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EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE (CDDG)

WORKPLAN 2020-2021

For decision

Secretariat Memorandum
prepared by the
Directorate General of Democracy
Democratic Governance Department

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1. INTRODUCTION

At their 1361st meeting (19-21 November 2019), the Ministers' Deputies adopted the Programme and Budget of the Council of Europe for 2020-2021, including the Terms of Reference of the European Committee on Democracy and Governance (CDDG) for the same biennium.

According to the Terms of Reference, the **overall aim** of the CDDG is *"to contribute to strengthening democratic institutions, public administration reform, decentralisation and good governance, with particular emphasis on enhancing citizens' participation and strengthening public ethics. The CDDG will also work on meeting the challenges raised and using the opportunities offered by technological development to strengthen governance and democracy and citizens' trust in them"*.

The CDDG's **general task** is to *"steer the Council of Europe's intergovernmental work in the field of democracy and democratic governance and advise the Committee of Ministers in its field of competence, taking due account of relevant transversal perspectives. The overall aim of the CDDG is to contribute to strengthening democratic institutions, public administration reform, decentralisation and good governance, with particular emphasis on enhancing citizens' participation and strengthening public ethics. The CDDG will also work on meeting the challenges raised and using the opportunities offered by technological development to strengthen governance and democracy and citizens' trust in them"*.

The CDDG's **specific tasks** for 2020-2021 are:

- (i) Building on its previous work on e-democracy, and taking into account the outcome of the 129th Session of the Committee of Ministers in Helsinki, prepare a study on the impact of the digital transformation, including artificial intelligence and automated decision-making, on democracy and good governance, also with a view to contributing to the work of the CAHAI;
- (ii) Develop standards on new technologies and the different stages of the electoral process (including voter registration, transmission and tabulation of results, etc.) in the form of a Committee of Ministers' recommendation or guidelines as a follow-up to the Secretary General's reports on the State of Democracy, Human Rights and Rule of Law and taking into account the outcome of the 129th Session of the Committee of Ministers in Helsinki as well as the work of the Venice Commission in this area.
- (iii) Draft a recommendation for the Committee of Ministers on democratic accountability of elected officials and bodies at local and regional level with a view to complementing Recommendation CM/Rec(2019)3 on the supervision of local authorities' activities and updating previous work in this area.
- (iv) Promote the guidelines and the revised Handbook on public ethics at all levels of government.
- (v) Contribute to the implementation of the next Digital Governance Strategy in its field of expertise.
- (vi) Contribute to the updating of toolkits of the Centre of expertise for good governance reflecting the latest governance practices as well as the principles of efficiency and effectiveness.
- (vii) Report to the Committee of Ministers on a regular basis on the work and achievements of the European Stakeholders Platform which delivers the accreditation to the national platforms or bodies authorised to grant the European Label of Governance Excellence (ELoGE).
- (viii) Review progress towards the United Nations Sustainable Development Goals (UNSDGs), as evidenced by monitoring mechanisms and promoted through standard-setting and exchange of experiences and good practices.

The CDDG should consider the type and timetable of activities that will allow it to fulfil its tasks. The present document sets out possible lines of action.

2. PROPOSED LINES OF ACTION

2.1 Subordinate bodies

With a view to ensuring the efficient and successful completion of the tasks which it has been given, the CDDG may wish to set up subordinate bodies to deal with the preparatory work necessary for the completion of specific tasks (i), (ii) and (iii). The remaining tasks may be handled by the CDDG in plenary, in the context of the 4 meetings of two days each that it will hold in the biennium 2020-2021.

Working group and Rapporteur on democracy and technology (GT-DT and R-DT)

Given the synergies and overlapping between specific tasks (i) and (ii), one single working group on democracy and technology (**GT-DT**) may be set up to carry out the preparatory work for both. In addition, the CDDG may wish to appoint a Rapporteur on democracy and technology (**R-DT**) whose terms of reference would include:

- providing leadership and coordination in implementing task (i),
- participating in the meetings of GT-DT,
- representing the CDDG at the CAHAI,
- and ensuring coordination with other ongoing relevant initiatives within the Council of Europe.

As regards specific task (i)

In order to contribute to the work of the CAHAI, GT-DT may wish to start working as soon as possible on drafting the study on the impact of the digital transformation, including artificial intelligence and automated decision-making, on democracy and good governance (specific task i). To this end, it may be asked to submit an in-depth and comprehensive draft study for examination by the CDDG at its 12th plenary meeting at the latest. The approval of the study may be planned for the 13th CDDG meeting at the latest. It may be necessary to review this timetable to adapt to the timetable of the CAHAI and effectively contribute to its work.

Background documents that may guide the GT-DT and the R-DT at the outset of their work include:

- the report on "Impact of new information technologies on electoral processes" by Mr Yves-Marie Doublet, expert consultant, CDDG (2018)11;
- the Joint Report of the Venice Commission and the Directorate of Information Society and Action against Crime of the Directorate General of Human Rights and Rule of Law (DGI) on Digital Technologies and Elections, CDL-AD(2019)016;
- the proceedings of the Round Table on "Artificial intelligence and the future of democracy", organised by DG2 on 20 September 2019, CDDG (2019)5;
- the information document on "Artificial Intelligence, Democracy and Governance: a brief overview of ongoing work by other international organisations and fora", CDDG (2019)6;

- the information document on Council of Europe's work and recent initiatives on artificial intelligence, CAHAI(2019)INF2;
- as well as the draft Guide on e-democracy in the form of a toolkit, namely the part on artificial intelligence.

The GT-DT and the R-DT should also take into account the work which is carried out by other organisations and bodies and may rely on the contribution of expert consultants.

As regards specific task (ii)

In parallel, GT-DT may be asked to carry out the preparatory work in view of the completion specific task (ii). To this end, it may be asked to submit a comprehensive draft report detailing the use of new technologies in the different stages of the electoral process, their impact, risks and advantages, for examination by the CDDG at its 12th plenary meeting at the latest. In this draft report, the GT-DT may also be asked to provide a clear indication of the best-suited standard-setting instrument to be adopted by the Committee of Ministers (whether guidelines, or a recommendation or both) and identify key recommendations. The approval of the draft report and the standard setting instrument may be planned for the 13th CDDG meeting.

In tackling this task, GT-DT should ensure consistency and continuity with the previous work on e-voting and e-democracy. The CDDG is also asked to take into account the relevant work of the Venice Commission and other bodies and organisations working in the field of elections, including OSCE/ODIHR.

Background documents that may be relied upon by the GT-DT to start its work include the already mentioned:

- report on "Impact of new information technologies on electoral processes" by Mr Yves-Marie Doublet, expert consultant, CDDG(2018)11;
- Joint Report of the Venice Commission and the Directorate of Information Society and Action against Crime of the Directorate General of Human Rights and Rule of Law (DGI) on Digital Technologies and Elections, CDL-AD(2019)016.

In addition, a background document on "New technologies in the electoral cycle" has already been drafted by an expert consultant, Ms Ardita Driza Maurer, CDDG(2019)7.

Working group on accountability (GT-RE)

A working group on accountability (GT-RE) may be set up to carry out the preparatory work for specific task (iii), including drafting the preliminary draft recommendation and explanatory memorandum.

In tackling this task, GT-RE is asked to complement Recommendation CM/Rec(2019)3 on the supervision of local authorities' activities and update previous work in this area.

Background documents that may guide the GT-RE at the outset of its work include:

- the Report on the recall of mayors and local elected representatives, adopted by the Council for Democratic Elections, at its 65th meeting, Venice, 20 June 2019 and by the Venice Commission at its 119th Plenary Session, Venice, 21-22 June 2019, CDL-AD(2019)011rev;
- Recommendation No. R 98 (99) 8 of the Committee of Ministers and Report on Liability of local elected representatives for acts or omissions in the course of their duties, adopted by the CDLR at its 21st meeting, 2-5 June 1998.

Given that the subject matter is well defined and specific, the GT-RE may be asked to finalise its work in two meetings to be held in 2020.

2.2 Composition of subordinate bodies and defrayal of expenses

Members of the working groups should be representatives of member states of the highest possible rank in the relevant field designated by the governments of member states and/or of independent experts with established expertise in the relevant field, in line with Resolution CM/Res(2011)24 of the Committee of Ministers on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

All member States can nominate representatives and/or independent experts and participate in any of the working groups at their own expense. Institutions and bodies with the status of CDDG participant are also invited to nominate representatives in the working groups.

Member States are asked to signal their interest in participating in one or more working groups by Tuesday 10 December 2019. They should also indicate whether they will cover the travel and subsistence expenses of their representative(s)/expert(s). In case a member State is interested in more than one working group, it should indicate which one is the priority.

Should it decide to establish such subordinate bodies, taking into account the available budgetary resources and the need to allocate them efficiently, the CDDG may wish to limit defrayal of expenses as follows:

- 9 members of the GT-DT;
- the Rapporteur on democracy and technology, for her/his participation in the meetings of GT-DT, the plenary meetings of the CAHAI and the meetings of one working group of the CAHAI;
- 7 members of the GT-RE.

If the number of representative(s)/expert(s) for which defrayal of expenses is requested exceeds the number decided by the CDDG, the Secretariat, following consultation of the CDDG Bureau, will submit to the CDDG a draft decision with member States' representative(s)/expert(s) for which defrayal of expenses will be covered by the Council of Europe, on the basis of the information that has been provided in writing by member States and with due regard to geographical representation and periodic rotation of member States, as set out in Article 6 of Resolution CM/Res(2011)24 of the Committee of Ministers on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

The number of meetings suggested for each working group in 2020 is two. At its 12th meeting, in the light of progress in the implementation of the relevant tasks and the available budgetary resources, the CDDG may decide the number of working group meetings necessary in 2021.

2.3 Working methods

In general, working groups should build on existing standards and achievements of the Council of Europe and on the existing practice and standards in member states. They should take into account relevant activities by other organisations with a view to identifying the added value of the Council of Europe's work. They may rely on the contribution of expert consultants. Civil society should be closely associated in their work.

Finally, in accordance with Resolution CM/Res(2011)24 of the Committee of Ministers on intergovernmental committees and subordinate bodies, their terms of reference and working methods, subordinate bodies should be encouraged to rely on information technologies and written consultation in their work.

2.4 Draft timetable of meetings

COMMITTEE/BODY	DATE	PLACE
GT-DT	27-28 January	Strasbourg
GT-RE	6-7 February	Strasbourg
CDDG Bureau	12-13 March	Paris
11 th CDDG	27-28 April	Strasbourg
GT-DT	21-22 September	Strasbourg
GT-RE	28-29 September	Strasbourg
CDDG Bureau	22-23 October	Paris
12 th CDDG	3-4 December	Strasbourg

2.5 Draft timetable of progress in implementing specific tasks i, ii and iii

Meeting	Progress	Notes
11 th CDDG	Examination of the meeting reports and written contributions	Guidelines on e-democracy in the form of a toolkit (terms of reference 2018-2019) to be approved as adopted in substance in 10 th CDDG
12 th CDDG	In-depth and comprehensive draft study required under (i) for examination	
	Comprehensive draft report, choice of the standard-setting instrument, key recommendations concerning (ii)	
	Completion of task (iii)	
13 th CDDG	Completion of task (i)	
	Possibly completion of task (ii)	
14 th CDDG	Completion of task (ii) if necessary	

3. APPOINTMENT OF ADDITIONAL RAPPORTEURS

In its terms of reference for 2020-2021, the Ministers' Deputies instructed the CDDG to appoint Rapporteurs on:

- gender equality,
- children's rights,
- Roma and Travellers Issues
- the rights of persons with disabilities.

4. ACTION REQUIRED

The CDDG is invited to:

- take note of its terms of reference for the biennium 2020-2021;
- decide whether to set up:
 - a working group on democracy and technology (GT-DT) and approve its terms of reference;
 - a Rapporteur on democracy and technology (R-DT) and approve its terms of reference;
 - a working group on accountability (GT-RE) and approve its terms of reference;
- provide instructions to guide the work of the above-mentioned subordinate bodies;
- approve the draft timetable for 2020.

Should it decide to follow this line of action, the CDDG is invited to appoint a Rapporteur on democracy and technology at its 10th plenary meeting in 2019.

The CDDG is also invited to appoint Rapporteurs on:

- gender equality,
- children's rights,
- Roma and Travellers Issues
- the rights of persons with disabilities.