



Global Network on Electoral Justice

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CONCEPT NOTE

Background:

The Electoral Tribunal of the Federal Judiciary of Mexico (TEPJF) has summoned Electoral Tribunals, Constitutional Courts, Supreme Courts of Justice and other distinguished institutions, with the objective to create a network that allows the development, analysis and follow-up of a common global agenda on electoral justice in a Constitutional and Democratic State.

In this respect, the TEPJF proposed to create a Network of Electoral and Constitutional Courts at the VII Meeting of the Working Group on Electoral Jurisprudence in America. The aim would be to generate a common agenda that allows an exchange of experiences, best practices and projects relevant to this topic, and that contributes to the design and implementation of shared strategies to solve common problems.

The Global Network on Electoral Justice emerges as a response to the challenges that are faced by constitutional courts and electoral tribunals in contemporary democracies, from the perspective of the effective protection of political-electoral rights of citizens and of systems of representation.

The network aims to offer a space for specialized and transversal debate about the main regulatory, theoretical and practical dilemmas that are encountered by the bodies responsible for guaranteeing and upholding electoral justice and the Rule of Law in democratic matters.

To this end, an inclusive and representative space is sought to be generated, that involves three big groups of members:

- 1) Representatives of courts and tribunals who administer electoral justice or that resolve cases related to the exercise of rights linked with political participation and representation;
- 2) International institutions, being intergovernmental, civil or of other nature, whose mandate or area of action includes themes specific to the Global Network; and
- 3) *Think tanks*, centers of specialized studies on the matter, as well as experts, academics and specialists in their individual capacity, whose experience is useful for the objectives of the Global Network.

This design transcends academic and professional associations and specialized institutions, at a national and international level, offering a forum for collective reflections from different angles, preserving its thematic precision.

Challenges of contemporary democracies

After the third wave of democratization and with the generalization of electoral processes, the electoral justice plays a key role in ensuring the stability of the democratic system in its broader conception (right to vote and to be voted, party systems and legitimacy of access to political power), the commitment to the legal framework and consolidation of democratic governance.

In various democratic systems worldwide, citizens express their dissatisfaction with the mechanisms that are intended to respond to their demands. Nevertheless, democracy remains the most frequently used method of government and of renovation of political power, as well as its instruments of popular consultation that continue to be an ideal mechanism to answer the complaints and discontent of society.

Thus, given that the Global Network on Electoral Justice focuses on the analysis of the challenges of contemporary democracies and the institutional exchange of experiences and recommendations by its members, it is estimated to be a key element for the future of democracy.

Objective of the Global Network on Electoral Justice

To invigorate the global democratic governance, departing from the deliberation, design and recommendations of strategies with a jurisdictional perspective, at national, regional and global levels, and by promoting dynamic communication, active participation in the exchange of experiences, best practices and consultative opinions and any other kind of support that addresses the individual and collective needs of its members on this matter.¹

¹ Unlike other associations and organizations that focus on the promotion of democracy, this Network consists of the authorities in charge of safeguarding electoral justice. Likewise, the objective is to bring together academic and constitutional analysis, with an approach of public policies, so that the non-binding recommendations that are created can be properly implemented by the institutions that are part of the Network.

Strategy

1. Construct a cutting-edge technological platform that allows to:

- Generate an exchange and disseminate documents of electoral-legal, institutional, jurisdictional and informative character.
- Organize trainings and/or educative activities.
- Create a database where legislative experiences, judicial decisions and articles of experts in this field will be shared.
- Develop long-distance periodical sessions between its members.
- Keep updating relevant information related to electoral justice, on the challenges of contemporary democracies and electoral systems.
- Create a mechanism that measures citizens' perception of the performance and progress of the institutions responsible of administering electoral justice.

2. Design consultative and diagnostic mechanisms that, upon request of the members, evaluate concrete issues and suggest feasible solutions focused on public and legal policies.

The implementation of these and other lines of actions will seek to guarantee diversity in the approaches and solutions.

Main lines of action

- Mapping of original members of the Global Network (strategic alliances).
- Definition of the Basic Document of the Global Network, which will consider principles of action, ethic codes, rights and obligations of its members.
- Initial agenda of common issues that identifies the challenges of contemporary democracies, focusing on the strengthening of democratic institutions and electoral dispute resolution mechanisms, and on maintaining legitimacy of democratic processes.

Membership

Three main categories of members of the Global Network are considered:

- 1) Constituent Members. In charge of agreeing on the basic elements and members of the Constituent Assembly of the Global Network (meeting was held in May 2017).
- 2) Ordinary Members. Electoral tribunals, constitutional courts and other public institutions that wish to join the Network and its efforts.
- 3) Associates of the Global Network. Other fora, organizations or communities that address and develop similar topics and those who are considered being relevant for the Network to maintain a relationship with, either on a provisionary or permanent basis.

In the creation process of the Global Network, the membership will be free of charge and the Constituent Members will define the form of collective financing of the projects agreed to in the Initial Agenda, taking into account the consultative and pragmatic function of the Network.

For the constituent meeting scheduled for November, each participant will pay their air transportation. In its capacity as host country, Mexico will cover the accommodation expenses, local transportation and venues for the working sessions.

Nature of the decisions of the Global Network on Electoral Justice

The documents, recommendations and proposals adopted by the Global Network on Electoral Justice **will be non-binding**. The decisions will be taken in a consultative, deliberative space, with academic and methodological rigor, in a context of freedom of expression and thought, under the predefined ethical codes and with the shared commitment to protect the information provided by the members.

Structure of the Global Network on Electoral Justice

In order to guarantee continuity of the work of the Global Network, the following structure is proposed:

- General Committee
 - Presidency
 - First Vice Presidency
 - Second Vice Presidency
- Secretariat
 - Member of the last presidency
 - Member of the current presidency
 - Member of the elected presidency
- Academic advisory committee

General Committee

The integration of the General Committee will try to reflect a balance between regions and genders, and must include one of the Original Members. Their duties will be to determine the agenda of the plenary assembly, create the working groups to analyze the priority topics and common strategies, identify opportunities of collaboration with other networks, associations and organizations, besides the ones agreed to by the Original Members.

The Original Members will agree upon the proposed agenda for the constituent meeting. During the meeting in November 2017, the Constituent Members will approve the basic documents, choose the General Committee and determine the work program for next year.

Secretariat

Its objective is to provide support to and follow up on the decisions made by the members of the Global Network. To this end, it will coordinate the necessary actions to hold meetings, the compilation and dissemination of documents, manage internal communication and other tasks as instructed by the General Committee.

Academic advisory committee

In order to strengthen the academic and methodological rigor of the discussions, the Global Network will include in its structure an academic committee composed of experts in Law, Political Science, Philosophy, International Relations, Public Administration, Sociology, Anthropology and other relevant knowledge areas. Its members will develop studies that will accompany the deliberations and guide the decisions of the Global Network.

Working groups

For the performance of the Global Network and of the main lines of action, working groups should be established, in which rulings, cases and priority issues will be analyzed. These groups could meet more frequently and organize the necessary discussion fora to produce documents, databases and other inputs.

PARTICIPATION GUIDELINES

Introduction

The Global Network on Electoral Justice emerges as a response to the challenges that are faced by constitutional courts and electoral tribunals in contemporary democracies. The effective protection of political-electoral rights is a delicate issue that requires a sensitive and accurate approach to be tackled.

The network aims to offer a space for specialized and transversal debate about the main regulatory, theoretical and practical dilemmas that are encountered by the bodies responsible for guaranteeing and uphold electoral justice and the Rule of Law in democratic matters.

Because the working sessions are sought to be realized in an environment where the participants feel free to express their ideas, the following work guide comprising some participation principles is suggested.

OPENNESS

The participants are willing to partake in the working sessions.

COLLABORATION

Attendance at the meetings implies the obligation to contribute to the work of each meeting.

COMPETENCE

The participants will only express themselves on the themes related to the work of the Global Network.

CONFIDENTIALITY

The participants will be assured that the opinions expressed at the working sessions will not be transcended to the general public.

DISSEMINATION

Once the necessary agreements are reached, the participants will contribute to the dissemination of the achievements and agreements reached in the working sessions.

PROFESSIONAL ETHICS

At all times, the participants must respect the norms that regulate the behavior of civil servants and public judges in the electoral field.

INTEGRITY

The participants will seek to guide themselves with righteousness, probity, honesty and dignity during the working sessions.

OBJECTIVITY

The participants' interventions will be impartial and unbiased in order to pursue improvement of and efficiency during the working sessions.

CONSIDERATION

All interventions must respect their assigned time slots and the different opinions of other participants.

GENERAL AGREEMENTS

Mexico City, Mexico

9th May 2017

On May 8-9th 2017, the Founding Members of the Global Network on Electoral Justice gathered in Mexico City to partake in the Preparatory Meeting of this initiative. The group of participants consisted of representatives from the Electoral Tribunal of the Federal Judiciary of Mexico (TEPJF), the United Nations Development Programme Chapter in Mexico (UNDP), the Organization of American States (OAS), the International Institute for Democracy and Electoral Assistance (International IDEA), the National Electoral Chamber of the Republic of Argentina, the Superior Electoral Court of Brazil, the Qualifying Tribunal of Elections of Chile, the National Electoral Council of Colombia, the Supreme Tribunal of Elections of Costa Rica, the Constitutional Court of the Republic of Indonesia, the International Foundation for Electoral Systems (IFES), and the Foundation of Getulio Vargas. Together, the Founding Members **agreed:**

1. To reaffirm the interest to create a network for the generation and distribution of knowledge on electoral justice, in order to protect the integrity of the electoral processes. This, and given the diversity of institutions and mechanisms protecting electoral justice in each country, implied the creation of the Global Network on Electoral Justice (GNEJ).
2. To explore different kinds of membership of the Network, taking into consideration that it should consist of institutions whose main function is to protect the political rights

connected to an electoral cycle, whether it is on an exclusive or shared basis. The participation of international organizations, foundations, research centers (*think tanks*) or universities who contribute with knowledge and resources on electoral justice, with the aim of addressing challenges to contemporary democracies, shall also be considered. The Founding Members established criteria for the inclusion of potential new members of this Network.

3. To consider the four Electoral Dispute Resolution (EDR) mechanisms outlined in the *Electoral Justice: The International IDEA Handbook* of the International Institute for Democracy and Electoral Assistance (International IDEA), so that the composition of the Network includes members who represent each of these four mechanisms:
 - a. A legislative or other political assembly
 - b. An institution within any of the following categories:
 - i. Ordinary Tribunals of the judicial branch
 - ii. Constitutional courts or councils
 - iii. Administrative courts
 - iv. Specialized electoral courts or tribunals
 - c. An electoral administration institution with jurisdictional power
 - d. An *ad hoc* institution created with the participation of the international community or as an international solution for a specific electoral process in the country.
4. To emphasize that the agreements resulting from meetings of the GNEJ are solely recommendations of non-binding nature for the members of this Network.
5. To establish a Code of Ethics that should be adopted by the members of the GNEJ, which shall consist of indispensable principles outlining the conditions for membership of this Network.

6. To ensure dynamism and continuity of this Network by maintaining regular communication with other members. Each member shall appoint a person as its representative, who will in turn be responsible for the communication with other members of this Network. Moreover, the following activities shall be developed:
 - a. A study and assessment of institutions in charge of protecting political rights on a global and/or regional level.
 - b. The Electoral Tribunal of the Federal Judiciary of Mexico (TEPJF) shall provide the members with a virtual platform where fundamental documents of this Network, already existing research and studies conducted by the members can be shared.
 - c. The International Foundation for Electoral Systems (IFES) will contribute to the consolidation and strengthening of regional networks on political rights.
7. To define the thematic focus of and topics to be discussed at the meeting of the Plenary Assembly of the GNEJ, taking into account that gender equality should be a crosscutting theme, at the latest by June 30th 2017.
8. To explore different models of financial sustainability of the GNEJ.
9. To implement the plenary meeting of the GNEJ that shall take place on 10-11th November 2017 in the city of San Miguel de Allende, in Guanajuato state, Mexico.

PRELIMINARY PROGRAM

First Plenary Assembly

9th – 11th November, San Miguel de Allende, México

Thursday 9th of November	
19:30 p.m.	Welcome dinner
Friday 10th of November	
9:30 a.m.	Opening ceremony
10:30 a.m.	Official photography
10:45 a.m.	Coffee break
11:00 a.m.	First session: Why a Global Network on Electoral Justice?
13:00 p.m.	Lunch
14:30 p.m.	Second session: Challenges of contemporary democracies: a) Democratic disengagement b) Equal political participation c) Means of communication and the use of new technologies d) Political financing of elections
16:30 p.m.	Coffee break
16:45 p.m.	Round table: The dilemmas of justice. What challenges are electoral dispute resolution bodies facing?
18:45 p.m.	Conclusions of the day
Saturday 11th of November	
9:00 a.m.	Breakfast: Reporting the conclusions of the first working day
10:30 a.m.	Third session: Operational rules of the Global Network on Electoral Justice
12:00 p.m.	Coffee break
12:15 p.m.	Closing ceremony
13:00 p.m.	Lunch