobile communication, collaboration, sharing or publishing platform, whether accessed through the web, a mobile device, text messaging, email or any other existing or emerging communication platform used to publish and interact with the wider public or individuals, generally by means of the Internet, web-based interfaces or cellular technology.

2.2 *Political Advertising* means dissemination, distribution, discussion or exhibition of advertisements by a Political Party, Candidate and any other authorized person during elections reaching out to gain competitive

advantage over the other Political Parties or Candidates and/or wishing to influence the electorate in their making informed choices.

3. Objectives

3.1 The ECB Social Media Rules and Regulations, 2018 shall have the objectives to:

3.1.1 *Promote* the responsible use of the Social Media for effective communication among electoral stakeholders;

3.1.2 *Ensure* a level playing field for all the contestants and Political Parties in the use of Social Media in an election; and

3.1.3 *Prevent* and *control* any violation of the Electoral Laws in the use of Social Media in elections in Bhutan.

4. Social Media and Accountability

4.1 Every user of the Social Media shall have the responsibility to carry out oversight duty and report to the election authorities any violation of the laws, in particular the Election Code of Conduct by a Political Party, Candidate, Voter, media, electoral officer or worker of a Political Party.

4.2 Every Candidate and Political Party shall be required to submit the addresses/links of the Social Media being used for election campaign to the Election Commission.

4.3 The addresses/links of the Social Media being used for election campaign shall be submitted through the concerned Returning Officer at the time of filing the Letter of Intent/Nominations.

4.4 No individual shall communicate/transmit/post hate messages or any content with intent to defame or reduce the electoral chances of an opposing contestant or Political Party.

4.5 The Election Commission shall, monitor to see that Electoral Laws are not violated.

4.6 The ECB shall, as far as possible, establish contact with popular and widespread Social Media companies to seek support during an election in not allowing persons to use the forum or communicate contents which are in violation of the Electoral Laws.

4.7 The identity of a Social Media User who violates the Electoral Laws including under anonymity, disguise and false identity will likely be traced and/or the address blocked during elections.

- 4.8 Social Media Literacy programme to the electorate shall be given priority to mitigate or reduce undue influence by fake or anonymous posts on Social Media, the content of which may be in violation of Election Code of Conduct.

5. Political Advertising

- 5.1 Any Communication via telephonic means including individual or bulk SMS or the internet including Telegram, Instagram, WhatsApp, Viber, WeChat, Twitter, Facebook, YouTube, Google Plus, blogs, websites, personal or official, individual or entity, textual or graphics, video or voice shall be determined as political advertising if the content pertains to elections, political views or positions, or in any way can be understood to be in support or against a Candidate or Party contesting elections.
- 5.2 Any communication or material sent or forwarded or relayed by a civil servant, a Religious Personality, a member of Royal Family, armed forces or any entity in support or opposition of a Political Party or a Candidate shall be treated as political advertising and in direct violation of the Electoral Laws, if so alleged and proven.

6. 48 Hour- No Campaign Period

- 6.1 The 48 hour period before poll and until the close of Polls, is also referred as 48 hour no-campaign period under the Laws, during which:
- 6.1.1 No one shall publish, broadcast, or transmit any item that is of the nature of election campaign supporting or opposing any Political Party or Candidate.
- 6.1.2 The restrictions shall apply to Internet advertising. An Internet advertising published before and not altered during the 48-hour no-campaign period can remain posted as long as no further electronic distribution of that advertisement is carried out.
- 6.1.3 Genuine news reporting, including interviews, commentaries, or other works prepared for and published by any newspaper, magazine, or other periodic publication in any medium, free of any charges, on or about a contesting Candidate and/or Party's campaign shall not be treated as political advertising as long as it is balanced and not in the nature of campaigning for any particular Candidate and/or Party.

6.1.4 Personal emails and similar personal communications on the Internet shall not be subject to the 48 hour no campaign period provided such communications do not amount to political advertising.

7. Third Party Election Advertising

7.1 Third Party Election Advertising conducted on behalf or under false identity by the contesting Candidate, Party or representative or any individual shall be regarded as a criminal offence and prosecutable under the Electoral Laws.

7.2 Third Party Election Advertising or any political advertising in print, broadcast or online on behalf of a Political Party or a Candidate shall be prohibited if run by any individual other than a registered member of a Political Party or Candidate or their election representative with the purpose of promoting or opposing, directly or indirectly, a Political Party or Candidate contesting in an election.

8. Fair and Accurate Reporting During Elections

8.1 A media agency reporting on the elections in Bhutan, audio, visual or print shall, besides abiding by their individual Editorial Guidelines, shall subscribe to the Principles outlined in **Annexure A** which will also be annexed to the Media Undertaking Form: **Media Coverage of Elections Form No.1.**

8.2 An online poll on support or opposition to Political Party or Candidate shall not be permitted during the Election Period.

8.3 A media functionary reporting or communicating via the Social Media shall acknowledge the importance of accurate and balanced reporting by not omitting facts of major importance or significance.

8.4 A Party, Candidate or their supporters shall refrain from biased communication sharing that favors a particular Candidate or a Political Party and/or is slanderous of the opponents.

8.5 A Party, Candidate or their supporters shall be responsible to offer an accurate picture of the Candidates and Party contesting in elections and of the society in general.

8.6 A Party, Candidate or their supporters shall not include rumour or unsubstantiated statements that have potential to mislead or deceive the reader, listener or viewer.

9. Code of Conduct

9.1 A user of Social Media shall subscribe to the Election Code of Conduct in the Election Act which are further spelt out in the Media Coverage of Elections Rules and the Election Advertising Rules and abide by the Fundamental Principles thereof in the interest of providing a truthful, comprehensive, accurate, balanced ensuring fair account of events and fair play on a level playing field.

10. Use of Social Media by the ECB and Election Officials

10.1 The Election Commission shall use Social Media to disseminate election related information to voters but only under its name and authority.

10.2 An officer of the Election Commission or an officer appointed on election duty may use his/her personal blog, website or any other Social Media platforms for his/her personal mail/communication during an election but conforming to the ECB In-house Social Media Policy.

11. ECB In-house Social Media Policy

11.1 An ECB official with a Social Media Account shall be required to subscribe to the ECB In-house Social Media Policy as in **Annexure B**.

11.2 Any violation of the requirements in the Policy shall be deemed as an offence under the Election Act of the Kingdom of Bhutan, 2008.

12. Reporting of Violations

12.1 A stakeholder or person who feels that he/she has been maligned and disadvantaged in electoral terms is encouraged to file complaints with evidence of abuse and/or misuse of the Social Media in the prescribed ***Election Dispute Settlement Form No.1*** as in *Election Dispute Settlement Rules and Regulations of the Kingdom of Bhutan, 2018*.

12.2 A person can report any violation of the Electoral Laws to the Media Arbitrator appointed by the Election Commission of Bhutan directly or through a Returning Officer or an Observer in ***Election Dispute Settlement Form No.1*** as in *Election Dispute Settlement Rules and Regulations of the Kingdom of Bhutan, 2018*.

13. Internet Service Provider (ISP)

13.1 An Internet Service Provider (ISP) shall be required to extend necessary support

and information for any related investigation or to trace the identity of a Social Media abuser using its services.

13.2 The ECB may, in case of violation of the Electoral Laws in the content of a website, require the concerned ISP to trace the identity and/or block a website.

14. Election Advisory and Public Notices

14.1 The ECB shall through means such as Election Advisories and/or Public notices caution individuals from resorting to unlawful acts through use of the Social Media as in **Annexure C**.

15. Role of Media Arbitrator

15.1 The Media Arbitrator and Election Observers shall be responsible to oversee that there is a level playing field in terms of advertisement and no individual or group draws advantage through propaganda of Royal Patronage, Religion, Religious Personalities or resort to personal attacks or hate speeches.

15.2 The Media Arbitrator shall be responsible to receive, investigate and or arbitrate media-related disputes as provided under the *Media Coverage of Election Rules and Regulations 2018*.

15.3 The Office of the Media Arbitrator shall put in place facility to monitor the Social Media forums during an election and be responsible to arbitrate all media related disputes received by it or forwarded by the EDSBs.

15.4 An Election official, including the Media Arbitrator, shall co-opt the services of the media regulatory authorities of the Royal Government including the BICMA, Department of Information and Media or an ISP whenever found necessary.

Done under the seal of the Election Commission of Bhutan on this 18th of January 2018 corresponding to the 2nd Day of the 12th Month of the Fire Female Bird Year in the Bhutanese Calendar.

Election Commissioner

Election Commissioner

Chief Election Commissioner

**PRINCIPLES TO BE ADOPTED BY MEDIA HOUSES WISHING TO
REPORT ON THE ELECTIONS THROUGH SOCIAL MEDIA FORUMS**

**Election Coverage (Social Media) Guidelines of Media Houses in
Bhutan**

These Guidelines will apply to the editorial, audio and video as well as text content of blogs, podcasts, downloads, social networking and all other sites related to the or associated with aMedia House.

1. A Media House, in case of user generated content, shall not give a misleading account of the weight of opinion.
2. Any site prompting debate on the election must be actively hosted and properly moderated to encourage a wide range of views.
3. Any site must be alert to the danger of distortion caused by organized campaigning and where necessary, put a board into pre-moderation or read-only mode.
4. A non-news website shall direct users who want to discuss the election in forums, message boards and blog comments, to a site or board which will be moderated before being published.
5. No online votes attempting to quantify support for a Party, Candidate or policy issue shall be conducted during an election period.
6. A journalist and moderator shall make fine judgment to effectively moderate and differentiate between remarks that constitute robust debate and personal abuse.
7. The general rule of thumb must be if it is not fit to be broadcast on radio or TV, it shall not be online.
8. A Media House site shall list links to every Party site available, provided that it does not give strong grounds for concern that this breaches its editorial policy or the Electoral Laws e.g. defamation, incitement to racial hatred, regionalism etc..

9. A news-online shall not link to the sites of individual Candidate or Party unless it is willing to host for all contesting contestants.
10. Any speeches which are carried in full should be selected on news value, while bearing in mind that due impartiality requires that an appropriate range of speeches are carried.
11. A conversation via Social Media shall follow the conventions of polite discourse, therefore, comments shall not be posted if it contains:
 - vulgar, obscene or abusive language or images;
 - personal attacks, unsupported accusations, defamation or threats of any kind;
 - offensive terms targeted at groups or persons of a specific ethnicity, race or sexual orientation; or
 - campaign materials promoting or opposing a Party or Candidate in an election for political office.

ECB In-house Social Media Policy

An Election Official of the Election Commission of Bhutan is required to keep the following in mind whenever posting any material on any Social Media Forums:

1. Think before You Post

- 1.1. Keep in mind that most online social computing platforms are like public market places—what’s out there is available for all to see.
- 1.2. The boundaries of professional and personal information are not always very clear on social platforms and one cannot always be sure what is being shared, viewed or archived.
- 1.2. Note that what you publish online will be public for a very long time, it will reflect on you, therefore, be consistent with the way you would wish to portray yourself to readers and clients.
- 1.4. If you are unsure whether certain content is appropriate to share online, then don’t post it as it is better to be safe than sorry.

2. Responsibility

- 2.1. You are personally responsible for your words and actions, no matter where you are, even in the online world.
- 2.2. Please remember that when you participate in social media, you are speaking as an individual and not on behalf of the Commission.
- 2.3. Identify yourself using the first person singular.
- 2.4. When you discuss Election Commission related information online, be transparent by giving your name and role and mentioning that you work for the Election Commission.
- 2.5. If you have an individual site that refers to or has an impact on the Election Commission, use a disclaimer such as “The views expressed on this site are my own and not those of the Election Commission of Bhutan.”
- 2.6. Where applicable law permits, know that the Election Commission reserves the right to monitor use of social platforms and take appropriate action to protect against misuse that may be harmful to the Commission’s reputation.
- 2.7. Establishing an Election Commission account or becoming an official Election Commission representative that shares information about the Commission and the areas we work in, requires approval from the Election Commission and only these accounts may display the Election Commission logo.

- 2.7. If you would like to represent the Commission or create a Commission account, please obtain the prior approval of the Commission.
- 2.9. If a member of the press or online media contacts you about online content concerning the Election Commission, please refer them to the Secretary or your Dzongkhag Electoral Officer.

3. Conduct

- 3.1. Your behavior online should be consistent with the Code of Conduct and Ethics prescribed in the Electoral Laws.
- 3.2. You have the opportunity to help shape the Election Commission's reputation online.
- 3.3. Use your expert knowledge to enrich discussions, help solve problems, share the excitement of our work environment, and promote learning and idea-sharing.
- 3.4. Please bear in mind that the tone you use online can be interpreted in different ways by your readers, due to a lack of non-verbal communication or cultural differences.
- 3.5. Some participants may not be familiar with abbreviations, emoticons and other common codes used in online communication.
- 3.6. Remember also that comments are often taken out of context, so stick to the facts.
- 3.7. Trust is the key element in building relationships online.
- 3.8. Build trust by keeping a respectful tone, even when disagreeing with others, and by responding to comments in a timely manner.
- 3.9. If you realize that you've made a mistake, try to correct it promptly.
- 3.10. Do not engage in any conduct online that would not be acceptable in your workplace or that is unlawful, for example, do not make derogatory remarks, bully, intimidate, harass other users, use insults or post content that is hateful, slanderous, threatening, discriminating or pornographic.

4. Confidentiality

- 4.1. Always protect Party, Candidate, voter, client and supplier's confidential and other proprietary information.
- 4.2. Do not put anything online you wouldn't share with a journalist, client,

analyst or competitor.

- 4.3. Make sure any reference to Party, Candidate, voter, client, and supplier does not violate any non-disclosure obligations.
- 4.4. Please also remember your confidentiality obligations under your employment agreement.
- 4.5. Don't disclose information about colleagues or other persons, misuse their personal data, or publish their photos without their permission.
- 4.6. Everyone should use good judgment regarding information that could be of a sensitive nature.
- 4.7. Don't use social computing platforms to exchange confidential information, unless access is restricted to a tightly controlled closed community with each participant having been cleared for receipt of such information, and the platform has been cleared for appropriate security levels.
- 4.8. Public sites are not appropriate sites for internal communication with other organizations and their employees.

5. Copyright

- 5.1. Full Compliance with laws and regulations and more particularly with laws governing intellectual property rights, including copyrights and trademarks must be ensured.
- 5.2. You must not post content or take any action that violates the law or infringes the Election Commission of Bhutan or any third party's intellectual property rights.

6. Final thoughts

- 6.1. Use of Social Media platforms within the premises of this policy can be a very effective and powerful communication tool.
- 6.2. Be proud of what you do and enjoy a sense of accomplishment in the search for better quality and greater efficiency.
- 6.3. Above all, please use good judgment, be attentive to others and take the trouble to listen and be understood.

Election Advisory

- ◆ Social Media Platforms are permissible under Electoral Laws for dissemination of information the general public to help them make informed decision or choice.
- ◆ Misuse of these digital media tools is prosecutable under the ECB Social Media Rules and Regulations 2018 and the Election Code of Conduct.
- ◆ The identity of a Social Media User who violates the Electoral Laws including under anonymity, disguise and false identity will likely be traced and/or the address blocked during elections.

All are urged, therefore, not to operate or to refrain from operating addresses and Social Media under anonymous identity or fake addresses to carry out an activity or post content that may adversely affect the electoral prospects of a Candidate or Party.