



## PARLIAMENTARY CONFERENCE ON “ELECTIONS IN TIMES OF CRISIS: CHALLENGES AND OPPORTUNITIES”

ORGANISED BY THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE  
IN COOPERATION WITH THE SWISS PARLIAMENT  
BERN, 9-10 MAY 2023

### FINAL DECLARATION

1. We, the participants of the conference organised by the Parliamentary Assembly of the Council of Europe (PACE), in co-operation with the Swiss Parliament, on the 60<sup>th</sup> anniversary of the accession of Switzerland to the Council of Europe, representing national parliaments, electoral management bodies (EMBs), international organisations and other profiles such as academics, practitioners, experts and civil society representatives, have gathered in Bern on the eve of the 4<sup>th</sup> Summit of the Heads of States and Government of the Council of Europe (Reykjavik, 16-17 May 2023) to discuss recent challenges and opportunities that we face while organising elections.

2. Free and fair elections are the foundations on which our democracies are built, based on the five cardinal principles of Europe's Electoral Heritage, namely universal, equal, free, secret, and direct suffrage. Yet, our electoral management bodies (EMBs) face dramatic new pressures, ranging from health pandemics, such as COVID-19, to the return of full-scale war to Europe, or terror attacks, foreign state intervention in elections and natural disasters. While modern information and communication technologies (ICTs) promise new and more representative ways of voting, they also bring dangers, as powerful new Artificial Intelligence (AI) and cyber tools expand the scope for pre-poll disinformation and manipulation.

3. In our conference discussion, a wide range of topics and proposals were put forward, which we hereby bring to the attention of our governments, EMBs, and international observers to support their efforts to tackle these issues.

#### THE IMPACT OF COVID-19 ON ELECTIONS

4. We recognise that the COVID-19 pandemic challenged fundamental rights and electoral norms as well as the practices and approaches governing electoral management which have been in place in recent decades. It rapidly highlighted serious gaps in constitutional and legal frameworks and challenged numerous countries to rethink how to deliver safe, technically sound, and credible elections, requiring extraordinary swiftness and flexibility of action. Notwithstanding the huge challenges, this global health crisis also presented opportunities for growth, positive change, and innovation that require an urgent review, adjustment, and a meaningful application of new policies, systems, and approaches to electoral management.

5. Based on the lessons learned during the pandemic, we call on EMBs to conduct occasional systematic reviews of the rules, norms, methods, and procedures that govern the organisation and administration of elections, focusing on resilience, agility, and adaptability while fulfilling their mandates. Consultative and transparent processes have proved to be critical for election-related decision-making. These processes should include all affected stakeholders, in particular public authorities, political parties, and civil society organisations, and be transparent to the media and the wider public.

6. We consider election observation to be an integral part of the transparency of electoral processes, which was clearly affected by the physical absence of observers for elections held during the pandemic, due to health or security reasons. Their ability to conduct comprehensive or systematic observation was undermined, preventing them from helping to safeguard electoral integrity. However, the pandemic also presented innovations such as remote and online monitoring, which were introduced to compensate for the limited presence on the ground, shifted long term observation over short term observation, and underlined the need to develop a joint framework on how election observation missions should approach emergency situations. In addition, we call on our governments to extend a standing invitation to all international organisations with an electoral observation mandate to make election observation possible and more systematic in their respective member states at all levels, and thus ensure better implementation of electoral standards and a deeper entrenchment of democracy.

#### HOW NATURAL DISASTERS DISTORT ELECTIONS

7. The planet is suffering the negative effects of climate crisis which, according to the United Nations Intergovernmental Panel on Climate Change (IPCC), makes certain natural disasters more frequent and their consequences more devastating. Member States need to include in their regulations, as soon as possible, measures to adapt to climate change and offset the impact of the climate crisis, including with regard to extreme natural events. When it comes to their impact on a State's political stability, we underline the urgency of adopting strategies for risk management prior to disasters and crisis management once they have occurred. A holistic approach so that no one is left behind and stronger peer cooperation locally, nationally and internationally are necessary in times of normalcy and also when crises emerge. Such relationships are critical to weathering extreme natural events, with established modalities and pre-identified technical solutions serving as effective risk mitigation.

8. We call on governments to protect the right to a "safe, clean, healthy and sustainable environment" and, in order to reach this goal, to identify the possible external hazards affecting electoral processes, as it is important to determine the appropriate State agencies, essential service providers, local and regional administrations that will have the mandates, skillsets and resources to act during crises. The institutionalisation of crisis-management processes determines the effectiveness of EMBs and other State institutions in restoring the continuity of the electoral process. A single framework that combines best practices from risk management, resilience building, and crisis management further strengthens a whole-of-society approach to the delivery of elections during or after emergencies.

9. We encourage states to modify their electoral legislation to provide for holding elections during emergencies as well as clear criteria for postponing of elections. We also call on EMBs to train election officials in disaster preparedness and response and to have contingency plans in place to ensure that electoral processes can continue in times of crisis.

#### THE IMPACT OF ARMED CONFLICTS AND WAR ON ELECTIONS

10. We recognise that elections held amid ongoing armed conflicts are rare as it is nearly impossible to meet international democratic standards in such circumstances. Armed conflicts generate population displacement, both within and outside countries. Large-scale displacement of people, voter intimidation, and limited access to voting are major issues. We underline the need for a roadmap defining minimum conditions for calling national and local elections after a state of emergency or martial law is lifted, as well as actions and milestones that ensure that elections remain democratic and that media are free and diverse. The roadmap needs to address the lack of documentation, restrictive residency requirements and limited physical access to voting for internally displaced persons and people temporarily residing abroad as well as voter education resources. Security considerations and measures to protect the rights to life, health, and security thus need careful balancing against the right to political participation and the integrity of electoral processes. Such a roadmap would help generate broader political consensus on the timing and other conditions for holding post-war elections. We believe that the Council of Europe, under the impulsion of the Parliamentary Assembly, could play a leading role in drafting such a roadmap, in co-ordination with other key stakeholders.

11. We stand united against Russia's war of aggression against Ukraine and call on our governments to continue providing full support to Ukraine. Once the guns fall silent, it will be important to uphold the integrity of elections to be held in Ukraine at all levels of elected offices, including ample resources to mitigate the huge impact of the war. For its part, the Council of Europe, in co-operation with the international community, will support its member State Ukraine in ensuring that the necessary pre-conditions for the elections in the post-war period are met.

## HOW AI AND ICTS ARE TRANSFORMING ELECTIONS

12. We firstly recall the importance of the Council of Europe's Budapest Convention on Cybercrime and its Protocols, especially the Second Additional Protocol on Enhanced Co-operation, which are crucial instruments for securing electoral processes. We call for broader ratification of the Second Protocol, which aims to provide additional and expedited tools for enhanced co-operation and disclosure of electronic evidence, such as direct co-operation with service providers across borders or co-operation in emergency situations.

13. We underline and commend the leading role of the Council of Europe in developing standards in the digital era to safeguard human rights online and offline, in particular the on-going work of the Committee on Artificial Intelligence of the Council of Europe and its aim to elaborate an international legally binding framework on the development, design and application of AI, to be delivered by the end of 2023. The 2022 Guidelines on the use of information and communication technologies (ICT) in electoral processes in Council of Europe member States and the 2020 Principles for a fundamental rights-compliant use of digital technologies in electoral processes, both issued by the Venice Commission, are also relevant reference documents.

14. We recognise that our elections are not only threatened by physical warfare but also by hybrid wars. We have experienced foreign electoral interference in several countries by different actors, from inside and often from abroad. We call on our governments to step up the fight against harmful content, in particular disinformation and propaganda, which are aimed at undermining our democratic institutions. Interagency co-operation is a prerequisite for countering such interference.

15. We call on EMBs and other relevant actors to strengthen their own capacity to track, analyse and anticipate cyber-attacks and conduct social media monitoring to create an early-warning system aimed at identifying disinformation narratives and preparing adequate responses. EMBs should also enhance their communications and voter education strategies on information integrity, including by promoting fact-checking as well as relevant media and information literacy in order to build resilience against harmful content overall. Toward this aim, they should work closely with civil society, education institutions, and media actors, in close co-ordination with other relevant State agencies. Processes marked by transparency and consultation can help to mitigate dis/misinformation and fear.

16. With the expanded use and dependency on ICTs, the risks of interference in and manipulation of democratic electoral processes grow. Cyber-fuelled attacks can undermine the legitimacy of elections and the mechanisms to protect them. We call on EMBs and other relevant actors to strengthen cybersecurity and protect critical infrastructures essential for the conduct of elections, Internet-connected systems, networks, software, and data from unauthorised exploitation, including the security of offline election technologies.

17. While AI contributes to the automation of data analysis and has the potential to improve and support the upholding of democratic values and processes, and institutions, including elections, its use, in particular due to algorithms applied in social media, can contribute to social polarisation, resulting in the formation of separate groups that no longer understand each other and find themselves increasingly in conflict with one another. AI can also have significant gendered implications, including, among others, gender-based exclusion, algorithmic bias and discrimination, the reinforcement of gender stereotypes and the objectification of women. The use of AI can affect minorities in similar ways, causing or exacerbating discrimination based on ethnic or social origin, religious convictions, age, disability, sexual orientation, gender identity or other characteristics. Understanding these dynamics is fundamental for EMBs and practitioners to safeguard the integrity and credibility of electoral processes.

18. However, we recognise the benefits of ICTs and call on EMBs to upgrade their capacities to harness their use in diverse ways, learning from their experience during the pandemic and re-evaluating long-established electoral procedures and practices to sustain advances and innovations in the next electoral cycles. We therefore call on the Heads of States and Government to reaffirm their commitment to take all measures to fight undue interference and ensure free and fair elections as a means to elect independent and effective parliaments and democratic institutions, consolidate pluralistic democracy, prevent and resist democratic backsliding including in situations of emergency, crisis and armed conflicts.