

International Conference on 'Role, Framework and Capacity of Election Management Bodies'

SUMMIT FOR DEMOCRACY

Democracy Cohort on 'Elections Integrity'



SUMMATION REPORT

The Election Commission of India organised a two-day International Conference on 31 Oct – 01 Nov 2022 at New Delhi on the theme 'Role, Framework & Capacity of Election Management Bodies' under the Cohort on Election Integrity led by ECI, which was established as a follow on to the 'Summit for Democracy' held in December, 2021. The Conference had participants from three Co-Leads of the Cohort viz. Ministry of Interior, Greece; Electoral Commission of Mauritius and International Foundation for Electoral Systems (IFES) and representatives from EMBs and EAs from Armenia, Nepal, Cabo Verde, Australia, Chile, Federal States of Micronesia, Philippines as well as Secretary General, International IDEA and Ambassadors/High Commissioners and other members of Diplomatic Corps from Costa Rica, Ghana, Jamaica, Albania, Nepal, Greece, Montenegro, Spain and officials from ECI & Ministry of External Affairs.

In his Keynote Address, CEC Mr. Rajiv Kumar stated that free, fair, inclusive, accessible and inducement free elections being a cornerstone of democratic polity, is a precondition to the peace and developmental dividends. These threshold concepts embody the understanding that sovereignty belongs to and flows from people of a country. He added that inclusivity also means adjusting inequalities especially for women, Persons with Disabilities, senior citizens, young voters and marginalized populations.



He said that democracy has always been a part of Indian ethos, a way of life. Diverse opinions, Dialogue, Discussions, accommodation, non-aggression have been intrinsic part of our culture. He added that people's faith in the results of elections is the most fundamental precept of a healthy democracy. He emphasized that 'Role, Framework and Capacity of Election Management Bodies' are the core building block for 'elections integrity' as it covers both the foundational and the functional aspects of any electoral democracy. He offered ECI's expertise in Election Management to world democracies to take forward the Summit's commitments to real outcomes.

Speaking on the pressing challenges before the Election Management Bodies in today's context, CEC Shri Rajiv Kumar stressed on the intersection of Election Management Bodies and Electoral Authorities (EMBs & EAs) functioning with the social media platforms. "More early or deeper red flagging of fake news based on known modus operandi and genres, is not an unfair expectation from the EMBs and EAs", he underscored. He added that such a proactive approach to counter fake news will facilitate credible electoral outcomes that will help preserve the 'freedoms', which the social media platforms require to thrive.

Addressing the conference, Ms. A. Elizabeth Jones, Charge d'Affaires a.i. , Embassy of the United States at New Delhi said that the two democracies have a long standing relationship. Referring to the First ever 'Democracy Summit' and the consequential cooperation, she added that the partnership is growing stronger to address global challenges and to cooperate to bring peace, security and prosperity across the world for democracies to flourish. She emphasised that both the US and India have significantly



contributed to building of democratic institutions. She said the ECI has made laudable achievements in fostering democratic principles despite challenges. She added that "India's Election Commission is a testament of a well-run Election Management Body overseeing electoral processes. Administration of Indian elections has set standards for democracies worldwide". She said the Cohort on Electoral Integrity seeks to share our knowledge for enhancing free and fair elections and address the emerging challenges such as manipulation of the information environment, barriers in participation of women and marginalized communities, narrowing civic spaces and systemic corruption undermining electoral integrity.

Session 1

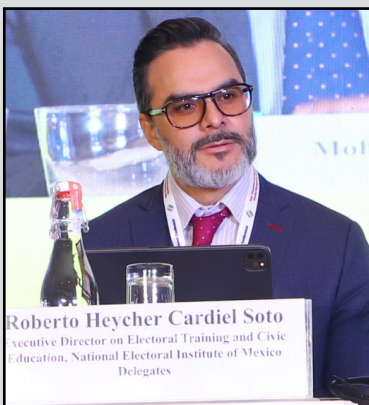
Role and Framework of EMBs : Current Challenge

Opening Remarks by HE Mr Mohammad Irfan Abdool Rahman, Hon'ble Electoral Commissioner of Mauritius.

HE Mr Mohammad Irfan Abdool Rahman, Electoral Commissioner of Mauritius in his opening remarks mentioned that the conference is taking place at the right time especially when there are loud and clear echoes of significant role that EMBs and EAs play in consolidation of democracy. He said coming from EMBs and EAs we are not insensitive to the fact that delivery of transparent and credible



elections is now a major consideration in the stabilization, societal progress and consolidation of democracies. The challenge now is how to deepen and enhance the foundations of our democratic electoral institutions. He commended the ECI for its strong leadership and organizing the conference by bringing together so many of us for a meaningful discussion on current and future challenges faced by the EMBs and EAs. He looked forward to a stimulating discussion in the session.



Mexico

Mr Roberto Cardiel, Executive Director of Civic Education and Electoral Training Mexico made presentation on 'Free and authentic elections as democracy's foundations, The Mexican model on electoral integrity. He said that the Democratic Sustainability is based on fundamentals of Freedom, transparency and accountability, Rule of Law, Free and authentic elections with Electoral integrity model Political independence, Technical strength and One

person, one vote principle; Inclusion and Democratic political cultura in Citizenship and the Government. He added that the 'Public value proposition' involved key processes like inclusiveness, media regulation for political communication and several other factors. Key resources included autonomy of the electoral authority, professional civil service etc. He also discussed the factors that can affect the integrity of electoral processes like legal and institutional framework, corruption etc. He explained that Mexico has comparable voter turnouts and plurality in polity. He said threats and responses for Social Media included system for countering disinformation, and false news and above all resilience to safeguard the election process.

Chile



Ms Claudia Canales, Head of the Institutional Control and Management Division, SERVEL and Ms Daniela Hormazabal, Researcher, SERVEL Chile made a presentation on the Role and Challenges of the Chilean Electoral Service (SERVEL) in elections. She gave an overview of the Chilean Electoral System. She mentioned that SERVEL faced two main Challenges viz: Organize inclusive, accessible and reliable electoral processes and Voter outreach to polling places and early voting besides the challenge of promoting informed citizen participation for carrying out the electoral civic education and to counter misinformation and fake news.

Greece

Mr Kosmas Chatzivasilogou, Officer, Dept of Elections and Political Parties, Directorate Elections, Ministry of Interior, Hellenic Republic Greece made the presentation on 'Integrity of Voting and counting procedures from theory to practice'. He mentioned that Authentic Electoral Rolls, voter education and information, facilities and election legislation were prerequisites for an integrated, impartial and transparent procedure of voting. The election machinery focused on fulfillment of these



essential prerequisites to ensure free and fair elections in a smooth manner and that there was equality of opportunity to all eligible citizens. The procedures had been streamlined and guidelines were issued to ensure free, fair and accessible elections for all.

The Chair concluded the session with appreciation to excellent initiatives made for free, fair, transparent and credible elections by these EMBs and EAs and that there was much more to learn from good practices of each other.

Session 2

Role and Framework of EMBs and EAs: Future Challenges



In his opening remarks Mr Kevin Casas-Zamora, Secretary General, International IDEA mentioned that in the present day, the EMBs and EAs faced serious challenges in political situation in many countries. There were immense challenges from disinformation, disparities, inclusion and EMBs and EAs have to play an important role in handling these challenges. He said that ECI has done remarkable work and managed to conduct elections during COVID challenge. Many other countries like Korea did massive work to conduct elections during COVID. It is the duty of the Governments to safeguard elections. Research and analysis is needed as to how to preserve the independence of EMBs and EAs. Governments must take specific measures for effective and independent EMBs and EAs. International cooperation is essential in identifying key areas for collective action and there has to be generous sharing of knowledge sharing in this context. He appreciated the efforts made by ECI in this direction and hoped for a interesting discussion on the subject.


Ms. Aggeliki Barouta, Head of the Dept. of Elections, Greece Co-chaired the Session.

In her opening remarks she said that elections are a lifeline of democracy. The equality element of democracy is important. The exclusion under any excuses from free access to vote into categories of voters is not acceptable within a democratic society. The world does not need typically elected political leaders who are authoritarian in the style of governance. Such examples should be avoided in a real democracy. Elections provide a valuable opportunity to advance democratization in a society and to encourage political liberalization for all citizens of a state. Free election provides essence of equality among the voters. Additionally, free elections require some prerequisites for the functioning of the political system. The content of free and fair elections need to be connected with all their civil liberties. Unfortunately, what is observed is that currently in our planet, there are plenty of modern democracies which hold elections, but not all the elections are democratically done. The reality is that democracy has come under various forms of pressure in the last decade.

Nepal

Mr Kamal Bhattarai, Under Secretary EC of Nepal made presentation on current Challenges. Explaining that the ECN is a constitutional entity, he explained the electoral system of Nepal. He then went to explain the current challenges at some length as follows.



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- Proportional Representation of women, marginalized and minority groups in the parliaments and local bodies. Inclusive and accessible elections on the premise of 'No one to be left behind.
 - High Election Management Cost
 - Campaign Management. Equal Campaign Opportunities- possible misuse of administrative resources and unfair advantages of position of public authorities. Regulation of political advertisements on digital platforms. Negative Campaigning : political Polarization, Defamation or Denigration of Political opponents
 - Financing EMBs and EAs: Dependency on Governments
 - Politicization of Declaration of Date of Elections
 - Equal Access to Media and balanced reporting
 - Capacity of the EMBs and EAs and Staff-Retention
 - Use of Technology for reforming Electoral Process
 - Cyber Security
 - Ensuring the rights of the voters residing abroad
 - Protecting voters from being misguided by both domestic and cross border disinformation.

He also briefly discussed the recommendations for the challenges for capacity building, electoral literacy, combating Disinformation besides citizen engagement and self regulation.

Australia



In her presentation, Dr Kath Gleeson, National Elections Manager, Australian Electoral Commission (AEC) stated that the Australian federal election 2022 presented more new and complex challenges impacting the election environment than ever faced earlier. The domestic and international environment, combined with Australian community and stakeholder expectations of Australia's unique system, is placing pressure on legislation that was written for a different age. Addressing these challenges requires innovative solutions, proactive strategies and agility from all AEC staff in

order to maintain trust in the result of the election. The role of an EMB is to be focussing on future challenges and be prepared for how they may affect electoral events. She provided insight into how the AEC planned for these challenges in the most recent Australian federal election in 2022 and was able to adapt to provide a professional, and impartial event, upholding electoral integrity. She also discussed the AEC's strategies for future proofing Australia's electoral process, including through the 'Voter 2030' initiative. This assumed importance given the global decline in trust in democracy and Australia's continued role of being an exemplar of democracy in the region.

Philippines

Mr Rene P. Cruz, Attorney, Commission on Elections (COMELEC), Philippines mentioned that the COMELEC is the constitutional body primarily "tasked to enforce and administer all laws and regulations concerning the conduct of regular and special elections." To safeguard the conduct of clean, impartial and trustworthy elections, it is insulated from the executive, legislative and judicial branches of



government. It enjoys fiscal autonomy, enabling it to function shielded from political influence and disruption. He explained the COMELEC's functions, system and performance achieved in detail with analysis. He added that multiplicity of laws and absence of unified election law was a problem by itself. Further there are gaps in the operational framework, lack of stakeholder confidence, inadequacy of strategies to handle COVID Challenge, weaknesses in election observation system. In brief the Commission has to contend with: an antiquated and fragmented legal framework; a subsisting pandemic and its mutations and possible successors; and an evolving Philippine society that has come to terms with technology and that have grown accustomed to higher degree of convenience. He said the Commission trusts that they will be able to overcome the challenges in due course.

Concluding Remarks



Mr Kevin Casas Zamora, Co Chair, in his concluding remarks stated that very important information sharing emerged from the presentations. EMBs and EAs need to get better at managing the challenges. He added that there were challenges like cyber security, managing digital technologies and above all the resilience of EMBs and EAs in smooth management of their core functions. He also mentioned strengthening of legislation for special voting arrangements. He said that there was a necessity of developing a Recipe for dealing with 'Disinformation', severe disruptions of election processes, and communications. He emphasized the need for more interactions for this purpose as also the need for capacity building in these areas.



Ms. Aggeliki Barouta, Co-Chair of the Session in her closing remarks said that the current challenges and future challenges are connected to each other and real problem is how to train voters to participate in the political life and how to make them to trust the candidates. We need to find a solution.

Session 3

Capacity of EMBs

Opening remarks by Mr Anthony Banbury, President & CEO, IFES

In his opening remarks, Mr Anthony Banbury, President & CEO, IFES mentioned two biggest threats to electoral integrity: Deliberate attacks against EMBs, efforts to undermine their independence, make the electorate lose confidence in them, and impede them from doing their job; and Related issue of misinformation/ disinformation, hate speech Exacerbated by tech, money, impact, lack of legal regimes or recourse. These are the biggest threat to electoral integrity and social cohesion for foreseeable future.



He added that every country context is different: legislative framework, commissions and structures, allocation of responsibilities. Also nature of attacks against electoral integrity are different – from overt attacks by the leaders to subtle efforts to undermine capability by depriving them of resources or undermine independence by changes to the appointment process. He stated that No one formula is appropriate for all countries and How to defend electoral integrity will depend on nature of attacks against it. But there are values, norms, principles that are common and do bind us together – and can serve as a source of strength for EMBs as they seek to defend themselves against attacks.

The Summit for Democracy aims for looking for ways to secure electoral integrity. This cohort can develop some benchmarks and model practices and model commitments in the areas of concern to EMBs.

IFES

In her presentation on Building the capacity of EMBs as guardians of democracy, Ms. Silja Paasilinna, IFES Country Director (Sri Lanka and Bangladesh) stated that EMB's are the natural guardian and democratic space and thus need to view themselves beyond the functional role of delivering elections. If the EMBs are purposefully deprived of capacity (i.e. timely funds, resources and expertise), then it would render them incapable of carrying out their mandates effectively or exerting required checks on political actors.



Building EMB capacity for greater statutory, public and internal accountability is essential for defending and bolstering democracy. That public trust and support is emerging as the most vital component of Election Integrity and not mere technical competence of the EMBs. Thus, all three dimensions of accountability must be addressed together to ensure that EMBs sustain their role and space and thereafter build upon.



Greece

Mr. Thomas Garoufalis, Head of the Department of Electoral Rolls and Results, Ministry of Interior, Greece made a presentation on 'Electoral Administration or Electoral Management Body'. It gave an overview of Election administration of the Hellenic Republic of Greece including cultural dimension of Rule of Law with inputs of public interest and multilevel government having a unified – decentralised system. It stated that the requisites for genuine elections include political pluralism, Rule of law, respect for fundamental freedom and rights, and independent and pluralistic media. 'Role, Framework and Capacity of Election Management Bodies' are the core building block for 'elections integrity' as it covers both the foundational and the functional aspects of any electoral democracy.

UNDP

The presentation made by Mr. Dennis Curry, Dy. Resident Representative, UNDP India on UNDP – Electoral Assistance, provided insights into UNDP's global electoral assistance programme; UNDP's relationship with IIIDEM – research and best practices and voter education. Democratic governance is under pressure due to economic contractions resulting from Covid 19 pandemic and a growing debt crisis; the rapid pace of technology, particularly in the information space and declining public trust



in elections and governments. No one actor can address these challenges alone or via a 'silo' approach. An integrated, coordinated and information sharing is key to build resilience. There is a need for responsible use of digital technology and many EMBs are doing so. There is need for unprecedented level of cooperation is need of the hour.

Concluding Address

In his address at the concluding ceremony, Election Commissioner of India, Mr. Anup Chandra Pandey said that though elections are key to democracy, the quality of functional efficiency of conducting elections by EMBs in



turn depends on their effectiveness in addressing challenges and maintaining independence. He urged all EMBs to strengthen democratic norms and processes and leverage all relevant platforms for collective action.

While highlighting the emerging challenges like populism, voter apathy faced by EMBs globally, Mr. Pandey emphasised the need for mutual cooperation, continuous engagement and knowledge sharing on a regular basis in a structured manner to address these challenges. He said there is need to develop global standards and SOPs for management of different electoral processes. He added that efforts should be made to bring more and more democracies on board in a manner that involves and engages them in strengthening electoral democracy. Roles of the Partner organizations need to be redefined for more effective assistance to the needy EMBs for capacity building, he stressed.

Part B: Discerning Commonalities



From the wide range of statements and presentations made, the following commonalities in concerns and challenges and potential responses on way forward could be discerned.

- First, the "continuation" of the challenges from the present and into the future, characterized in most presentations and so noted by SG, IDEA. Thus, disinformation, reputational risk to EMBs, starting point concerns of finances, inadequate legislative frameworks, the EMB's work being seen as episodal and confined to election time, lack of effective communication strategies - all fall in the present to future conundrum.
- Second, that all EMBs were acutely conscious of the challenges and in their own remit were working to identify them in time and developing strategies to respond and it is here that most readily recognized the relevant role for the Cohort's work and it being a readily provided platform for collaborative work.



- Third, that challenges such as digitization, security of data held, the embedded cross border dimensions to the digital media domain, all point to the reality of EMB's needing to rely upon and collaborate with other sector regulators and special technical agencies. This task was to be done without compromising EMB's independence.
- Fourth, while a stand-alone EMB adequately endowed with legislative and financial power was an ideal, yet all recognized the reality of diverse frameworks and thus the need to focus on functional autonomy, a point in particular made by the delegation from Greece. Once again, this diversity itself gave urgency to find common action point through this platform.

- Electoral Management and Leadership

Develop EMB's multi-year strategic plan, which will guide the entire organization in implementing reform efforts.

Assessment of the EMB's organizational structure and capabilities to meet the EMB's changing operational mandate.



- In terms of relationship with commitments given in the Summit, the EMBs were given to granulate them from general to more specific to EMB's functions and remit. To this end all saw value in the work of the Cohort and need to collaborate to granulate the recommendations in terms of deliverables with time lines.
- All participants welcomed and endorsed the thematics of the next 2 Conferences namely "Use of Technology and Elections Integrity" and "Inclusive Elections and Elections Integrity".

Part C: Narrowing of Focus

These are potential deliverables on the basis of various challenges highlighted by participants for credibility of EMBs and Electoral Authorities (EAs) for avoidance of trust deficit in the public towards electoral outcomes.

- Inclusivity and accessibility assurance at each step of electoral process i.e., voter registration, participation, and voting arrangements, grievance redressal – a model checklist for internal use by respective EMBs.
- Collation and listing of special voting arrangements in vogue worldwide as reference to inclusivity challenges and docketing them for ready reference and sharing.
- The most potent and pressing challenge is EMB's intersection into social media platforms in particular they being vector of fake news and disinformation. The decision point being how to approach the theme of balancing freedom of political communication at the earliest. Social media platforms have platform terms of use in place. They also have 'algorithm power'. Thus, can EMB's work on strengthening flagging of fake news based on known modus operandi and genre known to the media platforms-without it being misunderstood as censorship demand.
- Capacity building of EMBs not only to conduct elections professionally but to enhance their capacity to discern the future and indirect threats to their credibility. To this end can we start conceptualizing a permanent institutional mechanism for EMBs as a follow-up to the conference as emphatically stated by one of the participant 'that it is the time to collaborate.'
- Development of model principles involving standardization of various aspects of election management including polling station infrastructure, accessibility parameters, participation of women, PWDs, senior citizens, election related expenditure, minimum level of disclosures, voter education, ethical elections, etc.

EMB Training and Capacity Building

- Develop the EMB's capacity to implement a public outreach program properly.
- A cybersecurity assessment of EMB's internal and external ICT systems and developing of cybersecurity action plan and relevant training.

Inclusive approach, accessibility and participation

- Development of the Electoral Code with an inclusive approach, taking into account gender issues and issues of the persons with disabilities, especially in connection with the reforms of the electoral system.
- Political parties should establish internal democratic rules and procedures that promote inclusive participation in election campaigns and within the leadership structures of the political party.
- The EMB's should actively engage women, youth and persons with disabilities in the political process through targeted civic and voter education, and civic education curricula should be widely implemented at schools.

Political financing and corruption in elections

- Strengthen the mandate of the EMB's in the legal framework.

