

TRACKING TRENDS FROM REAL411

IMPACT OF MIS- AND DISINFORMATION ON THE 2024 GENERAL ELECTIONS IN SOUTH AFRICA

Prepared By

Media Monitoring Africa

MEDIAMONITORING
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FOREWORD

On 29 May 2024, millions of South Africans went out to cast their votes for their chosen national, provincial, and regional representatives. As the results began to come in, the significance of this democratic milestone was felt throughout the country: in a year that marked 30 years of freedom and constitutional democracy, this yet again reaffirmed the power of the people's voice, the central role of elections in the country's transformative ideals and the importance of having an effective and trusted electoral management body. However, as we celebrate this achievement, we must also recognise that there are constantly new and evolving challenges – this being made more complex by an interconnected digital world where the battle for hearts and minds extends well beyond the physical polling stations.

In many ways, online spaces have contributed positively to the electoral landscape by enabling voters to access up-to-date information, engage on critical issues and educate themselves on policies and processes. However, they have also become battlegrounds where mis- and disinformation, information, hate speech, harassment and incitement can be easily and rapidly disseminated to mass audiences that can threaten the very fabric of our democracy. The relative anonymity afforded by the internet, combined with its borderless nature, reach and the easy monetisation of mis- and disinformation has seen harmful and dangerous narratives spreading like wildfire, without contestation, undermining trust in institutions, our democracy, and deepening polarisation among citizens.

As a young democracy, while we have key democratic institutions in place, we also have several fracture lines running through our nation most especially deepening inequality and poverty. Our work around mis- and disinformation has shown us that it tends to thrive during periods of escalated tension, uncertainty, and gaps in communication. As we headed toward the 2024 elections, it was clear that we were in uncharted territory with a fragmented political scenario of new parties being formed, added to which a new law that would see the introduction of an additional ballot, and to make matters more challenging we saw an unprecedented number of legal challenges involving the Electoral Commission.

From questions of powers of the Commission to allegations of unfair treatment, at the launch of the National Results Operating Centre the IEC revealed that it had no less than 17 matters before the Electoral Court and/or Constitutional Court. It was in short, a perfect environment for bad actors to step in and seek to undermine the credibility of the elections and the IEC. This made it all the more crucial to be able to meet the dark forces with the power of an independent online harm's public complaints portal in the form of the Real411, tackling this through direct reliance on the constitutional rights and values that some were attempting to undermine.

Yet again, the Constitution proved to be the strongest bulwark against these nefarious attempts, with the Real411 playing a critical role in ensuring that the public was able to access credible information that debunked the falsehoods that were proliferated online. This is core to the vision and mission of Media Monitoring Africa to ensure an informed and engaged public that can hold the powerful to account through facts and considered opinions. MMA is proud to once again have partnered with the

INTRODUCTION

Overview and context

These 2024 General Elections in South Africa has reinforced more than ever that the Real411 has a critical role to play in safeguarding democracy and the freeness, fairness, and credibility of our elections. As arguably one of the most contested elections in the country's history, the use of the platform grew exponentially with over 285 complaints having been reported raising concerns of mis- and disinformation, hate speech, incitement, and harassment online during the election period. It was clear from the outset that voters were desperately seeking credible information and guidance in distinguishing fact from fiction – and the Real411 had a central role to play in precisely providing that. Now operating in its third election cycle following its launch in 2019 General Elections, this collaboration between Media Monitoring Africa (“MMA”) and the Independent Electoral Commission of South Africa (“Electoral Commission”) comes to the fore as being more important than ever.¹ It is against this backdrop that MMA is pleased to present this report to the Electoral Commission setting out the key findings and recommendations drawn from the Real411 over the course of this most recent election period.

While 2024 has been celebrated as a milestone marking three decades of constitutional democracy, the election period also saw that very same constitutional underpinning repeatedly put to the test in a range of different ways. The complex political, economic, and social landscape in the country were only exacerbated when it came to navigating the complex electoral landscape, with these complexities being further layered with the marked rise in the use of social media for sharing election-related content (both real and nefarious). If global trends are to be followed, there can be no doubt that the scale of use will continue on a rapid upward trajectory, calling for the measures to address online harms to keep pace with this growth in order to meet the challenges head-on.

The powerful role of the internet in democratic processes has meant that voters can receive relevant and up-to-date information timeously; that otherwise unheard or underrepresented voices can find a platform; and that the electorate has more ready access to engage in vibrant debate to inform political choices. Unfortunately, the flipside as we know is also the reality of online platforms being weaponised to manipulate the public discourse and stifle critical voices in wrongful and undemocratic ways. MMA's position remains that disinformation destroys democracy, a position bolstered by mis- and disinformation being identified globally as the top risk for 2024.² At its crux, what is clear from this report is that it is demanded of us to ensure we galvanise our efforts and collaboration if we are to continue to safeguard the credibility of our elections going forward.

¹ The Real411 is accessible [here](#).

² World Economic Forum, 'Global risks 2024: Disinformation tops global risks 2024 as environmental threats intensify', 10 January 2024, accessible [here](#). In the longer-term, the World Economic Forum further predicts that mis- and disinformation will remain among the top 5 global risks over the next ten years.

About the Real411

The primary aim of the Real411 is to empower the public and raise awareness to curb the spread of harmful information and mitigate the impacts that this can have on elections, democratic processes and institutions, and the public more broadly. The platform is simple to access, at no cost to the public, with there being a consistent feedback loop in the process. Users are guided throughout with the elements of the different online harms being explained in plain language that is framed within a constitutional context. There are three central tenets of the Real411 that should be highlighted:

- As a collaboration among MMA, the Electoral Commission, and the participating social media platforms (namely Meta, TikTok and Google (together, “the Platforms”)), the Real411 has been carefully considered and designed to provide an independent rights-respecting mechanism that harnesses both technology and human expertise to combat online harms. The collaboration was governed through a tri-partite Framework of Cooperation that was signed by the parties in July 2023,³ roughly a year before the elections were held. As set out in the Framework of Cooperation:⁴

“The purpose of the Framework of Cooperation is to identify the measures that the Participants may put in place to address the challenges related to disinformation in the lead-up to, and during, the election period; to promote conditions that are conducive to free, fair and credible elections; and to assist the [Electoral Commission] in its mandate to address intentionally false statements as set out in section 89(2) of the Electoral Act”.

- The Real411 is open to all members of the public to access with concerns of mis- or disinformation, hate speech, incitement or harassment of journalists occurring online. The Real411 acts as an easy-to-use reporting portal where the online harms are not only exposed, analysed and assessed they are all examined according to the same criteria regardless of platform. MMA, within which the secretariat is housed, oversees the robust review process whereby the complaint is reviewed by an initial team of three reviewers of persons with media, technical and legal expertise, before the review is finalised by a senior member of the secretariat taking into consideration the first-round reviews and bringing an independent mind to bear on the conclusion reached. At each stage, the reviewers provide their reasons and any underlying information in support of the outcome reached.
- A central tenet of the Real411 is to be public and transparent in nature. As such, the outcome is published together with the reasons on which this is based and the proposed recourse if relevant. This is also communicated directly to the complainant. While the Real411 is by no means a legal mechanism and therefore outcomes are not binding in nature, MMA has nonetheless considered it important to have a built-in appeals mechanism chaired by a retired judge, currently Justice Zak Yakoob of the Constitutional Court of South Africa, which can be approached by a person aggrieved by an outcome in the interests of ensuring the Real411 is accountable and robust in nature.

³ Voluntary Framework of Cooperation to Address Disinformation in the 2024 National and Provincial Elections in South Africa, 3 July 2024 (“Framework of Cooperation”), accessible [here](#).

⁴ Clause 1.1 of the Framework of Cooperation.

Although the Real411 remains operational at all times, during the election period complaints within scope are required to meet the following criteria: (i) the content is published online; (ii) it pertains to the elections or an election-related matter; and (iii) there is a reasonable basis to assess it to meet the elements of one or more of the online offences. In addition to the Framework of Cooperation, it also leverages partnerships with other key stakeholders to enhance its effectiveness including, for instance, the South African Human Rights Commission and the Press Council of South Africa, civil society partners like Africa Check and the Legal Resources Centre as well as Digital Forensics Labs.

The Real411 is constantly being reviewed and updated to ensure that is effective, responsive and fit-for-purpose, and has been heralded regionally and globally by bodies such as the United Nations Educational, Scientific and Cultural Organization (“UNESCO”) for its innovative approach to combating online harms in elections.⁵ It is also a valuable resource for research and analytical purposes to inform processes going forward, making it possible to identify the types of content, instigators and drivers of harmful or misleading falsehoods. Every effort is made to ensure that the Real411 remains insulated from any undue influence, including in respect of the findings and trends identified, evinced through the multi-faceted safeguards and accountability mechanisms in place to secure the integrity and credibility of the process and platform.

Guiding framework

From the outset, the Real411 has held an immutable commitment to promote and uphold the rights and values contained in the Constitution of the Republic of South Africa, 1996 (“the Constitution”) and international human rights law. While there is no hierarchy of rights in the Bill of Rights, we have been guided by our courts to interpret the right to freedom of expression broadly, particularly political expression, which include expression that may offend, shock, or disturb within appropriate bounds. However, it is incumbent in the nature of online harms that these create a tension with other rights and interests, and it remains a perennial challenge globally to ensure that any mechanism to combat these harms do so in a lawful and rights-respecting manner.

Working within this overarching architecture, the Real411 is guided by these key frameworks:

- The founding constitutional values of the rule of law, universal adult suffrage, accountability and openness (s 1), and the constitutional rights to, for instance, equality (s 9), dignity (s 10), freedom of expression (s 16), political rights (s 19) and access to information (s 32);
- The threshold test in order to assess that any limitation or balancing of one or more rights is done in a constitutionally compliant manner that is reasonable and justifiable in an open and democratic society (s 36);

⁵ See, for instance, UNESCO, ‘Elections and media in digital times’, 2019, accessible [here](#); and UNESCO, ‘Platform problems and regulatory solutions: Findings from a comprehensive review of existing studies and investigations’, 2023, accessible [here](#).

- The specific electoral framework in the country, namely the Electoral Act 73 of 1998 (“the Electoral Act”) and the Electoral Code of Conduct as contained in Schedule 2 thereof (“the Code”), as well as the Local Government: Municipal Electoral Act 27 of 2000;
- Key human rights instruments such as including the International Covenant on Civil and Political Rights,⁶ the African Charter on Human and Peoples’ Rights,⁷ the Declaration of Principles on Freedom of Expression and Access to Information in Africa⁸ and the Principles and Guidelines for the Use of Digital and Social Media in Elections in Africa (“Digital and Social Media Guidelines”).⁹

The last-mentioned warrants specific note. The Digital and Social Media Guidelines, adopted by the Association of African Electoral Authorities (“AEEA”) with the support of the Electoral Commission in February 2024, are the first of their kind in the region in supporting electoral management bodies to combat online harms during elections. For purposes of this report, keen regard has been had in particular to Part IV of the Digital and Social Media Guidelines in formulating the proposed recommendations for this ongoing collaboration.

Structure of the report

This final report comes on the heels of the interim report presented to the Electoral Commission on 31 May 2024 and provides for these in more detail. In what follows, our findings and recommendations are set out in four parts:

- **Part I** regarding the framework for operationalising the Real411;
- **Part II** regarding the process flow and management of the Real411;
- **Part III** regarding platform use and distribution across the election period; and
- **Part IV** regarding the scope and substance of the complaints received.

These are dealt with in turn below. We note here that this report focuses in particular on the trends and findings regarding mis- and disinformation seen during the election period, although we do refer to the other online harms in scope from time to time as may be relevant for present purposes.

⁶ International Covenant on Civil and Political Rights, 1966, accessible [here](#).

⁷ African Charter on Human and Peoples’ Rights, 1981, accessible [here](#).

⁸ Declaration of Principles on Freedom of Expression and Access to Information in Africa, African Commission on Human and Peoples’ Rights, 2019, accessible [here](#).

⁹ Principles and Guidelines for the Use of Digital and Social Media in Elections in Africa, Association of African Election Authorities, 2024, accessible [here](#).

PART I: FRAMEWORK OPERATIONALISING THE REAL411

Key findings

During these elections, the Real411 continued to focus on four categories of online harms: (i) mis- and disinformation; (ii) hate speech; (iii) incitement; and (iv) harassment of journalists. While framing the scope of harms in this way is useful for review purposes, the reality is that various complaints reviewed crossed over more than one category in a way that considerably heightened the risk of harm that this poses. The Real411 is of course not a judicial or quasi-judicial mechanism that requires a legislative basis to operate, but to give guidance within the review process in a manner that is consistent each of the offences in scope has been circumscribed with regard to the legal elements contained in other legislation in order to give guidance for the review process:

Nature of harm	Key elements
<p>Disinformation (s 89(2), Electoral Act 73 of 1998) Recourse: criminal offence</p>	<ul style="list-style-type: none"> • <u>Prohibition</u>: publication of false information • <u>Intention</u>: (i) disrupt or prevent an election; (ii) create hostility or fear to influence the conduct or outcome of an election; <u>or</u> (iii) influence the conduct or outcome of an election
<p>Hate speech (ss 10(1) and 12(1), Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000) Recourse: Equality Court and/or criminal offence</p>	<ul style="list-style-type: none"> • <u>Prohibition</u>: words that are based on one or prohibited grounds of discrimination • <u>Intention</u>: (i) could be reasonably construed to be harmful or incite harm; <u>and</u> (ii) to promote or propagate harm • <u>Proviso</u>: prohibition does not apply to bona fide artistic creativity, academic inquiry, fair and accurate reporting in the public interest, or publication according with the constitutional right to free speech
<p>Incitement (to public harm) (s 16(2), Constitution; s 17, Riotous Assemblies Act 17 of 1956) Recourse: criminal offence</p>	<ul style="list-style-type: none"> • <u>Prohibition</u>: words or conduct that might reasonably be expected to lead to public violence • <u>Threshold test</u>: consideration of what the probable consequence would be regardless of whether the act is indeed carried out
<p>Harassment (of journalists) (s 1, Protection from Harassment Act 17 of 2011) Recourse: Criminal offence</p>	<ul style="list-style-type: none"> • <u>Prohibition</u>: directly or indirectly engaging in publication via written or electronic formal knowing or ought reasonably to know will cause harm or inspire a reasonable belief that harm will occur

In addition to the consideration of these elements, the review process also includes an added public interest override that calls on the reviewers to consider whether, notwithstanding any particular content meeting the identified elements, there is nevertheless an overarching basis that militates in favour of the post remaining in the public domain. This is done to ensure that the Real411 does not

place overemphasis on the restriction of certain content to the undue detriment of the right to freedom of expression.

What is clear from the above though is that it is largely criminal law frameworks or penalties through which reference points can be found, such as section 89(2) of the Electoral Act that prohibits the publication of intentional false statements, which in the real world would require the criminal justice process to be followed in one were to seek to sanction another for publishing such content. However, reliance on criminal law frameworks comes with severe limitations particularly in the context of speech offences. In particular, criminal laws are often rather blunt instruments that, on the one hand, carry a high burden of proof in order to succeed with a conviction while, on the other, are not typically accustomed to the nuances of applying constitutional provisions and the balance with other rights such as freedom of expression. Criminal sanctions for speech also constitute a severe restriction of the right to freedom of expression and should typically be turned to only in the most egregious circumstances.

Although the Real411 has nuanced the elements on the platform to cater for this, this nonetheless creates a challenge in seeking to pursue other forms of remedies where such offences have occurred. This is not unique to the operation of the Real411: the nature of our legislative processes is that the laws of the country are seldom able to keep up with technological advancements, and those that have more recently been enacted for this purpose tend to be geared towards criminal activities taking place online. This requires a charge to be laid at a police station, an investigation to follow and an appropriate prosecutor to make a determination of whether the matter should be pursued and brought before a court before consideration of the matter being heard even arises.

However, legislation is not necessarily a silver bullet in this case. Rather, the Electoral Act empowers the Electoral Commission with an effective mechanism that could be turned to instead: the amendment or issuing of a code of conduct.¹⁰ As it currently stands, the Code at present is already helpful in several respects: by prohibiting registered parties or candidates from using language to provoke violence during an election or intimidating supporters of other parties or voters;¹¹ through the prohibition on publishing false or defamatory allegations in respect of another party or candidate;¹² and by calling on registered parties and candidates to take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, hazard, threat or physical assault by any of their representatives or supporters.¹³

For present purposes, an electoral code specifically directed at giving effect to the Real411 framework and process could play a key role in entrenching this in future elections. A code of this nature has the potential to provide an important remedy in that it calls on active engagement with and by the political parties and candidates to address these issues and maintain oversight over their members and supporters. This could set out provisions such as the underpinning elements of the online harms in scope and the public interest override, the review process to be undertaken, the accountability measures and the potential recourse to be pursued. It could further set out the roles, responsibilities

¹⁰ Section 99 of the Electoral Act.

¹¹ Item 9(1)(a) of the Electoral Code.

¹² Item 9(1)(b) of the Electoral Code.

¹³ Item 8(c) of the Electoral Code.

and expected standard of cooperation and conduct of the stakeholders involved.

Proposed recommendations

In the light of the above, our recommendations to the Electoral Commission are as follows:

- To work with MMA and other stakeholders in drafting a Real411-specific electoral code of conduct, with a view to this being issued in terms of section 99 of the Electoral Act prior to the next Local Government Elections in South Africa;
 - To include in any such Real411-specific code of conduct provisions including in reference to the establishment of the Real411 mechanism during the election period, the legal elements of the online harms in scope and the provisos thereto, the process to be followed, and the roles, responsibilities and conduct expected from the political parties and candidates as signatories thereto;
 - To require political parties and candidates to engage in capacity-building and awareness-raising sessions on the Real411 and to undertake such training with their members and supporters to ensure that all are familiar with the process, the prohibited conduct and the consequences that may arise from this;
 - To convene multi-stakeholder fora at appropriate times in the election period to facilitate open dialogue and discussion regarding the online environment and the safety of online users, including women journalists, civil society members and vulnerable or marginalised communities.
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PART II: PROCESS FLOW AND MANAGEMENT

Key findings

This election saw less direct engagement between MMA and the Electoral Commission than in previous years. This was in part by design arising from the findings of the Supreme Court of Appeal in 2021 in its judgment in the matter of Electoral Commission of South Africa v Democratic Alliance and Others regarding the powers of the Electoral Commission with regard to infringements of the Code.¹⁴ Here, the Court concluded that Electoral Commission when seized with a complaint of an alleged breach of the Code is not empowered to make a finding or impose a sanction arising from this; rather, the Commission's powers are limited to attempting to resolve the matter through conciliation or referring it to an appropriate court for adjudication. It also arose from practical considerations given the constraints under which the Electoral Commission was operating and in particular the barrage of litigation in the run-up to the elections.

As such, although the Commission continued to have its own unique access to view the complaints submitted, this was more for information purposes to keep abreast with what was taking place while outcomes and proposed recourse were assessed by the MMA secretariat and the reviewers involved. Specific complaints were also brought to the attention of the Commission to assist them in gauging the persisting online landscape at particular points during the elections. However, this highlighted the keen need for streamlined communication procedures and protocols in place between the Real411 secretariat and the Commission's communications team during the election period. The challenge with online harms is that disinformation spreads at such a rapid pace to such vast audiences, which in turn calls for us seeking to counter these harms to be deliberate and coordinated in our efforts to reach the widest audiences possible with accurate information.

There is no doubt that online harms require commitment from a range of stakeholders working together in order to address them. It is of at least equal importance that the public is aware of where to go to seek accurate information if they are concerned or unsure. As the Electoral Commission has often made clear, the Real411 collaboration is a primary initiative in this regard, which is so for good reason based on the history of engagement among the parties, the framework created and the level of commitment and accountability. In terms of ongoing communications though, an area which could bolster this position would be more clear, consistent messaging during the election period – and particularly as the immediate run-up to voting day draws nearer – that would see the public encouraged to have reference to the Real411 specifically, both in seeking accurate information and for reporting concerns. If done effectively, we would ideally see complaints of mis- and disinformation being funneled consistently through the Real411, which in turn would support the Electoral Commission and the Real411 secretariat ensure that there was consistency in responses provided, keep abreast of concerning narratives that may be ramping up and have a more complete database for the election period for purposes of analysis thereafter.

It is also important to welcome and acknowledge the willingness of the Platforms – Meta, Google and

¹⁴ Electoral Commission of South Africa v Democratic Alliance and Others [2021] ZASCA 103, 23 July 2021 at paras 48-49, accessible [here](#).

TikTok – in participating in this process, including through participating in discussions and information-sharing. Meta, for instance, created a ‘trusted flagger’ profile for MMA and the Electoral Commission in order to escalate election-related complaints for internal consideration. The Platforms also participated in training political parties and candidates regarding online harms and the tools available to combat this. This engagement with the Platforms through the Framework of Cooperation remains vital to the effectiveness of the Real411, though it must be noted that the unwillingness of X to participate poses a significant challenge particularly given the extent to which the complaints received relate to content seen on the X platform.

In addition to the role of the Platforms prior to the elections, the further role in the Real411 process is where a particular outcome is escalated to the platform once it has been reviewed by the Real411 secretariat and considered to constitute one or more of the online harms in scope. This is an important recourse mechanism available through the Real411 to support the work of the Commission in safeguarding free, fair, and credible elections. However, at present we have little information regarding the measures put in place by the Platforms on receipt of a complaint being escalated, including the nature of any action taken or the timeframe in which this has been done. This is part of a broader asymmetry in information regarding the measures established by social media platforms operating in the country during election periods that could offer wide-ranging benefits to the Commission’s efforts to combat online harms. This coheres with what is called for in clause 11.5 of the Guidelines on Digital and Social Media, which recognises that:

Social media operators should be transparent and accountable about their corporate policies concerning elections, their content curation, and moderation measures and capacity in local languages, and should work with the media, civil society, EMBs and other key actors to publicise their content curation and moderation standards and reporting mechanisms for potentially harmful electoral related content. Social media operators should provide effective systems of vetted access to data for research purposes as relevant to electoral integrity.

As a final note here, a further challenge for the Real411 is that the development and operation of the platform remains dependent on MMA’s ability to fundraise for this purpose. This creates several limitations including the ability to scale the platform, increase its functionality and develop a broader base of reviewers to lend their expertise. In respect of the last-mentioned, this has since the inception of the Real411 largely relied on persons volunteering their time on a pro bono basis subject to their ability to do so between their regular work bearing in mind the significant time demands that this can take. Our efforts in this regard would again be significantly strengthened through access to information collected by the various social media platforms regarding the underlying usage data of their platforms during the election period. Ultimately, one of the key roles of the Real411 is as a valuable resource for research and analytical purposes to inform processes going forward, making it possible to identify the types of content, instigators, and drivers of harmful or misleading falsehoods in order to dissect them and create early warning systems for future elections both in South Africa and the region.

Proposed recommendations

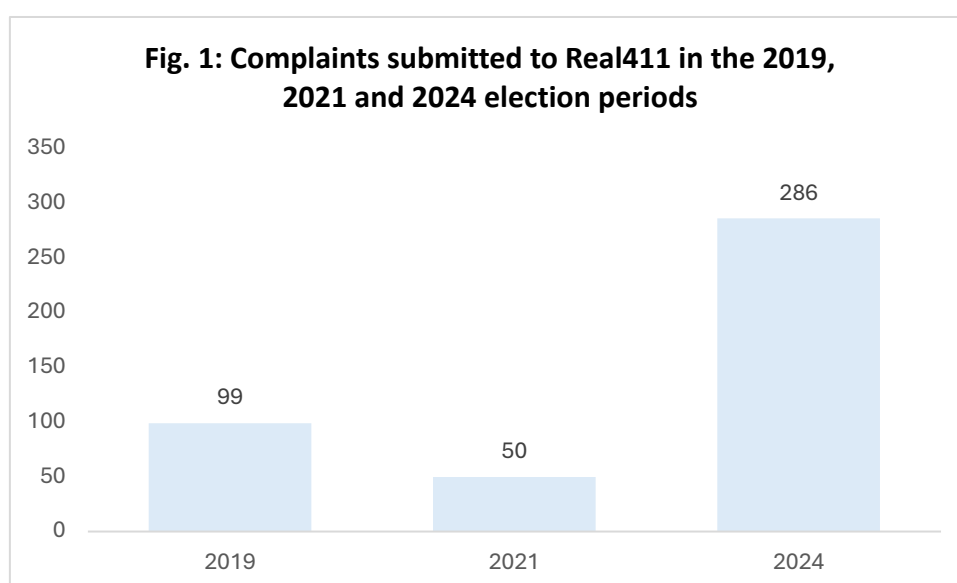
In the light of the above, our recommendations to the Electoral Commission are as follows:

- To work with MMA in developing a communication strategy and operating procedure with regard to the public messaging regarding the Real411 for the upcoming Local Government Election, including in respect of public messaging during the course of the election period, the sharing of information on complaints regarding online harms and the dissemination of information correcting false or misleading narratives that may be harmful to the electorate or the public more broadly;
- To engage with the Platforms in order to strengthen the current collaboration and the effectiveness of the Real411 in practice, particularly in time-sensitive periods the closer it gets to voting day, including through the provision of relevant information to support the work of the Electoral Commission in combatting online harms and in accordance with clause 11.5 of the Guidelines on Digital and Social Media;
- To participate in and support efforts to secure ongoing and sustainable resourcing for the development, developing and expanding the Real411 for future elections and as an ongoing repository for use by researchers and analysts.

PART III: PLATFORM USE AND DISTRIBUTION

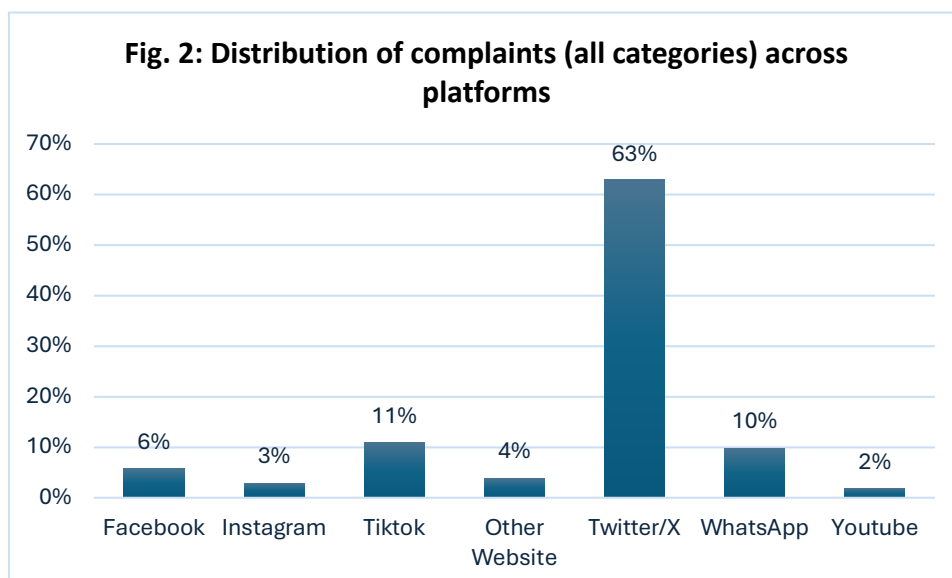
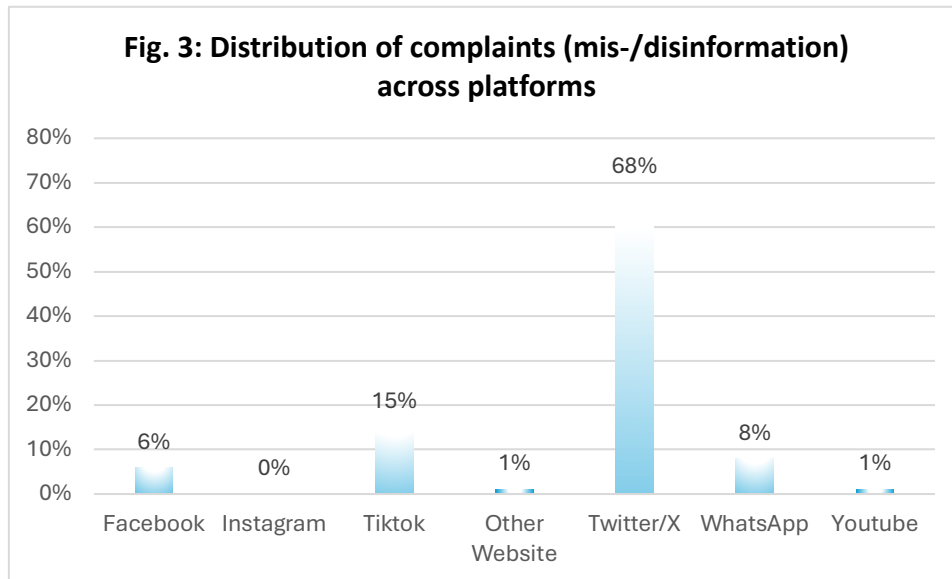
Key findings

The most recent elections saw a significant increase in the number of people using the platform to report concerns of online harms, particularly mis- and disinformation. Anecdotally, this may be so for various reasons: that the public is becoming increasingly aware about the Real411 and has a higher level of familiarity and comfort in using it; that there is a growing appreciation for the need to have accurate and credible information during election periods; that the use of social media was more



prominent during these elections both by voters and by registered parties and candidates; and/or that that the tumult arising in the most recent elections created a heightened demand across the voter public to be able to distinguish what was real and what was not. Moreover, more than half of the complaints received were upheld in finding the content to constitute mis- or disinformation, a further pointer to more discerning voting public. Overall, the Real411 received a total of 289 election-related complaints over the election period, a rise from 99 complaints in the 2019 election period and 50 complaints in the 2021 election period.

Overwhelmingly, X was the platform on which the most number of complaints were received across all categories of complaints and particularly with regard to mis- and disinformation. The fact that X is not part of the Framework of Cooperation despite being invited to participate is made all the more concerning by the fact that X appears to be maintaining a hard-line position of not having policies or standards for mis- and disinformation. The second and third platforms identified were TikTok and WhatsApp respectively.



TikTok is a relatively new entrant to the landscape and has anecdotally expressed the view that it does not consider itself to be a platform for political activity – something that has proven not to be the case in the current elections. This trend also points to further element that has received relatively little attention in South Africa to date, namely that of the role of paid influencers and micro-influencers who may be using their social profile to encourage their users to make particularly political choices due to them being remunerated to do so. WhatsApp as an encrypted channel presents a particular challenge in that only individual members of a group can see what is shared making it difficult to counter with

accurate information. In respect of both, a further channel related to the difficulties in analysing video-based content, suggesting that there may be notably more online harms than anticipated or reported.

In line with the Framework of Cooperation, the Platforms have played an important part here in supporting such initiatives and convening ones of their own and should be further encouraged in their role in proactively contributing to the efforts on voter registration and voting day, including through promoting sources of reliable and verified election information such as that shared by the Commission or via the Real411. In strengthening this, we would urge the Commission and the Platforms to also give effect to clause 11.4 of the Guidelines on Digital and Social Media which states as follows:

“Social media operators should provide information that is clear, understandable and accessible during the entire electoral cycle regarding the following:

- (1) Political advertising, including information relating to the political advertisements themselves, the origin and the funding of such advertisements and a repository of such advertisements;
- (2) Measures to protect users from any malicious or harmful use of the applicable technologies to target users with, for instance, misinformation, disinformation, mal-information and hate speech, as well as the measures to be established to respond accordingly;
- (3) Specific measures to protect marginalised persons, including candidates who are female or who belong to ethnic, religious, sexual or gender minorities;
- (4) The criteria to be applied when implementing such measures, including in respect to the removal or down-ranking of content, application of labels, demonetisation or other restrictions on content;
- (5) The applicable algorithms, including access to the back-end architecture, to allow regulatory bodies to conduct audits;
- (6) Access to curated relevant data, including by means of application programme interfaces, to enable the independent monitoring of content and networks that may harm election integrity;
- (7) The designation of “trusted flaggers” and any monitoring activities, proactive removal of content or other treatment of content, and complaints received in the context of the electoral cycle, including the outcomes and appeals lodged”.

In order to achieve this, an effective way would be to build this into the architecture of the Framework of Cooperation as may be relevant and appropriate for future elections going forward.

Proposed recommendations

In the light of the above, our recommendations to the Electoral Commission are as follows:

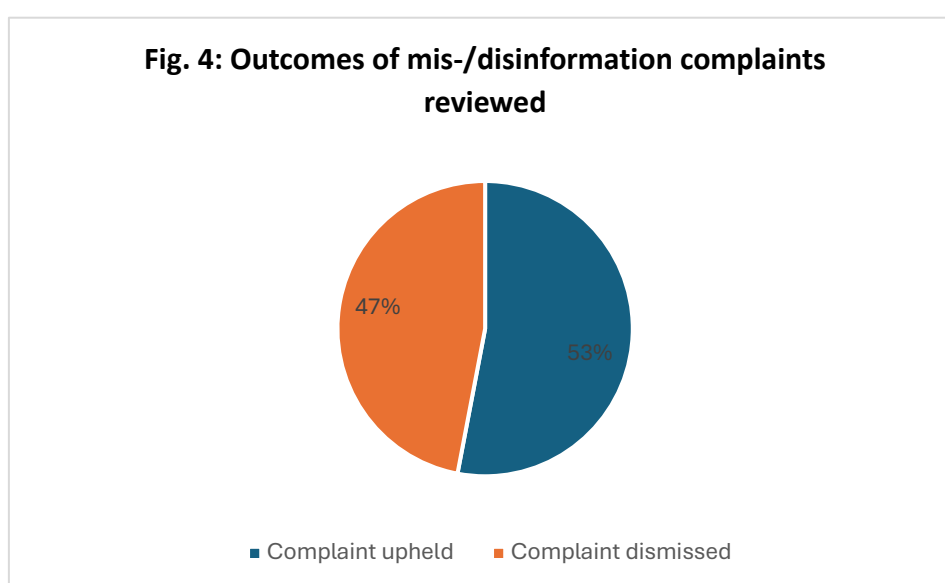
- To work with MMA and other stakeholders in the development and roll-out of training programmes supporting media and information literacy focused on combating online harms during elections, both in general terms and those more uniquely tailored towards supporting particular stakeholders in the electoral process, including the availability of online tools to do so;
- To maintain efforts to engage with X and other platforms that are not currently part of the Framework of Cooperation, and to encourage their support and commitment to the Real411;
- To promote the use and uptake of other relevant tools that have been developed by MMA – such as Padre, an official political advertising repository for political parties and candidates – and support the integration of these tools into the Real411 mechanism;

- To meaningfully engage with the Platforms with regard to the measures and information set out in clause 11.4 of the Guidelines on Digital and Social Media;
- To initiate a process for the reviewing and updating and updating the Framework of Cooperation for purposes of the upcoming Local Government Elections in 2026 in a manner that meaningfully encapsulates the commitments of all parties concerned and global standards on human rights.

PART IV: SCOPE AND SUBSTANCE OF COMPLAINTS RECEIVED

Key findings

In this final part, we turn to reflect on the scope and substance of the complaints received and reviewed through the Real411. As mentioned, these past elections saw a significant increase in the engagement with the platform and the public's use of it as a go-to for reporting concerns of mis- and disinformation with 286 election-related complaints being received, the vast majority of which were submitted out of concern for it constituting mis- or disinformation. Notably, of these complaints, the reviews concluded found 53% of these complaints to fall within the scope of the elements for this.



Across the nearly 300 complaints received, these can be broadly divided into four categories:

- **Category (i) False information regarding electoral processes //** This was a common trend seen throughout the election period that ramped up significantly in the week leading up to the elections. With these elections bringing into play a raft of new measures, including contestation by independent candidates, section 24A voting procedures and the introduction of a third ballot, content of this nature readily contributed to uncertainty and confusion about the electoral processes. Certain types of content were similar to previous years, such as claims of not being able to vote with false nails or needing to have your own pens, or that the ink in the pens provided by the Electoral Commission was disappearing ink so that ballots could be marked later, and while concerning were still relatively innocuous. However, more egregious types of content were also identified, such as pertaining to the storage and transport of ballots and ballot boxes and changes in voting stations. False information here risks voters potentially feeling confused or uncertain of the process to be followed, sentiments of apathy and exclusion, and may undermine their trust in the process.

- **Category (ii): False information regarding parties and candidates //** This typically played out in two ways: on the one hand, parties or candidates making false or misleading claims regarding their own performance; and, on the other, making false or misleading claims to discredit other parties or candidates. While the nature of politics often seems somewhat exaggerated claims being made, the factor taken into account by Real411 was instances where this rose to the level of there being a credible risk of harm to the election process as a result of this. In the more egregious instances, the risks created including inflaming tensions along racial or ethnic lines. This also risked skewing the public narrative in a way that made it difficult to distinguish truth from falsities, creating challenges for the public to properly inform themselves about the political choices they were making.
- **Category (iii): False information regarding election results //** This was a particularly concerning matter seen both while voting was ongoing and in the immediate aftermath of the polls closing while counting was underway. Of grave concern was that instances of this were created through official social media channels of political parties or representatives. Where this was done in KwaZulu-Natal for example, a province considered as a high risk of post-election conflict, there was a real risk of the impact this could have on the flaring of tensions. This also created serious threat to the integrity of the electoral process and the trust in the Commission, not least of all due to the dire implications of blatantly unfounded outcomes being claimed in such a highly contested election.
- **Category (iv): Information intended to undermine the credibility of the Commission and its commissioners //** This information was seen as rife during the elections, targeted at both the Commission as an institution and the commissioners at a personal level. This, coupled with the general mix of the content referred to above, appeared directly intended to undermine the credibility of the elections from the process to the potential outcomes. This included direct attacks by political parties and candidates without providing credible basis for the claims being made. While critiques of any electoral management body are an important element of electoral discourse, the nature of the ad hominem attacks and the lack of foundation provided for the claims being made, created a serious threat to the way in which the Commission and the elections were to be perceived by the public.

In undertaking the review to determine if a particular post constituted disinformation, regard was had to the potential for harm that may arise characterised in line with section 89(2) of the Electoral Act. This is a complex inquiry that must necessarily be context-specific, considering all relevant factors available at that particular time. Part of the exercise is to consider whether there is a reasonable apprehension of harm where no harm has in fact yet occurred, as a key role of the Real411 is to stop the spread of harms before they occur. In various instances, while a single post may be dangerous or inflammatory but not in itself rise to the threshold of falling foul of any particular framework, this picture can change rapidly when read together with other similar posts or a broader prevailing narrative that is being peddled.

Moreover, in various instances, complaints being reviewed traversed more than one type of online harm in scope and more than one category of information set out above. A further point to note here is that the more egregious posts were seldom shared by the publicly known political leader or

representative, but by supporters posting in support of that party or candidate. This emphasises the need for political parties and candidates to be held to account in terms of the Code and their obligations in respect thereof in instructing their representatives, members, and supporters to comply with it as well. Political parties and candidates should further be expected to publicly condemn the sharing of false and harmful information about the conduct or outcome of the elections, the Commission, or its commissioners, and should be required to report on the steps they have taken in this regard.

The role of media and information literacy cannot be underestimated or underemphasised. This is critical in so many ways and can have such an immense impact in the safeguarding of free, fair, and credible elections. While we often speak of the need for the public's awareness in this regard, it is important to also ensure this is made available to the staff of the Electoral Commission, including those persons on the ground in the immediate lead-up to the elections and dealing firsthand with the consequences and confusion that the false information may cause, as well as political leaders and candidates, party representatives, observers and other similarly-placed persons. An important initiative launched this was an online harms masterclass run by MMA and the Mandela Institute at the University of the Witwatersrand focused on strategies to combat such harms during elections, which was attended by several members of the Electoral Commission. Going forward, courses of this nature should become built into the fabric of elections preparations for all relevant stakeholders given the import that online harms will undoubtedly continue to play in future election periods.

In addition to the role of social media platforms, there are other stakeholders who have the potential to play an important part in combating online harms within their specific mandate and expertise. Three examples come to mind: (i) law enforcement agencies within whose authority vests the investigation and subsequent recourse for persons who violate the law; (ii) the South African Human Rights Commission regarding hate speech and incitement within the scope of PEPUDA; (iii) the Press Council of South Africa and the Complaints and Compliance Committee of the Independent Communications Authority of South Africa as the media self-regulatory bodies operating during election periods. Having effective cooperation agreements in place with these bodies, for instance, can serve to streamline processes in which the Commission engages and lead to more effective outcomes overall.

Lastly in this regard, we wish to highlight the important role that the Electoral Commission can play in supporting election management bodies in other parts of the region in combatting online harms. The Electoral Commission has already begun to do so in earnest particular through its work in developing the Digital and Social Media Guidelines. Going forward, MMA would welcome the opportunity to discuss further collaboration with the Electoral Commission in this regard, both in terms of capacity-building and the implementation of similar mechanisms to the Real411 in other countries as may be appropriate within that particular local context, in order to contribute to safeguarding the integrity of the elections in other parts of Africa as well.

Proposed recommendations

In the light of the above, our recommendations to the Electoral Commission are as follows:

- To support MMA in finding volunteers as part of the Real411 Spotters Network to report incidences of mis- and disinformation seen online during the election period;
- To work with MMA in engaging the media during the election period particularly in respect of correcting false or misleading information in the public domain that is of a harmful nature and requires urgent attention;
- To engage more closely with political parties and candidates, including through specific and tailored training, regarding the duties they bear in terms of the Code;
- To establish clear operating procedures with stakeholders with direct responsibility over certain types of online harms, including the South African Human Rights Commission and relevant law enforcement authorities, in order for streamlined processes to be followed in the event of election-related content being identified for further investigation;
- To ensure the capacity and skills of members of the Electoral Commission and other stakeholders are developed around online harms through, for instance, the continuation and expansion of the online harms masterclass run by MMA with the Mandela Institute;
- To collaborate with MMA in working towards a broader regional strategy in supporting electoral management bodies in other parts of Africa to meaningfully and effectively combat online harms in order to safeguard the integrity of their election processes as well.

Appendix

Over the period the following trends in disinformation were identified.

In keeping with previous experience mis and disinformation tends to follow (sometimes it can be slightly ahead) of current news events. Thus, as each big news event broke or as each step in the process taken by the IEC to take us to voting day was implemented so too were instances of mis and disinformation.

Gaza, antisemitism, and the Land Party of SA

In the post below the person compared the Netanyahu government to the Nazi's (#3379). A deeply offensive comparison and designed to offend. But the issue was less misinformation and seemingly more about offending.



In the case below (#3191) the person suggests that Netanyahu is beheading Christian children in Israel.



In another quite bizarre claim (#3266) the person posted a manipulated image and claimed that former President Obama is a paedophile.



In other instances the person, drawing on the issue of the war in Gaza, (#3227) made the following claims to “UnZionize our world.”

Mehmet Vefa DAG @AFRICANDEMOC · 8h
The movement to save the world from Zionists is starting, let's start with the Western Cape and spread the peace Revolution all over the world from here. It's time to get rid of DA...
Vote Land Party
Vote Mehmet Vefa Dag for Western Cape Premier...

**WE MUST
UNZIONIZE
OUR WORLD**

Finally drawing on the war in Gaza again (#3222) the person posted:

Mehmet Vefa DAG @AFRICANDEMOC

Africa must be free...
Zionists must leave...
Land party is storming in Western Cape...

We are party of FORGOTTEN PEOPLE...
WE ARE PRO GAZA...
EVERY VOTES TO LAND PARTY
EQUAL TO A MISSILE TO TEL AVIV



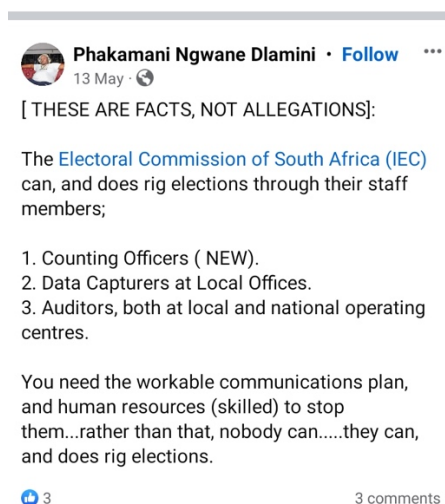
In some cases, the allegations were simply disinformation like the one below, (complaint #3359) where the person alleged the DA would rig the elections. This fed a larger set of mis and disinformation about the elections being rigged.



Vote rigging

As the elections approached there was a shift to suggest that the votes would be rigged by the IEC and the ANC

Stating as fact that IEC rigs elections results (#3325) Stating in bold "FACTS" seemingly meant to mean that the claims are true because of that.



Complaint #3337 makes use of images of cars, near a voting station which seem to be intended to lend credence to the vote rigging.

Baas Kruger
38 mins · 🌐

🇷🇺 VOTE RIGGING UNCOVERED

Khumbulani Nene · Follow
11m · 🌐

Situation at Dambuza PMB, the voting has been stopped due to IEC Regional Managers car seen with the counselor late yesterday night and now in the morning they came with ballots box unsealed.
#Amasela 🇱🇺 🇳🇪 🇳🇪



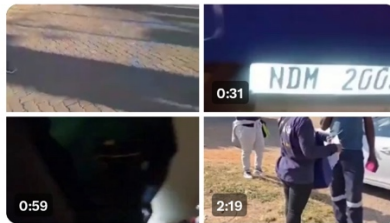
👍 🇷🇺 🇳🇪 🇳🇪 103

41 Shares

The spreading of videos, often with commentary also served to try and lend credence to the claims of vote rigging, and in this case, they also sought to then justify and threaten violence as a result. (#3351)

Collen Sibusiso Gwebu
@CollenGwebu

The ANC and SADTU have already started rigging the elections.
@IECSouthAfrica these elections are not free and fair and the peace and civil war are both in your hands.



16:07 · 28 May 24 · 3 129 Views

66 Reposts 2 Quotes 85 Likes

2 Bookmarks

In this complaint (#3344) the claims again assume that the Elections will be rigged and also feeds the notion of the IEC acting as a political party.



Msunu ka Johann Rupert ✓
@ZizinjaAbelungu

IEC acts as a Political party and not as an independant institution. We shall be vigilant during Elections because we are aware that the ANC has been stealing our votes helped by the IEC



20:39 · 19 Jan 24 · 3 599 Views

40 Reposts 1 Quote 87 Likes 4 Bookmarks

Perhaps one of the most concerning and disturbing trends was that in addition to suggesting that the IEC would rig the results, was the attacks on the credibility of the IEC and attacks on Deputy Chair of the IEC, Janet Love.

#3341 reference to the IEC being totally disgraced. Using strong language and capitals.



WE ARE FIGHTING FO...
@KennyMbamboma1

Follow

[BREAKING NEWS]

IEC IS TOTALLY DISGRACED AND WE ARE NO LONGER EXPECTING FREE AND FAIR ELECTION.

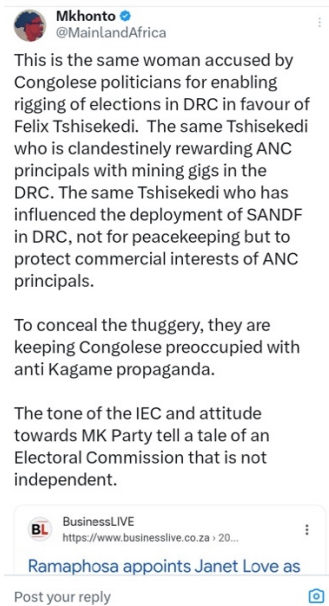
ZUMA HAS EXPOSED EVERYTHING IN THESE COUNTRY. ANC AND IEC ARE NAKED BEFORE OUR EYES.



6:39 · 28 May 24 · 2 944 Views

109 Reposts 1 Quote 154 Likes

This complaint (#3370) seeks to link conspiracies of the DRC and Deputy Chair Love.



In this complaint (#3282), Deputy Cahir Love is centralised despite it being highly unlikely she had anything to do with former leader of MK Jabulani Khumalo being accredited to be at the results operation centre.



In this complaint (#3304) the insinuation is made that Deputy Chair Love is somehow rigging the elections, forcing people to vote for the ANC and working with Ramaphosa.

↳ Dudu Zuma-Sambudla reposted



SOLDIERS O...
@moepetsoe

Follow

Janet Love in motion, She's at work for Ramaphosa. IEC is fueling tension amongst people.

IEC cannot force us to vote Ramaphosa ANC



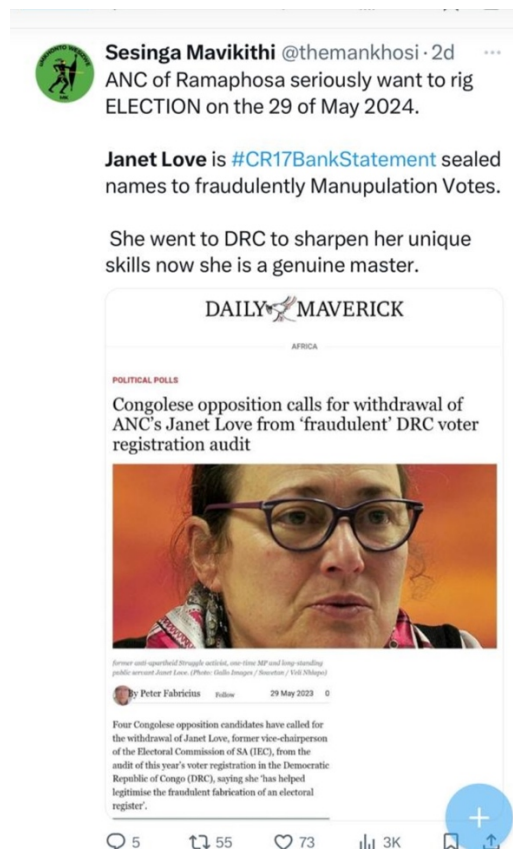
8:47 · 26 May 24 · 10,8K Views

131 Reposts 4 Quotes 207 Likes

Some posts were more patently vile and attacking like #3138 calling for the arrest of Deputy Chair Love.



In a slight variation (#3133) Deputy Chair Love was linked to the Ramaphosa CR17 Bank Statement controversy.



It's important that those who attacked the integrity and character of Deputy Chair Love are identified.

Most recently trends were identified about declaring elections results ahead of time. #3372

