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and Modernisation

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In co-operation with

THE MINISTRY OF LOCAL GOVERNMENT AND MODERNISATION OF NORWAY, SECTION FOR ELECTIONS

15th EUROPEAN CONFERENCE OF ELECTORAL MANAGEMENT BODIES

"SECURITY IN ELECTIONS"

19-20 April 2018

Oslo, Norway

Gamle Logen Palace, Grev Wedels Place, no. 2

SYNOPSIS AND CONCLUSIONS

**EUROPEAN CONFERENCES
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Synopsis

The Venice Commission of the Council of Europe organised in co-operation with the Ministry of Local Government and Modernisation of Norway the Fifteenth European Conference of Electoral Management Bodies in Oslo, Norway, on 19 and 20 April 2018.

The topic of the Conference was "Security in Elections". The participants discussed more specifically four main issues:

- Norms, standards and good practices aimed at securing elections;
- Latest challenges to security of electoral processes;
- The challenges around digital campaigns and social media; and
- Addressing cybercrime and improving cybersecurity.

Thorbjørn Jagland, Secretary General of the Council of Europe, Monica Mæland, Minister of Local Government and Modernisation of Norway, and Gianni Buquicchio, President of the Venice Commission of the Council of Europe, opened the Conference.

Around 150 participants from 31 countries attended the Conference, representing national electoral management bodies and other bodies involved in electoral processes, but also specialists in information and technologies' systems (ICT systems), academics and representatives of non-governmental organisations.

Several international institutions participated in the Conference, including the European Union, the Organisation for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the United Nations Development Programme (UNDP), the International Foundation for Electoral Systems (IFES), the International Institute for Democracy and Electoral Assistance (International IDEA), **the International Organisation** de la Francophonie (OIF), Inter-Parliamentary Assembly of the Commonwealth of Independent States, the Organization of Arab Electoral Management Bodies and the Association of European Election Officials (ACEEEO) and several other institutions active in the electoral field also took part in the Conference. The Facebook Company also participated in the Conference.

The Parliamentary Assembly and other specialised bodies of the Council of Europe actively contributed to the Conference, in particular the Cybercrime, and Media and Internet Governance departments.

The participants of the Conference were informed about the recent developments of the Arab Network Organization for Electoral Management Bodies.

They were also informed about the results from surveys of Electoral Management Bodies aimed at improving the organisation of elections led by University of East Anglia.

Conclusions

The 15th European Conference of Electoral Management Bodies (EMBs) was held in Oslo on 19-20 April 2018 and was dedicated to "Security in elections", which has become one of the most topical and challenging subjects in respect of elections all over the world.

The fundamental right of voters to form an opinion and make a free choice requires that security should be ensured throughout the whole electoral process; before, during and after election day.

While security in elections is essential to their conformity with international standards, it should not become an obstacle to the exercise of fundamental rights, and especially political freedoms.

Indeed, the holding of democratic elections and hence the very existence of democracy are impossible without respect for human rights, particularly the freedom of expression and of the press and the freedom of assembly and association for political purposes, including the creation of political parties. Respect of these freedoms is vital particularly during election campaigns. Restrictions on these fundamental rights must comply with the European Convention on Human Rights and, more generally, with the requirement that they have a basis in law, are in the general interest and respect the principle of proportionality. Clear criteria for balancing the competing rights should be set out in the legislation and effectively implemented through electoral and ordinary justice mechanisms.

The security of individuals (notably voters, candidates and observers) as well as of buildings and installations dedicated to elections has to be ensured. This includes security of the administration of the electoral operations by EMBs. Preventing electoral violence requires co-operation between EMBs and those national entities responsible for law enforcement and overall security maintenance. However, a narrow focus on electoral security can come at the expense of a more useful discussion around the balance between security and inclusive participation in countries in political transition or conflict-affected states. Discussions are needed between EMBs and actors with constitutional responsibility for state security around election day.

Elections under states of emergency or in a post-conflict environment should be organised at an appropriate time and, under such circumstances, the presence of international observers would be a useful confidence-building measure.

In some countries, the use of digital technologies has contributed to the quality of elections. However, digital technologies are no panacea. They represent new challenges to elections, especially when taking into account the quickly and constantly evolving nature of the security threats involved. Such challenges have to be timely addressed. Rec(2017)5 of the Council of Europe on Standards for E-Voting offers an example of regulation of digital technologies to be used in elections. The Recommendation underlines the importance of introducing detailed national regulation for using such digital solutions to ensure that higher level principles of democratic elections are correctly implemented and respected by taking due account of their specificities.

The introduction of digital technologies should be done gradually and ideally after appropriate risk assessment and feasibility studies. EMBs need to be prepared for emergency situations and have in place crisis management organisation. EMBs should be provided with adequate resources and training to adopt digital technologies and address the related cybersecurity risks.

Digital technologies should not be allowed to sap the confidence of the public in the electoral process, hence the necessity of reassuring the public about the security of such

technologies. Digital technologies may be combined with traditional methods. Innovation cannot come at the cost of legal requirements, including security.

Cyber-attacks against the confidentiality, integrity and availability of ICTs and data are a real threat to the integrity of electoral processes. They are criminalised under the Council of Europe's Budapest Convention on Cybercrime. Member States should therefore prosecute them as a priority. Evidence of violations related to elections, party financing, campaign, data protection, stored on computer systems (electronic evidence) should be secured for investigation and criminal prosecution.

Co-operation between EMBs and other relevant state institutions for the protection of ICTs and the prevention and prosecution of misuse, as well as international co-operation to identify sources of attacks, to secure electronic evidence and to prosecute offenders, is of the utmost importance. Sharing information, comparative research and good practices contributes to identifying appropriate solutions to common issues.

In recent years the role of social media in elections has considerably increased; social media represent a powerful tool of communication and exchanges. However, the legal framework regulating media coverage of elections was not designed for social media and needs to be addressed.

Misinformation, disinformation and "fake news" during electoral campaigns are a major challenge for democratic elections and compromise the level playing field amongst political contestants. Countering them, however, should not be at the expense of freedom of expression.

Data-driven electoral campaigning on social media, based on segmentation and profiling of users, is a growing phenomenon which should be better regulated, in order to ensure transparency and data protection, lest public trust and a level playing field be compromised.

Co-operation with Internet intermediaries and service providers is necessary and should be enhanced. Social media operators should interact with institutions and agencies in charge of electoral processes in order to encourage and empower the users to act in a responsible manner; specific information campaigns should be conducted to educate the public about the risks of irresponsible information exchanges. International co-operation is crucial in this respect.

While self-regulation on their part in line with the existing international standards, notably Committee of Ministers' Recommendation CM/Rec(2018)2 on the roles and responsibilities of internet intermediaries, is welcome and encouraged, further reflection and standard setting on the part of the Council of Europe is required.

The on-going work on an additional Protocol to the Budapest Convention and on the modernisation of the Data protection Convention no. 108 is therefore welcome and deserves support. In addition, there may be need for a specific recommendation on use of the internet and social media in communication surrounding elections to assist EMBs that lack competences and resources to deal with these challenges.

Technology should be at the service of democratic politics to guarantee security in elections.

Secure and safe use of digital technologies in elections is a multi-stakeholder responsibility in a multi-national environment: parliaments, governments, political parties, EMBs, other relevant agencies but also civil society, the IT community and experts. Joint reflection and efforts are therefore indispensable.