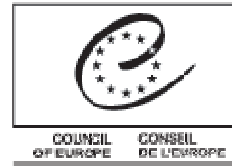


DIRECTORATE GENERAL OF DEMOCRACY AND
POLITICAL AFFAIRS

DIRECTORATE OF DEMOCRATIC INSTITUTIONS

PROJECT “GOOD GOVERNANCE IN THE INFORMATION SOCIETY”



CAHDE (2008) 15 E fin.

Strasbourg, 27 January 2009

**Ad hoc Committee on e-democracy
(CAHDE)**

Fourth meeting

Strasbourg, 13 - 14 November 2008

Meeting report

prepared by
the CAHDE Secretariat

I. Opening of the meeting

1. The Chairman, Mr Thomas Buchsbaum (Austria), opened the fourth meeting of the Ad hoc Committee on e-democracy (CAHDE) and welcomed the participants, especially those who attended for the first time. The Chair welcomed the new member of the Secretariat, Ms. Gabriela Kukuckova, who had replaced Mr Carl Ekström. The list of participants can be found in Appendix II.

2. The Chairman briefly recalled the work done and progress made since the creation of the CAHDE in 2006. He drew attention to the fact that CAHDE had met ten times if both formal and informal meetings were taken into consideration.

3. The Chairman brought the Committee up to date on recent developments with regard to the drafting of the Committee of Ministers' Recommendation on e- democracy. The latest version of the draft recommendation was dated 28 October and had been sent to the committee members on the same date. This version was largely identical to the previous version of August, as the changes made were principally grammatical and stylistic.

II. Adoption of the draft agenda

4. The Chairman stated that the main objective of the meeting was to formally adopt the draft Recommendation, the draft explanatory memorandum and the indicative guides and glossary that had been prepared for distribution to e-democracy stakeholders along with the Recommendation. He proposed that agenda items VI and VII be discussed on the second day of the meeting. With these changes, the draft agenda (cf. Appendix I) was adopted.

III. Adoption of the report of the third meeting of the CAHDE (20-21 May 2008)

5. Mr Michael Remmert (Secretariat) informed the Committee that the abridged report of its last meeting had been approved by the Ministers' Deputies on 5 November 2008.

6. Following a question by one of the observers, the Committee held an exchange of views on the visibility and impact of the CAHDE's activities. The Secretariat pointed out that the work of the CAHDE had considerable impact on other bodies of the Council of Europe. The Congress and the Parliamentary Assembly, for example, had been present at the Committee's meetings, as well as at the Forum for the Future of Democracy in Madrid. It appeared that these bodies had drawn much inspiration from the Committee's work for their own activities. With regard to the Forum, the work of the CAHDE had provided the basis for the programme and this was clearly visible during the Session. The Chairman added that representatives of a number of other international bodies had been interested in the CAHDE, such as the European Commission, the European Parliament, OECD and the United Nations Economic Commission for Europe.

7. The report of the third meeting of the CAHDE was adopted.

IV. Forum for the Future of Democracy (Madrid, 15-17 October 2008) – consideration of the outcome of the Forum and its implications for the draft recommendation

8. The Chairman introduced the item by saying that, in his view, the Forum had been a success, both in terms of its organisation and its results. He recalled that the draft recommendation on e-democracy had been discussed at workshop No. 1 of the Forum. After the closing of the Forum, a brief meeting of the Informal Working Group of the CAHDE (IWG) was held to evaluate the discussions and findings of the Forum in the light of the CAHDE's mandate. 24 experts were present at this meeting, of whom 16 were governmental representatives at the CAHDE.

9. Taking account of these discussions and the overall conclusions by the General Rapporteurs, the Chairman highlighted some issues which, whilst present in the draft recommendation, might merit some particular highlighting in the recommendation and explanatory memorandum. These issues include apprehension by politicians, trust, the role of civil society and NGOs, regulations, the digital and social divide and the risk of fragmentation of society.

10. The Secretariat then gave a brief summing-up of the Forum's outcome. The Forum had attracted, once again, over 400 participants. It was a good mixture of experts from all levels of administration, Parliaments, international organisations, civil society and academia. The Forum addressed the opportunities and risks of e-democracy. Some participants had expressed the view that a live web-casting of the event would have been useful. Unfortunately, due to budgetary restrictions, this had not been possible and priority had been given to enabling the greatest possible number of participants to participate directly in the Session in Madrid.

11. The conclusions, as well as many speeches and presentations of the 2008 Session of the Forum for the Future of Democracy can be found on the Council of Europe's web site¹. A film about young people's perceptions of e-democracy had been produced for and shown at the Forum and can be viewed on YouTube. A second film summarising the Forum's proceedings will be available shortly on the Council of Europe's website and its YouTube channel. The production of these films had been made possible by a generous financial contribution from the government of The Netherlands

V. Examination of the draft Recommendation of the Committee of Ministers on e-democracy and accompanying documents

12. The Chair recalled the different stages in the process of preparing the draft recommendation on e-democracy to date. He then invited the Committee to examine the present draft of the recommendation, beginning with general comments.

13. The representative of Estonia suggested that a particular effort should be made to give the recommendation a generally positive tone, encouraging member states and other stakeholders to embrace the opportunities offered by e-democracy whilst being conscious of possible risks. The representative of Norway referred to the increasing importance of

¹ http://www.coe.int/t/dc/files/themes/forum_democratie/default_en.asp?;
http://www.coe.int/T/E/Integrated_Projects/democracy/

social networking activities for e-democracy and the need for this to be appropriately reflected in the recommendation as well as through further work on this issue in the future.

14. Further to these general comments, the Committee proceeded with a thorough paragraph-by-paragraph examination of the text, starting with the preambular section and continuing with the body of the recommendation as well as with the ensuing principles and guidelines on e-democracy. The approved changes were inserted directly into the text through on-screen drafting.

15. The Chairman then invited the Committee to adopt the draft recommendation on e-democracy, subject to some editorial changes and a professional linguistic revision. Any such changes would, however, not alter the meaning of any part of the text. All members present expressed themselves in favour of the text and adopted it in its entirety.

16. Moving on to the various documents to accompany the recommendation, the Chairman recalled the drafting process of the glossary on e-democracy terminology and made some suggestions as to final improvements and additions. The representative of the Czech Republic pointed out that some of the terms used in the recommendation and explanatory memorandum were not explained in the glossary. So as to harmonise the terminology used in all documents, he offered to identify the terms concerned and send this information to the Secretariat along with proposed descriptions of these terms.

17. The Chair invited the Committee to consider the remaining indicative guides with a view to their adoption. No comments were expressed and the indicative guides² were adopted in their entirety, subject to final editorial and linguistic revision.

VI. Examination of the draft explanatory memorandum to the recommendation of the Committee of Ministers on e-democracy

18. The Secretariat gave an introductory presentation on the draft explanatory memorandum. The main objective of this document was to provide the reader with background information on the recommendation, to explain in more detail the principles and guidelines, as appropriate, and to give examples of e-democracy methods and tools.

19. The Committee held an exchange of views on the draft explanatory memorandum. The Secretariat took note of all comments. Several proposals were inserted directly into the text through on-screen drafting.

20. The representative of the Conference of INGOs pointed out that the bibliography appended to the memorandum did not contain the latest documents adopted by the Congress of Local and Regional Authorities and requested the Secretariat to update the bibliography accordingly.

² No. 1: Generic tools and policies for an electronic democracy;
No. 2: A roadmap approach to e-democracy;
No. 3: A checklist for the introduction of e-democracy tools;
No. 4: A framework for reporting e-democracy initiatives;
No. 5: Evaluating e-democracy.

21. The Chairman invited the members to submit any final suggestions on the explanatory memorandum (and also on the glossary referred to under agenda item V) to the Secretariat by 21 November in the form of concrete drafting proposals, accompanied by an explanation of the need for the modification proposed.

22. Finally, the Chairman invited the Committee to express its general consent on the draft explanatory memorandum. The draft explanatory memorandum was provisionally adopted, subject to any modifications proposed by members of the Committee by the above-mentioned deadline and to any final editorial and linguistic revision.

VII. Consideration of the results of the CAHDE's work and proposals for future work by the Council of Europe in the field of e-democracy

23. The Committee continued the exchange of views on possible future work of the Council of Europe in the field of e-democracy that it had begun at its previous meeting. The Secretariat submitted a draft document which it had prepared in co-operation with the Chairman. This document had been prepared so as to facilitate the Committee's task, conferred to it in its Terms of Reference, of submitting proposals to the Committee of Ministers on future work by the Council of Europe in the field of e-democracy.

24. The Secretariat explained that the Terms of Reference of the CAHDE were unlikely to be prolonged, as the Committee had discharged its mandate by preparing the draft recommendation on e-democracy and accompanying documents. The Council of Europe would, however, continue its work in the field of e-democracy. In order for it to do so effectively, it was important that the network of expertise built up during the work of CAHDE be maintained and that the application of the recommendation be monitored. In its proposals for future work on e-democracy, the CAHDE might therefore wish to consider suggesting the organisation of periodical meetings to review the application of the Recommendation. The proposal, stemming from FFD 2008, that a strong focus on e-democracy be included into events organised in member states at the occasion of the International Day for Democracy and the European Local Democracy Week would also seem to merit endorsement by the CAHDE. In the future, members could become instrumental in supporting such activities in their own countries.

25. The Committee examined the draft document and adopted it subject to the changes proposed during the discussion. The final version of the document is reproduced in Appendix III.

VIII. Any other business

26. The Chairman explained the procedure for the adoption of the draft recommendation and explanatory memorandum by the Committee of the Ministers. The first step would be the inclusion of the remaining comments by the members of the Committee.

27. The Chairman recalled the CAHDE's intense co-operation with the European Committee on Local and Regional Democracy (CDLR) and the Steering Committee on

the Media and New Communication Services (CDMC) throughout its work. Both Committees had been following the work of the CAHDE very closely and were represented at its meetings by a member and/or their Secretariat. He commended the active involvement of these two committees as well as the contributions by the representatives of the European Committee on Legal Co-operation (CDCJ). He suggested that the draft recommendation be submitted to the CDLR and the CDMC for approval. The CAHDE responded favourably to this suggestion and asked the Secretariat to make the necessary arrangements.³

28. After a final linguistic revision, the draft recommendation and its explanatory memorandum would be submitted to the Committee of Ministers for adoption, via the Rapporteur Group on Democracy (GR-DEM). The indicative guides and the glossary would be made available to the Committee of Ministers for information. It was expected that the GR-DEM would consider this item in February 2009⁴ and that the Ministers' Deputies would adopt the recommendation and explanatory memorandum in the weeks following that meeting.

29. The Chairman encouraged the members of the CAHDE to contact the relevant officials in their national administration and/or the Permanent Representation of their country to the Council of Europe in order to draw their attention to the results of the work of the CAHDE and to the forthcoming submission of the draft recommendation to the GR-DEM and the Ministers' Deputies for adoption.

30. The Chairman closed the meeting by congratulating all participants in the CAHDE for the achievements made over a relatively short period of time, i.e. little more than 2 years. He expressed his gratitude to the CAHDE members and all other contributors and extended special thanks to those countries that had hosted meetings of the CAHDE's Informal Working Group, i.e. Austria, Bulgaria and the United Kingdom.

³ Note by the Secretariat : The draft recommendation on e-democracy was approved by the CDMC at its 8th meeting on 25-28 November 2008 and by the CDLR at its 42nd meeting on 8-10 December 2008.

⁴ In December, it was decided that the results of the work of the CAHDE would be considered by the GR-DEM at its meeting on Tuesday, 10 February 2009.

APPENDIX I

AGENDA

- I. Opening of the meeting**
- II. Adoption of the draft agenda**
Document CAHDE (2008) OJ 2
- III. Adoption of the report of the third meeting of CAHDE (20-21 May 2008)**
Document CAHDE (2008) 12 fin.
- IV. Forum for the Future of Democracy (Madrid, 15-17 October 2008) – consideration of the outcome of the Forum and its implications for the draft recommendation**
Document FFD (2008) 9
- V. Examination of the draft Recommendation of the Committee of Ministers on e-democracy and accompanying documents**
Documents CAHDE (2008) 3 rev.2, CAHDE (2007) 2 fin., CAHDE (2007) 24 fin., CAHDE (2008) 4 fin., CAHDE (2008) 5 rev., CAHDE (2008) 6 fin., CAHDE(2008) 7 fin. (bilingual/bilingue)
- VI. Examination of the draft Explanatory memorandum to the recommendation of the Committee of Ministers on e-democracy**
Document CAHDE (2008) 13
- VII. Consideration of the results of CAHDE's work and proposals for future work by the Council of Europe in the field of e-democracy**
Document CAHDE (2008) 10
- VIII. Any other business**

APPENDIX II

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APPENDIX III

CAHDE(2008)14 fin. E

Strasbourg, 20 November 2008

**Recommendations
by the Ad Hoc Committee on e-democracy (CAHDE)
to the Committee of Ministers
on further action in the field of e-democracy**

Introduction

In its Terms of Reference, the Ad Hoc Committee on e-democracy (CAHDE) was instructed, *inter alia*, to “prepare appropriate reports and documentation with a view to making recommendations to the Committee of Ministers on possible further action in the field of e-democracy, in the framework of the Council of Europe’s agenda on strengthening democracy and good governance” (cf. paragraph 4.iv. of document CAHDE (2008) 10).

CAHDE discharged of its mandate by preparing the draft recommendation on e-democracy and an explanatory memorandum thereto, to be submitted to the Committee of Ministers in the near future, as well as by preparing a number of background documents. Once adopted, the Recommendation will offer all European governments substantial guidelines and principles when dealing with e-democracy. The accompanying background documents and guides will offer practical tools to those who require hands-on information about combining modern information and communication tools and democratic requirements and practice.

The subject of the present document is to make recommendations to the Committee of Ministers on further action by the Council of Europe in the field of e-democracy in the future, in particular in the context of the Council of Europe’s project on “Good Governance in the Information Society”. This project would appear as an appropriate structure for organising the work required for promoting and assessing the implementation of the Committee of Ministers’ Recommendation on e-democracy, once adopted.

Due to the interdisciplinary nature of the field of e-democracy, a number of other bodies of the Council of Europe may also be involved in this future work. This would include the maintaining of a strong link with the Forum for the Future of Democracy (FFD), by mainstreaming aspects of ICT and democracy into successive sessions of the Forum.

The proposals made in the present document are the result of a reflection that CAHDE has undertaken against the background of collating and reviewing good policy practice with the aim of identifying principles and guidelines for e-democracy. During this process, a number of emerging issues were identified that would merit further conceptual and possibly normative work.

Several of the issues identified by CAHDE and considered in the present document have been echoed and amplified by the conclusions by the General Rapporteurs of the 2008 Session of the FFD which took place in Madrid in October on the theme of “E-democracy: who dares ?”.

Recommendations

CAHDE considers it of primordial importance that appropriate decisions be taken to secure follow-up to the Committee of Ministers’ Recommendation on e-democracy, once adopted, in particular with regard to promoting and assessing its implementation. The organisation of periodical meetings for reviewing the application of a recommendation has proven its usefulness in respect of the Committee of Ministers’ Recommendation on e-voting. A similar approach might thus be adopted with regard to the recommendation on e-democracy. The proposal stemming from FFD 2008 that a strong focus on e-democracy be included into events organised in member states at the occasion of the International Day for Democracy and the European Local Democracy Week would also seem to merit serious consideration in terms of the Council of Europe lending its support to such e-democracy showcasing.

In addition to the promotion of the Recommendation on e-democracy, CAHDE recommends that the Council of Europe should engage in further conceptual and, where and when appropriate, standard-setting work:

1. The regulatory dimension of e-democracy

CAHDE has identified a need for rules and regulations on e-democracy and has prepared a number of principles and guidelines for regulatory action. According to these, regulation has to be carefully balanced between citizen empowerment and safeguards against misuse, it needs to define the powers of public authorities, and leave space for e-democracy initiatives to develop. CAHDE concurs with the view expressed in the conclusions of FFD 2008 that the Committee of Ministers should initiate work in this field.

Against this background, the Council of Europe could take stock of national and international rules, regulations and standards on e-democracy and related fields (including Internet Governance), of the forms they take (public regulation, co-regulation or self-regulation), and of the roles that different stakeholders play in relevant processes. Such stocktaking and an analysis of the different dimensions of regulatory action could be useful for member states. Consideration might also be given in this context to the role of e-democracy in respect of issues such as social cohesion, education and training, confronting the digital divide, and the implementation of human rights protection. As a further step, the Council of Europe might then consider preparing some model rules and regulations. The Venice Commission could be involved in such work.

2. Bottom-up e-democracy initiatives

Future Council of Europe work on e-democracy could comprise work on how public authorities and international organisations can promote civic initiatives from the bottom upwards including by capacity-building and inclusion. Moreover,

in the era of Web 2.0, public authorities could take advantage of guidance on how to establish effective links between their activities and social networking applications (between bottom-up and top-down initiatives), not least to enhance the impact of their communication with the public. The Conference of INGOs could be involved in such work.

3. E-Consultations

Public consultations are an important area of democracy, and also of e-democracy, as there are a number of e-consultation tools. They exist and can exist in many different forms, based upon rules set by law or established ad-hoc, with a pre-determined or open number of participants. In this respect, issues such as identity management and international interoperability are of special relevance. While there is quite a lot of consolidated practice and analytical research on tools such as e-petitions, such work lacks in respect of (e-)consultations. The Council of Europe is well placed to conduct work on different forms of e-consultations, with a view to mapping, analysing and possibly preparing guidelines on them. The Parliamentary Assembly, the Congress and the Conference of INGOs could all become involved in this work.

4. Electronic voting

Elections are a decisive element of democracy. In respect of the use of ICT in elections (e-voting), the Council of Europe has been playing a unique and widely recognised role of a standard-setting body. The findings of the recent biennial review meeting of Recommendation Rec(2004)11 on e-voting point to the fact that increased attention should be paid to the certification of e-voting systems and the observation of e-enabled elections to guarantee security and transparency and to build trust in the electoral process. CAHDE therefore endorses the conclusion stemming from the 2008 Session of the FFD that the Council of Europe should maintain its prominent role in this important and complex field, thereby providing a platform for discussion and exchange of experience, and a standard-setting body.

Taking into account its own experience of working in a range of formats, CAHDE also held an exchange of views on the fora that might be best suited for the Council of Europe to gather expertise in these areas and to develop high quality common approaches. As a result, CAHDE recommends the use of open workshops, in co-operation with other institutions, involving politicians, political institutions, academia and civil society, as well as of fora of experts with restricted membership and limited duration, involving representatives of member states and of Council of Europe bodies.

Conclusions

After the end of the mandate of CAHDE, the Council of Europe should maintain its role as a leading and pioneering international organisation in the field of e-democracy in Europe and beyond. It should continue to provide a platform for debate and for reviewing developments in this field. In particular, it will be necessary to promote and examine the implementation and application of the Committee of Ministers' recommendation on e-democracy, once adopted.

Such follow-up work will be an opportunity for identifying and defining any need for further standard-setting work, based on the pointers provided by CAHDE in the present document, by the conclusions of the 2008 Session of the FFD, as well as on increasing experience and new developments in the field of e-democracy. It would then be for the Committee of Ministers to decide on the appropriate time and intergovernmental structure for engaging in additional standard-setting activities in the field of e-democracy.

CAHDE is aware that in order to enable the implementation of the above recommendations, the Committee of Ministers will have to take the necessary decisions on the structures within which future work on e-governance/e-democracy will be implemented, taking account of budgetary constraints. It hopes that its recommendations on possible future activities will facilitate the related structural decisions.