

INTERNATIONAL CONGRESS “DIGITAL TECHNOLOGIES: DEMOCRACY AND REGULATION IN EUROPE AND AMERICA”

HYBRID CONGRESS
JUNE
20th and 21st
2023
MEXICO CITY

“DIGITAL TECHNOLOGIES: DEMOCRACY AND REGULATION IN EUROPE AND AMERICA”

Date: June 20th and 21st, 2023

Location: Hybrid event

- On-site: José Luis de la Peza Auditorium, High Chamber of the Electoral Tribunal of the Federal Judiciary, Mexico City
- Digital platform: Zoom, with prior registration

Language: English, French, and Spanish (simultaneous interpretation)

Objective of the event: Engage in the debate on the regulatory process of digital technologies, social media, and artificial intelligence currently taking place in Europe — particularly regarding the implications of their use for political-electoral rights and democracy — with the aim of having Latin American countries join a similar regulatory initiative.

Speakers: Up to 30 international speakers will participate in the event, both on-site and virtually. Invitees include members of the Venice Commission, members of the Commission's Sub-Commission on Latin America, representatives of constitutional courts, electoral authorities, and experts in the field.

Background:

In modern democracies, political participation is considered a fundamental right and is recognized in both the American Convention on Human Rights¹ and the International Covenant on Civil and Political Rights.² In addition, political participation is closely linked to other rights, such as freedom of expression and opinion and the rights to education and information.³

¹ Article 23. Available at <https://www.corteidh.or.cr/tablas/17229a.pdf>

² Article 25. Available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

³ Office of the United Nations High Commissioner for Human Rights, “Factors that impede equal political participation and steps to overcome those challenges”, June 30, 2014, available at: https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session27/Documents/A_HRC_27_29_ENG.doc



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While there have always been obstacles to the full political participation of citizens — particularly affecting women, indigenous peoples, people with disabilities, and other vulnerable groups — additional challenges have emerged in recent years. To a large extent, these emanate from the use of social media, artificial intelligence systems, and other digital technologies.

Paradoxically, the same digital tools that have created opportunities to strengthen political participation have the potential to be used to hinder it and damage democratic integrity. Disinformation campaigns that seek to undermine confidence in elections, intimidating attacks aimed at different electoral actors and the media, and the proliferation of hate speech and violence against discriminated groups are just some of the challenges posed by the digital context in which contemporary democracies operate.

All this requires a detailed analysis of the development, operation, and use of these technologies from the perspective of effective political participation. One of the regions that has made the most progress in this discussion is Europe, where there has been an extensive debate on regulatory measures to ensure that digital technologies do not affect citizens' rights, particularly political and electoral rights.

Within the Council of Europe, the Venice Commission, for example, in its document “Principles for a Fundamental Rights-Compliant Use of Digital Technologies in Electoral Processes,” identified principles applicable to the entire electoral cycle and stressed the importance of free communication during electoral periods.⁴

It is also worth highlighting the work of the Committee on Artificial Intelligence (CAI), whose purpose is to develop a “[Framework] Convention on Artificial Intelligence, Human Rights, Democracy, and the Rule of Law,” a legally binding instrument on the development, design, and use of artificial intelligence based on the Council of Europe's standards.

Given the transnational nature of digital phenomena and the common challenges that democracies face in this field, the European debate on the regulation of digital technologies and artificial intelligence can be very useful for Latin American countries. In addition to discussing the challenges and contentious issues that have

⁴ Principles for a Fundamental Rights-Compliant Use of Digital Technologies in Electoral Processes. Venice Commission, paragraph 21, p. 7. Available in [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2020\)037-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)037-e)



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arisen in Europe, Latin American actors can take preventive measures and consider joining regulatory initiatives adapted to the social reality of the region.

Thus, from the European point of view, this event offers the opportunity to share — and learn — lessons about the regulation of artificial intelligence and other emerging technologies in such a way that political-electoral rights and fundamental freedoms are respected. From the Latin American perspective, this congress can be seen as an interdisciplinary space to explore the creation of a more robust global regulatory framework on the matter. In this process, it is necessary to recognize that only through collaboration can a more just and democratic digital future be guaranteed.

Panel themes:

1. Opening session. Relationship between democratic integrity and the digital context in which democracy operates
2. Panel 2. Technologies available to the judiciary worldwide
3. Panel 3. Social media and disinformation in electoral processes: analysis of their use in political campaigns
4. Panel 4. Hate speech and violence: artificial intelligence and gender equality
5. Panel 5. What are digital technologies and in which areas of electoral justice are they used?
6. Panel 6. Artificial intelligence: benefits and drawbacks of its use in political communication and propaganda

Questions for discussion:

Opening session. Relationship between democratic integrity and the digital context in which democracy operates

1. Can electoral integrity be analyzed without referring to new technologies, or have the latter become an intrinsic part of our democracies?
2. What contributions can the latest technological developments make to electoral integrity and justice?
3. What are the main challenges for preserving democratic integrity in the digital context, and how can they be addressed?
4. How can digital technologies strengthen transparency and accountability in political and electoral processes?
5. How can emerging technologies like blockchain contribute to ensuring the integrity of electoral processes in the digital environment?



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Panel 2. Technologies available to the judiciary worldwide

1. What measures are currently available to combat the harmful effects of the use of digital technologies in the electoral field? Are they sufficient, or are broader regulatory tools needed to protect fundamental rights?
2. What contributions can the latest technological developments make to electoral integrity and justice?
3. What challenges arise when adopting advanced technologies in electoral judicial processes, and how can they be overcome?
4. What is the role of artificial intelligence in electoral judicial decision-making and what ethical and legal considerations should be taken into account?
5. How can digital technologies facilitate citizen participation in electoral judicial processes and strengthen trust in the justice system?
6. Is there a lack of technical capacities within state institutions, particularly jurisdictional ones, to have a better understanding of new technologies and defend people's rights? If so, how can these capacities be developed?

Panel 3. Social media and disinformation in electoral processes: analysis of their use in political campaigns

1. What is the impact of disinformation on social media and how does it affect electoral and jurisdictional processes?
2. What regulatory measures can be implemented to ensure transparency and accountability of social media platforms during political campaigns?
3. How can data analytics and artificial intelligence technologies help identify and counter disinformation in real-time?
4. Is it desirable to have an international regulatory framework on the matter? If so, what should be its scope, and what are the main obstacles to establishing it?
5. What strategies can promote digital literacy and critical thinking among citizens to address online disinformation?

Panel 4. Hate speech and violence: artificial intelligence and gender equality

1. How have disinformation campaigns promoting hatred, misogyny, and/or other forms of intolerance increased social divisions? How can they be prevented from destabilizing the political environment and affecting voting behavior?



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2. What are the risks and challenges of artificial intelligence in relation to hate speech and gender-based political violence?
3. How can artificial intelligence contribute to detecting and preventing hate speech and gender-based political violence on digital platforms?
4. What regulatory measures can promote gender equality in the use of digital technologies in the political and electoral sphere?
5. What is the role of education and awareness in combating hate speech and gender-based political violence in the digital environment?

Panel 5. What are digital technologies and in which areas of electoral justice are they used?

1. What are the most relevant digital technologies in the voter registration and verification process?
2. To what extent can digital technologies improve efficiency and transparency in electoral justice administration, including the handling of claims and disputes?
3. What is the balance between the advantages and harmful effects of new technologies for democratic and electoral processes?
4. How do digital technologies facilitate citizen participation in the oversight and monitoring of electoral judicial processes?
5. What are the challenges and opportunities of implementing digital technologies in electoral justice, and how can potential risks related to privacy and data security be addressed?

Panel 6. Artificial intelligence: benefits and drawbacks of its use in political communication and propaganda

1. What are the potential benefits of artificial intelligence in political communication, and how can they contribute to a more informed debate?
2. What are the risks and ethical challenges associated with the use of artificial intelligence in political propaganda?
3. What are the implications of artificial intelligence for human rights, specifically freedom of expression?
4. How can artificial intelligence influence political polarization and the formation of biased opinions?
5. What principles should be established to regulate the use of artificial intelligence in political communication and propaganda, to ensure electoral integrity and protect fundamental rights?



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6. How viable is it to “export” a binding international legal instrument such as the one being developed by the Committee on Artificial Intelligence (CAI) from the European to the Latin American context? What strategies can be used to reconcile national legal frameworks with a legal instrument of this type?



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