

HUMAN DIMENSION IMPLEMENTATION MEETING **– Warsaw 26th September – 7th October**

Election Observation

Friday 30th September 3-6pm Working session 9

Introduction

In my presentation I would like to draw the attention to our follow-up process on ODIHRs Election Assessment Mission report after visiting Norway in September 2009. Followed by an invitation from the government in Norway ODIHR deployed an election assessment mission team to the Parliamentary Election in September 2009.

The Ministry of Local Government and Regional Development has the overall responsibility for election legislation both in local and national elections. Our Election Law and regulations are subject to regular reviews. We believe renewal is necessary for a vibrant democracy. We also believe it is necessary to make continuous assessments on the conduct of elections to see if there is room for improvements. This gives a dynamic democracy. On the other hand we also need a stable and predictable framework. The balance between renewal and stability is taken care of through our plan for reviewing issues in elections.

In the election field, an overall plan exists for possible areas where we will consider amendments to legislation or obtain reviews. This is a 4-year plan and is reviewed every year. When OSCE submitted their EAM report we considered it to be a very useful input to our reviewing process. Our Election legislation is based on and should be in compliance with international principles and commitments.

When the OSCE report was submitted, the Ministry entered into a fruitful collaboration with OSCE experts with the purpose of following up the various points in the report. We have carried out two consultation meetings. We are very pleased to have been given the opportunity to take advantage of OSCEs expertise in a follow-up round after the report was submitted. It is important to us that Norwegian regulations for executing elections are in accordance with international obligations and standards.

It has been very beneficial for us having OSCE on board during the revision of some areas of our regulations. The Ministry is very satisfied with the support and input received from OSCEs ODIHR office during the process.

In the EAM report ODIHR recommended amendments to some of areas in the election law. And I'm happy to say that some regulations are already amended. Others we are still working on. In May last year The Ministry issued a Response Report to OSCE, with our comments and how we plan to follow up on each of OSCEs requests.

How we follow up on elections in Norway (Ev. utelate)

I would like to take this opportunity to give you a brief introduction on how the Ministry normally follow up on elections in Norway. An overview of the process is attached as an appendix to our Response Report.

After each election, the Ministry undertakes a *comprehensive evaluation* of how the election was executed in the individual local authorities and county authorities. This forms the basis for our assessments with regard to whether amendments to law and regulations should be made. In addition, the Ministry receives input from election observers and carries out evaluations of special trials or pilots.

A *consultation paper* is drawn up. This document provides a detailed assessment of the conduct of the election. The Ministry also gives its assessment on whether amendments should be made. Where it is deemed that amendments are necessary, proposals for specific changes to laws and regulations are given in this document.

The consultation paper is then sent out to *broad consultation for three months* to local authorities and county authorities in Norway, in addition to a number of companies in both the public and private sector; a total of 600 bodies. Bodies that are not on the consultation list as well as private individuals can also submit a statement. All statements are published on the Ministry's website.

After the consultation a new assessment of our legislation proposals is then carried out based on all the responses to the consultation. The Ministry subsequently *devises definitive legislation proposals* and submits these to the parliament. This process takes a total of 1-1.5 years, and is repeated after every election.

Issues raised in OSCEs report

I would now shortly comment on some of the issues raised in OSCEs report.

Duty to be elected

OSCE has advised us to review the duty to be elected.

The electoral system in Norway is based on a principle of obligation to represent. This obligation has a long tradition in Norway and is an expression of civic obligation and social responsibility. Nevertheless The Ministry agrees that questions might be raised whether this is consistent with the principle of organisational liberty and the right to not be a member of a political party that stems from the UN Covenant on Civil and Political Rights and the European Convention on Human Rights.

The Ministry therefore proposed amendments. From next election candidate may be removed from an electoral list, just by presenting a declaration to the electoral authorities that he/she does not want to stand for election. This rule only applies for local elections, since amendments to the Constitution must formally be put forward by members of the Parliament.

Sealing of ballot boxes on Election Day

The OSCE made a remark on consistent procedures on election day safeguards, including sealing of the ballot boxes. In Norway we had no requirement for ballot boxes to be sealed during voting, only during transport and storage.

Sealing of ballot boxes on Election Day has never really been discussed in Norway. I guess this is because our system is based on a fundamental public trust that the electoral administration is impartial and that elections are performed with integrity.

Nevertheless we agree with OSCE that this might raise questions as to whether this practice is consistent with international standards. Amendments are now made to the Election Act in order to require ballot boxes to be sealed during voting.

Restrictions on candidates

OSCE asked us to consider restricting candidates from serving as members of Polling Committees and Electoral Committees. Here amendments are made to the Election Act. List candidates may no longer serve as member of Polling Committees or staff at polling stations.

Complaints

Following the EAM report the Ministry initiated a comprehensive review of the present system for election-related complaints. These issues are included in a larger problem complex around complaints and the approval of elections. The Ministry has received a joint report from the Venice Commission and OSCE. We will undertake a thorough assessment of recommendations given in their report.

Pilots on remote e-voting in September 2011

In Norway we've just conducted county and municipal elections. This time, and for the first time, we conducted a pilot on remote e-voting in 10 municipalities. By invitation an ODHIR expert team agreed to follow the pilot. Introducing new voting technologies represents new challenges. It is most important to us that pilots were conducted in accordance with international rules and obligations. We are therefore happy that ODHIR wanted to follow the project and that we could take advantage of ODHIRs expertise.

Closure

Norway has a long-standing and vibrant democracy. And the conduct of elections enjoys a high degree of confidence from voters. Nevertheless, we do believe our election regulations benefit a scrutiny, when it comes to compliances with international standards. In this regard co-operation with OSCEs ODIHR office has been most useful.

As part of our joint obligations, it is important that ODHIR recommendations are followed up. We hope that our practices can serve as an example for others. We also believe that a systematic process and approach on how to follow up in member states should be developed.