





TERMS OF REFERENCE (PRELIMINARY)

FIFTH PLENARY ASSEMBLY GLOBAL NETWORK ON ELECTORAL JUSTICE

October 9-11 Denpasar, Bali, Indonesia

Hybrid event

Start of work: October 10, 08:45 (UTC +8)

End of work: October 11, 16:45 (UTC +8)









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THEMATIC AREAS OF THE FIFTH PLENARY ASSEMBLY

The <u>Global Network on Electoral Justice (GNEJ)</u> is an international collaborative forum that works to strengthen the efforts to protect political-electoral rights and effectively resolve electoral disputes. For the Global Network's Fifth Plenary Assembly, its Scientific Committee—which is responsible for defining the annual thematic priorities—determined that discussions would focus on three main topics: the elections held in 2022 and the process of emerging from the COVID-19 pandemic; digital media and disinformation in electoral processes; and strategies to bring electoral justice closer to citizens: transparency, open data, and social collaboration.

In addition to the plenary sessions dedicated to each of these topics, three plenary sessions will be held to discuss the work of the GNEJ's Observatories: Gender Equality, Judicial Independence, and Social Media. The Fifth Assembly's underlying topic will be **the gender perspective**, so this thematic component will have to be addressed in all plenary sessions.

Points to consider regarding the three main topics:

Elections held in 2022 and the process of emerging from the COVID-19 pandemic

- Analyze the lessons learned from the 2022 electoral processes and reflect on the current state of democracy and electoral justice systems.
- Share the good practices that electoral justice authorities found during the pandemic.
- Talk about the changes and opportunities that have arisen because of the pandemic for jurisdictional-electoral and administrative bodies.
- Discuss current electoral reforms, in particular the legal effect of the pandemic and how resilient electoral justice can be ensured.

Digital media and disinformation in electoral processes

- Share good practices to build trust in the electoral process and analyze the positive and negative aspects of the enormous flow of digital information.
- Analyze how digital media can be regulated to ensure an equitable contest between political parties and candidates.
- Discuss whether the international legal framework on disinformation and the strategies of electoral authorities in response to the threats and opportunities of digital media are sufficient.
- Talk about freedom of expression and digital media: advantages, disadvantages, and effective participation of the electorate.







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Strategies to bring electoral justice closer to citizens: transparency, open data, and social collaboration

- Share good practices, as well as institutional and transversal lessons, to improve the implementation of open justice.
- Analyze the practices of courts and tribunals in terms of the information they share: is it accessible, clear, and focused on citizens?
- Evaluate the inclusion of vulnerable or historically excluded groups, as well as collaboration with civil society, when considering open electoral data.
- Analyze open justice as a modernization mechanism for organizations that deal out electoral justice.











GENERAL TERMS OF REFERENCE

Speakers and moderation of the sessions: Speakers will participate through 8 to 10-minute speeches or presentations. After the initial presentations, the floor will be opened for a Q&A session of 25 minutes maximum.

Dynamics for the participation of plenary session attendees: For the Q&A section of each of the event's six sessions, attendees are asked to prepare one or two questions, and/or emblematic cases that they would like to share, among others. The Technical Secretariat will receive participation requests in writing until October 3rd (please send them to global@te.gob.mx), so that it can coordinate participation in advance.

This ensures that those who wish to participate in the free discussion of each session can do so, and it enables the Technical Secretariat to include the greatest possible number of participants in the time available. If you do not submit your speaking request in advance, you may ask to speak at the event or, if you are attending virtually, using the chat on the conference's digital platform. See "Duration of participations."

Duration of participations (Q&A): Participants may intervene for three minutes in the desired session(s). The Q&A segment of each session will last no longer than 25 minutes.

Simultaneous interpretation: There will be simultaneous interpretation in the GNEJ's three official working languages—Spanish, French, and English—and, on this occasion, also in Indonesian. At the event, headphones for all four languages will be distributed. If attendance is virtual, participants must press the "Interpretation" button, found in the main menu of the digital platform (at the bottom of the screen, displayed along an icon depicting the world), and select their preferred language.

Website for updated documents: For the most up-to-date versions of event documents, including the program, terms of reference, list of participants, list of bios, and the deliverables of the GNEJ's three Observatories (*Judicial Independence and Due Process in Electoral Justice, Guide to Judge with a Gender Perspective*, and volume II of *Glossary: Digital Media and Elections*), please visit the official website of the Fifth Plenary Assembly.

https://www.te.gob.mx/red_mundial/front/asamblea/inside/7









INAUGURATION

Date: Monday, October 10, 2022

Time: 08:45 - 10:30 (local time, UTC +8)

Link: TBA

Objective: Welcome participants to the Fifth Plenary Assembly of the GNEJ; describe the evolution of the Global Network in the last five years; present the improvements and changes that have taken place since the last plenary assembly; and introduce the main topics that will be discussed at the event.

Format: each speaker will have 8 to 10 minutes to participate.

General Information

The <u>Global Network on Electoral Justice</u> (<u>GNEJ</u>), created in 2017, is an international collaborative forum with the aim of strengthening the protection of political-electoral rights and the mechanisms to resolve electoral disputes. As a space for collective reflection, the Global Network enables the exchange of experiences, good practices, and relevant work on the subject, thereby contributing to design and implement shared strategies to solve common problems.

Unlike other associations and organizations that promote democracy, the GNEJ is made up of institutions and experts dedicated to ensuring electoral justice. Its members include electoral courts, tribunals, and judicial bodies from numerous countries, as well as international organizations, civil society organizations, academic institutions, and experts on elections and electoral justice. All members of the Network have the common objective of developing, analyzing, and following up on a common global agenda on electoral justice.

Since its creation, the Network has grown uninterruptedly. To date, 280 people from 46 countries have gathered at the annual plenary assemblies, and an additional 231 people have participated in other work meetings. Moreover, members have remained active in the discussion forums of the Global Exchange Platform, the digital tool that enables continuity in multilateral exchanges. Currently, the platform hosts more than 400 documents in the three working languages: Spanish, French, and English.

In the Fifth Plenary Assembly, attendees will discuss the elections that took place in 2022, during the COVID-19 pandemic; the disinformation spread by digital media in electoral processes; and strategies to consolidate democratic systems and bring electoral justice closer to citizens. The work of the three GNEJ observatories (Gender Equality, Judicial Independence and Social Media) will also be presented.







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Finally, the GNEJ Awards will be given for the first time in the Fifth Plenary Assembly. Launched in May 2021, these awards will be delivered annually with the aim of recognizing innovative academic studies on the subject, as well as specific actions carried out by jurisdictional bodies—or other entities responsible for electoral justice—and international organizations.









PLENARY SESSION 1. ANALYSIS OF THE ELECTIONS HELD IN 2022 & THE PROCESS OF EMERGING FROM THE COVID-19 PANDEMIC

Date: Monday, October 10, 2022

Time: 13:00 – 14:15 (local time, UTC +8)

Link: TBA

Objective: Discuss the elections that took place in 2022, considering the process of exiting the COVID-19 pandemic. Analyze the lessons and challenges of these electoral processes, aiming to evaluate the current state of democracies and electoral justice systems. Study the changes and opportunities to facilitate the work of jurisdictional-electoral bodies that have arisen because of the pandemic.

Format: Speakers will make brief interventions (8-10 minutes). At the end of the initial presentations, the floor will be opened for a Q&A session (25 minutes maximum).

Keywords: electoral processes, current jurisdictional practices, health measures, democratic principles

General Information

The COVID-19 pandemic affected electoral processes worldwide. Between February 21, 2020, and February 21, 2022, at least 80 countries and territories decided to postpone national or subnational elections; of those, at least 42 postponed national elections and referendums. In addition, during the health emergency, the courts, tribunals, and judicial bodies of contemporary democracies were forced to transform and adapt their processes to be able to fulfill their responsibilities.

Currently, with a large part of the world population vaccinated against COVID-19, it is possible to speak of a process of emergence from the pandemic. However, the challenges for democracies remain. According to Varieties of Democracy (V-Dem), in 2021, the level of democracy enjoyed by the average global citizen was down to 1989 levels. This means the democratic advances of the last 30 years were eradicated.²

Given this situation, it is necessary to pause and analyze the electoral processes of 2022, a year with approximately 11 elections for the executive power and 32 national legislative elections.³ When analyzing these electoral processes, it is necessary to identify good practices, lessons, and main

³ See https://elordenmundial.com/mapas-y-graficos/el-calendario-electoral-de-2022/





¹ See https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections

² See https://v-dem.net/media/publications/dr 2022.pdf



2022

challenges. This type of analysis also allows evaluating the current state of democracy and electoral justice systems, as well as conceiving strategies to guarantee political-electoral rights.

Democracies must be strengthened and consolidated through their institutions. To control and combat its current threats, it is necessary to recognize the changes that have arisen because of the pandemic, identify opportunities to facilitate the work of jurisdictional-electoral bodies, and discuss the current electoral reforms with the aim of ensuring a resilient electoral justice system.

- a) How has the COVID-19 pandemic benefitted the electoral processes of current democracies?
- b) How has the COVID-19 pandemic threatened the electoral processes of current democracies?
- c) What recommendations or good practices can you share based on the electoral process that your country experienced this year?
- d) What areas of opportunity have appeared in this process of emerging from the COVID-19 pandemic?
- e) Has the pandemic influenced citizen participation and trust in electoral processes? If so, in what way?
- f) What specific measures can democratic systems (or yours in particular) carry out to consolidate and ensure a resilient electoral justice system?
- g) Given the current state of democracy in your country, what are your recommendations to strengthen global electoral justice?









PLENARY SESSION 2. DIGITAL MEDIA AND DISINFORMATION IN ELECTORAL PROCESSES

Date: Monday, October 10, 2022

Time: 14:30 - 15:45 (local time, UTC +8)

Link: TBA

Objective: Identify the challenges faced during electoral processes derived from the disinformation spread by digital media. Analyze, from a global perspective, the electoral regulation of political parties and candidates in relation with digital media and campaigns, as well as the main challenges in this area. In particular, the role of the bodies responsible for guaranteeing electoral rights will be discussed.

Format: Speakers will make brief interventions (8-10 minutes). At the end of the initial presentations, the floor will be opened for a Q&A session (25 minutes maximum).

Keywords: digital media, misinformation, regulation, electoral jurisdictional powers

General Information

Digital technologies and media have developed at breakneck speed in recent years. These transformations, such as media digitization and an excess of information, have had profound effects on contemporary democratic systems. Political parties and candidates have adopted these new mechanisms to disseminate information and reach more voters, but at the same time, viral disinformation campaigns have proliferated and hate speech has been amplified.

The tension between free speech and free flow of information, on the one hand, and regulations to prevent disinformation and hate speech, on the other, has become one of the main challenges for today's democracies.⁴ Given the effect that regulations have on the integrity and legitimacy of elections, as well as on citizens' rights, it has become essential to discuss what are the most appropriate mechanisms to deal with disinformation in digital media.

There are international standards that can be considered a reference point to regulate the relationship of political parties and candidates with digital media. However, the constant development of new technologies and the current democratic erosion—caused, to a large extent, by disinformation—make it necessary to continuously search for strategies to strengthen the bodies that guarantee political-electoral rights.

⁴ See https://www.ifes.org/publications/ifes-covid-19-briefing-series-preserving-electoral-integrity-during-infodemic





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- a) What are the main challenges that current democracies face due to the misinformation spread by digital media?
- b) What good practices contribute to reducing the wave of disinformation that the world is facing today?
- c) Given the principle of freedom of expression, what recommendations do you have to regulate digital media in electoral processes?
- d) What are the real challenges faced by the authorities that safeguard political-electoral rights in terms of disinformation?
- e) How can digital media be regulated to ensure that there is a fair contest between political parties and candidates?
- f) Do you consider that the international legal framework to combat disinformation and the strategies of electoral authorities in response to the threats and opportunities posed by digital media are sufficient? For what reasons?











PLENARY SESSION 3. STRATEGIES TO BRING ELECTORAL JUSTICE CLOSER TO CITIZENS: TRANSPARENCY, OPEN DATA, AND SOCIAL COLLABORATION

Date: Monday, October 10, 2022

Time: 16:00 - 17:15 (local time, UTC +8)

Link: TBA

Objective: Analyze, from a comparative perspective, different strategies to bring electoral justice closer to citizens and consolidate democratic systems. Discuss concepts such as transparency, interinstitutional collaboration for an enhanced performance of the function, and evidence-based opening of electoral justice to citizens. Highlight key actions to modernize electoral justice bodies and contribute to the institutional consolidation of the authorities associated with the GNEJ.

Format: Speakers will make brief interventions (8-10 minutes). At the end of the initial presentations, the floor will be opened for a Q&A session (25 minutes maximum).

Keywords: transparency, open data, citizen collaboration, updating jurisdictional procedures, governance

General Information

The institutions that deliver justice must work for citizens and respond to their needs. One of the main tools to achieve this is open justice. In part, this concept refers to tribunals' practice of disclosing information so that anyone who is interested can access it. Many institutions have taken advantage of the benefits of the digital age to enhance this practice, since, in their modernization processes, they have developed inquiry and monitoring mechanisms that offer downloadable information in a format that facilitates understanding.

Although open justice is based on access to information and accountability, it is also guided by the principles of collaboration and citizen participation. Efforts in this area have focused on building bridges and improving communication with citizens to develop new and better responses to the social challenges of justice access and delivery.

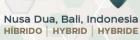
Analyzing open justice from a comparative perspective serves to enrich the transparency mechanisms of courts and tribunals around the world. In addition, it allows conceiving new strategies to use access to information as a mechanism for combating corruption. An open institution, which makes available to the public all the information it generates and uses to carry

⁵ See https://justiciaabierta.net/









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out its activities, generates trust in citizens. For this reason, it is essential to share good practices and institutional lessons that lead to the strengthening of open justice.

- a) What good practices and institutional lessons would you highlight to improve the delivery of open justice?
- b) How can an open institution be developed, considering the inclusion of vulnerable groups?
- c) What actions would you recommend for combatting corruption through justice and open data?
- d) What should be the first step to consolidate an open data system in courts, tribunals, and judicial bodies around the world?
- e) What are the benefits of having an open justice model?











PLENARY SESSION 4. INCLUSIVE ELECTORAL JUSTICE: EXCHANGE WITH THE OBSERVATORY ON GENDER EQUALITY

Date: Tuesday, October 11, 2022

Time: 09:00 – 10:15 (local time, UTC +8)

Link: TBA

Objective: Analyze the progress and work of the GNEJ's Observatory on Gender Equality; discuss good practices in the matter and strategies to consolidate inclusive and equal electoral; and present this year's deliverable: *Guide to Judge with a Gender Perspective*.

Format: Speakers will make brief interventions (8-10 minutes). At the end of the initial presentations, the floor will be opened for a Q&A session (25 minutes maximum).

Keywords: electoral justice, gender equality, parity, gender perspective

General Information

The GNEJ's Observatory on Gender Equality was created in 2019, as part of the agreements of the Network's Third Plenary Assembly, with the aims of promoting the political participation of women in public decision making and promoting the exercise of their political-electoral rights under conditions of parity and without gender-based political violence.

To meet these aims, the work of the Observatory has focused on strengthening the administration of electoral justice with a gender perspective in electoral jurisdictional bodies; identifying the ideal conditions for electoral justice to be carried out with a gender perspective; publicizing rulings with a gender perspective; and disseminating the profiles and stories of people who, through their work, have helped to promote the participation of women in the political-electoral sphere.

As part of these efforts, the Observatory recently developed the *Guide to Judge with a Gender Perspective*, a methodological tool that seeks to guide those who deliver electoral justice to do so from a perspective of parity and inclusiveness. The document discusses concepts such as gender perspective, power relationships and asymmetries, vulnerability, stereotypes, gender roles, intersectionality, equality and non-discrimination, and gender-based political violence, among others. Rulings with a gender perspective from countries in different regions and international human rights systems are also analyzed. The *Guide* will be presented in this session of the Fifth Plenary Assembly and a discussion will be promoted among attendees based on its findings, proposals, and methodology.







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- a) Given the disruptions caused by the pandemic, what were the main challenges that emerged in the administration of electoral justice from a gender equality perspective?
- b) What institutional mechanisms were the most and least effective in preventing or addressing these challenges?
- c) What new strategies have emerged to consolidate inclusive and equal electoral justice? Is there a common denominator that transcends local particularities?
- d) What tools are needed to reach those who still do not consider gender equality a priority issue?
- e) What are the best mechanisms for more people to learn about the work and materials that have been developed at the GNEJ in this area?









PLENARY SESSION 5. AUTONOMOUS ELECTORAL JUSTICE: EXCHANGE WITH THE OBSERVATORY ON JUDICIAL INDEPENDENCE

Date: Tuesday, October 11, 2022

Time: 10:30 – 11:45 (local time, UTC +8)

Link: TBA

Objective: Analyze the progress and work of the GNEJ's Observatory on Judicial Independence; discuss good practices in the matter to examine the factors that threaten the autonomy of electoral authorities and courts around the world; and present the second edition of the study *Judicial Independence and Due Process in Electoral Justice*.

Format: Speakers will make brief interventions (8-10 minutes). At the end of the initial presentations, the floor will be opened for a Q&A session (25 minutes maximum).

Keywords: judicial independence, electoral justice, international judicial norms, political-electoral rights

General Information

To guarantee electoral justice and the protection of political-electoral rights, justices must be able to make decisions without interference or external pressure; that is, there must be judicial independence. Currently, in many parts of the world there are still many obstacles for judicial independence, a fact that manifests in the high level of mistrust in electoral courts. Given this background, in 2019 the Global Network created its Observatory on Judicial Independence, as part of the agreements of the Third Plenary Assembly. The Observatory has the aim of promoting the independence of electoral judges and guarantor bodies to ensure the protection of political-electoral rights in the administration of electoral justice.

To fulfill its mission, the Observatory constantly analyzes the internal and external factors that threaten the independence of electoral authorities and courts; it issues recommendations to make institutional changes that strengthen judicial independence and the rule of law; and promotes and evaluates compliance with international standards on electoral judicial independence.

Among other activities, the Observatory develops materials that contribute to its objectives, and so the second edition of the study *Judicial Independence and Due Process in Electoral Justice* will be presented at the Fifth Plenary Assembly. In this material, the international principles and standards in matters of judicial independence and due process, particularly in the field of electoral justice, are







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analyzed in comparative perspective. In addition, the document discusses the application of said principles and standards at the national level. The presentation of this deliverable will promote an exchange among attendees about the challenges and opportunities to achieve autonomous electoral justice.

- a) What threats to judicial independence have emerged due to recent political events in the world?
- b) What mechanisms must be avoided so that judicial independence is not confused with a lack of transparency or accountability?
- c) To what extent is it possible to establish international standards of judicial independence and due process? How much weight should the local context have?
- d) What are the most appropriate metrics to determine the degree of judicial independence in a given place?
- e) What other mechanisms could the GNEJ develop to support the institutional solidity of its members in matters of autonomy in the administration of electoral justice?









PLENARY SESSION 6. DIGITAL ELECTORAL JUSTICE: EXCHANGE WITH THE OBSERVATORY ON SOCIAL MEDIA

Date: Tuesday, October 11, 2022

Time: 13:00 – 14:15 (local time, UTC +8)

Link: TBA

Objective: Analyze the progress and work of the GNEJ's Observatory on Social Media; discuss the technological factors that strengthen or threaten democratic principles and electoral processes around the world; and gather good practices in the matter so that authorities are able to guarantee electoral justice in their rulings. In addition, this year's deliverable, the second volume of *Glossary: Digital Media and Elections* will be presented.

Format: Speakers will make brief interventions (8-10 minutes). At the end of the initial presentations, the floor will be opened for a Q&A session (25 minutes maximum).

Keywords: technology, digital media, social media, electoral processes

General Information

Digital technologies—particularly social media—have emerged as the main means of presenting ideas, debating, and sharing information in the political-electoral field. These tools facilitate access to information and enrich the public conversation, but, paradoxically, at the same time they are a source of misinformation, manipulation, and hate speech. Moreover, the lack of regulation in the digital world makes investigating and punishing crimes against democracy particularly complex. Consequently, the integrity of elections around the world has been called into question.

Faced with the enormous task of avoiding the pernicious use of social media without violating freedoms, rights, and democratic principles, the GNEJ created the Observatory on Social Media in 2019, as part of the agreements of the Third Plenary Assembly. The aim of this body is to find and disseminate the best strategies and practices in the realm of social media and new technologies for the electoral judicial field. Thus, it seeks to strengthen justice institutions so that they can maintain the integrity of electoral processes in the face of the new challenges of the digital age.

In its work, the Observatory analyzes the technological factors that strengthen or threaten democratic principles and the exercise of political-electoral rights; it issues recommendations on institutional changes that strengthen the rule of law and the protection of fundamental rights in the digital age; and it monitors and evaluates compliance with international standards regarding the use of new technologies in the electoral field.







2022

Given the evolving nature of social media, the Observatory set out to offer a common language to the members of the GNEJ. For this reason, the second volume of *Glossary: Digital Media and Elections* will be presented at the Fifth Plenary Assembly. The document contains terms that are commonly used to analyze social media and its relationship with democratic processes online. It includes topics such as loss of autonomy, disinformation, partial vision, constraints on freedom of choice, and censorship, among many others.

- a) Should there be actors—public or private—with the power to determine whether certain information published on social media is false or misleading? If so, who?
- b) What are the risks of limiting the information that can be published on social media during electoral processes and how can they be prevented?
- c) Given the transnational nature of social media, how can states collaborate to protect the integrity of their electoral processes? What mechanisms can be strengthened or established?
- d) How should the effectiveness and relevance of a regulatory policy for new technologies be measured?
- e) How much online presence should the people in charge of dispensing electoral justice have and what guidelines should they follow?









AGREEMENTS OF THE FIFTH PLENARY ASSEMBLY AND CLOSING CEREMONY

Date: Tuesday, October 11, 2022

Time: 14:15 – 16:00 (local time, UTC +8)

Link: TBA

Objective: The Plenary Assembly will be informed of the agreements and proposals derived from the meeting of the Governing Council and will be consulted on the proposals for the future work of the GNEJ's observatories, based on the discussions of the Fifth Plenary Assembly.

Format: The Technical Secretariat will moderate and coordinate the session.

General Information

To conclude the activities of the GNEJ's Fifth Plenary Assembly, attendees will be thanked for their participation and the event will be recognized as an international forum for the strengthening of institutions. At the closing session, the sustainability proposals will be shared and the frequency of the intermediate meetings between plenary assemblies will be put to the consideration of the General Assembly.

Subsequently, the addition of new members and the approval of the amendments to the Constitutive Act, previously discussed by the Governing Council, will also be put to the consideration of the General Assembly. If participants decide to issue a declaration, those present will sign the Bali Declaration. Finally, the GNEJ Presidency will make the closing statement and the closing photograph will be taken.











SOCIAL MEDIA AND DIGITAL PLATFORMS OF THE GNEJ

Main sites for digital exchanges:

1. Global Exchange Platform



2. Twitter: @RMJEoficial





@RMJEoficial
#JusticiaElectoral
#ElectoralJustice
#JusticeÉlectorale
#5aAsamblea
#5thAssembly
#5èmeAssemblée



