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**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE**

**(CDDG)**

**WORKING GROUP ON E-DEMOCRACY**

**(GT-ED)**

**GUIDELINES ON E-DEMOCRACY IN THE FORM OF A TOOLKIT:**

**Outline**

Secretariat Memorandum

prepared by the

Directorate General of Democracy

Democratic Governance Department

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**Introduction**

The terms of reference of the CDDG for the biennium 2018-2019 include specific task iv (see document GT-ED(2018)1):

“*In the field of e-democracy,*

* *in accordance with Recommendation* [*CM/Rec(2017)5*](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Rec(2017)5) *on standards for e-voting, hold a review meeting on its implementation in 2019;*
* *develop guidelines on e-democracy as a toolkit;*
* *oversee the implementation of the priority “building democracy online” of the Internet Governance – Council of Europe Strategy 2016-2019*.”

At its first meeting on 27 November 2018, the CDDG Working Group on Democracy discussed the issues and content to be covered by the guidelines on e-democracy in the form of a toolkit on the basis of Recommendation (2009)1 of the Committee of Ministers to member States on electronic democracy.

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

The present draft outline sets out a possible approach to the Guidelines in the form of a toolkit and its structure attempts to reflect different components that could be addressed. More specifically it proposes two distinct yet complementary sections:

* A first section which sets out the guidelines per se, including definitions, objectives, stakeholders and standards, principles and rights that may need to be considered.
* A second section containing practical approaches and measures in relation to planning and implementing e-democracy initiatives. This should also include practical examples of approaches and mechanisms being implemented in member States and lessons learned.
* A third section of the current document sets out a range of Council of Europe instruments and reference documents that set out principles and guidelines for member States that are of particular relevance for the digital aspects of e-democracy and which would apply also to e-governance.
* Finally, the document provides a short overview of reference documents that may serve as a source of inspiration to guide the discussions in the working group.

**Action required**

The Working Group is invited to examine the attached outline and formulate the concepts and elements to be included in the guidelines.

Dr. Katrin Nyman Metcalf

February 2019

**E-Democracy** **guidelines in the form of a toolkit**

***Discussion Draft***[[1]](#footnote-1)

1. **Guidelines**
2. ***Definition and objectives: What is e-democracy, why do we need it and who is it for?***

**I.1 Definition and delimitation**

*Description of the different aspects of e-democracy and its delimitation*

*What is e-democracy – and what it is not.*

**I.2 Why e-Democracy?**

*What is different? What are the benefits and added value it offers?*

*Building trust*

*Engaging citizens - Involvement not just through elections, not just at the initiative of the government*

*Empowerment*

*Responsiveness*

*Participatory and deliberative democracy vs. representative democracy*

*New means of participation and inclusion*

*Electronic as a tool – not an aim*

*Challenges and risks*

**I.3 Stakeholders**

*The Citizens*

*Civil society*

*National, regional and local governments*

*National, regional and local authorities*

*European organisations*

*Private companies, especially if carrying out public tasks*

***II. The main prerequisites for e-Democracy.***

**II.1 Digital literacy and democratic citizenship**

*Inclusiveness*

*Basic digital skills*

*Digital identity (and ability to use it)*

*Citizen expectations*

**II.2 Access to information**

*Proactive provision of information via electronic tools*

*Asking for information electronically*

*Proper organisation of information*

**II.3 Legislation on e-Democracy including data protection: Basic rights and standards to be safeguarded (and how)**

*What if any legislative reforms are needed to support elements of e-Democracy*

*Proactive or reactive law-making*

*Technology neutrality in law*

*The enabling function of law (promote discussions, debate)*

*Data Protection and Privacy*

* *Are existing European norms and best practices sufficient?*
* *Can data protection hinder e-Democracy development?*

***III. What is e-Democracy***

**III.1 e-Decisions and e-Deliberations**

*Use of e-Decision-making for public sector decisions (at different levels)*

* *Individual decisions*
* *General (policy) decisions*

*Judicial decisions*

*Decisions of organisations*

*The problem of un-transparency of algorithms*

*e-Deliberations (with possibility of engagement and participation)*

**III.2 New forms of political communication**

*Direct communication with decision-makers*

*Awareness (of various issues - economic, social, environmental, etc.) thanks to digital tools*

*Use of Artificial Intelligence*

**III.3 e-Participation, e-Consultations**

*Engaging citizens – initiative from the government*

*Practical aspects*

*How to ensure diverse and representative participation*

*How to ensure relevance (that they are taken into consideration)*

*Specific example: Participatory budgeting*

**III.4 e-Petitions, e-Initiatives**

*Engaged citizens – citizen initiatives*

*Practical aspects*

*How to ensure diverse and representative participation*

*How to ensure relevance (that they are taken into consideration)*

**III.5 e-Elections, e-Referenda**

*Practical aspects*

*How to ensure participation*

*Security and control aspects*

*Election monitoring*

*Participation in vote counting*

**III.6 Social, political movements and e-Democracy**

*Challenges posed by protest movements in the digital age*

*Political disengagement, “over-engagement” (the temptations of referenda)*

*Responsibility for decisions: rests with authorities, even in the digital age*

**III.7 Media**

*Social media vs traditional media: the absence of gate-keepers*

*Propaganda, “fake news”*

*Trolling – other examples of abuse of the internet communications space*

**III.8 e-Citizenship**

*Role of electronic tools to support participation and inclusion, in the sense of e-citizenship or digital citizenship.*

**III.9 e-Governance**

*Good governance through e-Governance*

*Overlap between e-governance and e-democracy*

*Artifical intelligence and e-Governance*

1. **Toolkit**

***I. How to achieve e-Democracy?***

***I.1 Strategy-making***

*Deciding on a strategic approach and putting it into practice*

* *Defining problems, objectives and priorities*
* *Digitisation of existing democratic processes, modernisation (institutional), innovation (functioning of democratic processes, addressing democratic deficit, ) communication and reinforcing democratic values/principles?*
* *Administrative approach (e.g. cost-efficiency, effectiveness)*
* *Operational approach (improving, redesigning processes: functional/democratic)*
* *Client-based approach (communities and needs based in function of specific target groups)*
* *Requirements specification*
* *Role of off-line processes*
* *Quality control*
* *Managing expectations*

*By whom and how should strategic decisions be made?*

***I.2 Planning (long-term)***

* *Prioritisation*
* *Building vision and support (political)*
* *Structural requirements: administrative, technical, financial, legal*
* *Options and Roll-out/ Implementation*

***I.3 Organisational requirements***

* + *(Hierarchical) line structure and organisation*
  + *Distribution of competences and division of task*
  + *Resources: staff and financing*
  + *Project teams*
  + *Communication and PR*

***I.4 Technical environment***

* *Nature of applications: Aggregative, Negotiative, Deliberative*
* *Design brief*
* *Technical platforms and components*
* *IT infrastructure*
* *IT security and data protection,*

*(e-ID, single entry, shared access, …)*

* *Interoperability*
* *User- and client-interfaces*
* *Solution and service providers*
* *Maintenance and sustainability*

***I.5 Organisational and management processes***

* *Building vision and support*
* *Sequential implementation*
* *Communication and Information*

*with public officials*

*with citizens/the public*

*feedback*

***I.6 Pilot projects***

* *National level*
* *Local level*
* *Gamification*

***I.7 Replication of successful models***

***I.8 Evaluation: measuring (the success of) e-Democracy strategies and action plans***

**C. Council of Europe reference documents**

Specific Council of Europe instruments with practical relevance for the digital aspects of e-democracy:

* The Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data ([ETS No. 108](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/108)) and its Protocols;
* The Council of Europe Convention on Access to Official Documents ([ETS No 205](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/205))
* Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data ([CETS No 255](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/223))
* Committee of Ministers’ [Recommendation Rec(2004)15](https://www.coe.int/t/dgap/democracy/Activities/GGIS/E-governance/Key_documents/Rec(04)15_en.pdf) on electronic governance (“e-governance”);
* Committee of Ministers Recommendation [CM/Rec(2007)16](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Rec(2007)16) on measures to promote the public service value of the Internet
* Committee of Ministers’ [Recommendation CM/Rec(2009)1](https://www.coe.int/t/dgap/democracy/Activities/GGIS/CAHDE/2009/RecCM2009_1_and_Accomp_Docs/Recommendation%20CM_Rec_2009_1E_FINAL_PDF.pdf) on electronic democracy (e-democracy);
* Committee of Ministers’ [Recommendation CM/Rec(2014)6](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec%282014%296&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383&direct=true) on a Guide to human rights for Internet users;
* [CM/Rec(2016)1E](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c1e59) on protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality;
* [Internet Governance - Council of Europe Strategy 2016-2019](https://rm.coe.int/16806ad2a8).
* Recommendation [CM/Rec(2018)2](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Rec(2018)2) of the Committee of Ministers on the roles and responsibilities of internet intermediaries, as well as
* Recommendation [CM/Rec(2016)1](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c1e59) on protecting the right to freedom of expression and the right to private life with regard to network neutrality and the guidelines set out therein;
* [Internet Governance - Council of Europe Strategy 2016-2019](https://rm.coe.int/16806ad2a8)
* [Declaration by the Committee of Ministers on the manipulative capabilities of algorithmic processes](https://search.coe.int/cm/pages/result_details.aspx?objectid=090000168092dd4b) *(Adopted on 13 February 2019 - 1337th meeting of the Ministers' Deputies)*
* Parliamentary Assembly [Recommendation 2102 (2017)](http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23726&lang=en) on technological convergence, artificial intelligence and human rights;
* Council of Europe’s [Comparative Study on blocking, filtering and take down of illegal Internet content](https://www.coe.int/en/web/freedom-expression/study-filtering-blocking-and-take-down-of-illegal-content-on-the-internet);
* The conclusions of the CDDG thematic workshops on « Electronic tools of Local Democracy: collection, decision-making and transmission» (1 April 2015) in Brussels and « The current state of use of electronic tools in the context of citizens’ participation in public affairs» (7-8 May 2015, Budapest);
* [Exchange of letters between the Council of Europe and Internet companies/representative associations](https://www.coe.int/en/web/freedom-expression/exchange-of-letters) in respect of co-operation with the private sector in order to promote an open and safe internet, where human rights, democracy, and the rule of law are respected in the online environment.

**D. Additional references, sources of further information (or inspiration)**

<https://ega.ee/wp-content/uploads/2017/10/ega_e-demcyber_FINAL_web.pdf>

(Assessment of EU Eastern Partnership countries, with Policy Recommendations for each of the EU EaP countries for further developing their e-Governance and for EU Commission for supporting them)

Estonia´s role and activities in OGP process: <https://riigikantselei.ee/en/open-government-partnership>

The National Cyber Security Index, <https://ncsi.ega.ee/> (for examples of how to measure, an evidence-based, fully supported by documentation, approach to measurement)

Bringing Together and Accelerating eGovernment Research in the EU: eDemocracy Report (2009), DG Information Society and Media, EU <https://joinup.ec.europa.eu/sites/default/files/document/2014-12/edemocracy.pdf>

Guidance on making e-democracy work, De Montfort University, Leicester/Bradford

<https://www.dmu.ac.uk/documents/business-and-law-documents/research/lgru/dmu5guidance-1draft.pdf>

International Association of Public Participation, <https://www.iap2.org/default.aspx>

Sheffield City Council e-Democracy Training Manual (2006) <http://www.interreg4c.eu/uploads/media/pdf/3_eDemocracy_Training_Manual_eCitizen.pdf>

US Environmental Protection Agency Public Participation Guide <https://www.epa.gov/international-cooperation/public-participation-guide-electronic-democracy>

1. This Table of Content/overview of issues is drafted in a general manner, highlighting relevant issues to deal with rather than details of the various things, which means that it can be used as a Table of Content both for shorter guidelines and a more comprehensive Toolkit. The various sections would be more or less encompassing, with more or fewer sub-headings etc. depending on the context. [↑](#footnote-ref-1)