



Austrian Federal Ministry for
European and International Affairs

The Council of Europe Recommendation on E-democracy

7th Eastern European e|Gov Days

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Austrian Federal Ministry for
European and International Affairs

The Message

- **to put into relation:**
e-democracy ↔ e-government
- **to introduce:**
**the first binding international instrument
on e-democracy**

e-democracy ↔ e-government

- **e-democracy & e-government:**
 - e-democracy - part of e-government ?
 - e-government - part of e-democracy ?
- **E-democracy** - the support and enhancement of democracy, which is democratic institutions and democratic processes by means of ICT; linked to the engagement and re-engagement of citizens in democracy.
 - **E-participation** - the support and enhancement of democratic participation; it *encompasses those sectors of e-democracy* where civil society and businesses are involved in drawing up formal and informal agendas and shaping and taking decisions.
- **E-government** - the delivery of public administration at all levels by means of ICT in order to enhance the effectiveness and efficiency of public administration and the country itself.
 - **E-governance** - "good" or "democratic e-government", i.e. the democratic, efficient, effective, participatory, transparent and accountable exercise of power, including informal politics and non-governmental actors.

overview

- **Genesis of the Recommendation**
- **The Recommendation – structure & content**
- **The Recommendation – approaches**
- **The Recommendation – focus & added value**



The CoE and e-democracy

The Council of Europe

- started work on developing standards on (different fields of) e-democracy a few years ago already (various instruments on various issues),
- was and still is a forerunner amongst intergovernmental organisations on e-democracy,
- has become the *only* international institution addressing e-democracy *in its entirety*, and
- enacted in spring 2009 the first comprehensive international instrument on e-democracy.

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the Council of Europe's fields of activities on e-democracy

- **eElection (eVoting, eReferendum; eInitiative)**
- **eParliament - incl. eLegislation, ePetition**
- **eGovernance**
- **eJustice (eJudiciary)**
- **eInformation**
incl. e(public service)Media and the Internet
- **eParticipation - incl. eCampaigning**
- **eInclusion**
- **regulation [= a CoE key activity in general]**

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the Council of Europe's *acquis* in this respect

Conventions, Recommendations and other documents on:

- human rights, fundamental freedoms, minorities
- democracy
- participation
- elections, media, etc.

The pillars, institutions, structures:

- the 4 "pillars" – and its commissions, (steering) committees
- the Venice Commission (CDL)
- the European Commission for the Efficiency of Justice (CEPEJ)
- etc.

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The CoE chronology on e-democracy

- **24 May 2006** : creation and mandate of the *Ad-hoc committee on e-democracy (CAHDE)*
- public symposium on '*E-democracy: new opportunities for enhancing civic participation*', 23-24 April 2007, Strasbourg
- CAHDE expert workshops on *e-Parliament* (December 2007, Vienna), on *regulatory frameworks* (London, February 2008), and on *advice to policy making on e-democracy* (Vienna, 11 and 12 March 2008 - jointly with DEMO_NET; and at EDEM'08, Krems, 29 October 2008)
- the 2008 session of the CoE *Forum for the Future of Democracy on 'e-democracy'*, 15 to 17 October 2008, Madrid, including
 - a workshop discussion of the preliminary draft Recommendation, and
 - a workshop on 'e-democracy - the regulatory context'.
- **14 November 2008**: text of draft Recommendation agreed
- altogether: **10 CAHDE meetings** (Strasbourg, Vienna, Sofia, London)
- **18 February 2009**: Recommendation adopted by the Committee of Ministers

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The CAHDE mandate

- to **examine developments on e-democracy/e-participation at European and international level;**
- to **identify political, social, ethical, legislative and technological issues and their interdependence;**
- to identify **examples of emerging good practice** which could be of interest to member states;
- to elaborate **definitions of key terms;**
- to consider in particular the issues of **measuring the effectiveness and impact** of e-democracy initiatives and devices, and their complementarity and **interoperability with non-electronic forms of democratic engagement and participation;**
- to prepare appropriate **reports and documentation;** and
- to make **recommendations to the Committee of Ministers** on possible further action in the field of e-democracy.

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initial approaches

- **necessary focus on deliverables**
- **high goals**
- **first: collect (little) available starting material**
- **and: *effectively* co-operate with other international and domestic actors**
- **always: ensure transparency of the process**
- **look for CoE specificities and for added value**
- ***politically* NEITHER favour NOR discourage e-democracy**
- **NOR a specific form of democracy**
- **BUT provide guidelines IN CASE that a country wishes to embark on or improve, her e-democracy**
- **include / convince politicians and their institutions**

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one challenge: a 'multi-culture democracy' in Europe

- **varied forms and traditions of democracy**
- **varied concepts of representation**
- **varied concepts of majority – minority**
- **different views on the state and fellow-citizens**
- **different legal systems**
- **different concepts of minorities (rights)**
- **differences in various other fields**

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another challenge: the goals "Where do we want to go ?"

- **towards more / a "better" democracy ?**
- **towards a different form of democracy ?**
- **towards more / a better government service ?**
- **towards different / changed citizens ?**
- **towards electronic enabling / easing of democratic processes ?**
- **towards which extent of change management ?**

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CAHDE own "guidelines"

inclusiveness - transparency - open results:

- **experts (gov. reps) from 47 member states**
- **four own "pillars":**
 - **Committee of Ministers (inter-governmental)**
 - **Parliamentary Assembly (of *national* MPs)**
 - **Congress of Local and Regional Authorities**
 - **INGO Conference (civil society)**
- ***involvement* of academia (incl. DEMONET), politicians and civil society (specialised NGOs)**
- ***involvement* of other interested international institutions (UN[DESA], EU [Council, EC, EP], OECD, OSCE)**

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CAHDE "work items" by mid-2007

- Elements, stakeholders and tools of E-Democracy (including mapping E-Democracy)
- A glossary on E-Democracy (*ref. mandate*)
- Goals and benefits, enablers, and challenges, barriers and dangers of E-Democracy (including linking C2C to government)
- Standard processes of democracy
- E-Democracy in different types of democracy, including a "roadmap towards E-Democracy"
- Shortfalls in democratic processes - and possible eSolutions
- Instruments and activities of the CoE and other international organisations on E-Democracy
- CAHDE's framework for reporting e-democracy initiatives
- (selected) E-Democracy initiatives of member states
- Generic good practices of E-Democracy
- A "roadmap" towards E-Democracy
- CAHDE's check-list for the introduction of E-Democracy tools
- Evaluating / measuring the quality of E-Democracy (tools) - including (*ref. mandate*) "effectiveness and impact" and "complementarity and interoperability with non-e-democracy tools"
- Elements, stakeholders and tools of eParliament - including *e.g.* eRepresentative / ePolitician, eLegislation / eLaw and ePetitioning
- Regulatory frameworks of E-Democracy
- Social and cultural, and ethical issues of E-Democracy (*ref. mandate*)
- Information / media and E-Democracy
- Other eSectors of government relevant to E-Democracy (including eJustice and eEnvironment)
- Technology aspects of E-Democracy
- Open questions, unaddressed areas, unsolved issues - and: gaps in (international) addressing of E-Democracy
- Proposals for the Madrid *Forum for the Future of Democracy* (October 2008)

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The Recommendation

- **The 'Recommendation CM/Rec(2009)1 of the Committee of Ministers to member states on electronic democracy (e-democracy)'**
- **adopted by the Committee of Ministers on 18 February 2009 at the 1049th meeting of the Ministers' Deputies**
- **<https://wcd.coe.int/ViewDoc.jsp?id=1410627&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>**

The Recommendation: structure

- **Introductory language (1 ½ page)**
- ***Recommendations to Member States* – a kind of “executive summary” (12 paras.)**
- **tasks for the organisation's secretariat**
- **(80) *Principles of E-Democracy* – i.e. facts, leading to:**
- **(102) *Guidelines on E-Democracy* – recommendations to different stakeholders, including on:**
 - E-democracy, stakeholders, goals
 - Technology
 - Introduction and implementation of e-democracy
 - Enablers, barriers, challenges & risks
 - Rules and regulatory frameworks

structure / ctd.

- **(4) guides**
 - 1: generic tools and policies for an electronic democracy
 - 2: a roadmap approach towards e-democracy
 - 3: a checklist for the introduction of e-democracy tools
 - 4: a framework for reporting e-democracy initiatives
 - 5: dimensions and approaches for the evaluation of e-dem
- a glossary
- an Explanatory Memorandum (204 paragraphs)

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The Recommendation: contents

- MS to make use of the opportunities afforded by e-democracy;
- MS to introduce, develop or review e-democracy policies and practice and legislation, in the light of the principles, guidelines and indicative guides appended;
- MS to ensure that e-democracy ... [SEVEN points]
- to ANYONE: Reco. sets 80 principles of e-democracy ... and 102 guidelines for their implementation
- to ANYONE: Reco. defines goals of e-democracy ...
- Reco. contains recommendations to different stakeholders, including parliamentary as well as regional and local bodies - and their members - at all levels, and to civil society (institutions), academia, the media and the business sector
- contains practical guides for ANYONE for the introduction, presentation, and evaluation of e-democracy.

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contents / details

- MS to make use of the opportunities afforded by e-democracy;
- e-democracy
 - = the support and enhancement of democracy, democratic institutions and democratic processes by means of ICT;
 - is linked to the engagement and re-engagement of citizens in democracy;
 - is additional, complementary to, and interlinked with traditional democratic processes;
- goals of e-democracy:
 - to strengthen and enhance the effectiveness of democracy, democratic institutions and democratic processes;
 - to maintain and enhance citizens' trust in democracy, democratic institutions and democratic processes;
 - to promote, ensure and enhance transparency, accountability, responsiveness, engagement, deliberation, inclusiveness, accessibility, participation, subsidiarity and social cohesion;
 - to provide opportunities for meaningful and effective public deliberation and participation in all stages of the democratic process, responsive to people's needs and priorities;
- MS to introduce, develop or review e-democracy policies and practice and legislation, in the light of the principles, guidelines and indicative guides appended;
- MS to take steps - in co-operation with the appropriate local, regional, national and international partners and stakeholders - to develop concepts of, and standards for, e-democracy that uphold human rights, democracy and the rule of law.

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contents / details / c.u.

- MS to ensure that e-democracy ...
- fully complies with human rights and fundamental freedoms and the principles of democratic government;
 - supports the democratic roles of intermediaries between citizens and the state, such as democratic institutions, politicians and the media;
 - is based on and implements the concepts of comprehensive and active information and a broad understanding of citizenship;
 - takes account of the challenges, risks and barriers to e-democracy, addressing and overcoming them, in particular through sound risk-assessment and risk-management measures and mechanisms ensuring ongoing evaluation and progress;
 - helps to narrow the digital divide by means of an inclusive and non-discriminatory approach and by empowering people through support for education and training, including education and training in e-literacy, and public information measures, and by combining electronic and non-electronic approaches;
 - facilitates and enhances access, accessibility and interoperability by using, where feasible, transparent and technology-neutral means, open source solutions and open standards and specifications; and
 - is embedded in balanced, citizen-oriented rules and regulatory frameworks, including regulations adopted by public authorities, co-regulation and self-regulation.

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approaches

- **An INVITATION TO ANYBODY to use e-democracy – CAREFULLY;**
- **E-democracy is NOT A PANACEA to overcome all democracy deficits, but represents ADDED POSSIBILITIES;**
- **a BROAD, INCLUSIVE definition of e-democracy in respect to ALL ...**
 - **sectors of democracy** (legislature, executive, judiciary)
 - **democratic institutions** (public/private, formal/informal, etc.)
 - **levels of government** (local, regional, national, inter-/supranational)
 - **kinds of participants** (public auth./civ.soc., business, techn.providers)
 - **areas of expertise involved**
 - **levels of binding force of participation** ("campaigning to voting")

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approaches / cntd.

- **defining / describing the major e-terms;**
- **an integrated multi-stakeholder approach;**
- **a realistic approach (to benefits, challenges & risks, use & usability);**
- **human rights-based & social cohesion-oriented**
- **politicians- and media-inclusive ("intermediaries");**
- **inclusion-oriented**
- **sustainability- & evaluation-oriented;**
- **a comprehensive view on e-Parliament;**
- **initial thoughts on regulation (including security & standardisation): empowerment AND safeguards**

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focuses = added value

- **democracy-oriented**
 - technology as far as necessary
 - excluding purely (e-)administration/service aspects
- **a comprehensive approach** - issues
- **an inclusive approach** - sectors of society, regions
- **a multi-stakeholder approach** - recommendations *et alia*
- **intermediary-conscientious** - politicians, political parties, media
- **a realistic and careful approach**
 - to demand & reservations; to benefits, challenges & risks, use & usability
- **a comprehensive view on e-Parliament** - stakeholders & processes
- **regulatory aspects** - a conceptual beginning: contents & regulators
- **a structured follow-up** - including civil society and academia

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Follow-up

- **MS - bring this recommendation to the attention of all stakeholders in the public and civic domains;**
- **the CoE - continue to address e-democracy, including regulatory issues, its use for consultation purposes, and bottom-up e-democracy;**
- **review this recommendation two years after its adoption ...**
- **... in the light of the [MS and CoE] experience gained in the field of e-democracy and ...**
- **... after open debates organised by a civil society institution and ...**
- **... an academic conference.**

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Thank you !

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www.coe.int/democracy
→ Activities → Electronic Democracy

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