

Strasbourg, 27 February 2019 GT-ED(2018)3

**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE**

**(CDDG)**

**WORKING GROUP ON E-DEMOCRACY**

**(GT-ED)**

**REPORT ON THE FIRST MEETING OF THE WORKING GROUP**

**27 NOVEMBER 2018, COUNCIL OF EUROPE, STRASBOURG**

Secretariat Memorandum

prepared by the

Directorate General of Democracy

Democratic Governance Department

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The Secretariat of the European Committee on Democracy and Governance (CDDG) welcomed the members of the working group and opened the meeting. The Head of the Good Governance Department, Mr Dan Popescu, introduced the activities of the CDDG and set out the context for the Committee’s work on e-democracy. He outlined, in particular:

* The challenges for democratic governance as outlined by the Secretary General in his annual reports on the state of democracy, human rights and the rule of law;
* The study on disinformation and electoral campaigns by Mr Yves-Marie Doublet;
* The on-going work at the Council of Europe in relation to new technologies, the Internet and artificial intelligence;
* The need for member States to clearly identify issues which they felt should be addressed.

Ms Gordana Gapikj-Dimitrovska (Republic of North Macedonia) and Mr Markku Mölläri (Finland) were elected chair and vice-chair respectively of the working group. The agenda was adopted as set out in Appendix I. Appendix II contains the list of participants.

In the first part of the meeting, the members examined the working group’s terms of reference. Following an overview of recent developments in relation to e-democracy in a number of countries, the participants discussed the issues and content to be covered by the guidelines on e-democracy in the form of a toolkit. Starting point for the discussion was Recommendation (2009)1 of the Committee of Ministers to member States on electronic democracy.

Members felt that the wide range of e-democracy issues covered by the 2009 Recommendation would need significant restructuring to create a practical and coherent instrument. In general, the members therefore felt that the guidelines in the form of a toolkit should:

* have clear scope and focus;
* define e-democracy, distinguishing between the digital dimension and democratic processes and culture since digital tools should support the latter;
* address differences between e-democracy and e-governance and their implementation;
* identify the opportunities and added value new technologies offer for engaging citizens and strengthening trust in democratic processes and institutions;
* define the target groups both in terms of authorities at all levels as well as other actors (including civil society, NGOs and private industry) and set out the relevant objectives to be achieved;
* include basic rights, key standards and principles to be safeguarded;
* define the challenges and address issues such as trust in the technology, the use and protection of data, digital divides and risks such as new digital divides or other developments that could be prejudicial to traditional democratic processes;
* underline the need for long-term planning;
* provide a selection of options for potential approaches and solutions for implementing e-democracy.

Specific points raised by the working group for consideration in relation to the guidelines are set out below.

As regards their *scope*, the guidelines should:

* focus on a specific set of strategic fields to ensure practical applicability, possibly limiting the scope to different forms of e-participation, e-consultation, participatory budgeting, e-referendums, e-elections;
* address benefits and challenges should be addressed: threats; equal opportunity and the added value in terms of inclusiveness ensuring all views are taken into account:
* in line with the principle of subsidiarity, provide measures by which central authorities can facilitate the development and innovation of e-democracy at local level where e-democracy initiatives are sometimes easier to develop and test;
* be helpful to all stakeholders and suit all municipalities regardless of their structure or typology;
* help stakeholders in making e-democracy practical, accessible and available and should therefore provide guidance in terms of approaches to planning and developing e-democracy strategies and help in clearly structuring ambitions as well as technical and normative aspects;
* distinguish between issues to be addressed at central and local level and in rural areas and cities including for example specific issues facing smaller municipalities in implementing e-democracy. Associations of municipalities could play a role in this;
* contribute to managing expectations and take into account the different perspectives on the part of public administration, politicians and civil society;
* support the learning process, providing authorities and the general public, both individual citizens and civil society at large, with a better understanding of the technologies and how they function as well as of the complexities involved;
* discuss how digital technology and e-applications can affect citizen involvement and engagement.

As regards *technology*, the document should:

* bring public administration and ICT together;
* facilitate assessing and selecting appropriate technological solutions
* take into consideration specific issues relating to
* open data and open source,
* e-identification (‘e-ID’) and digital signatures,
* data-protection, such as where data are held and how they are used,
* the role and reliance on external service providers,
* preparation and roll-out of technical solutions;
* create awareness that open government is more than the sum of digital components – it concerns and supports traditional democratic institutions and processes and technical solutions need to be balanced with traditional democratic processes, especially where people have special needs and cannot or will not use digital tools.

In relation to *legislation*, the document should:

* provide assistance on how the digital dimensions of democratic processes such as example, participation, elections etc. can be addressed;
* address developments in legislation, policy and practice in member States, at local, regional and national level, including how to keep pace with rapid technological developments;
* examine how and to what extent this should or can create an enabling environment for citizens to engage, for example by
* providing a framework for citizens to contribute to the public debate rather than discussing issues privately in the sphere of commercial platforms with their specific business models, and
* enabling a culture of participation, bringing citizens to engage in the democratic and participatory processes and dialogue on a wide range of issues (at local, regional or national level) rather than on single issues or to express dissatisfaction;
* protect and strengthen the right to freedom of expression and opinion including the right to obtain and disseminate information.

The working group also referred to the important role of media for democracy and questions in relation to media and the provision of information, including misinformation and disinformation. In this context it was felt that it could be important to examine how democracy is practiced and also to consider risks concerning the speed with which issues can arise and processes can be subverted through, for example, manipulation of consultation processes.

To be effective as a toolkit, the structure of the guidelines should clearly reflect different components to be addressed and could thus include distinct yet complementary sections:

* Guidelines on standards, principles and the rights which they need to safeguard;
* A guide outlining practical measures in relation to planning, selecting and implementing e-democracy initiatives. This should provide practical examples of approaches and mechanisms being implemented in member States and lessons learned and distinguish between countries that were leaders and those that were learners in the field of e-democracy.

Finally, as regards a review meeting in relation to Recommendation CM/Rec(2017)5 on standards for e-voting, the working group found that its implementation is still in a very early stage. Insufficient information and feed-back on its application is available at this time but the Bureau would follow the developments and the CDDG would be informed in due course so that it could decide on appropriate action to be taken in relation to the review meeting mentioned in the CDDG’s terms of reference.

The working group requested that the Secretariat, in cooperation with an expert, prepare an outline and a preliminary draft concept paper for initial comments prior to preparing the text for discussion at the next working group meeting towards the end of Q1-2019. Members of the working group and of the CDDG should provide input on their expectations in relation to the aspects of e-democracy which the guidelines in the form of a toolkit should address as well as examples in relation to e-democracy initiatives that had been or were scheduled to be implemented.

**Action required**

A draft outline and concept paper for the guidelines on e-democracy would be prepared by the expert, in cooperation with the Secretariat. This working document would serve as a basis for the working group to elaborate draft guidelines at its second meeting in March 2019.

On the basis of the input by the working group, the expert(s) would be instructed to finalise draft guidelines in the form of a toolkit for consideration and possible approval by the working group at its meeting in September 2019 with a view to presenting those to the CDDG at its December meeting 2019.

**APPENDIX I**

**AGENDA**

|  |  |  |
| --- | --- | --- |
| **1.** | **Opening of the meeting by the Secretariat** |  |
| **2.** | **Election of the Chair and the Vice-Chair** |  |
| **3.** | **Adoption of the agenda** | [GT-ED(2018)OJ1] |
| **4.** | **CDDG working group: Terms of reference** | [GT-ED(2018)1] |
| **5.** | **Scope of the working groups’ activities**  *E-democracy: Critical analysis* of   * Committee of Ministers’ [Recommendation CM/Rec(2009)1](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805d1b01) on electronic democracy (e-democracy); * Latest developments in the field of e-democracy, in particular since the adoption of CM/Rec(2009)1; * Potential benefits and advantages, technological issues and challenges and risks of e-democracy tools.   *E-democracy, current rules, practice and expectations in member States*:   * Contributions by the working group.   *Exchange of views on the future guidelines on e-democracy* | [GT-ED(2018)2] |
| **6.** | **Conclusion** |  |
| **7.** | **Other business** |  |
| **8.** | **Date and place of the next meeting** |  |

**APPENDIX II**

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