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**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE  
(CDDG)**

**WORKING GROUP ON E-DEMOCRACY  
(GT-ED)**

**TERMS OF REFERENCE**

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

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## Introduction

Under its terms of reference for the biennium 2018-2019, the CDDG is requested, among other tasks, to contribute to strengthening democratic institutions, public administration reform, good governance, in particular participation, e-governance, e-democracy and e-voting.

The terms of reference also include specific task iv:

*"In the field of e-democracy,*

- *in accordance with Recommendation [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 meeting on 4-5 December 2017, the CDDG agreed:

- to set up a working group on e-democracy which should also hold one meeting on e-voting in 2019; the composition of the working group was approved by the CDDG Bureau in January and February 2018 by written procedure (see Appendix I);
- that the working group should cooperate, where appropriate, with experts. In light of the constantly evolving application of the technology and the impact this has on the functioning of democracy, it might wish to consider representation of the industry in the working group as observers;
- that the working group should build on existing standards and achievements of the Council of Europe and on existing practice and standards in member States.

### Context

The CDDG considered that the working group should take into account the outcomes and decisions of the CDDG's prior thematic debates in the field of e-governance and e-democracy, including:

- Committee of Ministers' [Recommendation Rec\(2004\)15](#) on electronic governance ("e-governance");
- Committee of Ministers' [Recommendation CM/Rec\(2009\)1](#) on electronic democracy (e-democracy);
- Committee of Ministers' [Recommendation CM/Rec\(2014\)6](#) on a Guide to human rights for Internet users;
- [CM/Rec\(2016\)1E](#) 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](#).

Other Council of Europe documents which the working group should take into account include:

- The Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data ([ETS No. 108](#)) and its Protocols;
- Parliamentary Assembly [Recommendation 2102 \(2017\)](#) on technological convergence, artificial intelligence and human rights;
- Council of Europe's [Comparative Study on blocking, filtering and take down of illegal Internet content](#);
- 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](#) 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.

### **Potential avenues for action**

At its meeting on 19 October 2018, the Bureau of the CDDG considered possible avenues for action to be taken by the working group on e-democracy and in relation to its first meeting on 27 November 2018 agreed as set out below.

*As regards developing guidelines on e-democracy as a toolkit*

Given the rapid evolution of technology, its potential and uses, and its impact on the functioning of society and democracy, the working group, on the basis of relevant Council of Europe and additional reference documents should examine:

- Developments in the field of e-democracy, in particular since the adoption of Committee of Ministers' Recommendation CM/Rec(2009)1 on electronic democracy;
- Benefits and advantages in relation to building trust, inclusiveness, transparency, provision of information, communication, consultation, deliberation, citizen empowerment, participation and decision-making;
- Technological issues and challenges: use of open source data, algorithms, bots, etcetera;
- Challenges in terms of citizen expectations: social discontent, disaffection among citizens and political disengagement;
- Risks and pitfalls including: propaganda and hate speech (including trolls), disinformation and misinformation;
- Difficulties for lawmakers to adapt to the speed at which science and technology evolve and to draw up the required regulations and standards.

On the basis of the principles and guidelines set out in the Recommendation on e-democracy and the aforementioned Council of Europe documents, the working group is asked to elaborate the guidelines, taking into account that e-democracy:

- is above all about democracy; it is complementary to traditional democratic processes and needs to enhance the effectiveness of democracy, democratic institutions and processes (as well as of governance);
- will need to take into account the need “to build a people-centred, inclusive and development oriented information society” (CM/Rec(2009)1) and respect “the core values of democracy, human rights and the rule of law”. (Council of Europe Internet Governance Strategy 2016-2019);
- needs to be in full compliance with human rights and fundamental freedoms: including the respect for privacy, protection of personal information from mismanagement or misuse, freedom of expression and information;
- should respect other relevant Council of Europe standards and instruments;
- meet the pre-requisites for building democracy online; i.e. access to public documents and data, new approaches to public administration - including e-governance and e-service delivery - and innovative methods of engaging and participating in the democratic process.

At the end of the first meeting, the working group is asked to define issues and elements to be considered by the expert(s) in preparing preliminary guidelines on e-democracy in the form of a toolkit. Preliminary draft guidelines should be presented at the second meeting of the working group in early 2019. A draft version of the toolkit could be considered for presentation to the CDDG at its meeting in 2019.

*As regards holding a review meeting on implementation of Recommendation [CM/Rec\(2017\)5](#) on standards for e-voting*

Implementation of measures taking into account Recommendation CM/Rec(2017)5, adopted by the Committee of Ministers on 14 June 2017, is still in its early stages. To obtain sufficiently representative data, the division of electoral assistance of the Council of Europe, in cooperation with experts who contributed to the work of the Ad-hoc committee on electronic voting (CAHVE) is collecting member states’ experience in practice and will meet in 2019 to examine initial feedback and data received.

Possible involvement of the CDDG, through its members, could take the form of:

- Providing information on member states’ positions with relation to e-voting;
- Participate in e-voting pilot projects, with a view to transposing and implementing at local and/or regional level, the recommendations addressed to member states at the central level;
- Nominating one or more representatives that could contribute to the work of the group of experts on e-voting as observers or participants.

At the meeting on e-voting (currently foreseen for 2019) the CDDG, in cooperation with the expert working group from the Division of Electoral assistance, could then examine action to be taken by the CDDG to disseminate proven experience and best practice in relation to e-voting and to strengthen the engagement and participation of citizens in the electoral process.

The working group is asked to:

- elaborate the guidelines on e-democracy for adoption by the end of 2019;
- contribute to providing information and practical experience with the implementation of Recommendation on standards of e-voting in their state;
- participate in the review meeting on Recommendation [CM/Rec\(2017\)5](#) on standards for e-voting towards the end of 2019.

At its first meeting, the Working Group shall elect its Chair and Vice-Chair.

The Chair shall conduct proceedings and sum up conclusions in accordance with the rules of procedure for Council or Europe intergovernmental committees (CM/Res(2011)24, Appendix 1).

### **Action required**

The working group is invited to prepare the draft guidelines on e-democracy in the form of a toolkit. It is envisaged to present the draft guidelines for consideration by the CDDG at its meeting in December 2019.

The working group is also invited to prepare and contribute to the review meeting on the implementation of Recommendation [CM/Rec\(2017\)5](#) on standards for e-voting.

## APPENDIX

### Composition of the CDDG working group on e-democracy

The working group has 13 members and the Council of Europe budget covers the travel and subsistence costs of the following representatives:

Austria/Autriche	Mr Peter ANDRE, expert for legislative affairs Ministry of Interior <a href="mailto:peter.andre@bmi.gv.at">peter.andre@bmi.gv.at</a>
Belgium/Belgique	Mme Françoise LANNOY, Directrice générale, Service public de Wallonie <a href="mailto:francoise.lannoy@spw.wallonie.be">francoise.lannoy@spw.wallonie.be</a>
Estonia/Estonie	Mr Priit VINKEL, Head of the State Electoral Office <a href="mailto:priit.vinkel@valimised.ee">priit.vinkel@valimised.ee</a>
Finland/Finlande	Mr Markku MÖLLÄRI, Ministerial adviser, Department for Local Affairs and Regional, Administration, Ministry of Finance <a href="mailto:markku.mollari@vm.fi">markku.mollari@vm.fi</a>
Poland/Pologne	Ms Iwona WIECZOREK, Director of the National Institute of Local Government <a href="mailto:Iwona.wieczorek@nist.gov.pl">Iwona.wieczorek@nist.gov.pl</a>
Serbia/Serbie	Ms Dara GRAVARA STOJANOVIC, Head of eGovernment Group, Ministry of Public Administration and Local Self-Government <a href="mailto:Dara.gravara@mduls.gov.rs">Dara.gravara@mduls.gov.rs</a>
« The former Yugoslav Republic of Macedonia”/ “L'ex-République yougoslave de Macédoine”	Mrs Gordana GAPIKJ DIMITROVSKA, Head of Unit for legislation assessment, publication and supervision management, Ministry of Information Society and Administration <a href="mailto:Gordana.dimitrovska@mioa.gov.mk">Gordana.dimitrovska@mioa.gov.mk</a>

The following representatives will attend the working group meetings without defrayal of expenses:

Belgium/Belgique	Mr Edwin LEFEBRE Deputy of the Director, Ministry of Internal Affairs of the Flemish Region, Agency for Home Affairs <a href="mailto:edwin.lefebvre@kb.vlaanderen.be">edwin.lefebvre@kb.vlaanderen.be</a>
Czech Republic/ République tchèque	Mr Zdenek HRACH E-government Department, Ministry of Interior <a href="mailto:zdenek.hrach@mvcz.cz">zdenek.hrach@mvcz.cz</a>
Germany/ Allemagne	Prof. Dr. Joachim BECK, Verwaltungsmanagement/Public Management, Fakultät Wirtschafts-, Informations- und Sozialwissenschaften, Hochschule für öffentliche Verwaltung <a href="mailto:Joachim.beck@hs-kehl.de">Joachim.beck@hs-kehl.de</a>
Montenegro	Apologized for absence
Netherlands/Pays- Bas	Mr Koos STEENBERGEN, Project leader e-democracy, Ministry of Interior <a href="mailto:Koos.steenbergen@minbz.nl">Koos.steenbergen@minbz.nl</a>
Poland/Pologne	Mr Paweł SOBCZYK, Expert of the National Institute of Local Government <a href="mailto:pawel.sobczyk@nist.gov.pl">pawel.sobczyk@nist.gov.pl</a>
Slovenia/Slovénie	Mr Andrej ČOKERT, Office for Local Self-Government, Ministry of Public Administration <a href="mailto:andrej.cokert@gov.si">andrej.cokert@gov.si</a>
UK/ Royaume Uni	Mr Paul ROWSELL, Deputy Director, Democracy, Department Communities and Local Government <a href="mailto:paul.rowsell@communities.gsi.gov.uk">paul.rowsell@communities.gsi.gov.uk</a>