Elections in times of crisis: challenges and opportunities

Conclusions of the Bern Conference (9-10 May 2023)

Parliamentary Assembly
Assemblée parlementaire

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

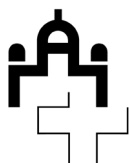# Elections in times of crisis: challenges and opportunities

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Welcome words by conference hosts

"Free and fair elections are an indispensable means for citizens to express their opinions and to be able to make decisions. Crises, disasters and wars raise challenges for organisers of elections to which there are sometimes no clear answers. Innovations, especially of a technological nature, promise answers, and they promise new, more representative forms of voting".

Martin Candinas
President
of the Swiss National Council

"The Council of Europe has a wide range of tools that our member states can trigger to ensure and implement the best electoral standards and practices, ranging from the European Convention of Human Rights to the invaluable standards and guidelines established by the Venice Commission or the Budapest Convention on Cybercrime. Our national parliaments bear an important responsibility in providing legal frameworks compatible with our core values and oversighting, their implementation. May I again underline, on the eve of the Reykjavik Summit, the role of the Committee of Ministers in checking whether member states live up to their obligations to uphold democracy… I'm convinced that this conference will be another milestone on the road to reactivate our future activities in the field of elections."

Tiny Kox
President
of the Parliamentary Assembly
of the Council of Europe

Foreword

Holding free and fair elections are the foundations on which our democracies are built. But how to guarantee them in times of successive or even multiple crises? For over three years, Europe has faced an array of crises, starting with the Covid-19 pandemic, which disrupted electoral processes and, in many ways, contributed to the erosion of democratic values. Ukraine is undergoing a full-fledged war, which presents numerous challenges to the democratic institutions and makes it impossible to organise elections as long as the basic conditions cannot be met. Türkiye was struck by a severe earthquake only two months before national elections, which posed many challenges in terms of electoral organisation. These crises have all put the resilience and health of our democracies to serious testing. Russia's war of aggression against Ukraine has forced us to reevaluate our approach to peace and stability.

Digital technologies, AI, and social networks have further complicated the electoral landscape, introducing concerns about data protection, cyber security, foreign interference, and misinformation. While social media brings election campaigns closer to citizens, unregulated platforms feed into xenophobia, populism, and political polarization.

On the other hand, these challenging times also provide an opportunity to innovate and modernise outdated concepts and procedures. This was the primary objective of our Conference, which brought together some 130 elected officials, election professionals, representatives of international organizations, the academic world and the civil society to discuss how to best uphold the integrity of elections in a world that is regularly (and might be even more often in the future) in crisis and to determine the policies and strategies necessary to effectively protect and strengthen our democracies.

After two days of constructive debate, the conference issued a final declaration, the Bern Declaration, which can be summed up in two words: adaptation and anticipation. We need to adapt our electoral processes to the rapidly changing world and boost preparedness and anticipation strategies to deal with the various crises when they occur. We also need to review how we carry out election observation, which was clearly affected by the physical absence of observers during the Covid-19 pandemic, which however also presented innovations such as remote and online monitoring.

The Bern Declaration gives us a roadmap for action over the next few years. The roadmap also paves the way for the Council of Europe to assume a leading role in supporting Ukraine in the organisation of its first post-war elections, because this will be an enormous challenge for this country – and for democracy in Europe.

I hope that the Bern Declaration and the conclusions that were endorsed by the Assembly at its 2023 June part-session will be discussed and followed up by the Parliamentary assembly as well as by other bodies of the Council of Europe in the light of the Reykjavik Principles for Democracy adopted by the Heads of State or Government of the Member-States of the Council of Europe.

Damien Cottier
Chairperson of the Conference
Chairperson
of the Swiss delegation to PACE

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 60th 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 4th Summit of the Heads of States 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 e 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 regulation, as soon as possible, measures to adapt to the 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, as 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 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 elections remain as democratic as possible, including free and diverse media. 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 carefully 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 interference in the electoral and political affairs of several countries by different actors, often facilitated by domestic enablers. We call on our governments to step up

the fight against foreign information manipulation and interference threats and actors, who aim at undermining our democracies and 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 cyber-security 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.

PACE conclusions and recommendations[1]

1.   Democratic elections are the foundations on which our democracies are built. Yet, there have been dramatic challenges, ranging from health pandemics to the return of full-scale war to Europe, as well as terror attacks, foreign interferences in elections, and natural disasters. While information and communication technologies (ICTs) promise new ways of voting, they also bring new risks as Artificial Intelligence (AI) and cyber tools expand the scope for disinformation and manipulation prior to elections.

2.   These challenges and opportunities were discussed at the parliamentary conference on "Elections in times of crisis" (hereafter the Bern Conference[2]) organised by the Parliamentary Assembly in co-operation with the Swiss Parliament on 9-10 May 2023 in the Swiss National Council in Bern on the occasion of the 60th anniversary of the Swiss accession to the Council of Europe. The event brought together some 130 politicians, Council of Europe institutional partners (Venice Commission, Congress of Local and Regional Authorities and Directorate General of Democracy and Human Dignity (DG II), Committee on Artificial Intelligence – CAI), and representatives of electoral management bodies (EMBs), international organisations, academia, and civil society, to exchange views on how to ensure democratic elections even in difficult times caused by multiple crises.

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1. See Document "Summary report and conclusions of the Bern Conference" (Doc. 15791 Add. 1 to the Bureau's Progress report), Rapporteur: Mr Damien Cottier, Switzerland, Alliance of Liberals and Democrats for Europe. This report was debated and endorsed on 19 June 2023 by the Parliamentary Assembly.
2. See the conference website: https://pace.coe.int/en/pages/bern-elections-conference

3.   The conference was aimed at reaffirming the leading role of the Council of Europe in electoral matters in Europe, starting from standard setting with the right to free elections, guaranteed by Article 3 of the First Protocol of the European Convention on Human Rights, to legal expertise, monitoring, election observation and technical co-operation in a broad variety of fields. It provided the first public international forum to highlight the work carried out by the various institutions of the Organisation within the Council of Europe Electoral Cycle as introduced in autumn 2022.

4.   To encourage active political participation across the member States, a 30-member ad hoc committee was set up by the Bureau in January 2023 to participate in this conference, alongside the Swiss members of parliament, individual members of the Parliamentary Assembly and secretariats of national delegations. The discussions could also be followed online through live streaming. At the end of the two-day conference, the participants adopted a Final Declaration (hereafter the Bern Declaration) which is appended to this report.

5.   The Bern Conference preceded the Reykjavik Summit of Heads of State and Governments by a week and offered an additional opportunity to endorse the "Reykjavik Principles of Democracy" ahead of the Summit. Conference participants underscored the need to prevent and resist democratic backsliding, including in situations of emergency, crises, and armed conflicts, and called upon all member States to stand firm against authoritarian tendencies, to actively enable and encourage democratic participation through free and fair elections, to respect relevant human rights standards and to take all appropriate measures against any interference in electoral processes. At the same time, they agreed that while major crises present a test for democracy, they also provide an opportunity for member States to learn from each other and to adapt to the challenges and changes more quickly.

6.   As was underlined by Mr Martin Candinas, President of the Swiss National Council, in his welcome address, "*No election alone is a guarantee for a functioning democracy. But a democracy has no legitimacy without elections. Free and fair elections are an indispensable means for citizens to express their opinion and to be able to make decisions. Crises, disasters and wars raise challenges for organisers at all levels on issues to which there are sometimes still no clear answers. Innovations, especially of a technological nature, promise answers. They promise new, more representative forms of voting. But can they deliver on their promises in the longer term*?"

7.   This is what this timely conference set out to discuss:

▶ how the consecutive crises, ranging from a global pandemic to a war in the heart of Europe, have impacted the functioning of democratic institutions, including the proper and periodic conduct of electoral processes;

▶ how the democratic institutions have been striving to find the right balance between emergency situations and respect of fundamental rights, notably freedom of expression and of the press, freedom of assembly and association for political purposes;

▶ how to define measures that can strengthen the resilience of democratic institutions when faced with emergency situations or new technology-generated threats; and

▶ How to assure the holding of a democratic election in times of crisis, in full compliance with the cardinal principles of Europe's Electoral Heritage, namely universal, equal, free, secret and direct suffrage.

8.   The Parliamentary Assembly wishes to thank its institutional partners, the Swiss Parliament and, moderator David Eades and all speakers for their contribution to the success of this landmark conference. A particular gratitude to Mr Rast'o Kužel, General Rapporteur of the conference, for drafting the Final Declaration and compiling this summary report.

The impact of the Covid-19 pandemic on elections

9.   The Covid-19 pandemic exacerbated the challenges to fundamental rights, electoral norms, and practices that existed prior to the Covid-19 pandemic and brought some new ones. It highlighted serious gaps in legal frameworks and challenged numerous countries to rethink how to deliver safe, technically sound, and credible elections while seeking to keep the balance between democratic rights and health issues. Notwithstanding these challenges, alongside the question of whether to adapt the scheduled elections or postpone them, the pandemic also presented opportunities for positive change, unprecedented information sharing and innovation.

10.   The conference recalled the new challenges related to the state of emergency, which must be subject to conditions such as respect for the rule of law, necessity, proportionality, temporality, effective parliamentary and judicial control, predictability of emergency legislation, and loyal cooperation between state institutions. The field of elections is no exception to these principles. The fundamental principles of electoral law, as affirmed in Article

3 of the 1st Additional Protocol to the ECHR[3] and developed in the Venice Commission's Code of Good Practice in Electoral Matters[4], must be respected even in a state of emergency. While states of emergency are exceptional, they entail a risk of tilting the work of democratic institutions in favour of the executive. It is thus important to ensure that democratic norms and values be always respected, whatever the circumstances.

11.   Many countries do not allow elections to be held during a state of emergency. However, elections should be held as soon as the whole electoral process can comply with the basic principles. The experience of countries that organised elections during the pandemic was discussed, providing useful lessons learned as well as highlighting challenges. More specifically, participants examined the conclusions and findings of a new report published by International IDEA titled "*Elections During Emergencies and Crises: Lessons for Electoral Integrity from the Covid-19 Pandemic*"[5], which provides a thematic analysis of electoral integrity during the pandemic using 26 country case studies, and a number of useful recommendations.

12.   Countries which already had underlying electoral vulnerabilities were less able to respond to these new challenges, with the pandemic compounding existing problems and creating new issues. Other countries were able to weather the storm either because they did not have these prior vulnerabilities or because relevant bodies took early action, collaborated, and communicated clearly. Some countries were inventive in introducing alternative voting methods. The wider use of ICTs or alternative voting methods, such as postal voting, needs however careful consideration concerning the capacity of states and EMBs to implement them properly within the given context, while ensuring the respect of all principles of democratic elections and referenda.

13.   Participants also discussed the temptation by the executive powers to misuse the state of emergency for political gains as well as the important role of media, which needs to remain balanced even in such situations, where incumbents are naturally getting more coverage.

14.   Participants stressed that EMBs should conduct systematic reviews of the rules and procedures focusing on resilience, agility, and adaptability. These processes should include all affected stakeholders, in particular public authorities, political parties, and civil society organisations (CSOs), and be transparent to the media and the wider public. A need to have a non-partisan

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3. https://www.echr.coe.int/Documents/Library_Collection_P1postP11_ETS009E_ENG.pdf
4. https://rm.coe.int/090000168092af01
5. https://www.idea.int/publications/catalogue/elections-during-emergencies-and-crises

cross-party dialogue was discussed, with changes to be made at lower levels, including operational decisions on polling stations. Focusing the debate on the operational level helps to keep it less polarised and less impacted by big politics. Importantly, given the fact that there will be future crises, there is a need to have properly functioning institutions that are flexible and which have learned lessons from the Covid-19 pandemic.

15.   Election observation is an integral part of the transparency of electoral processes. It was clearly affected by the physical absence of observers for elections held during the Covid-19 pandemic due to health or security reasons. However, the pandemic also presented innovations such as remote and online monitoring, which were introduced to compensate for the limited presence on the ground and which underlined the need to develop a joint framework on how election observation missions should approach emergency situations.

16.   The need for better coordination among international observers was mentioned in the context of attempts, by some countries, to try to limit the number of observers, and other aspects of their observation, advancing health or security considerations, when they were rather intended to prevent them from conducting their observation in line with their mandate and methodology.

The impact of natural disasters on elections

17.   The planet has been suffering the negative effects of the climate crisis, which makes certain natural disasters more frequent and their consequences more devastating, as demonstrated by the recent earthquakes in Türkiye and Syria. There is a need to revise regulations to adapt to these crises. When it comes to their impact on political stability, risk management strategies should be adopted before disasters strike and crisis management once they have occurred.

18.   EMBs have always had to cope with natural hazards, but the threat posed by such phenomena has become more apparent in recent years. According to a report by the Institute for Economics and Peace (IEP)[6], the number of natural disasters, including floods and cyclones, has tripled in the last four decades. This development is consistent with the predictions of climate scientists, and therefore it is highly likely that national and subnational elections will be more frequently affected by natural hazards in the future.

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6. Cited in International IDEA report on "The Impact of Natural Hazards on Elections", https:// www.idea.int/news-media/multimedia-reports/impact-natural-hazards-elections

It is thus important to develop a risk-based approach when it comes to the climate crisis and to effectively manage and mitigate the impact of these extreme events on communities and societies. Governments need to identify the possible external hazards affecting electoral processes. It is important to determine the appropriate State agencies and local and regional administrations that will have the mandates, skillsets, and resources to act during crises.

19.   In this respect, the PACE Resolution 2493 (2023) on "Political strategies to prevent, prepare for, and face the consequences of natural disasters"[7] was mentioned, calling on member States to flesh out the right to a safe, clean, healthy, and sustainable environment as an additional protocol to the European Convention on Human Rights, or to the European Social Charter, or frame it as a stand-alone convention. It asks member States, *inter alia*, to protect vulnerable people and to reinforce the resilience of populations against all extreme events and their short-, middle-, and long-term consequences, including with regard to migration. Member States could also consider establishing an intergovernmental committee to exchange best practices and existing models for protecting the climate, the so-called Reykjavik committee.

20.   Participants discussed different cases of countries affected by natural hazards, including Türkiye, Syria, Pakistan, Haiti, Japan, the US (New Orleans), and others. To protect electoral integrity, some countries agreed to postpone elections, whereas others could proceed according to their plan. There is always a need for careful consideration on whether to proceed or postpone the polls, and such a decision should not be rushed while balancing a situation of emergency, the access and universality of the vote, and the continuity of the institutions.

21.   Participants also shared their experience in getting support from international organisations in crisis management, capacity building, and strategic management planning, which was essential due to their lack of experience and resources in this area. The timing was highlighted as being essential, with risk management and proper plans put in place in advance of any future natural disasters. This includes enacting respective legislation to deal with emergency situations, including arrangements for alternative voting methods, such as early voting or voting by mail, which can increase voters' access to polls, especially in places that are vulnerable to the effects of disasters and severe weather events.

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7. https://pace.coe.int/en/files/31769

22.   The conference considered more specifically the case of the recent catastrophe in Türkiye only three months ahead of the presidential and parliamentary elections of 14 May 2023, which affected 13 million people living in the earthquake-hit provinces (approximately 9 million voters), claimed 50,000 lives (according to official statistics) and destroyed over 100,000 buildings, with an estimated damage of more than $ 100 billion in the long run. The authorities were immediately faced with at least five major challenges: the constitutional restrictions not allowing postponement in cases other than war, the registration of the 3 million internally displaced persons (IDPs); redesign of electoral districts caused by the relocation of people; security measures to be taken to carry out polls in the affected areas; and campaigning in these provinces. Participants observed that while the Turkish electoral authorities having immediately put in place an electronic system of registration of IDPs in their new locations, in a situation where people could not access electronic data easily, only half of those people could register. Electronic solutions, despite their apparent efficiency, are not the most fit-for-purpose solutions in cases of wide-scale emergencies. Similarly, carrying voters by buses to their original places of voting could put electoral integrity at stake.

23.   Participants therefore identified the need for the creation of a single framework that would combine best practices from risk management, resilience building, and crisis management to be put through parliaments well ahead of such unexpected natural disasters that would further strengthen a whole-of-society approach to the delivery of elections during or after emergencies as the most urgent need. Such a framework would help enhance the capacity of EMBs and other relevant institutions to deal with these challenges. A need for support of EMBs in strategic planning was also mentioned, to be provided by international organisations, especially for those EMBs that lack capacity and resources.

24.   It is important for EMBs to have specific guidelines based on a proper risk assessment and expert analysis. This would include a plan for voter registration arrangements which should be agreed upon well in advance of any such disaster. Appointing responsible personnel within EMBs who will be in charge of risk management would help the EMBs to be better prepared. Participants also recommended proper training of polling workers at all levels of election administration.

25.   In turn, national parliaments should enact legislation in normal times to deal with such emergency situations and anticipate alternative voting arrangements such as early voting, postal voting or online voting.

The impact of military conflicts, war and terrorism on elections

26.   Elections held amid ongoing armed conflicts have been rare as it is nearly impossible to meet international democratic standards in such circumstances. Armed conflicts generate restrictions on movement as well as population displacement, both within and outside the countries concerned. Even if not all electoral standards can be applied in the event of a major crisis, the core electoral principles must be upheld if elections are to be meaningful and enjoy voters' trust. In this respect, the Congress report from 2020 on "Local and regional elections in major crisis situations"[8] was highlighted, which portrays the difficulties faced by states and electoral authorities with regard to elections, at all levels of government, in the face of risks to the life, health and security of the population.

27.   If conducted in a true spirit of democracy, elections can reduce tensions, resolve conflicts and bestow on a government the legitimacy necessary to govern effectively. But elections can also exacerbate existing conflicts and spark new ones, or even civil wars. A lot depends on the electoral system and the design of electoral law. A majoritarian winner-takes-all electoral system tends to lead to high stake elections, whereas proportional representation or at least a mixed electoral system tends to be less prone to post-election violence. Power-sharing models can be a solution. The legitimacy of electoral processes is also key, as is the perception of security. In times of conflict, security becomes the first concern for people. When the stakes are high, EMBs struggle to uphold international standards.

28.   Therefore, it is important to have a list of criteria, which should be permanently monitored, defining minimum conditions for calling elections after a state of emergency or martial law has been lifted and actions that ensure they remain as democratic as possible. There is no one-size-fits-all solution, and each case must be reviewed individually. Security considerations and measures to protect the rights to life, health, and security 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.

29.   As regards Ukraine, the Conference stood united against Russia's war of aggression against Ukraine and called on their governments to continue providing full support to the country. It was agreed that once the guns fell

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8.   https://rm.coe.int/local-and-regional-elections-in-major-crisis-situations-monitoring-com/16809fa82f

silent, it would be important to uphold the integrity of elections to be held in Ukraine at all levels of elected offices and to support Ukraine with the necessary resources to mitigate the huge impact of the war. These elections were going to be particularly targeted by the continuous smear campaign of Russian propaganda, malign interference, cyber-attacks and disinformation. For its part, the Council of Europe, in co-operation with the international community, indicated its readiness to serve as the key international platform to support its member State, Ukraine, in ensuring that the necessary pre-conditions for elections in the post-war period are met.

30.   The participants discussed a need for a roadmap with a timeframe for the first post-war elections in Ukraine and an agreement among political parties, possibly in the form of a code of conduct, on the minimal conditions necessary for holding these elections. In terms of preparedness, the country is today divided into three types of territories: central and western Ukraine which continue to function almost normally without any major threat to democracy; the territories with a short period of occupation or affected by activities of war; and the territories which have been under occupation for years. There might be a need for a variable application of international standards on elections and functioning of democratic institutions. Participants heard of concrete experiences from countries that had held post-conflict elections, highlighting a need not to rush with the elections but to first ensure sufficient security, human and financial resources, and proper international assistance.

31.   As a pre-condition for holding democratic elections, there is a need to have a stable election law without frequent changes to the rules shortly before elections. Ukraine would also need to find a consensus among its political forces at both central and local levels on the electoral system it wishes to establish after the war. As mentioned above, introducing a fully proportional representation or at least a mixed electoral system would be less prone to post-election tensions. The importance of a meaningful political dialogue was stressed to ensure voters' trust and avoid a winner-takes-all approach, which had proved to be a destabilising factor in other countries when the first post-conflict elections were held.

32.   Questions of active and passive suffrage require complementary legislation. While restrictions of suffrage can be dictated by security considerations and public expectation, they must be based in law and strictly respect the principles of legitimacy, fairness and transparency in line with international standards.

33. The discussion also focused on externally and internally displaced people and the need to ensure that they are included on the voter list and can exercise their franchise in the first post-war elections. Considering that there exist no international obligations or universally recognised standards regarding out-of-country voting in peacetime, not to mention in (post-)war situations, the Chair of the Central Electoral Committee of Ukraine requested the Council of Europe institutions to develop general guidelines on out-of-country voting.

34. It will also be important to ensure the security of the electoral process and simultaneously make sure that the role of the security forces will be properly defined and limited according to international standards and good practices. The security assessment should be conducted based on clear criteria. The need for the first post-war elections in Ukraine to be irreproachably democratic was highlighted by several participants.

35. It is also important to include EMBs in all planning processes, as they are the ones who understand how to run the elections. The need to have a trial run prior to elections was also mentioned.

36. Participants recommended the need to ensure sufficient safeguards against foreign interference in the Ukrainian elections as well as supporting the media environment, so it can provide sufficient information to voters to enable informed choices during the first post-war elections.

The impact of foreign interference, AI and ICTs on elections

37. Elections in the present time are not only threatened by physical warfare but also by hybrid wars. Elections used to be mostly about domestic issues, but nowadays they have become supercharged moments in the complex and increasingly polarized societies. And they are increasingly about the countries' international orientation (e.g., EU unity around sanctions, vis-à-vis Russia relating to the war in Ukraine, etc), which makes them much more profitable to target and influence. Interfering is cheap, it does not require special equipment, allows to train agents fast and the results are seen quickly. The main goal of such interference is to fuel polarisation and disseminate harmful content, more precisely disinformation, misinformation, hate speech, fake news and deep fakes, which cast doubts about the integrity of the vote, and blur the lines between reality and fiction.

38. Despite the many players in this field working to standardise and to systemise knowledge about foreign and domestic interference issues,

participants admitted that there was still a very low political and societal recognition of how harmful and impactful foreign interference could be, and how systematic, sophisticated and structurally embedded they were in the foreign policy machinery of the « bad actors ».

39.   The backsliding of our own democracies is also to blame, which renders the responses to such attacks less robust. Thus, while it is important to deal with the external threats, one also needs to look at the functioning of the media and the civil society, at civic education and social media literacy in our countries. All these issues will be covered by the upcoming PACE report titled "Foreign Interference: a threat to democratic security in Europe"[9].

40.   With the expanding use and dependency on ICTs, the risks of elections' manipulation grow. Just like any tool, AI and cyber technology can be used both for good and bad purposes. Cyber-attacks can undermine the legitimacy and fairness of elections and the mechanisms to protect them. In this context, participants recalled 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. The Second Protocol, open to ratification, 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.[10]

41.   The spread of harmful content has become a critical challenge as it undermines citizens' trust in democratic institutions and in the media, while also negatively impacting the accuracy and reliability of the information that feeds public opinion. As a result, citizens struggle to discern what is true and what is false. Extreme views, conspiracy theories and populism flourish, and once-accepted truths and institutions are questioned.

42.   While such content must be tackled, any restriction to fundamental rights, notably in such cases freedom of expression, 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.

43.   That said, throughout history, those seeking power have always tried to gain influence to manipulate people to get their support. And the past new technologies have also presented both risks and opportunities. Already

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9.   See motion for a resolution, PACE Doc 15605 of 13 September 2022.

10. For more information, see Leaflet on the Budapest Convention benefits.

centuries ago, the printing press created false news and inspired people to go to war with each other based on false information. The introduction of every new technology (radio, TV) has been followed by a sophisticated system of regulation laws, media laws, and election laws, as well as by a societal consensus that goes beyond mere laws and technical standards. The introduction of the AI has brought about new forms of manipulation in the electoral process, and it is simply not sufficiently regulated yet. Therefore, the population does not know how to deal with it or whom to trust. There is a need to find new ways to:

► establish transparency of data sources and algorithms;

► help people recognise when they are exposed to AI generated content;

► preserve ultimate human control in essential decision making;

► ensure compliance of AI driven systems with electoral/democratic/ human rights and norms.

44.   Participants recommended that governments step up the fight against disinformation and propaganda aimed at undermining democratic institutions. Interagency co-operation was highlighted as a prerequisite for countering such interference. Other recommendations for EMBs and other relevant actors included strengthening their own capacity to track, analyse and anticipate cyber-attacks and disinformation. EMBs should also be granted the necessary means to enhance their communication and voter education strategies on information integrity and work closely with civil society, educational institutions, and media actors.

45.   Participants also recommended that EMBs and other relevant public and private actors strengthen cybersecurity and protect critical infrastructures essential for elections, Internet-connected systems, networks, software, and data from unauthorised exploitation, including the security of offline election technologies. They stressed the need to reinvent the system of watchdogs that are mutually watching each other creating accountability, transparency and incentives for those in power or those seeking power to behave, and incentives for people to believe in the system. The AI Convention that the Council of Europe Committee on Artificial Intelligence (CAI) is currently working on is such an instrument, one element in a larger set of instruments that may be needed to re-establish rules that are applicable, that create trust and that people adhere to so that democracies can also function in the 21st century.

46.   There is also a necessity to define the roles and responsibilities of the new gatekeepers - social media platforms - to keep checks and balances.

Participants agreed on the necessity to enhance digital media literacy, awareness, and education.

47.   Another issue raised was the public–private relationship in the service providing context of elections. Due to technology and the capacities required for mastering technology, the number and the profiles of actors involved in electoral governance are expanding. It is paramount that electoral technologies are designed and operated in a secure manner and that the EMBs maintain control over the electoral processes and not the vendors. Private sectors delivering technology should therefore be held to at least the same level of security standards as the electoral officials. Instead of allowing vendors to tell election management bodies what voters need, EMBs need the capacity to examine implemented technologies and make their vendors accountable. They would also need to be able to keep the source code and, for transparency reasons, make it publicly available for auditing.

48.   Emphasising the positive aspects of ICTs, participants highlighted the capacities of digitalisation to lead to the re-examination and analysis of existing processes, which would provide the opportunity for improving already established processes and increasing their accuracy and security. It can also contribute to developing a new approach to crisis and risk management. Participants agreed that maximizing transparency, throughout all aspects of the electoral process, including procurement and certification of any equipment, is key to developing trust in society for the use of ICTs.

49.   Nevertheless, while AI contributes to the automation of data analysis and has the potential to improve and support the upholding of democratic values and processes including elections, its use, due to algorithms applied in social media can also 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. Understanding these dynamics is fundamental for EMBs and practitioners to safeguard the integrity and credibility of electoral processes.

50.   Most member States are currently digitalising many aspects of their electoral process. Some governments are also in the process of introducing or up-dating legislation on e-voting. However, many challenges remain. For those member States who would like to go this path, the Council of Europe offers its Recommendation of the Committee of Ministers to member States on standards for e-voting [CM/Rec(2017)5] and its Guidelines, the Recommendation being the only existing international standard on e-voting to date.

51.	The Swiss experience was given to indicate how important it is to introduce alternative voting methods step-by-step, so they eventually become well-established and, most importantly, trusted. While non-digital voting processes, notably their system of postal voting, is trusted and used by 90% of the voters in Switzerland, the introduction of digital processes has been controversial. E-voting was previously introduced but then suspended for four years. Following this four-year gap, which has been used for increasing the accuracy and security of established processes, Switzerland will restart e-voting trials during a popular vote on 18 June. It is important to stress that new digital procedures must be well prepared, must be legally framed, and the necessary amount of time must be taken to implement them. As such, security must come before speed.

52.	Participants also discussed the use of ICTs in different stages of the electoral process, such as e-voting machines or electronic tabulation systems to speed up the process of vote tabulation. In this context, the recent endeavours of Georgia and Albania to introduce e-voting was discussed. In December 2022, Georgian legislators passed amendments in the law according to which in the next parliamentary elections of 2024, as many as 90 per cent of Georgian voters will experience voter verification/voter registration and vote counting machines. The system was tested at the mid-term elections in 10 municipalities with success. However, because of the high risk of foreign interference in the process, concerns remained as to the use of e-voting for voters residing abroad.

53.	Albania tested electronic voting first time in 2021, using ballot counting machines in one of the constituencies in Tirana, but wider application was impossible because of the pandemic. The country was now ready to use a thousand new electronic devices at the local elections of 14 May, which were inter alia observed by the Congress[11], OSCE/ODIHR and the European Parliament. However, similarly to Georgia, the full capacity of the technology was not being exploited as the machines would work offline. However, the population is embracing technology and the state authorities are looking for to offer an alternative.

54.	When it comes to Internet voting, Estonia is the only country that uses Internet/online voting nation-wide for all levels of elections, with over half of the voters having voted online in the recent national parliamentary elections of 5 March 2023. Its success may partly be attributed to the very high level

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11.	The draft report and draft recommendation of the Congress on the observation mission of the local elections in Albania of 14 May 2023 will be discussed by the Congress during its plenary session in October 2023.

of trust in the electoral process and in the impartiality of the non-political election administration, but also to the symbiotic partnership which the public sector, including the EMB, managed to build with the private sector. Together they have developed the Internet voting system which has now been in use for over 15 years and which is being improved from election to election.

Conclusions

55.   The Conference concluded on a positive note, encouraging EMBs to go with modern times and upgrade their capacities to harness the use of AI and ICTs in diverse ways, learn from past experiences of recent crises and re-evaluate long-established electoral procedures and practices to sustain advances and innovations in the next electoral cycles.

56.   Each of the crisis discussed has accelerated trends already underway: towards multiple forms of voting, the expectations to vote in advance, to have multiple streams of voting, and to have fast results. Even before the mass exodus from Ukraine or the devastating earthquakes in Türkiye, elections were expected to handle people in movement, away from the electoral mainstay of controlled environment connecting people to an address and that address to a polling station. Three emerging trends will require electoral management bodies to adapt their functioning to:

- ► the demand for efficiency and resilience of institutions to handle the multiplicity of challenges and multiple kinds of voting;
- ► the demand for radical transparency in all procedures, and
- ► a fearless independence of EMBs that would use every platform to protect the values of elections.

57.   The major challenge is that in the electoral environment principles collide: transparency collides with secrecy, secrecy collides with security, inclusion collides with integrity, etc. The more voter groups are to be included, the more the elections need to move away from the controlled environment, which is the polling station. Election officials will be on the frontlines navigating these colliding principles in real time. It is therefore urgent to get them better equipped with a set of parameters that are adapted to the modern world that embraces innovation and that helps build and reinforce resilient, flexible, open and transparent systems capable of standing up to future crises and challenges.

58.   Similarly, election observation would need to enhance its capacities by moving from extending its traditional observation practices in the

paper ballot world to multiple spaces and time frames, which might require a greater use of locally recruited observers and updating the Declaration of Principles, the Venice Commission's Code of Good Practice in Electoral Matters other best practice standards on election observation for both elections during emergencies and elections online and offline.

Recommendations and ways forward

59.   The Bern Declaration, adopted at the end of two days of interactive discussions, lays out a roadmap of action for governments, EMBs and relevant international organisations to strengthen the capacities to assess, upgrade, and maintain the integrity of elections in the era of multiple crises. It also outlines the ways forward in dealing with the new risks and challenges brought about by the expansion of ICTs and AI technologies how to harness them for positive application and innovation that could reinvigorate public trust in democratic institutions.

60.   Conference participants recommended that member States revise electoral legislation to specify the circumstances under which postponing elections is permitted in emergencies and to avoid making last-minute changes to electoral law. Also, it further recommended to ensure that sufficient financial resources are available for such emergencies, including the appropriate use of technology. Decisions relating to the conduct of elections during emergencies should be made through consensual processes in a political space that includes all relevant stakeholders.

61.   Member States should also consider undertaking comprehensive risk assessments to check whether their electoral processes are sufficiently robust to overcome both 'normal' and 'emergency' conditions, while guaranteeing the respect of all principles of democratic elections and referenda. In this regard, conference participants pointed to election observation as an integral part of the transparency and integrity of electoral processes. Participants called on 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.

62.   The Russian Federation's large-scale aggression against Ukraine and its hybrid character have highlighted the urgency for Council of Europe member States to update their national security concepts and to continue work to upgrade election security and combat harmful content.

63.   There is a need for EMBs and other state agencies to consider special voting arrangements, such as early voting or voting by mail, and notably for IDPs to increase their access to polls, especially in places that are vulnerable to the effects of disasters and severe weather events. Introducing electronic voting or any method that has not been sufficiently tested, should be avoided.

64.   The Conference supported the Reykjavik Principles for Democracy[12] and the initiation of the "Reykjavik process" for the political recognition of the right to clean, healthy and sustainable environments to strengthen member States' resilience and risk management capacities to mitigate the impacts of climate crises. It commended the Council of Europe's important standard setting role in curbing cybercrime, regulating the development, design and application of AI and e-governance, fighting undue interference, and ensuring the standards of free and fair elections as means to elect independent and effective parliaments and democratic institutions.

65.   However, the participants also recognised that the European value-based standards developed over several decades have been catered for times of peace and progress, which bend low in the face of the current tides of multiplication of crisis, democratic backsliding and new threats of hybrid warfare used in alternative spaces. Thus, in light of the Reykjavik Principles for Democracy and the Bern Declaration, the scope and impact of the Council of Europe activities in the field of democratic elections should be further reinforced, including by

> 65.1. developing a set of standards and criteria for the preparation, conduct, assessment and observation of post-conflict elections.

> 65.2. drafting general guidelines for out-of-country voting, which should also cover refugees of wars and armed conflicts. Such guidelines could also specify the level of support during post-conflict elections from other Council of Europe member States where these refugees reside.

> 65.3. co-ordinating international support vis-à-vis Ukraine in holding its first post-war elections to maximise its impact. Under the impulsion of the Parliamentary Assembly, the Council of Europe could play a leading role in drafting a roadmap with a timeframe for the

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12. See Reykjavik Declaration: United around Values, 4th Summit vof the Heads of States of the Council of Europe, Appendix III, pp 15-16 https://rm.coe. int/4e-sommet-des-chefs-d-etat-et-de-gouvernement-du-conseil-de-l-europe/1680ab40c0

first post-war elections in Ukraine, in co-ordination with other key stakeholders.

65.4. developing a joint framework on how election observation missions should approach international, national and local crises and reinforce their capacity to assess the integrity of elections in emergency situations as well as in the cyber space. This framework should ensure that the methodology considers the many new challenges and technologies at stake (e-voting, observation and monitoring of remote and online elections, online campaigns, AI-related interferences in the electoral process).

66.   The Council of Europe and other international organisations should also support their member States' efforts to combat undue interference in electoral systems and processes, including by pinpointing shortcomings in election legal frameworks that do not ensure the full exercise of fundamental freedoms. The upcoming Parliamentary Assembly's report on foreign interference provides a list of tools to prevent, detect, and counter foreign interference in elections. Such tools will be important to ensure and maintain public trust and confidence to protect free and fair elections.

67.   The Parliamentary Assembly could prepare a specific report as a follow-up on the topics discussed at the Bern conference in commitment to ensure that the first act of democratic participation remains free, safe and secure despite the challenging circumstances.

Conference programme

Tuesday 9 May 2023

9:30 – 10:00 **Welcoming address**

Chaired by: Mr Damien Cottier, Chairperson of the Conference, Chairperson of the Swiss delegation to PACE

Mr Martin Candinas, President of the Swiss National Council

Mr Tiny Kox, President of the Parliamentary Assembly of the Council of Europe

Ms Claire Bazy Malaurie, President of the Venice Commission

Mr Leendert Verbeek, President of the Congress of Local and Regional Authorities of the Council of Europe

Moderator of the Conference:

Mr David Eades, Chief Presenter, BBC

10:00 – 11:30 **SESSION 1: PANDEMIC AND THE POLLS – THE IMPACT OF COVID-19 ON ELECTIONS**

► The overall short-and long-term impact of the Covid-19 pandemic on electoral management policies and practice

► Legal challenges and preparedness for emergency situations – limits and vulnerabilities

► Special voting arrangements during the pandemic: advantages, risks and sustainability

► International election observation during the pandemic: what have we learned?

Chaired by : Mr Damien Cottier, Chairperson of the Conference, Chairperson of the Swiss delegation to PACE

Panellists:

Dr Massimo Tommasoli, Director of Global Programmes and Permanent Observer for International Institute for Democracy and Electoral Assistance (IDEA) to the United Nations

Mr Eirik Holmøyvik, Member of the Venice Commission of the Council of Europe, Professor of Law, University of Bergen

Mr Alexandr Berlinschii, Secretary, Central Electoral Commission of the Republic of Moldova

Mr Matteo Mecacci, Director, Office for Democratic Institutions and Human Rights (OSCE/ODIHR)

Mr Roberto Montella, Secretary General of the OSCE Parliamentary Assembly

Parliamentary contributions:

► *Ms Valentina Grippo*, *Italy, ALDE*

► *Mr Alexander Pociej*, *Poland, EPP/CD*

► *Ms Cécile Hemmen,* *Luxembourg, SOC*

► *Ms Liliana Tanguy*, *France, ALDE*

Exchange of views

11:50 – 13:00 SESSION 2: UNIVERSAL SUFFRAGE AMID UNIVERSAL SUFFERING – HOW NATURAL DISASTERS DISTORT ELECTIONS

► Natural disasters short before elections: from legal considerations to logistics

► Proactive and reactive strategies in protecting elections from natural disasters: risks management vs crisis management

► Impact of natural hazards on the campaign, accuracy of election results and the validity of the electoral process

► Rebuilding public trust in the integrity of elections following natural disasters

► Role of international community support to election authorities in areas affected by natural disasters

Chaired by: Ms Despina Chatzivassiliou-Tsovilis, Secretary General of the Parliamentary Assembly of the Council of Europe

Panellists:

M. Erik Asplund, Programme Officer, Electoral Processes Programme, Focal point on natural hazards and elections, International IDEA

Dr Bernd Vöhringer, Vice-President of the Congress of Local and Regional Authorities of the Council of Europe and President of the Chamber of Local Authorities of the Congress, Lord Mayor of Sindelfingen

Dr. Emre Toros, Professor of Political Science at the Faculty of Communication, Hacettepe University, Ankara / Fulbright scholar at Harvard University, MA (2022-2023)

Parliamentary contributions:

► *Mr Nacho Sánchez Amor*, *MEP, Spain, S&D*

► *Mr Ahmed Yildiz*, *Türkiye, NR*

► *Ms Edite Estrela*, *Portugal, SOC*

► *Mr Haluk Koç*, *Türkiye, SOC*

Exchange of news

14:30 – 16:00 **SESSION 3: HOW TO BE FAIR IN WARFARE? –
THE IMPACT OF ARMED CONFLICT ON ELECTIONS**

**PANEL 1: Upholding the integrity of elections in times of
major security crisis (armed conflicts, major terrorist acts,
internal political instability)**

► States' duties and possible derogations
► Minimum conditions for elections to be held and conducted in
  accordance with international standards in situations of armed
  conflicts and terrorist acts
► Alternative voting methods for elections in conflict areas
► Effects of external crisis and war on national and local elections
► Interference of hybrid wars in alternative spaces (cyberattacks,
  propaganda, political subversion, …)

Chaired by: **Mr Pierre-Alain Fridez**, Vice-Chairperson of the PACE
Sub-Committee on Conflicts concerning Council of Europe Member
States, Monitoring rapporteur on the Republic of Moldova, member
of the Swiss delegation to PACE

Panellists:

Mr Simon Geissbühler, Ambassador, Head of the Peace and Human Rights Division at the Swiss Foreign Ministry

Mr Stewart Dickson, Thematic Spokesperson of the Congress of Local and Regional Authorities on the Observation of local and regional elections, Rapporteur on "Local and regional elections in major crisis situations", Vice-President of the Council for Democratic Elections and member of the Northern Ireland Legislative Assembly, United Kingdom

Dr Irena Hadžiabdić, Expert of the Venice Commission of the Council of Europe, Member (and former Chairperson) of the Central Election Commission of Bosnia and Herzegovina

Mr Vassilis Ntsousas, Head of European Operations, Alliance for Securing Democracy, German Marshall Fund, Brussels

Parliamentary contributions:

► *Mr Antón Gómez-Reino*, Spain, GUE
► *Mr Oleksii Goncharenko*, Ukraine, CE/AD (written contribution)
► *Ms Maria Valentina Martínez Ferrero*, Spain, EPP/CD

Exchange of views

PANEL 2 : Suffrage after the cannons fall silent – preparing Ukraine for its post-war elections

► Timeframes and minimum conditions for calling national and (early) local elections after martial law is lifted (in terms of security, political environment, logistics, finances, etc)
► Guaranteeing the vote of displaced persons within and beyond Ukraine

- ► Registration regulations for displaced voters: how to tackle risks of election frauds?
- ► Implementing alternative voting methods in situations of damaged physical and electoral infrastructure; introducing necessary safeguards
- ► Social media affecting the level playing field among candidates
- ► Material and technical support for the organisation and conduct of post-war elections in Ukraine

Chaired by: Mr Nacho Sánchez Amor, Special coordinator on election observation for the European Parliament, Member of the European Parliament

Panellists:

Dr Volodymyr Venher, Associate Professor, Department of Jurisprudence and Public Law, National University of Kyiv-Mohyla Academy, Executive Director at the Kyiv-Mohyla Rule of Law Research Centre, Kyiv, visiting fellow at the Brasenose College and the Institute of European and comparative Law, University of Oxford (2022-2023)

Ms Olga Aivazovska, Chairperson of the Global Network of Domestic Election Monitors (GNDEM), Chairperson of the Civil Network OPORA, international expert in electoral matters

Mr Oleh Didenko, Chairperson of the Central Election Commission of Ukraine

Ms Meaghan Fitzgerald, Director of Elections, Office for Democratic Institutions and Human Rights (OSCE/ODIHR)

Parliamentary contributions:

▶ *Ms Alina Zahoruiko, Verkhovna Rada Sub-committee on elections, Ukraine*
▶ *Ms Lesya Zaburanna, Ukraine, ALDE*
▶ *Mr Sergiy Vlasenko, Ukraine, EPP/CD*

  Exchange of views

19:00 *Reception to mark the 60th anniversary of the accession of Switzerland to the Council of Europe, with the participation of Mr Alain Berset, President of the Swiss Confederation, and Mr Bjørn Berge, Deputy Secretary General of the Council of Europe*

Wednesday, 10 May 2023

09:00 – 09:10 Keynote speech by de **Mr Bjørn Berge**, Deputy Secretary General of the Council of Europe, on **"Elections in times of crisis: the role of the 4th Summit of the Council of Europe"**

09:15-10:30 **SESSION 4: DOES DIGITAL MEAN DANGER? – HOW ELECTRONIC VOTING, AI AND CYBER ARE TRANS-FORMING ELECTIONS**

Chaired by: Ms Þórhildur Sunna Ævarsdóttir, Chairperson of the PACE Sub-Committee on Artificial Intelligence and Human Rights of the Committee on Legal Affairs and Human Rights

PANEL 1: At the mercy of Digital: protecting the vote in the digital warfare

▶ Mitigating the evolving security threats of digital technologies on electoral processes (Artificial Intelligence, cyber-attacks, foreign interference, energy crisis, ecological catastrophes) – latest challenges
▶ Addressing cybercrime and cybersecurity: crisis management in emergency situations
▶ False narratives: protecting the vote in the war of mis- and disinformation

Panellists:

Mr Thomas Schneider, Head of International Affairs in the Federal Office of Communication, Switzerland, President of the Committee on Artificial Intelligence of the Council of Europe

Mr David Eray, Head of the Swiss delegation to the Congress of Local and Regional Authorities, Minister of the Environment for the Canton of Jura, Thematic Spokesperson of the Congress on Digitalisation and Artificial Intelligence

Dr Iuliia Spycher, Researcher on Digitalisation of Public Administration, University of Bern

Exchange of views

Parliamentary contributions:

► *Mr Constantinos Efstathiou*, *Cyprus, SOC*

10:50 – 12:30 **PANEL 2 : Harnessing the Power of Technology and Innovation – rethinking electoral procedures**

► The benefits of the digital
► Re-evaluating long-established electoral procedures and practices: sustaining advances and innovations in the next electoral cycles
► Strengthening public trust in the management of future electoral processes: challenges and opportunities

Panellists:

Ms Therese Pearce Laanela, Head of Electoral Processes, International IDEA

Mr Oliver Kask, Judge, President of the National Election Commission of Estonia, Substitute member of the Venice Commission of the Council of Europe, elections expert

M. Giorgi Kalandarishvili, Chairman of the Central Election Commission of Georgia

Ms Barbara Perriard, Head of Political Rights Division, Federal Chancellery of Switzerland

Parliamentary contributions:

► **Ms Viktoryia Podgorna**, *Head of the Verkhovna Rada, Sub-Committee on e-governance, Ukraine*

► **Ms Cécile Hemmen**, *Luxembourg, SOC*

Exchange of views

12:30 – 13:00 **Closing session**

Chaired by: Mr Damien Cottier, Chairperson of the Conference Chairperson of the Swiss delegation to PACE

Presentation of the draft Final Declaration by **Mr Rasťo Kužel**, Executive Director of MEMO 98, General Rapporteur of the Conference

Adoption of the Final Declaration

Closing remarks by **Ms Livia Leu**, State Secretary of Foreign Affairs of Switzerland

List of participants

Hosts and keynote speakers

Hosts		
Martin CANDINAS	Switzerland	President of the National Council of the Swiss Parliament
Tiny KOX	Council of Europe/ PACE	President of the Parliamentary Assembly of the Council of Europe (PACE)
Despina CHATZIVASSILIOU- TSOVILIS	Council of Europe/ PACE	Secretary General of PACE

Keynote speakers		
Bjørn BERGE	Council of Europe	Deputy Secretary General of the Council of Europe
Livia LEU	Switzerland	State Secretary of Foreign Affairs of Switzerland

Chairperson of the conference		
Damien COTTIER	Switzerland	Chairperson of the Conference Chairperson of the Swiss delegation to PACE

Moderator		
David EADES	United Kingdom	Chief Presenter, BBC

General Rapporteur		
Rast'o KUŽEL	Slovakia	Executive Director, MEMO 98 and elections expert

Members of the PACE ad hoc committee and other members of parliaments and parliamentary bodies

Erkin GADIRLI	Azerbaijan	MP of Azerbaijan
Samad SEYIDOV	Azerbaijan	MP of Azerbaijan
Reinhold LOPATKA	Austria	MP of Austria
Constantinos EFSTATHIOU	Cyprus	MP of Cyprus
Liliana TANGUY	France	MP of France
Thórhildur Sunna ÆVARSDÓTTIR	Iceland	Chairperson of PACE Sub-Committee on Artificial Intelligence and Human Rights of the Committee on Legal Affairs and Human Rights, MP of Iceland
Róisín GARVEY	Ireland	MP of Ireland
Valentina GRIPPO	Italy	MP of Italy
Cécile HEMMEN	Luxembourg	MP of Luxembourg
Aleksander POCIEJ	Poland	MP of Poland, PACE Member of the Council for Democratic Elections
Jacek PROTASIEWICZ	Poland	MP of Poland
Cristian-Augustin NICULESCU-ŢÂGÂRLAŞ	Romania	MP of Romania
Ion PRIOTEASA	Romania	MP of Romania
Jelena MILOŠEVIĆ	Serbia	MP of Serbia
Maria Valentina MARTINEZ FERRO	Spain	MP of Spain, PACE Member of the Council for Democratic Elections
Sibel ARSLAN	Switzerland	MP of Switzerland
Niklaus-Samuel GUGGER	Switzerland	MP of Switzerland
Jean-Pierre GRIN	Switzerland	MP of Switzerland
Pierre-Alain FRIDEZ	Switzerland	Vice-Chairperson of PACE Sub-Committee on Conflicts concerning Council of Europe Member States, Monitoring rapporteur on the Republic of Moldova, MP of Switzerland
Hannes GERMANN	Switzerland	MP of Switzerland
Alfred HEER	Switzerland	MP of Switzerland

Ahmet Haluk KOÇ	Türkiye	MP of Türkiye
Hişyar ÖZSOY	Türkiye	MP of Türkiye
Ahmet YILDIZ	Türkiye	MP of Türkiye
Halil ÖZŞAVLI	Türkiye	MP of Türkiye
Mehmet Mehdi EKER	Türkiye	MP of Türkiye
Larysa BILOZIR	Ukraine	MP of Ukraine
Sergiy VLASENKO	Ukraine	MP of Ukraine
Lesia ZABURANNA	Ukraine	MP of Ukraine
Alina ZAHORUIKO	Ukraine	Chairperson of the Verkhovna Rada Sub-committee on Elections, Referendums and Other Forms of Direct Democracy of the Committee on State Power, Local Self-Government, Regional Development and Urban Planning
Ian PAISLEY	United Kingdom	MP of United Kingdom

Representatives of Council of Europe institutions

Leendert VERBEEK	Netherlands	President of the Congress of Local and Regional Authorities of the Council of Europe
Claire BAZY MALAURIE	France	President of the Venice Commission of the Council of Europe
Thomas SCHNEIDER	Switzerland	Chairperson of the Committee on Artificial Intelligence of the Council of Europe (CAI)/ Head of International Affairs, Federal Office of Communication of Switzerland
Bernd VÖHRINGER	Germany	Vice-President of the Congress of Local and Regional Authorities of the Council of Europe and President of the Chamber of Local Authorities of the Congress, Lord Mayor of Sindelfingen, Baden-Württemberg
David ERAY	Switzerland	Head of the Swiss delegation to the Congress of Local and Regional Authorities, Minister of the Environment for the Canton of Jura, Thematic Spokesperson of the Congress on Digitalisation and Artificial Intelligence

Steward DICKSON	United-Kingdom	Thematic Spokesperson of the Congress of Local and Regional Authorities on the Observation of local and regional elections, Vice-President of the Council for Democratic Elections and member of the Northern Ireland Legislative Assembly
Mathieu MORI		Secretary General of the Congress of Local and Regional Authorities of the Council of Europe
Eirik HOLMØYVIK	Norway	Member of the Venice Commission, Professor of Law, University of Bergen

4. Representatives of international election observation partner organisations

OSCE/Office for Democratic Institutions and Human Rights (ODIHR)	
Matteo MECACCI	Director of ODIHR
Meaghan FITZGERALD	Head of the ODIHR Election Department
Ulvi AKHUNDLU	Deputy Head of the ODIHR Election Department
Fabrizio NAVA	Head of the Office of the Director of ODHIR

OSCE Parliamentary Assembly (OSCE PA)	
Roberto MONTELLA	Secretary General of the OSCE PA
Andreas BAKER	Head of Elections of the OSCE PA
Stephanie KOLTCHANOV	Election Advisor of the OSCE PA
Freyja KOCI	Advisor to Secretary General of the OSCE PA

NATO PA Parliamentary Assembly	
Ruxandra POPA	Secretary General of NATO PA

European Parliament	
Nacho SÁNCHEZ AMOR	MEP, Special coordinator on election observation for the European Parliament

International IDEA	
Massimo TOMMASOLI	Director of Global Programmes and Permanent Observer of the International IDEA to the UN

Therese PEARCE LAANELA	Head of Electoral Processes
Erik ASPLUND	Senior Programme Officer, Electoral Processes Programme, Focal point on natural hazards and elections

Representatives of electoral management bodies

Erton SINANI	Albania	Director of Cabinet of the State Election Commission of Albania
Armen SMBATYAN	Armenia	Secretary of the Central Electoral Commission of Armenia
Suad ARNAUTOVIC	Bosnia and Herzegovina	President of the Central Election Commission of Bosnia and Herzegovina
Irena HADZIABDIC	Bosnia and Herzegovina	Expert of the Venice Commission of the Council of Europe, Member of the Central Election Commission of Bosnia and Herzegovina
Oliver KASK	Estonia	Chairperson of the National Election Commission of Estonia, Substitute member of the Venice Commission of the Council of Europe, judge
Nellika VALDER	Estonia	Deputy Head of State Electoral Office of Estonia
Giorgi KALANDARISHVILI	Georgia	Chairperson of the Central Election Commission of Georgia
Attila Mihály NAGY	Hungary	President of the National Election Office of Hungary
Mary-Clare O'SULLIVAN	Ireland	Head of Electoral Integrity at the Electoral Commission of Ireland
Corneliu PASAT	Republic of Moldova	Deputy Head of Communication, Public Relations and Media Department Central Electoral Commission of the Republic of Moldova
Alexandr BERLINSCHII	Republic of Moldova	Secretary to the Central Electoral Commission of the Republic of Moldova
Hassan AGHMARI	Morocco	Director of Electoral Affairs of the Ministry of the Interior of Morroco
Oleh DIDENKO	Ukraine	Chairperson of the Central Election Commission of Ukraine

Maja PEJCIC	Serbia	Member of the Republic Electoral Commission of Serbia
Anna NYQVIST	Sweden	Head of the Swedish Election Authority

Diplomatic and governmental representatives

Simon GEISSBÜHLER	Switzerland	Ambassador, Head of the Peace and Human Rights Division, Swiss Foreign Ministry
Christian MEUWLY	Switzerland	Ambassador, former Permanent Representative of Switzerland to the Council of Europe
Claude WILD	Switzerland	Ambassador, Permanent Representative of Switzerland to the Council of Europe
Barbara PERRIARD	Switzerland	Head of Political Rights Division, Federal Chancellery of Switzerland

Academia representatives

Iuliia SPYCHER	Switzerland	Postdoctoral Researcher at the Kompetenzzentrum für Public Management, University of Bern
Emre TOROS	Türkiye	Professor of Political Science at the Faculty of Communication, Hacettepe University, Ankara / Fulbright scholar at Harvard University, Cambridge, MA (2022-2023)
Volodymyr VEHNER	Ukraine	Executive Director at the Kyiv-Mohyla Rule of Law Research Centre, Kyiv, visiting fellow at the Brasenose College and the Institute of European and comparative Law, University of Oxford (2022-2023)

NGOs and civil society representatives

Olga AJVAZOVS'KA	Ukraine	Chairperson of the Global Network of Domestic Election Monitors (GNDEM), Chairperson of the Civil Network OPORA, international expert in electoral matters
Vassilis NTOUSAS	Belgium	Head of European Operations, Alliance for Securing Democracy, German Marshall Fund

Other participants

Kenan ARPACIOĞLU	Türkiye	Secretary of the Turkish Delegation to PACE
Handan KARAKAŞ DEMIR	Türkiye	Secretary of the Turkish Delegation to PACE
Cédric SCARPELLINI	Luxembourg	Secretary of the Luxembourg Delegation to PACE
Razvan TANASE	Romania	Secretary of the Romanian Delegation to PACE

Council of Europe staff

Francesca ARBOGAST	Secretary of the Social, Democrats and Green Group at the Council of Europe
Markus ADELSBACH	Head of Elections and Participatory Democracy Division at the Directorate General of Democracy and Human Dignity (DGII) at the Council of Europe
Franck DAESCHLER	Deputy Head of the Elections and Participatory Democracy Division at the Directorate General of Democracy and Human Dignity (DGII) at the Council of Europe
Pierre GARRONE	Head of Division, Venice Commission, Secretary of the Council for Democratic Elections
Maia JORJIKIA	Senior Project Officer, Elections and Participatory Democracy Division, Directorate General of Democracy and Human Dignity (DGII), Tbilisi Office
Irène KITSOU-MILONAS	Senior Adviser, Private Office of the Secretary General and the Deputy Secretary General
Anna KOLOTOVA	Secretary of the Unified European Left at the Council of Europe
Stefania KRUGER	Secretary of the Private Office of the President of the Assembly of the Council of Europe
Marie THOMET	Election Observation Officer at the Congress of Local and Regional Authorities, Council of Europe
Inna ZUBAR	Programme Manager, Directorate General of Democracy and Human Dignity (DGII) at the Council of Europe, Kyiv Office

Conference organising team

Mark NEVILLE	PACE	Director of Committees – Democracy and Rule of Law
Sylvie AFFHOLDER	PACE	Head of the Election Observation and Support Division
Ivi-Triin ODRATS	PACE	Deputy Head of the Election Observation and Support Division
Carine ROLLER-KAUFMAN	PACE	Assistant, Election Observation and Support Division
Sachka SONRIER	PACE	Assistant to the PACE Director of Committees
Elena WOLLNER	PACE	Assistant, Election Observation and Support Division
Angus MACDONALD	PACE	Press Officer, Communication Division
Marija STOSIC	Swiss Parliament	Secretary of the Swiss Delegation to PACE
Anna-Lea GNÄGI	Swiss Parliament	Secretary of the Swiss Delegation to PACE
Lena FREY	Swiss Parliament	Secretary of the Swiss Delegation to PACE

Interpreters

Luke TILDEN
Jean MURRAY
Dominique LEVEILLÉ
Bettina LUDEWIG QUAINE
Astrid KRÜGER
Maria NEVERSIL
Natalya MOROZ
Vadym KASTELLI

Useful links and contacts

Conference website

https://pace.coe.int/en/pages/bern-elections-conference

Final declaration:

https://rm.coe.int/adopted-declaration-bern-conference-10-may-2023/1680ab3191

Summary report and conclusions:

https://pace.coe.int/en/files/32843

PACE election observation website

https://pace.coe.int/en/pages/election-observation

Council of Europe and elections

https://www.coe.int/en/web/elections

Contacts

PACE Election Observation and Support Division
elections.pace@coe.int

Sylvie Affholder
Head of Division
Tel. + 33 3 88 41 35 51 – Mob: +33 7 60 19 75 05 – sylvie.affholder@coe.int

Ivi-Triin Odrats
Deputy Head of Division
Tel. + 33 3 88 41 29 79 – Mob: + 33 6 07 06 77 73 – ivi-triin.odrats@coe.int

Bogdan Torcatoriu
Senior Elections Officer
Tel. + 33 3 88 41 32 82 – Mob: + 33 6 50 39 29 40 – bogdan.torcatoriu@coe.int

Anne Godfrey
Assistant
Tel. + 33 3 88 41 31 34 – anne.godfrey@coe.int

Carine Roller-Kaufman
Assistant
Tel. + 33 3 88 41 31 65 – carine.roller-kaufman@coe.int