

Ideas and Talking Points for Presentation and Discussion

19th European Conference of Electoral Management Bodies

“Artificial Intelligence and Electoral Integrity”

Organised by the Venice Commission

Strasbourg, France

14 - 15 November 2022

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- ❖ The main criteria for assessing the elections are contained in the Human Rights Documents as well as OSCE political commitments, including the landmark 1990 OSCE Copenhagen Document.
- ❖ ODIHR’s observation methodology applies to observation of elections, both in more developed and still developing democracies, in consistent manner.
- ❖ Technology used in electoral processes, including Artificial Intelligence (AI) must respect Human Rights and specific standards and principles for relevant for conduct of democratic elections.
- ❖ The most relevant standards that need to be taken into account when assessing the use of technology in electoral processes are transparency, accountability, equality of opportunities, right to redress and fairness.
- ❖ In line with international commitments, relevant international observers, including those deployed by ODIHR should have access to all aspects of the electoral process and the national authorities should ensure that electoral process are run in transparent manner;
- ❖ States have positive obligations to ensure that Human Rights and Fundamental Freedoms are guaranteed and respected, including during election periods as well as to create conditions for free and fair election campaigns.
- ❖ In line with international standards, Election Management Bodies (EMBs) have primary responsibility for respect and compliance of technology used in electoral processes – including its reliability, usability and security.
- ❖ It is of fundamental importance to make distinction between technology, including AI used by the EMB to enhance and make more efficient specific aspects of the election administration and the use of AI and other types of technologies in election campaigns.
- ❖ In addition to the obligations that the OSCE participating States have in providing environment for democratic elections, for adequate use of new technologies in particular

during campaign periods and in line with international standards and commitments, all relevant stakeholders including big-tech companies and election contestants have to be held accountable;

- ❖ OSCE observers do not play verify, certify neither formally have oversight powers over electoral processes.
- ❖ OSCE/ODIHR observation missions essentially are not interested in election outcomes, as long as the election processes are conducted in line with international standards, and the campaigns are conducted in free and fair environment.
- ❖ Our main role is to support the OSCE participating States to improve their electoral processes through observation and providing recommendations.

- ❖ We have to recognize that new challenges to democratic development arise in all countries.
- ❖ To most of these ODIHR reflects by consistent enhancing its observation methodology on observing:
 - Online Campaign, including intolerant rhetoric
 - Effects of disinformation campaigns on electoral processes
 - Cybersecurity
 - Alternative voting methods
 - New voting technologies
 - Participation of women
 - Participation of people with disabilities
 - Data collection techniques.

- ❖ International observers are faced with 2 main challenges in relation to the new issues recently present in electoral processes:
 - How to use and adapt the existing standards and commitments to address these new challenges; and
 - Should we look for development of new standards?
- ❖ While the OSCE Copenhagen Document, which is the basis of our assessments developed in 1990 can be considered not fully applicable from AI or online campaigning point of view, the principles contained in this document are still relevant benchmarks for our election assessments.

- ❖ Moreover, the question remains if the AI used in online campaigning can provide for the full “freedom of opinion and the right to hold opinions without interference”.
- ❖ Many representatives from the informed community, including academic researchers and specialized think-tanks and international governmental organization would argue that this is not possible.
- ❖ New challenges to democratic development should be more swiftly and consistently addressed through development/update of international instruments, with strong focus on respect of fundamental freedoms.
- ❖ As such we rely on our trusted partners in international observation activities, including the VC and other CoE instructions, the UN etc.

- ❖ ODIHR has limited tools and resources for assessing the online campaign and the use of AI;
- ❖ As such we rely on the support mostly from the domestic civil society organizations and other relevant partners.
- ❖ We aim to address these new issue by having cross-issues assessments that include data privacy and data protection regimes and political and campaign financing which are essential elements for development and implementation of AI technology in electoral processes;
- ❖ Moreover, for comprehensive assessment these issues multi-stakeholder communication and cooperation is needed, which will include representatives of various national and international institutions but also more structured communication between the international and domestic observers groups.
- ❖ The benefits of the long-term presence of the domestic or citizens observers groups in providing better understanding of the context in which elections are taking place is fundamental and their findings should be utilized by all relevant stakeholders, including by international observers in the assessment of the overall conduct of elections.
- ❖ For this purpose the alignment of the methodologies and adherence to the internationally recognized standards for credible election observation, as enshrined in the DOPs for international or domestic observers, should be respected.

- ❖ By looking into the new issues in the election processes and the respective challenges in election observation we should not forget on the wide-spread and long-term systemic concerns related to the participation of different underrepresented groups.

- ❖ Their inclusion in the electoral processes is of fundamental importance and while we have been giving substantial attention in our observation activities and subsequent reports we all need to do significantly more to improve the overall picture.
- ❖ As mentioned in the beginning, the participating States have overall responsibilities to organize the elections in line with international standards and our role and mandate is to support them in these efforts.
- ❖ At the same time, other actors, in particular the big-tech companies should respect all Human Rights and other commitments for democratic elections by making their operations more transparent and accountable.
- ❖ Lastly, creating trust in elections and protecting electoral integrity is essential and to create such trust it is important that new technologies are introduced gradually, with adequate risk assessments and feasibility studies, supported with relevant legal framework which will guarantee respect for the standards and commitments for democratic elections.