

Elections and Covid 19

“Habits! ... When what’s needed is imagination. “

Albert Camus, The Plague

Camus could not imagine the impact of the outbreak of a pandemic in a very interconnected planet, in his novel, the plague remained confined to Oran. However, his encouragement to use imagination, should be taken seriously.

Election trends in Europe

For more than 20 years, in Europe we have seen an important decline in voters’ turnout in elections. If this trend continues, in 15 years European lawmakers will be elected on average by less than 50% of the electorate. At the same time, we have recently witnessed, in between election cycles, the emergence of new forms of democratic participation of citizens in public affairs and politics.

Absence from the polls can have multiple causes. In some cases, it is linked to an increasing lack of trust in public authorities, in others it is due to a certain distancing and indifference -because voting is no longer trusted- in other cases it is the belief that other forms of participatory democracy are more legitimate, whereas others still trust their democratic institutions to represent them but simply do not bother showing up at the polls.

The situation varies from one country to another. Locally elected leaders tend to enjoy greater trust than national or international ones, but this trust is at a historic low, with only 33% of European citizens trusting their central authorities and 50% their local ones. Certain segments of the population are particularly concerned, such as the youth and people belonging to underrepresented groups.

Elections at the time of a pandemic

With the rapid spreading of the covid pandemic, in most countries elections and referenda have been put on hold or postponed to a later date. Furthermore, some governments have adopted emergency measures or declared a state of emergency as allowed by their constitutions and/or international treaty obligations, thereby suspending some of the freedoms -movement, assembly - vital to any credible election process.

The Council of Europe leadership has been very clear in stating that the fight against the virus should not undermine our fundamental freedoms and the Rule of Law. ¹ Emergency measures should be limited in time and should strictly target the propagation of the outbreak. The concern is that this may not be the case and substantial freedoms will be sacrificed in favour of more security even after the end of the sanitary crisis.

When it comes to elections, decision makers should be very cautious when deciding to hold or postpone them by navigating carefully through constitutional and legal parameters. In case of postponement, public concerns about perceived attempts at extending mandates of incumbents “undemocratically” should be seriously considered. Conversely, deciding to hold elections in covid-infected circumstances can considerably limit campaigns and reduce voters’ turnout, thereby undermining the legitimacy of the elected institutions.²

Both holding and postponing elections presents a risk for politicians. Clear pathways to explain how existing institutions will function beyond their expired mandates will be needed as well as how democratic life takes place during lockdown and how will the journey back to normality be travelled/faced/seen.

Collateral effects on democracy

Whilst electoral processes are seriously and immediately impacted by the pandemic, other, more long-term effects that are closely linked to elections are already noticeable.

¹ Letter of the Secretary General to Prime Minister Orban (24 March 2020). Tweet of Human Rights Commissioner (23 March 2020)

² See IDEA « Impact of COVID-19 on elections and referenda »

The first is a less acute polarisation -that had recently peaked in many European countries and in the US- notably in parliaments. The “common enemy” scenario is providing for a certain, albeit temporary truce. However, heightened political tensions have emerged between different levels of government, as more decentralized/federal countries argue about the most efficient level of decision-making to fight the virus propagation and about allocation of human and financial resources.

The second is the faith placed in experts and in governments in using expertise as the basis for their decisions. Public institutions, including health and scientific institutions, are appreciated and valued, because they serve the citizens. For this type of trust to be consolidated, citizens must remain at the epicenter of the decision-making process.³

A third effect is on the rapidly changing circulation of information and use of sources. Whilst the danger of misinformation is real - as emphasized by UN Secretary General Guterres a couple of days ago- public information and public broadcasting are at a record high (EBU news item 25 March) and have become the most trusted sources of information.

What possible role for the Council of Europe?

Free and fair elections are the very foundation of our democracy, not some ritual which can be suspended when convenient. Restrictions must remain temporary and the role of the Council of Europe is first and foremost to ensure that international treaties and constitutional arrangements are fully observed in this respect.

Whether member States decide to hold or to postpone elections, specific arrangements will be required for administering such elections and for ensuring the basic tenants of a public debate allowing citizens to be properly informed and to debate the options on offer. Electronic voting or a hybrid version of it -combining different types of supports- could be a very credible way out. CM/Recommendation (2017)5 on standards for e-voting provides an excellent basis for introducing ad hoc voting arrangements with solid security guarantees whilst fully respecting European election standards. Digitalisation of electoral processes can be a viable alternative so as to ensure that democracies continue even in times of pandemics.

³ A very quoted study by A LaDubie shows the effect of trust in government and transparency of information in the fight against Ebola in West Africa.

Finally, time has come to further explore the real contribution that different forms of democracy - consultative, participatory - can bring to reinforce representative democracy, which must remain the basis for ensuring the legitimacy of our institutions. There are ways to ensure that citizens' voices are heard between elections and even during an acute crisis. The Council of Europe, through its different bodies and platforms, should help identify them and test their democratic credentials, based on its standards and principles.

The above are initial proposals that can be refined. Their chief objective is to ensure that the Council of Europe continues to, and will continue to play its key role as the guardian of fundamental freedoms and human rights as well as being a major actor for enhanced democracy on the continent.

Directorate of Human Dignity, Equality and Governance

29 March 2020