

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 14 January 2020

GT-DT(2020)1

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

**WORKING GROUP ON DEMOCRACY AND TECHNOLOGY
(GT-DT)**

TERMS OF REFERENCE

as approved by the CDDG at its 10th meeting

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

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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 include, amongst others:

- (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) Developing 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.

2. TERMS OF REFERENCE

With a view to ensuring the efficient and successful completion of these two specific tasks, given the synergies and overlapping between them, the CDDG decided to set up:

- **a working group on democracy and technology (GT-DT)** to carry out the preparatory work for both,
- and **a Rapporteur on democracy and technology (R-DT)**, with the following responsibilities:
 - 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 is asked 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 is 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 is 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 should 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 is 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 is 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 to be relied upon by the GT-DT to start its work include:

- the 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](#).

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.

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.

At its 10th meeting, the CDDG instructed the Secretariat to look into the possibility of setting up an online platform to enable all member States to follow the work of the working groups and be able to contribute to it.