Module 8: Risks violations and practical case studies

Training material to be shared with trainers only

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This module is the applied case laboratory for the training package. It helps participants classify election communication problems, preserve evidence, identify the applicable standard and responsible institution, assess urgency and choose a proportionate response. It draws links to the earlier modules without repeating their full conceptual or technical content.

Use the separate participant workbook for all activities. Keep the outcomes and trainer debriefs in this document. Adapt every legal conclusion to the law and institutional mandates in force in the training country. Cases marked as fictional or composite must not be presented as findings about a real person, outlet, campaign or platform.

Trainer overview

Module objective

Enable participants to distinguish risks, incidents, ethical failures, contractual policy breaches and legal violations; analyse complex cases involving several actors and rules; document findings at the level supported by evidence; and select remedies that protect electoral integrity and freedom of expression.

Learning outcomes

- Distinguish a risk signal, suspected incident, verified fact, analytical finding and legal determination.
- Separate the content, conduct, distribution system and institutional response in a case.
- Identify the legal or ethical rule, its scope, the competent body, the evidential threshold and procedural safeguards.
- Triage cases according to urgency, scale, reversibility, affected rights and proximity to voting.
- Analyse broadcast, online, advertising, disinformation, harassment and litigation cases using a common structure.
- Draft findings that distinguish observation, assessment, attribution, impact and uncertainty.
- Compare correction, reply, transparency, referral, platform action, interim measures and sanctions for proportionality and likely effectiveness.
- Coordinate across institutions while preserving their separate mandates and independence.

Session techniques and methods

Risk sorting; evidence-chain exercise; jurisdiction map; rotating case stations; newsroom or authority simulation; integrated incident room; remedy hearing; individual learning check. Assign different professional mandates to participants working on the same facts.

Duration

Standard route: 120 minutes. Condensed route: 90 minutes. Extended route: 180 minutes. Timing includes instructions, group work, reporting and debriefs but excludes breaks, interpretation and preparation. The standard route completes Sheets 1–5. The extended route adds all case stations and a reasoned remedy decision.

Relationship to other modules

Modules 2–7 supply the standards and analytical methods applied here. This module does not replace their detailed treatment of law, fairness, monitoring, manipulation, platforms or inclusion. It integrates those strands through practical cases. Module 9 develops longer-term good practice, response systems and resilience from the lessons identified here.

Preparation and route selection

Trainer checklist

- Prepare a concise national legal and institutional map. Identify regulators, EMBs, campaign-finance bodies, data-protection authorities, law-enforcement bodies, courts, equality bodies, press councils and relevant platform routes.
- Verify the rules and institutional powers in force on the date of delivery. Separate Council of Europe standards, applicable EU law, national law, self-regulation and private platform policy.
- Select cases relevant to the audience and current electoral risks. Update dates and outcomes from primary sources before using a real case.
- Provide the evidence in stages. Begin with an incomplete alert, then release documents, screenshots, monitoring data or responses as the exercise develops.
- Remove unnecessary personal data. Do not reproduce intimate images, addresses, threats or abusive material when a factual summary will serve the exercise.
- Prepare Sheets 1–7 without outcomes or trainer notes. Mark fictional and composite cases clearly.
- Establish ground rules for political neutrality, confidentiality, respectful discussion and disagreement about legal thresholds.
- Plan referral and safeguarding steps if participants disclose a live threat, attack or unresolved case.

Route table

Session	90 min	120 min	180 min
1 Risk to finding	10	15	20
2 Evidence and jurisdiction	15	20	25
3 Recurring patterns	10	15	20
4 Broadcast cases	15	20	30
5 Digital cases	20	25	35
6 Watchdog pressure	5	5	15
7 Integrated simulation	10	15	25
8 Remedies and check	5	5	10

For 90 minutes, use Sheet 1, one broadcast case, one digital case and the integrated simulation. For 120 minutes, add the evidence and jurisdiction exercises. For 180 minutes, run all stations and require written findings and remedy reasons.

Core messages that should remain constant

- A risk is a condition that may harm electoral communication. A violation requires an applicable rule, facts within its scope, a responsible actor and the legally required elements.
- Harmful, unethical or misleading conduct is not automatically unlawful. Lawful expression can still create a democratic risk, while a technical transparency breach may occur without proof that votes changed.
- Monitor behaviour and evidence, not presumed motives. Similar messages, high engagement or political benefit do not alone prove coordination, automation, payment or foreign attribution.
- Separate content from conduct. A message may be lawful while its financing, targeting, impersonation, data use or coordinated amplification breaches another rule.
- Separate institutional roles. A regulator, EMB, court, data-protection authority, police service, press council and platform may address different parts of one incident.
- Urgency depends on proximity to voting, credible danger, voter confusion and whether the harm can be reversed. Reach matters, but one specific threat or false polling instruction can require immediate action.
- Preserve evidence before it disappears, but collect only what is lawful and necessary. Protect personal data, sources, targets and monitors.
- Findings should state the sample, method, rule, facts and limitations. Avoid language that turns an indicator into a legal judgment.
- Remedies should have a lawful basis and pursue a legitimate aim through proportionate means. Consider correction, disclosure, reply or referral before coercive action where they can work.
- Document institutional inaction and delayed action as carefully as the original incident. Accountability includes reasons, notice, review and learning.

From risk signal to supported finding

SESSION METHOD Classification exercise using Sheet 1 | TIME 10, 15 or 20 minutes

Five levels

Level	Meaning	Appropriate language
Signal	An observation that justifies checking	"The repository search did not return the advertisement."
Suspected incident	Several facts indicate a possible problem	"The available records indicate possible undisclosed sponsorship."
Verified fact	Evidence establishes what occurred	"The programme aired at 20:15 and gave Candidate A four minutes of direct speech."
Analytical finding	Facts assessed under a stated method or standard	"Across the monitored sample, the outlet repeatedly favoured one contestant in tone and prominence."
Legal determination	A competent body applies law through the required procedure	"The authority found a breach of Article X after notice and review."

Risk is not violation

A lack of captions creates an accessibility barrier and may also breach a legal duty, depending on the applicable framework. A false statement may create voter confusion without meeting a prohibition. A platform may breach its own policy without breaching national law. Conversely, an advertisement can breach a financing or transparency rule even when its political message is lawful.

Guidance for trainers

Give groups short statements and ask them to identify the level and rewrite overclaiming. Insist on the actor and verb: "the monitoring recorded," "the regulator found," and "the court upheld" convey different authority.

Evidence jurisdiction and urgency

SESSION METHOD Evidence chain and jurisdiction map using Sheet 2 | TIME 15, 20 or 25 minutes

Common case file

Field	Questions
Trigger	Who reported the issue, when and through which channel?
Content	What exactly appeared or was omitted? Preserve the complete context.
Actor and conduct	Who created, paid, selected, published, amplified or failed to act? Which role is established?
Distribution	Which broadcaster, publisher, platform, recommender, advertising service or messaging channel carried it?
Time and reach	When did it occur, for how long, and what does the metric actually measure?
Rule and scope	Which provision, standard, code or platform term applies to this actor, medium, territory and period?
Harm and urgency	Which right or electoral process may be affected? Can the harm be reversed before voting?
Procedure	Which authority has jurisdiction? What notice, hearing, review and appeal are required?
Evidence limits	What remains unknown, inaccessible, disputed or dependent on third-party data?

Evidence preservation

Record the URL, account, programme, timestamp and time zone. Preserve the full item, associated label or transparency notice and the collection conditions. Keep the original capture and a working copy. Hashing, export logs or witness records may be appropriate where formal proceedings are foreseeable.

Jurisdiction and urgency map

Referral questions

Issue	Possible lead or referral route
Broadcast fairness or licence duty	Media regulator, election authority, broadcaster complaint system or court, depending on national law.
Campaign finance or third-party spending	Campaign-finance supervisor, EMB, audit body or prosecutor where authorised.
Political-ad transparency or data use	Designated digital-services, advertising or data-protection authority in applicable contexts.
Journalistic accuracy or ethics	Newsroom correction, ombudsperson, press council or court where a legal claim exists.
Threat, doxxing or stalking	Platform safety route and law enforcement where the legal threshold or immediate risk is met.
Coordinated manipulation or platform systemic risk	Platform contact, competent digital-services authority, researchers and election bodies within their mandates.

Triage factors

Score no case mechanically. Discuss proximity to voting, specificity, scale, target vulnerability, voter-information function, reversibility, recurrence and evidence fragility. A false polling-place message on election morning is urgent even with limited initial reach. A months-old repository defect may permit slower investigation but still require preservation.

Trainer debrief for Sheet 2

The same evidence packet may generate several referrals. Participants should avoid sending the whole case indiscriminately to every body. Each referral should identify the recipient's legal task, the relevant evidence and the requested action.

Recurring risk and violation patterns

SESSION METHOD Risk matrix using Sheet 3 | TIME 10, 15 or 20 minutes

Traditional and convergent media

Pattern	Risk question	Possible rule question
Editorial interference	Did an authority or owner influence selection or framing?	Is there unlawful interference, a licence duty, a governance breach or an employment issue?
Unequal access or treatment	Are comparable contestants treated by consistent criteria?	Does the applicable rule require equal, equitable, fair or impartial treatment?
State-resource advantage	Does official communication promote an incumbent?	Do election, finance, public-service or advertising rules apply?
Paid-for coverage	Does promotional content appear editorial?	Was payment disclosed and reported, and who bears responsibility?
Poll or silence-period problem	Was information published at a restricted time or without required details?	Does the rule cover this medium, actor and form of redistribution?
Inaccurate voter information	Could voters misunderstand registration, voting or results?	Which official-information, correction or offence provision applies?

Digital campaigning

Pattern	Risk question	Possible rule question
Undisclosed political advertising	Can the voter identify the sponsor, payer, purpose and targeting?	Which transparency, finance, data or platform rule applies?
Inauthentic amplification	Do accounts conceal identity or coordination?	Is there evidence of prohibited manipulation, fraud or a platform-policy breach?
Manipulated or synthetic content	Is provenance concealed and harm foreseeable?	Do labelling, impersonation, defamation, privacy or electoral rules apply?
Harassment and threats	Does conduct deter participation or endanger a person?	Does it meet a platform, civil or criminal threshold?

Pattern	Risk question	Possible rule question
Algorithmic or systemic risk	Does service design amplify electoral harm at scale?	Which due-diligence, transparency or audit duties apply?

Loopholes and responsibility gaps

Rules designed for broadcasters may not reach influencers, issue advertising, proxy pages or direct publisher sales. Platform repositories may omit misclassified advertising. One authority may see the media content but lack finance or data powers. These are responsibility gaps, not permission to invent jurisdiction.

Analysis sequence

1. Describe the conduct without a legal label.
2. Identify the actor and medium.
3. Test each plausible rule's scope and elements.
4. Identify the evidence and competent body.
5. State whether the result is a risk, possible breach or established violation.
6. Recommend a lawful response and referral.

Operational risk from the Ukraine 2019 training case

The supplied Ukraine monitoring material records a practical problem: a planned sample of ten television channels and ten online outlets became too large for twelve monitors during a highly politicised news cycle. The team reduced the online sample, simplified forms, updated the candidate list and strengthened daily reporting and quality control.

Use this as a methodology-integrity case. Changing a sample is not itself misconduct. The risk arises if changes are undocumented, politically selective, applied retrospectively or concealed in reporting. The defensible response is to record the reason, date and effect of the change, preserve comparable data, update the methodology and disclose limitations.

Case laboratory for broadcast and editorial conduct

SESSION METHOD Rotating case station using Sheet 4 | TIME 15, 20 or 30 minutes

Croatia 2009 debate case

During Croatia's 2009 presidential election, regulatory bodies interpreted equal-treatment provisions to mean that interviewing one candidate required equivalent airtime for all candidates. TV Nova divided candidates into two debate groups. Five candidates from the first group participated and one declined. Complaints from candidates assigned to the second group led the Council for Electronic Media to warn the broadcaster, after which TV Nova cancelled the second debate. The journalists' association criticised the intervention as interference with editorial policy.

Trainer task

Assign regulators, judges, lawyers, policymakers, journalists and observers different roles. Ask them to identify the wording of the applicable rule, the broadcaster's selection criteria, the complainants' disadvantage, voters' information interest and available remedies. The issue is not whether equality matters, but how to apply it without mechanically eliminating useful programming.

Suggested debrief

A proportionate approach would test transparent and reasonable participation criteria, comparable opportunity within the format, the effect of refusals and less restrictive remedies. A warning that effectively causes cancellation may reduce information available to voters. The case also demonstrates why an ambiguous "equal" requirement should distinguish debates, news judgment, free airtime and paid advertising.

Optional Iceland comparison

Use the Iceland example from Module 2 only where time permits. Ask whether a broadcaster's relevance threshold, invitation criteria and opportunity for excluded contestants to communicate were transparent and reviewable. Do not treat different national outcomes as interchangeable precedents.

Case laboratory for digital campaigning

SESSION METHOD Evidence release and multi-role assessment using Sheet 5 | TIME 20, 25 or 35 minutes

Romania 2024 and TikTok

Following the first round of Romania's presidential election, declassified information described coordinated online promotion and undisclosed influencer activity. The Constitutional Court annulled the electoral process on 6 December 2024. The European Commission separately ordered TikTok to preserve relevant data and opened formal Digital Services Act proceedings concerning election risks.

Teaching purpose

Use the case to separate:

- observed content and account behaviour;
- intelligence or platform data unavailable to ordinary monitors;
- domestic constitutional review of the electoral process;
- EU supervision of a platform's systemic-risk duties;
- proof of individual responsibility or electoral impact.

The annulment and DSA proceedings have distinct legal bases and thresholds. Neither should be presented as the routine remedy for online irregularities.

Trainer debrief

Participants should preserve public evidence, state what they cannot verify, identify the authority for each question and avoid attributing accounts or claiming causal impact without supporting evidence. Interim data preservation can be important even where the final legal assessment will take longer than the election period.

Political advertising and platform policy case

Composite scenario based on earlier modules

A civic-looking page purchases messages urging voters to reject a candidate. The platform repository categorises the messages as commercial advertising and identifies only an advertising agency. Near-identical unpaid videos appear through creators who do not disclose compensation. The campaign denies coordination. Engagement rises sharply, but unique reach and targeting data are unavailable.

Assessment points

The content's political purpose does not by itself prove the campaign paid for or controlled it. Examine sponsor and ultimate control, payer and source of funds, agency and creator contracts, beneficiary, targeting, delivery, national third-party rules and platform declarations. Record repository absence or misclassification as a discrepancy, not proof of intent.

In EU contexts, consider the Digital Services Act, Regulation (EU) 2024/900, data-protection law and national campaign-finance law as separate layers. Outside the EU, use Council of Europe standards and the applicable national framework rather than importing EU enforcement powers.

Platform policy counterpoint

YouTube's June 2023 decision to stop removing content solely for false claims about widespread fraud in past United States presidential elections illustrates another kind of risk decision: a platform may loosen a rule in the name of political expression while retaining narrower rules on voter suppression, democratic-process interference and incitement. Use it to distinguish private policy design from a legal proportionality finding. Keep the case as an optional comparison because it falls outside the Council of Europe area.

Pressure on journalists and public watchdogs

SESSION METHOD Safety and legal-pressure station using Sheet 6 | TIME 5 or 15 minutes

Forms of pressure

Election reporting may attract threats, surveillance, doxxing, accreditation restrictions, seizure or damage of equipment, cyberattacks, abusive defamation claims and strategic lawsuits against public participation. A campaign may combine reputational attacks, coordinated online amplification and legal threats.

Defamation and public-interest reporting

Political actors retain reputation and privacy rights, but public-interest debate receives strong protection. Assessment should consider the factual basis, distinction between fact and value judgment, subject's public role, journalistic diligence, seriousness of the allegation and proportionality of any remedy. Criminal or excessive sanctions can chill scrutiny.

SLAPP indicators

Recommendation CM/Rec(2024)2 describes legal actions threatened, initiated or pursued to harass or intimidate and to prevent, inhibit, restrict or penalise expression on matters of public interest and associated public participation. Indicators may include power imbalance, disproportionate claims, procedural abuse, repeated actions and a purpose or effect of silencing public participation. No single indicator automatically decides the case.

Trainer debrief for Sheet 6

Participants should separate the merits of a correction or reputation claim from possible abusive litigation features. Immediate actions may include legal and safety support, evidence preservation, source protection and coordinated referral. Public communication should avoid prejudging a court or republishing threats.

Integrated election incident simulation

SESSION METHOD Incident room using Sheet 7 | TIME 10, 15 or 25 minutes

Scenario structure

Release the scenario in three rounds:

1. A public broadcaster airs an incumbent's official event extensively, while a false polling-place message circulates online.

2. A creator discloses late that an intermediary paid for the message. A journalist investigating the payment receives a legal threat and doxxing begins.

3. The platform removes several posts without reasons, the EMB issues an inaccurate correction, and two authorities claim the other has jurisdiction.

Group roles

Regulator; EMB; campaign-finance authority; judge or lawyer; newsroom; platform or digital-services authority; civil society or observer. Each group must state its mandate, evidence, immediate action, referral and public wording.

Decision board

Question	Required answer
What is established?	Verified facts and their sources.
What remains a risk or allegation?	Missing evidence and alternative explanations.
Who acts now?	Lead body and urgent measure within mandate.
Who acts later?	Referral, investigation, review or systemic follow-up.
What is communicated?	Accurate, accessible wording that avoids amplification and prejudgment.

Findings remedies and learning check

SESSION METHOD Remedy hearing and individual check | TIME 5 or 10 minutes

Finding template

Observation: Within the defined sample or incident record, what occurred?

Applicable framework: Which standard, law, code or policy applies, and to whom?

Assessment: Which elements are supported, and at what level of confidence?

Limitations: Which evidence is missing or contested?

Response: Which actor should take what step, under which power and by when?

Remedy ladder

Evidence preservation; clarification; accessible correction; label or disclosure; right of reply; change to future format; platform report; referral; interim order; administrative or judicial sanction. The order is not automatic. Choose the measure that is lawful, timely and effective for the identified harm.

Proportionality questions

Is the measure prescribed by law? Which legitimate aim does it pursue? Is it suitable for the actual harm? Could a less restrictive measure work in time? Are notice, reasons, equality of treatment and review available? What effect will the measure have on voters' access to information?

Learning check and trainer debrief

Six-question check

1. What separates a risk from a legal violation?
2. Why should content and conduct be assessed separately?
3. What must a referral identify?
4. Name two factors that make an incident urgent.
5. Why can platform-policy enforcement and legal enforcement produce different conclusions?
6. What belongs in the limitations paragraph of a finding?

Suggested answers

A violation requires an applicable rule, facts satisfying its elements, a responsible actor and the required procedure. Lawful content may be distributed through unlawful financing, targeting or impersonation. A referral should identify the competent task, applicable rule, relevant evidence and requested action. Proximity to voting, credible danger, voter confusion, evidence disappearance and irreversibility can create urgency. Platform terms and law differ in scope, decision-maker and remedy. Limitations should identify the sample, unavailable data, disputed facts, methodological constraints and claims that cannot be made.

Trainer closing

Ask each group to revisit its first assessment. What did it initially overclaim? Which evidence changed its view? Which institution did it overlook? The central learning is disciplined decision-making under time pressure, not agreement on every borderline case.

Training of trainers' guidance and assessment

Module-specific facilitation

Run this module as a case laboratory. Release information in stages and require groups to revise their classification as evidence changes. Common mistakes include treating a signal as a verified fact, confusing an analytical finding with a legal determination, choosing a remedy before identifying jurisdiction, and allowing urgency to lower the evidentiary standard. Assign roles with different mandates and prevent the most powerful institution from speaking for the whole group.

Audience-specific application

Regulators should classify incidents and select proportionate remedies. EMBs should protect essential voter information. Judges and lawyers should test authority, evidence and due process. Journalists should decide how to report without amplifying an unsupported claim. Civil society and observers should preserve evidence and refer responsibly. Policymakers should identify structural gaps revealed by the case.

Assessment and evaluation

Use a short classification task as the baseline. Assess whether participants distinguish signal, suspected incident, verified fact, analytical finding and legal determination; apply the evidence-jurisdiction-urgency framework; preserve evidence; and select a remedy from the appropriate level. The integrated simulation and final written finding provide the exit assessment.

Evidence of learning and trainer reflection

Participants meet the objective when they update conclusions as new evidence arrives, name the competent decision-maker, separate protective action from final determination, and justify a proportionate remedy with safeguards. Use structured peer feedback on evidence, authority and rights impact. Trainers should record where roles or scenario facts need national adaptation.

Audience adaptation

Audience	Emphasis	Best technique	Output
Regulators and supervisory authorities	Jurisdiction, thresholds, evidence, due process and remedy	Complaint triage and reasoned decision	Short decision with referral map
EMBs	Accurate voter information, neutrality, incident coordination and mandate limits	Election incident room	Correction and escalation protocol
Judges, lawyers and policymakers	Legal characterisation, evidence, proportionality and gaps	Moot hearing or drafting clinic	Legal test or revised provision
Journalists and media practitioners	Verification, editorial independence, safety, reply and correction	Newsroom conference	Publication and safety decision
Civil society and observers	Monitoring discipline, public wording and institutional accountability	Case-file audit	Evidence note with limitations

Mixed groups

Give every group the same evidence but a different mandate. Require each to name one action it can take, one action it cannot take and one referral. In the plenary, compare whether the combined response leaves a protection or accountability gap.

Facilitation guidance

Cases should be difficult enough to permit reasonable disagreement. Do not reward the group that proposes the harshest sanction. Reward accurate classification, evidence discipline, lawful authority, timely action and clear reasons.

Recommended resources

1. Council of Europe, Recommendation CM/Rec(2022)12 on electoral communication and media coverage of election campaigns.

2. Council of Europe, Recommendation CM/Rec(2007)15 on measures concerning media coverage of election campaigns.

3. European Convention on Human Rights, Articles 8, 10 and 14, and Article 3 of Protocol No. 1.

4. Council of Europe, Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors.

5. Council of Europe, Recommendation CM/Rec(2024)2 on countering the use of strategic lawsuits against public participation.

6. OSCE/ODIHR, Handbook on Media Monitoring for Election Observation Missions, 2012.

7. OSCE/ODIHR, Guidelines for Observation of Election Campaigns on Social Networks, 2021.

8. European Commission, Guidelines for providers of very large online platforms and very large online search engines on the mitigation of systemic risks for electoral processes, 2024.

9. Regulation (EU) 2022/2065, Digital Services Act, for applicable EU contexts.

10. Regulation (EU) 2024/900 on transparency and targeting of political advertising, for applicable EU contexts.

11. JUFREX Freedom of Expression Training Handbook, supplied project resource.

12. Ukraine 2019 media-monitoring training and operational materials, supplied project resources.

13. Armenia 2023 assessment and training reports, supplied project resources.

14. Module 2 Croatia and Iceland case materials and the Module 5–7 research examples.

Final trainer note

Before delivery, verify every real case against primary records and update later procedural developments. Preserve the distinction between a source's allegation, a monitor's assessment and a competent body's decision. Keep participant case files free of outcomes. Feed the institutional and systemic lessons into Module 9.

Module 8: Risks violations and practical case studies

Training material to be shared with participants

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Purpose

These exercises help you classify election communication problems, test evidence, identify the applicable framework and responsible institution, and select a proportionate response. Work only from the facts supplied and record what remains unknown.

Instructions

- Distinguish observation, analytical assessment and legal determination.
- Separate content, conduct, distribution and institutional response.
- Use the national law and institutional map supplied by the trainer.
- Do not infer motive, payment, coordination, automation, attribution or electoral impact without evidence.
- Protect personal data and do not reproduce harmful content unnecessarily.
- Work within the mandate assigned to your group.

Output for each case

Prepare a short note stating: established facts; risk or alleged breach; applicable rule; missing evidence; competent body; urgent step; longer-term response; and limitations.

Sheet 1 Risk signal or violation

Classify and rewrite

For each statement, classify it as a signal, suspected incident, verified fact, analytical finding or legal determination. Rewrite any statement that claims more than the evidence supports.

1. “The platform interfered in the election because one monitored account received five recommended videos supporting Candidate A.”

2. “The public broadcaster gave Candidate A 42 minutes and Candidate B 11 minutes during the monitored prime-time news sample.”

3. “The advertisement was illegal because it did not appear in the repository search conducted on election day.”

4. “The press council found that the headline breached its accuracy code after considering the publisher’s response.”

5. “Identical wording in twelve posts proves a foreign bot operation.”

6. “The voter-information video contained no captions when captured at 14:00.”

Reflection

Which items may still represent a democratic or ethical risk even if no legal violation is established?

Sheet 2 Evidence and jurisdiction

Alert

An observer reports that a social-media post gives the wrong deadline for voter registration. A local broadcaster repeats the claim in a live interview. The candidate who made the claim later deletes the post. The EMB website contains two versions of the deadline. A platform screenshot shows 18,000 “views”, but its definition is unavailable.

Task

1. List verified facts and unverified claims.

2. Identify evidence to preserve immediately.

3. Define the voter-information harm and urgency.

4. Map the possible responsibilities of the candidate, broadcaster, EMB and platform.

5. Identify the lead action and any referrals.

6. Draft a correction that is accurate, accessible and does not repeat the confusion.

7. State what the 18,000-view metric does not establish.

Comparative question

Would a converged regulator or a split institutional model handle this incident differently? Map the necessary cooperation and referrals. Do not assume that either structure is automatically more independent or effective.

Sheet 3 Risk matrix

Scenarios

A. A ministry's "public information" advertisements praise achievements using the governing party's campaign slogan.

B. A newspaper publishes a paid candidate profile in its news layout without a label.

C. A creator promotes an issue central to the election and says no money changed hands, but received travel and production support from an intermediary.

D. A candidate faces insulting memes and one post containing a home address and a specific threat.

E. A regulator sees political advertisements in a platform repository but lacks campaign-finance powers.

Matrix

For each scenario identify: content; conduct; actor; medium; risk; possible rule; missing evidence; competent body; urgency; and proportionate response.

Sheet 4 Broadcast debate case

Croatia 2009

A private broadcaster divides presidential candidates into two debate groups. Five candidates in the first group participate and one declines. Some candidates in the second group complain that the format violates a legal requirement of equal treatment. The regulator warns the broadcaster that interviewing some candidates requires equal airtime for all. The broadcaster cancels the second debate.

Role task

Work as regulator, judge, broadcaster's lawyer, excluded candidate's lawyer, policymaker, journalist or observer.

1. Identify the purpose and possible meanings of "equal treatment".

2. Which facts about selection criteria, invitations and format are necessary?

3. What are the interests of voters, contestants and the broadcaster?

4. Which less restrictive remedy could address unfairness?

5. Draft a two-minute decision or argument within your role.

6. If you are the policymaker, rewrite the ambiguous rule for debates.

Sheet 5 Digital campaign case

Initial evidence

A civic-looking page buys online messages urging voters to reject Candidate B. The platform repository categorises them as commercial advertisements and identifies an advertising agency but no ultimate sponsor. Creators publish near-identical unpaid-looking videos. They do not disclose compensation. Candidate A's campaign denies any involvement. Public engagement rises rapidly.

Questions

1. What is observable?
2. Which facts would establish political advertising, payment, sponsorship, beneficiary or coordination?
3. Which repository, contract, finance, targeting and account records should be sought?
4. What can engagement show, and what can it not show?
5. Separate national law, applicable EU law and platform policy.
6. Draft a careful interim finding.

Sheet 5 Further evidence

The agency confirms that a third-party association paid it. The association's director previously advised Candidate A but denies current coordination. Two creators disclose free production support. Repository data provide impression and spending ranges but no unique reach. Several advertisements disappear after a platform-policy report. The campaign-finance authority says it oversees contestants but may lack power over the association.

Updated task

1. Which findings can now be strengthened?
2. What still does not prove campaign control or intent to evade rules?
3. Which authority should examine spending, data use, advertising transparency and platform conduct?
4. Is removal enough, or are disclosure, correction, preservation or investigation also needed?
5. Identify one responsibility gap and propose a lawful longer-term solution.

Platform-cooperation prompt

An authority sends platforms an election-compliance questionnaire. Some responses arrive one or two months later and another platform declines to answer. What must you know about the authority's legal powers before characterising the response? Which information is urgent before voting, what should be preserved, and which limitations should appear in a public finding?

Sheet 6 Pressure on a journalist

Scenario

A journalist publishes evidence that an intermediary paid creators during the campaign. The intermediary demands immediate deletion and threatens a high-value defamation claim. Anonymous accounts publish the journalist's telephone number and workplace schedule. The article contains one minor date error that does not alter its central finding. The editor considers removing the whole investigation.

Questions

1. Separate the merits of the correction request from possible intimidation or SLAPP indicators.

2. Which public-interest, factual-basis and journalistic-diligence questions matter?

3. Which safety steps are urgent?

4. Which evidence should be preserved and who should receive referrals?

5. Propose a response to the date error that does not concede unsupported allegations.

6. What procedural safeguards might be relevant if litigation begins?

Authority prompts

- How does the protection of reputation interact with Article 10 in public-interest reporting?
- Should a head of state or senior office-holder receive greater protection from criticism than another public figure?
- Can a public authority claim an institutional reputation in its own name? Check the national law and relevant ECtHR case law before deciding.

Sheet 7 Integrated incident simulation

Round 1

Forty-eight hours before voting, a public broadcaster gives extensive live coverage to an official event featuring the incumbent. A false polling-place message begins circulating through local groups. The EMB has not yet responded.

Group task

Work as regulator, EMB, campaign-finance authority, judge or lawyer, newsroom, platform or digital-services authority, or civil-society observer.

1. State your mandate and limits.

2. Identify evidence and urgency.

3. Select one immediate action and one referral.

4. Draft one public sentence.

Sheet 7 Rounds 2 and 3

Round 2

A creator discloses that an intermediary paid for the polling-place message. A journalist investigating the payment receives a legal threat. Anonymous users begin publishing the journalist's personal information.

Round 3

The platform removes several posts without giving reasons. The EMB issues a correction containing a new error. Two public authorities say the other body has jurisdiction.

Final decision

Prepare a joint response table covering:

- established facts and unresolved allegations;
- immediate protection of voters and the journalist;
- evidence preservation;
- correction and communication;
- lead institution and referrals;
- due process and review;
- post-election investigation and prevention.

Sheet 7B Short incident-room alternative

Scenario: “The election results may have been manipulated”

Use this exercise only when the trainer selects the shorter 90-minute route. Work as media, the EMB, the media regulator, or civil society and fact-checkers.

Round 1

Soon after preliminary results are announced, posts claim that unexplained changes in the online results table prove manipulation. Screenshots circulate without timestamps, and no original data file is attached.

Round 2

The EMB confirms that a formatting error affected the public display but says the underlying tabulation was unchanged. A television programme repeats the allegation before receiving the EMB response. Engagement rises and several accounts use identical wording.

Round 3

The EMB publishes corrected tables but does not explain the change log. A platform labels some posts and removes others without reasons. Observers request access to the original records.

Four-role task

For each round state: what is established; what remains alleged; which evidence must be preserved; what your institution can and cannot do; the immediate communication or correction; referrals; and the next review point. Do not infer coordination, platform wrongdoing or manipulation of the result from the claim alone.

Finding and learning check

Draft a finding

Observation:

.....

Applicable framework:

.....

Assessment and confidence:

.....

Limitations:

.....

Immediate response and responsible actor:

.....

Longer-term follow-up:

.....

Six-question check

1. What separates a risk from a legal violation?
2. Why should content and conduct be assessed separately?
3. What must a referral identify?
4. Name two factors that make an incident urgent.
5. Why may platform and legal decisions differ?

6. Which limitation most changed your assessment today?

COUNCIL OF EUROPE

HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW



DROITS DE L'HOMME, DÉMOCRATIE ET ÉTAT DE DROIT

CONSEIL DE L'EUROPE

MODULE 8
RISKS, VIOLATIONS AND PRACTICAL CASE STUDIES

Purpose and learning outcomes

- Distinguish a risk signal, suspected incident, verified fact, analytical finding and legal determination
- Separate content, conduct, distribution and institutional response
- Identify the applicable rule, responsible body and evidential threshold
- Triage urgency, scale, reversibility and proximity to voting
- Draft findings that state evidence, uncertainty and limitations
- Select a lawful, timely and proportionate response

90, 120 AND 180 MINUTE ROUTES

Risk and violation

RISK

A condition or conduct that may harm electoral communication.

VIOLATION

Facts satisfy an applicable rule's elements through the required procedure.

Harmful or unethical conduct is not automatically unlawful.

Five levels of assessment

SIGNAL	An observation that justifies checking
SUSPECTED INCIDENT	Several facts indicate a possible problem
VERIFIED FACT	Evidence establishes what occurred
ANALYTICAL FINDING	Facts assessed under a stated method or standard
LEGAL DETERMINATION	A competent body applies law through procedure

Overclaiming to remove

"Identical wording in twelve posts proves a foreign bot operation."

Supported version

"Twelve posts used identical wording. The available evidence does not establish coordination, automation or attribution."

Common case file

TRIGGER	Who reported the issue, when and through which channel?
CONTENT	What appeared or was omitted, in its complete context?
ACTOR AND CONDUCT	Who created, paid, published, amplified or failed to act?
DISTRIBUTION	Which broadcaster, publisher, platform or messaging channel?
RULE AND SCOPE	Which rule covers this actor, territory, medium and period?

Evidence preservation

- Record URL, account, programme, timestamp and time zone
- Preserve the complete item, label, transparency notice and collection conditions
- Keep the original capture and a working copy
- Use export logs, hashes or witness records where formal proceedings are foreseeable
- Collect only what is lawful and necessary
- Protect personal data, sources, targets and monitors

Jurisdiction map

BROADCAST FAIRNESS	Media regulator, election authority, complaint system or court
CAMPAIGN FINANCE	Finance supervisor, EMB, audit body or prosecutor where authorised
POLITICAL ADS AND DATA	Digital-services, advertising or data-protection authority
JOURNALISTIC ETHICS	Newsroom, ombudsperson, press council or court
THREATS OR DOXXING	Platform safety route and law enforcement where thresholds are met

Urgency factors

PROXIMITY	How close is voting or a legal deadline?
SPECIFICITY	Is the claim or threat concrete?
REVERSIBILITY	Can the harm be corrected in time?
VOTER FUNCTION	Could people misunderstand where, when or how to vote?
EVIDENCE FRAGILITY	Will the record disappear?
RECURRENCE	Is the incident repeating or moving across channels?

Converged and divided institutions

OPTIONAL OR EXTENDED

EXTENDED OR CONVERGENT

Examples in the supplied material include Ofcom, the Netherlands Media Authority and France's Arcom.

DIVIDED RESPONSIBILITIES

Bulgaria divides relevant functions between the media regulator and Central Election Commission.

Structure alone does not determine effectiveness or independence.

Recurring risks in traditional media

EDITORIAL INTERFERENCE	Influence over selection or framing
UNEQUAL TREATMENT	Inconsistent criteria for comparable contestants
STATE-RESOURCE ADVANTAGE	Official communication promotes an incumbent
PAID-FOR COVERAGE	Promotional content appears editorial
VOTER INFORMATION	Inaccurate registration, voting or results information

Recurring risks in digital campaigning

UNDISCLOSED ADVERTISING	Sponsor, payer, purpose or targeting remains hidden
INAUTHENTIC AMPLIFICATION	Accounts conceal identity or coordination
MANIPULATED CONTENT	Provenance is concealed and harm foreseeable
HARASSMENT AND THREATS	Conduct deters participation or creates danger
SYSTEMIC RISK	Service design may amplify electoral harm at scale

Responsibility gaps

A gap in authority does not create permission to invent jurisdiction.

- Broadcast rules may not reach influencers, issue advertising or proxy pages
- Repositories may omit misclassified advertisements
- One authority may see the content but lack finance or data powers
- A referral or cooperation protocol may be necessary
- Longer-term reform still requires legal certainty and procedural safeguards

Ukraine 2019 methodology-integrity case

OPTIONAL OR EXTENDED

PLANNED SAMPLE	OPERATIONAL RESPONSE
Ten television channels and ten online outlets for twelve monitors	**Reduced online sample, simpler forms, updated candidate list and stronger daily quality control**

A sample change becomes problematic when it is selective, retrospective, concealed or undocumented.

Croatia 2009 debate case

A private broadcaster divided presidential candidates into two debate groups.

- Five candidates in the first group participated and one declined
- Candidates in the second group complained under an equal-treatment rule
- The regulator warned the broadcaster
- The broadcaster cancelled the second debate

Croatia: competing interests

CONTESTANTS	VOTERS	BROADCASTER
Comparable opportunity and transparent criteria	**Useful information and meaningful debate**	**Editorial independence and a workable format**

Test refusals, disadvantage and less restrictive remedies before compelling identical airtime.

Romania 2024 and TikTok

DOMESTIC ELECTION REMEDY

The Constitutional Court annulled the electoral process on 6 December 2024.

PLATFORM SUPERVISION

The European Commission ordered data preservation and opened DSA proceedings.

The legal bases, evidence and thresholds remain separate.

Digital campaign case: initial evidence

- A civic-looking page buys messages urging voters to reject Candidate B
- The repository categorises them as commercial and identifies only an agency
- Creators publish near-identical videos without disclosing compensation
- Candidate A's campaign denies involvement
- Public engagement rises rapidly

Digital campaign case: further evidence

- A third-party association paid the agency
- Its director previously advised Candidate A but denies current coordination
- Two creators disclose free production support
- Repository data show ranges, not unique reach
- Several ads disappear after a platform-policy report
- The finance authority may lack power over the association

Platform cooperation and timing

OPTIONAL OR EXTENDED

Ahead of Slovakia's 2024 presidential election, the media regulator circulated a compliance questionnaire to platforms.

PRACTICAL LIMIT

Responses could take one or two months, and some platforms declined to answer.

Before calling non-response unlawful, establish whether the authority had a binding information power.

Pressure on journalists and watchdogs

REPUTATIONAL ATTACK	Public smears and coordinated amplification
SAFETY THREAT	Doxxing, stalking, surveillance or equipment attacks
ACCESS RESTRICTION	Accreditation or information barriers
LEGAL PRESSURE	Defamation threats or abusive proceedings
DIGITAL ATTACK	Account compromise, cyberattack or impersonation

Defamation and public-interest reporting

- Political actors retain reputation and privacy rights
- Public-interest and political debate receive strong Article 10 protection
- Assess factual basis, fact versus value judgment and journalistic diligence
- Consider the subject's public role and seriousness of the allegation
- Special protection for senior office-holders can suppress legitimate criticism
- Excessive sanctions can chill scrutiny

SLAPP indicators and safeguards

INDICATORS	SAFEGUARDS
Power imbalance	Legal and safety support
Disproportionate claims	Evidence and source protection
Repeated or abusive procedure	Early dismissal where applicable
Silencing purpose or effect	Proportionate costs and remedies

Integrated incident simulation

ROUND 1	Incumbent event dominates live coverage; false polling-place message spreads
ROUND 2	Paid intermediary emerges; journalist receives legal threat and doxxing
ROUND 3	Platform removes posts without reasons; EMB correction contains a new error

INCIDENT ROOM | SHEET 7 | 10–25 MINUTES

Incident-room decision board

ESTABLISHED	Verified facts and their sources
UNRESOLVED	Missing evidence and alternative explanations
ACT NOW	Lead body and urgent measure within mandate
ACT LATER	Referral, investigation, review or systemic follow-up
COMMUNICATE	Accurate and accessible wording without prejudgment

Short incident-room alternative

OPTIONAL OR EXTENDED

“The election results may have been manipulated.”

ROUND 1	Screenshots show unexplained changes but lack timestamps or source data
ROUND 2	The EMB reports a display error; television repeats the allegation
ROUND 3	Corrected tables lack a change log; platform actions lack reasons

Finding template

OBSERVATION	What occurred within the defined sample or incident record?
FRAMEWORK	Which standard, law, code or policy applies, and to whom?
ASSESSMENT	Which elements are supported, and at what confidence?
LIMITATIONS	Which evidence is missing, disputed or unavailable?
RESPONSE	Which actor should take what step, under which power and by when?

Remedy ladder

1. Evidence preservation
2. Clarification
3. Accessible correction
4. Label or disclosure
5. Right of reply
6. Change to future format
7. Platform report or referral
8. Interim order
9. Administrative or judicial sanction

Proportionality questions

- Is the measure prescribed by law?
- Which legitimate aim does it pursue?
- Is it suitable for the actual harm?
- Could a less restrictive measure work in time?
- Are notice, reasons, equal treatment and review available?
- What effect will it have on voters' access to information?

Learning check

- What separates a risk from a legal violation?
- Why should content and conduct be assessed separately?
- What must a referral identify?
- Name two factors that make an incident urgent
- Why may platform and legal decisions differ?
- What belongs in the limitations paragraph?

INDIVIDUAL CHECK | 5–10 MINUTES

Audience adaptation

REGULATORS	Complaint triage and a reasoned decision
EMBs	Election incident room and correction protocol
LAWYERS / POLICYMAKERS	Moot hearing or drafting clinic
JOURNALISTS	Newsroom conference and safety decision
CIVIL SOCIETY / OBSERVERS	Case-file audit with limitations

Trainer preparation and safeguards

- Verify current rules, cases, institutions and platform routes before delivery
- Release evidence in stages and keep outcomes out of participant sheets
- Remove unnecessary personal data and avoid reproducing threats or intimate material
- Set neutrality, confidentiality and respectful-discussion ground rules
- Prepare referrals if participants disclose a live threat or unresolved case
- Use difficult cases that permit reasonable disagreement

Key messages

- A risk becomes a violation only when facts satisfy an applicable rule
- Content, conduct, distribution and institutional response require separate analysis
- Urgency depends on timing, danger, voter confusion, reversibility and fragile evidence
- No single institution controls the entire information environment
- Findings must distinguish observation, assessment, attribution, impact and uncertainty
- Remedies need lawful authority, due process and proportionality

END OF MODULE 8