

**Presentation: Steven MARTIN, ODIHR Senior Election Adviser
15th EMB Conference, Oslo, 19-20 April 2018**

Distinguished colleagues, ladies and gentlemen, on behalf of the OSCE Office for Democratic Institutions and Human Rights, I am pleased to participate in the 15th Election Management Body conference. I thank the authorities of Norway and the Venice Commission for this opportunity.

Today, I have the pleasure to present one of ODIHR's newest and timely publications, **the Guidelines for Public Security Providers in Elections**. These Guidelines complement a number of other ODIHR handbooks devoted to assessing various thematic issues in an election.

First, let me note the overall importance of electoral security as a basis for developing these Guidelines. As ODIHR notes, while countries hold elections under different circumstances, a **secure electoral environment** is crucial to the overall integrity of an election. Elections across the OSCE region, including countries in Europe, the Caucasus and Central Asia, have shown the **impact** played by **security providers** with positive and negative outcomes. Given these issues, ODIHR identified the need to ensure that **aspects of public security are sufficiently assessed** in its observation activities.

Thus these Guidelines are intended as reference for ODIHR to assess the framework and conduct of public security officials during an election. This focuses on two aspects:

- **To enhance ODIHR's election observation methodology** with a focus on electoral security.
- And to ensure that **assessments of public security** during an election are carried out in a **consistent manner**.

In addition, the Guidelines can benefit others engaged in election observation, for those who legislate or have a responsibility for electoral security, and public security providers.

Let me note to how the Guidelines are relevant and note several key aspects. Specifically, the Guidelines aim to:

- Link international **standards** to observed **practice**;
- Provide **examples** of concrete situations and good practice concerning security of elections, in particular when different institutions are involved, including the electoral authorities;
- List actors, elements and processes to be assessed as part of electoral security;
- Suggest elements for review within the entire **electoral cycle**;
- Provide **guiding questions** for mission members throughout the various stages of the electoral cycle.

Let me offer a couple more points on our approach to these Guidelines. ODIHR has focused on compiling a number of considerations throughout the electoral process related to security. I start by highlighting a few broad considerations that lay the framework for ODIHR's approach.

Electoral security is defined as ensuring the **protection of all stakeholders, activities and processes, election facilities and materials**, and information within all stages of an election **from harm or threat of harm to facilitate peaceful and democratic elections**.

In particular, the Guidelines examine two aspects that can pose a challenge in terms of security. On the one hand, it is necessary to establish or maintain a secure and peaceful electoral environment and to preserve law and order. However, on the other hand, it is necessary to ensure that security-related provisions or actions do not interfere with or undermine the enjoyment of fundamental freedoms or challenge the legitimacy of the electoral process.

Achieving a proper balance can sometimes pose a challenge to the authorities given the context in which an election is being held. It is crucial that all aspects and personnel working towards a secure environment, both in law and in practice be viewed as impartial and not benefiting the authorities or an incumbent.

Let me touch on the **legislative basis of the Guidelines** and how this links into the broader legal framework underpinning democratic elections.

Fundamental rights and freedoms related to elections are protected by OSCE commitments and a broad range of other international obligations and standards and supported by international good practice.

International obligations tend not to directly address the role of public security providers in elections. To compensate for this, numerous fundamental principles and standards, including international good practice guide democratic societies, which are applicable to public security providers.

The Guidelines also explore the impact of security on vulnerable and marginalized groups, including internally displaced persons, women, national minorities, and persons with disabilities. Through ODIHR's observations, it's clear that these groups face particular hurdles to equal participation in elections, including in interaction with security officials.

Security considerations are unique for each country and each election. The assignment of security responsibilities to specific actors depends on the division of labour, as well as on the legal, political, and financial arrangements. That said, the degree of involvement of different public security providers varies among OSCE states.

However, ODIHR notes that overall the primary responsibility for ensuring electoral security is most commonly vested with the country's law enforcement bodies such as the police.

In most OSCE participating States, the participation of military personnel in the context of an election is not permitted. However, unforeseen or emergency situations may require the involvement of alternate services to support law enforcement. In specific circumstances, the military may have a role in security under special arrangements and this should generally be derived from constitutional provisions on emergency situations.

Overall, given these, and other considerations, the Guidelines present a number of guiding principles concerning public security during an election based on OSCE commitments and other international obligations and standards, as well as international good practice. These include:

- Enabling conditions for democratic elections
- Ensure neutrality and non-interference
- Provide equal treatment and non-discrimination
- Proportionality and the rule of law
- Enable Transparency and Accountability
- Foster Public confidence

Several specific situations are of particular concern – these includes holding elections under emergency situations and the possible use of force.

Firstly, let me mention emergency situations and permissible versus excessive restrictions. While there are no specific international standards regarding the holding of elections under conditions of emergency rule, broader provisions under international law apply. International good practice notes that democratic elections are not possible without ensuring fundamental freedoms. In some cases, consideration could be given to reconsidering a declared state of emergency before the start of an election or alternatively to delaying an election. In a number of OSCE participating States, it is legally prohibited to hold elections during a state of emergency.

ODIHR notes that restrictive provisions may impact the electoral environment through the following limitations:

- Curtailing the freedom of assembly by limiting or prohibiting gatherings during the campaign period;
- Limiting freedom of expression by imposing constraints on the media;
- Limiting the freedom of movement inside and outside of certain designated areas;
- Enhancing the presence of security personnel, including around election-related facilities;
- Restricting or relocating voter registration locations and activities;
- Relocating polling stations, counting centres or tabulation centres.

Secondly, let me also note the use of force by security officials. The use of force, within legally permissible limits, is a key consideration within the context of an election. Particular emphasis is placed on the campaign period in relation to facilitating and protecting fundamental freedoms, including peaceful assembly.

To examine these issues, the Guidelines use an electoral cycle approach to assess the pre-electoral, electoral and post-electoral periods. In each of these stages, a number of good electoral practices have been identified across OSCE participating States. Let me highlight a few considerations and note some good practices.

The pre-electoral period typically covers the period from the announcement of an election, or earlier until the end of the campaign and the start of the voting process. With this stage, a number of aspects are examined on security preparedness, including the legal framework and accompanying regulations, operational planning and training as well as coordination and communication by the various authorities.

In one example of good practice of one OSCE participating state ahead of national elections, there was significant pre-election coordination between the Election Management Body and Law Enforcement. A series of mechanisms were introduced to enhance coordination between the election

management body and the governmental security forces. The initiatives included signing a memorandum of understanding, holding coordination meetings, and developing a specific training module on electoral security.

In another example of good practice, when considering the management of the campaign by ensuring the right to freedom of assembly, in another OSCE participating State, security officials held regular meetings during the campaign and invited representatives of political parties. Security officials gave information on preparations around and on election day. In addition, parties conveyed information on the date and place of planned campaign activities given the limited opportunities available due to venue constraints.

In particular there is a focus on the role of public security providers during Election Day. This centres on the security of voters and personnel involved in the administration of voting and the security of election premises and materials. Good practice notes that a police presence inside polling stations is generally prohibited and envisaged only upon the request of the respective election official to restore order or react to specific incidents.

In general, legislation in OSCE participating States varies considerably on the extent provisions concern security-related roles and responsibilities around election day, most focused on the role of the police at polling stations. Whichever way security is managed at polling locations on election day, rules and mechanisms for engagement should be clearly established.

In the post-electoral period, various mechanisms may be established to identify and follow up on election-related offenses and irregularities. In a final example of co-ordination, one election management body took a proactive approach to working with law enforcement on election issues. Action included developing professional practice on policing during an election as well as track all election-complaints requiring follow up by law enforcement to be able to review them and see about possible improvements in the way that they were managed.

As I conclude, please note that I have only touched on a few aspects contained in the Guidelines for Public Security Providers in Elections. I hope that this short overview gives an indication of the contents and how provisions of electoral security fall not only to security officials, but involve many other authorities, including electoral management bodies. ODIHR will continue engaging in election observation and this new publication serves to further enhance our efforts.

There are hard copies of the guidelines available here in English and Russian and are also available on ODIHR's website.

[check against delivery]