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Electronic democracy

Report[1]
Committee on Political Affairs and Democracy
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Summary

Electronic democracy is primarily about democracy and not about technology.

The development of the information society should be considered as a challenge and opportunity, providing the means for enhancing democratic principles and responding to certain shortcomings and deficits of democratic systems.

E-tools offer great potential for improving democratic practice and participation, transparency, accountability and responsiveness of democratic institutions, as well as for the promotion of citizens' engagement and for increasing empowerment and the accessibility and inclusiveness of the democratic process.

The Assembly calls on national parliaments and authorities at all levels to develop a political vision for the application of Information and Communication Technologies in the political process, and to make full use of e-tools to reinforce it. Moreover, it calls on the Council of Europe to elaborate guidelines, set standards and propose solutions for regulatory mechanisms and harmonisation in the member states.

1. Reference to committee: Reference No. 3388 of 21 January 2008

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A. Draft resolution

1. The Parliamentary Assembly recalls that the Council of Europe is the oldest pan-European institution standing for democratic principles and human rights. It has established an important *acquis* in this field which constitutes a reference for the development of democratic systems. This *acquis* has been achieved through the elaboration of legal instruments, the development of democratic institutions, and the establishment of institutional structures and practices.

2. The Assembly in particular, devotes considerable attention to different aspects of democracy. Regular debates on the state of democracy in Europe are aim to identify the main concerns and shortcomings in Council of Europe member states and to propose remedies. In this context it recalls its Resolutions 1547 (2007) on the state of human rights and democracy in Europe and 1617 (2008) on specific challenges facing European democracies: the case of diversity and migration.

3. The Council of Europe Forum for the Future of Democracy, established in 2005 by the Heads of State and Government is highly instrumental in fostering the exchange of ideas, the sharing of good practices and the elaborating of proposals aimed at remedying democratic deficit. Its unique feature is that it is based on the active involvement of parliamentarians, representatives of governments, civil society and academia.

4. Democracy is never accomplished or perfect; it is an ongoing process, which is constantly faced with new challenges and needs to adapt itself to new situations. Perhaps the most important among these new challenges is a form of alienation of citizens from political processes. Traditional representative democracies tend to limit citizens' participation to a simple act of voting. Voters however feel that elections do not offer real choices between genuinely different policy options and therefore they feel unable to influence the political processes in decision-making.

5. The development of the information society should be considered as a challenge and an opportunity, providing the means for enhancing democratic principles and responding to certain shortcomings and deficits of democratic systems.

6. Information and Communication Technologies (ICT) offer great potential for improving democratic practice and participation, transparency, accountability and responsiveness of democratic institutions, as well as for the promotion of citizens' engagement and for increasing empowerment and the accessibility and inclusiveness of the democratic process.

7. Electronic democracy (e-democracy) must not be regarded, however, as a tool of replacing representative democracy by participative democracy. Representative democratic systems can naturally be complemented by elements of participative democracy. Nevertheless, this must be the decision of the society and not necessarily a consequence of using ICT.

8. E-democracy is primarily about democracy and not about technology. E-tools may be highly instrumental in strengthening traditional representative democracy and in contributing to the improvement of its quality. E-democracy is not a substitute for such representative democracy, but it is additional and complementary to it.

9. The technological evolution of e-democracy should be pursued in accordance with democratic principles. E-democracy can only be instrumental for democracy in a democratic environment in which human rights and the rule of law are implemented and observed. Freedom of expression and the existence of free and pluralistic media constitute a necessary precondition for exploiting the benefits of e-democracy.

10. The risks for democracy linked to the development of ICT, which include unequal access potentially resulting in e-exclusion and e-discrimination, as well as possible abuses, should not be underestimated. Rules and regulatory frameworks including safeguards to protect citizens should be drawn up and implemented at the early stage.

11. Generalised access to e-tools is a necessary condition of the success of e-democracy and the elimination of a risk of a "technology gap". This includes, not only access in terms of equipment and affordable connection, but also the considerable efforts in education and training, in particular with regard to older generations and other vulnerable categories of population.

12. E-democracy, like democracy itself, should involve all constituents of society including citizens, politicians, political institutions, civil society and media. All of them should be engaged in the development of e-democracy from an early stage and to this end a clear political vision followed by the creation of adequate conditions are necessary.

13. The Assembly acknowledges that ICT have become essential in supporting the work of legislative bodies. Furthermore, e-democracy provides elected representatives with unprecedented means of engaging in dialogue and discussions with their constituencies. The voters, for their part, have an effective tool to monitor their representatives' actions. These new possibilities add a new dimension to the traditional notions of representative and participatory democracies and, at the same time, motivate citizens to step up their participation in the political process.

14. The Assembly welcomes the growing introduction and systematic use of ICT in the work of public institutions at all levels of governance. Increasingly they serve not only to provide citizens with information and enable them to communicate with the authorities, but they are also instrumental in engaging citizens in the decision-making process (e-consultations, e-referenda, e-initiatives).

15. Local and regional level is particularly appropriate for promoting use of e-tools in the political process. Therefore, the Assembly welcomes the work of the Council of Europe Congress of Local and Regional Authorities in this field, and in particular its Resolutions 266 (2008) on the E-tools: a response to the needs of local authorities, and 267 (2008) on the electronic democracy and deliberative consultation on urban projects.

16. The role of civil society in introducing and promoting e-democracy is crucial. The Assembly notes with satisfaction a rapidly increasing civic mobilisation which results in e-intitiatives and the creation of pressure groups using e-tools in order to influence the political process. The work of the Council of Europe's Conference of INGOs on the Code of Good Practice on civic participation, which includes a section on e-democracy, is to be commended.

17. The Assembly is of the opinion that the Council of Europe can considerably contribute to the further introduction and promotion of e-democracy in its member states. Further regulatory action, harmonisation and education is needed. The Assembly notes with satisfaction the work of the ad hoc committee on e-democracy of the Committee of Ministers (CAHDE), and is convinced that its work should be pursued.

18. Taking note of existing Council of Europe legal instruments in the field of democracy including Recommendation Rec(2004)11 on legal, operational and technical standards for e-voting and Recommendation Rec(2004)15 on e-governance, the Assembly invites the Committee of Ministers to finalise its work and adopt without delay the draft recommendation under preparation on electronic democracy.

19. The Assembly calls on all stakeholders to take into account and translate into specific action the conclusions of the Council of Europe Forum for the Future of Democracy, held in Madrid from 15 to 17 October 2008, devoted to e-democracy.

20. Furthermore, the Assembly calls on:

20.1. national parliaments and their members to make full use of the opportunities offered by ICT with a view to improving the quality of representative democracy and in particular to:

20.1.1. develop a political vision for the application of ICT in the political process, and consider the introduction of relevant legislation, particularly with regard to the rights of citizens to launch a new legislation or modify existing laws;

20.1.2. set up ad hoc committees preparing annual reports for the parliament on the current status of e-inclusion and e-democracy;

20.1.3. review national legislation with a view to introducing legal standards for using e-tools in the political process, and to eliminate the risks of their misuse, both technical and political, notably as regards human rights and security issues, including data protection, document, voting, networking and information security;

20.1.4. develop a vision for innovation and the application of ICT within the parliamentary setting, initiate strategic planning, and ensure its effective management;

20.1.5. provide citizens with the possibility of following the work of parliament and its members, allowing for maximum transparency;

20.1.6. improve the institutional ability to interact with citizens and to encourage dialogue between citizens and their elected representatives;

20.1.7. elaborate and establish good practices as regards the active participation of citizens in the political process, including e-consultation;

20.1.8. actively seek links with and promote social networking activities with a view to building on the ideas about e-democracy developed within civil society;

20.1.9. continue and, where appropriate, reinforce their contribution to enhanced inter-parliamentary co-operation by electronic means, including in the framework of the Global Centre for ICT in Parliament under the aegis of the Inter-Parliamentary Union, and to promote the adoption of internationally recognised data standards for sharing legislative information;

20.1.10. ensure adequate financial resources for the implementation of the above recommendations as well as the training in the use of e-tools for politicians and staff;

20.2. national authorities at all levels to make full use of the opportunities offered by ITC with a view to improving communication between public institutions and citizens, and increase the empowerment of the latter, and in particular to:

20.2.1. develop a coherent vision for the application of ICT in contacts with citizens aimed at providing them with adequate information and ensuring interaction;

20.2.2. introduce a regulatory framework for this vision;

20.2.3. involve citizens in the decision making process through systematic consultations and develop good practices;

20.2.4. develop contacts with the civil society with a view to making full use of their initiatives and ideas in the field of e-democracy;

20.2.5. undertake educational initiatives in society aimed at eliminating discrepancies in the access and use of ICT tools between different categories of population;

20.2.6. ensure adequate financing for the development of e-democracy and training for staff involved;

20.3. the Secretary General of the Council of Europe and the Secretary General of the Assembly to:

20.3.1. ensure that the question of e-democracy and related issues are given appropriate attention in the work of the Council of Europe and the Assembly, and that the Organisation plays a leading role in promoting e-democracy in Europe by elaborating guidelines, setting standards and proposing solutions for regulatory mechanisms and harmonisation in its member states;

20.3.2. make full use of ICT in the work of the Organisation and to ensure adequate financial resources to this end;

20.3.3. set up training and co-operation programmes, including at the parliamentary level, aimed at promoting e-democracy and developing skills to make full use of it;

20.4. set up a website that collects the best practices and related documents and translate them into member states' languages;

20.5. support independent research to publish a yearly review about e-democracy;

20.5.1. with the co-operation of information technology companies set up a Competency Center for e-democracy to publish the results of research and developments of worldwide innovative solutions on e-government, e-inclusion and e-democracy;

20.5.2. start a campaign to disseminate the ideas of e-democracy and organise a conference to share the best practices of worldwide solutions.

21. The Assembly resolves to follow the question of e-democracy and to promote it at the parliamentary level in Council of Europe member states.

B. Draft recommendation

1. The Parliamentary Assembly refers to its Resolution … (2009) on electronic democracy. It also recalls its previous resolutions and recommendations addressing the question of democracy.

2. The Assembly recommends that the Committee of Ministers calls on member states to give appropriate follow up to the issues raised in Resolution... (2009) and to take necessary steps to make full use of Information and Communication Technologies (ICT) for the further promotion of e-democracy.

3. The Assembly recommends that the Committee of Ministers, taking advantage of its unique position as a forum for pan-European co-operation, undertake the following action:

3.1. adopt without delay the draft recommendation on e-democracy submitted by the ad hoc committee on e-democracy (CAHDE);

3.2. initiate further reflections and work on the regulatory framework and specific regulations in the field of e-democracy at the pan-European level;

3.3. promote the introduction of e-democracy as complementary to and interlinked with traditional processes of representative democracy in member states;

3.4. support civil society initiatives in this field;

3.5. set up co-operation training and programmes on the use of ICT in the democratic process;

3.6. compare practical experience in member states with electronic tools for public participation such as e-consultations and participatory budgeting.

4. Moreover, the Assembly calls on the Committee of Ministers to provide the necessary resources to implement the above recommendations.

C. Explanatory memorandum by Mr Szabó, rapporteur

1. Introduction

1. The Council of Europe is the oldest pan-European institution standing for democratic values and principles. During 60 years of its activities, it has established an important *acquis* which constitutes a valid reference for the development of democracy. This *acquis*, including international legal instruments, as well as recommendations and guidelines, is aimed at standard-setting and establishment of structures and practices.

2. The Parliamentary Assembly, for its part, has devoted a good deal of its work to the question of the quality of democracy, the functioning of democratic institutions and the shortcomings of the democratic process in Council of Europe (CoE) member states. Since 2007, the full-day debate devoted alternately to human rights and democracy has been held in the Assembly on an annual basis.

3. Furthermore, the Assembly is actively involved in the activities of the CoE Forum for the Future of Democracy, established by the Heads of States and Governments at the CoE Summit in 2005, and conceived as an ongoing process aimed at the promotion of democracy at the pan-European level and a platform for furthering reflection on its numerous aspects.

4. Democracy is an open, on-going process which is constantly confronted with new challenges and problems, and needs to be adapted to new situations and improved.

5. The development of the information society is one of the challenges facing contemporary democracies and at the same time it constitutes a great opportunity and opens new channels for the improvement of the quality of the democratic process.

6. Information and Communication Technologies (ICT) can largely contribute to better democratic practice by increasing participation, engagement and empowerment of citizens as well as transparency, accountability and inclusiveness of democratic institutions and the democratic process as a whole.

7. Electronic democracy (e-democracy) is primarily about democracy and not about technology. E-tools can be instrumental in enhancing democratic principles but it can only be achieved in a democratic environment in which human rights and the rule of law are respected. E-democracy cannot replace representative democracy, but it can strengthen it.

8. One cannot ignore potential risks linked to the development of ICT and their use in the political process. Possible political or technical abuses, criminal abuse, lack of sufficient protection of data; all these misuses of ICT may be detrimental to the democratic process and result in human rights violations.

9. A risk of emergence of “digital gap” between different categories of population, insufficient education and unequal access to e-tools may result in new social divisions and inequalities.

10. Confidence is a necessary precondition of a successful development of e-democracy. In order to get involved in the process, citizens must be confident that their participation is not misused, and that they will have a tangible influence on the decision-making process.

11. The present report has been designed as a parliamentary contribution to the 2008 meeting of the Forum for the Future of Democracy, which took place in Madrid on 15-17 October 2008, and was devoted to e-democracy. My intention was to draw attention to the main opportunities and challenges for representative democracy which arise from the development of technology and informatic society.

12. In return, the deliberations and conclusions of the Forum provided me with valuable information and reflections enabling me to draw up a recommendation to be submitted to the Assembly and, if adopted, addressed to the governments with a view to improving conditions for further introduction of electronic tools in the political process.

13. So far, the Parliamentary Assembly has not specifically dealt with the question of using e-tools in the democratic process and the new opportunities and challenges arising from the rapid emergence of the information society. In 2007, I prepared, on behalf of the Political Affairs Committee, a report on distance voting. At that time, we agreed that e-voting and internet voting, which obviously can be considered as distance voting, would be dealt with in more detail in the report on e-democracy. I refer those interested to that report which is complementary to more specific considerations on e-voting which will be included in this report.

14. My report should be seen in the context of the Committee's previous work on democracy, and in particular Mr Gross's report on the state of democracy in Europe, presented in 2007. In this report the rapporteur, while expressing satisfaction at the unquestionable achievements and progress in the implementation of the democratic standards in Europe over recent years, has expressed his concern over the increasing number of deficits of democracy like the disfunctioning of democratic institutions, insufficient representativeness of many parliaments, insufficient transparency and accountability, all of which result in the increasing feeling of political discontent and disaffection among citizens.

15. I would also like to refer to another relevant report prepared by the Political Affairs Committee, namely on "The code of good practice for political parties" prepared by Mr Van den Brande. Political parties, which are the main actors of the political process, should be particularly interested by the opportunities, and be aware of risks related to e-democracy.

16. In my reflections, I have taken into account the work of other Council of Europe sectors dealing with this issue, particularly those of the CoE Congress of Local and Regional Authorities and of the ad hoc Committee on e-democracy (CAHDE) of the Directorate General of Democracy and Political Affairs, which is a part of a broader project "Good governance in the information society" of the Council of Europe.

2. Areas in which e-democracy could be helpful to increase the quality of a democratic system and contribute to overcoming some of its deficiencies

2.1. Citizen participation and engagement

17. One of the main concerns of our democracies is a form of alienation of citizens from political processes. Democracy is supposed to empower citizens and give them the feeling of being able to influence their own lives and act in order to live in dignity. Do they really have this feeling in the representative democracies of today? Are they actors in the decision-making process, in governance? I am afraid that the reply is negative.

18. Traditional representative democracies tend to limit citizens' participation to a simple act of voting. But unfortunately, many citizens have lost trust in their political representatives. There are many reasons for this: people feel that they are estranged from political actors, institutions and processes. They are unable to identify their own every day problems and concerns in the official political agendas. Furthermore, politicians are perceived as distant from ordinary people, living in another world and serving their own interests.

19. Political parties, which should be the most important links between representatives and their voters and where problems should be analysed and transformed into policy proposals, have lost much of their capacities and are functionally replaced by media which set agendas and organise debates.

20. Moreover, globalisation of markets has created the feeling of imbalance between economy and democracy, and the strong conviction that decisions are increasingly taken outside parliaments under the influence of different lobby groups.

21. As a consequence, voters feel that elections do not offer real choices between genuinely different policy options. They have doubts about democracy because they feel unable to influence the political processes in decision-making.

22. Among different indicators of citizen participation, electoral turnout seems to be one of the most revealing. Its decrease over recent years in many CoE member states has given rise to repeated opinions on the crisis of democracy and alienation of citizens from the political process.

23. I deliberately dwelled at length on this diagnosis of today's democracy because I am convinced that ICT – information and communication technologies – can, to a large extent, help overcome some of the problems faced by our democratic systems today. They offer possibilities which could remedy our present problems.

24. However ICT does not only help to overcome the problems mentioned, but will enforce them as well. The new technology (first of all: the internet) provides the possibility for citizens to organise themselves in groups of interest which they pursue. Politicians in the governments and in parliaments deciding over issues of e-voting, internet copyright law or taxation must understand the point of view of digitally literate users, otherwise tension will be generated and the result of digitally illiterate decision makers will only be building barriers and making regulations. If the politicians are unable to change their approach to the current time and current possibilities, there could be misunderstanding between the political elite and the young and middle-aged generations. In our new information society politics have to switch to be "internet user friendly" and it also means: citizen-friendly.

25. Furthermore the internet provides easy access to extensive, diversified and relevant information. This includes institutions, parties, and politicians, websites and blogs. It has become common that parliamentarians have their own websites, and that parliaments or municipalities transmit their proceedings on the web. This is a very positive development which enables citizens to learn easily about the issues at stake, different positions and proposals, and encourages them to express their opinions. However, numerous websites need improvement in terms of selection and transformation of available information. This is primarily a technical question which is strongly linked to financial resources. It deserves appropriate attention, as without clear, easily accessible information, people are not likely to significantly increase their participation and engagement. The Council of Europe is very well placed to promote best practices, help share experiences and introduce guidelines at the pan-European level.

26. The websites of public institutions at all levels should be designed in such a way as to enable users to get in contact with interlocutors. The whole process should be highly effective and citizens should be treated seriously. Without any doubt, the interaction between citizens and their political representatives, be it at the level of governmental or regional institutions, party leadership or parliamentarians, as well as candidates, can inspire people to be more involved in the democratic process. Online forums are likely to encourage citizens and develop more interest in influencing political action.

27. This interaction can be used by political decision-makers as a convenient means to gather information about citizens' opinion on concrete questions, and consequently, to make them a part of the political decision-making process. Of course, this again requires financial resources and people in charge of communication on a permanent basis.

28. In other words, e-democracy can create new platforms, bring citizens and politicians together in new forms of dialogue. It enables and encourages enhanced participation in political processes. This does not translate to direct democracy with referenda on every possible question. Rather it fosters an enhanced representative democracy, enriched with stronger citizen control of the deliberations and decision-making process and engagement in it.

29. This is not a question of replacing democracy by e-democracy or representative democracy by participative democracy – not at all. It is all about making wise use of e-tools with a view to responding to certain challenges faced by our systems, in order to perfect our present democracies.

30. E-democracy may help to overcome acute indifference, disengagement and mistrust on the part of citizens.

2.2. Empowerment

31. Interaction through the internet contributes to the engagement of citizens, and at the same time it also constitutes an excellent means for their empowerment.

32. Indeed, numerous e-tools, including online deliberation systems, e-referendum, e-initiative and e-petitioning, if efficiently introduced into political systems as elements of direct democracy, would provide citizens with unprecedented opportunities for contributing to the decision-making process.

33. This new empowerment already exists in many European countries. Switzerland is one of the best examples of the most advanced democracy system making use of electronic tools. Thus e-initiative can be used there as the proposal for a new law, or amendment of a law already established, and also in the form of referendum to oppose a recent decision of a government. Swiss citizens can launch e-initiatives at the communal, cantonal or federal level.

34. But the Swiss are not the only ones to see the potential of the use of the internet for their empowerment. In the Czech Republic "the movement for direct democracy" demands online such amendments in the Constitution which would allow the citizens, thanks to e-tools, to directly participate in the decision-making process, particularly through referenda at the local level and to recall at any moment their parliamentary representatives.

35. In Slovakia, "Agora", the civic association in support of direct democracy, uses the internet to promote the reduction of expenses of the public administration and the number of members in the National Council, the change of the majority voting system to a proportional voting system for the election of half of the Chamber members, and the safeguards for the transparency of the governmental system. In co-operation with public institutions and NGOs, the association tries to initiate public discussions by means of internet and to ensure civic support for legislative initiatives before elections.

36. There are more direct democracy platforms in Europe, created in order to favour citizen initiatives, especially on the European Union (EU) agenda.

37. Local referenda using e-tools is another example of potential for the empowerment of citizens. Even if, under the present legislation in many countries, they are not legally binding, they enable communities to make their opinion widely known.

38. The 'deliberative poll' example could be a good model for local authorities. It includes choosing a voting event on a particular issue, promoting discussion by involved people and finally inviting citizens to actually vote on this issue.

39. At a higher level, 140,000 people in France and Italy were involved in referenda where E-Poll project[2] systems of the EU were tested.[3]

40. An independent network of NGOs and individuals, hosted by network "Democracy International", supports local campaigns in the EU member states through its website.

41. Electronic democracy also provides the possibility of taking some initiatives for citizens like participatory budget. Citizens can have online access to the proposed budget, tax and spending proposals and take virtual budgeting decisions.

42. Successful examples of implementation of budget proposals online are in Porto Alegre (Brazil), in Bürgerhaushalt Emsdetten (Germany) and in Issy-les Moulineaux (France).[4]

43. The e-Agora project, financed by the European Commission, enables citizens to take part in participatory budgeting activities through the new technologies. The project is co-ordinated by Issy-les-Moulineaux from France and gathers towns from Brazil (Juiz de Fora and Ipatinga), from Chile (Viña del Mar) and from Belgium (Frameries). It aims to create an international Academy of e-democracy to promote the use of the ICT's in the service of democracy, especially for the participation of the citizens. 44 cities in the world are taking part today in the online training programme launched by e-AGORA, for a better understanding of the mechanisms of the new governance and the local e-democracy.

44. These are only sample examples of citizens' initiatives leading to empowerment. They are more and more numerous from one day to another. But there are also discouraging examples of websites being set up and opened for signatures and subsequently being abandoned, or of petitions signed by thousands and given no follow-up. This is a waste of public energy which also creates a danger of losing confidence in e-tools.

45. This is directly linked to a highly political question regarding the right of citizens to launch a new law or modify the existing one. Such a possibility is foreseen in some national legislations, but in the majority of Council of Europe member states it does not exist. Given the quick development of information society, political debate on this issue should be opened and the Council of Europe could be instrumental in initialising it.

46. Non-governmental organisations should also be sensibilised regarding the responsibility they bear in this respect. But of course we must recognise that this kind of activity requires financial resources, organisational capacity and know-how. Therefore particularly in this case, the Council of Europe should use its resources with a view to creating better conditions for public initiative. These should include guidelines, assistance and promotion of best practices.

47. Some of the above mentioned e-initiatives may wither away, some others may not attract wider attention, but the mere fact that people are active, and that they make an effort, shows clearly that there is need for such activities and huge potential for the future. Once the conditions are met, once regulations are put in place, once efforts are co-ordinated and harmonised – the result may be quite impressive.

2.3. Inclusion

48. Inclusiveness of the democratic process is one of the main preconditions of democracy. The great advantage of e-democracy is its potential accessibility for all citizens, regardless of their vulnerability or disabilities.

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2. http://www.e-poll-project.net/
3. http://ec.europa.eu/information_society/activities/egovernment/research/projects/epoll/index_en.htm
4. http://dowire.org/wiki/Budget_Proposals_Online

49. E-tools provide benefits and technical solutions for people with low literacy or difficulties in language fluency. Websites and software are designed to meet different user needs, preferences, and situations, including people with visual, auditory, physical, speech, cognitive and neurological disabilities.

50. E-tools can potentially facilitate participation in the political process of the vulnerable categories of population, whether their vulnerability results from social, racial or religious or other situation. It may also help overcome inequalities linked to gender discrimination.

51. Needless to say that, in order to be effectively inclusive, e-democracy has to be accessible to the entire population. Disabled people who have no access to electronic devices, will not benefit from advantages coming from e-tools. We have to be extremely careful not to duplicate social inequalities with a technology gap. I will look closer at this question under the heading "Main concerns of e-democracy".

52. The International Tracking Survey Report (2003)[5] illustrates some statistics from two studies on e-governance that contribute to the new perception of citizenship. The first one, conducted in 2002 by the Washington, Pew & American Life Project, illustrates the extent of e-government usage in the country. Statistics on this study demonstrate that a new "e-citizenship" appears. More than 40 million US citizens carry out their research on public policy issues in government web sites, more than 20 million Americans use to send comments to public officials about policy choices. And they also gather information from the government web sites that help them decide for the casting of their votes, and participate in online lobbying campaigns.

53. A similar study conducted in 2007 by the European firm, Taylor Nelson Sofres, concerns 27 countries around the world and shows that more than 25% of people globally have used the to access government information, provide personal information to the government, or transact with e-government services. E-government usage varies globally: Norway and Denmark have the highest e-government usage at 53% and 47% respectively, Finland 46%, the United States 34%, France 18%, Germany and Korea 17% and Great Britain 11%.[6]

54. According to the findings of the report of 2007, 26.9% of the EU population uses the Internet for interaction with public authorities, 17.8% for downloading official forms and 12.6% for sending filled forms. These percentages have a higher rate in Northern countries and a much lower rate in Bulgaria, Turkey, Macedonia and Romania.[7]

55. The UN e-government Readiness Index 2008 listed the 30 most successful countries in the world. The first ranks are held by the European countries: Sweden, Denmark, Norway and the Netherlands, followed by non-European countries, such as the US, the Republic of Korea, Canada and Australia.

2.4. Transparency and accountability

56. Transparency and accountability in democratic systems are particularly important as they enhance the credibility of the entire democratic process. Many countries benefit from a variety of live webcast technologies to provide their citizens with live access to committee proceedings, briefings, conferences or meetings.

57. The most advanced performance in this respect as regards national authorities is by the House of Commons and Legislative Assembly of Ontario in Canada, by the Scottish Parliament and by the US White House. There are also webcasting initiatives taken by the European Union for the ManagEnergy broadcasts and the United Nations.

58. In Europe, we have several examples of local government webcasting in the UK. British citizens have access to elected official videos of meetings and community events around the country.

59. Online publishing, as in the case of online newsletters that can be easily accessed, printed and read or distributed by e-mail, provides direct and online information about the policies and the decisions of central and local authorities.

60. Since 1997, the British government has published all of its consultation and policy documents online, making them virtually free and available instantly to all citizens who choose to access them.

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5. http://www.electronicgov.net/pubs/research_papers/tracking03/IntlTrackRptJune03no5.pdf,The International Tracking Survey Report (2003), E-governance to e-democracy: Examining The Evolution, prepared by Thomas B. Riley and Cathia Gilbert Riley
6. http://www.electronicgov.net/pubs/research_papers/tracking03/IntlTrackRptJune03no5.pdf
7. Statistical information on connectivity, user proficiency and e-government prepared by Directorate General of Democracy and Political Affairs

61. During the electoral campaigning, for example by online election mapping, voters can have access to detailed information on the candidates standing for the elections and their policy issues; they can even ask them questions relevant to their campaign.

62. Such transparency offers a considerable potential for parliaments, and I will come back to this question in more detail under the heading “E-parliament”.

63. Many local authorities in different countries put at their citizens’ disposal websites which enable citizens to take part in participatory budgeting activities and to survey local government engagements.

64. Accountability online means not only that citizens may follow budgets, spending and financial operations of different political actors. It means primarily that they can control their political behaviour.

65. Thus MP watch websites are becoming more and more popular. Voters can follow their MP’s political conduct, parliamentary activities, performance and votes, etc. One may expect that once they are well established in our political landscape, they will be followed by the citizens’ right to recall their representatives.

2.5. Responsiveness of public authorities

66. Electronic democracy tools create numerous opportunities for citizens to influence public policies. The most widespread way of exerting pressure on public authorities is by e-petition.

67. The UK government's Number 10 e-petition site allows citizens to launch and sign online petitions that are directly reviewed by the Prime Minister and the team at Number 10.

68. There are independent or private e-petition platforms in the Netherlands and in Finland. In Norway, the ePetition project concerns 14 municipalities. There are also e-government/e-participation systems at municipal level, including e-petitioning, such as the Amposta citizen platform in Spain. Petition campaigns are also run frequently by NGOs, such as: moveon.org or avaaz.org.

69. Local and regional level is particularly appropriate for promoting use of e-tools in the political process. The Council of Europe Congress of Local and Regional Authorities has carried out a great deal of work in this field, adopting, inter alia, Resolutions 266 (2008) on the e-tools: a response to the needs of local authorities, and 267 (2008) on the electronic democracy and deliberative consultation on urban projects.

70. Local governments also have the opportunity to re-establish communication with their communities and the possibility to gather public opinion from online surveys, so that they can try to advance their policy outputs or modify some aspects of their policies in order to satisfy citizen demands.

2.6. Public debate and scrutiny

71. Through online questionnaires or online panels, citizens are allowed to take micro-democracy initiatives by selecting in advance the type of public policy issues to be consulted.

72. For fostering public debate and scrutiny of the decision-making process, e-panels enable panel members to communicate and deliberate with each other and with local authority decision-makers online. Thus citizens participate in the panel process and increase their input into local authority decision-making.

73. Citizens can give their opinions or formulate suggestions that can be particularly useful for the pilot phases of council projects before the detailed project development. And online discussions can also influence councilors for more informed decision-making.

74. In New Zealand, for example, the Families Commission of the Government has set up an online panel, "The Couch", to hear the views of citizens on issues relating to families.

75. Online forums create an online discussion environment where individuals and communities can engage simultaneously to discuss issues, responding to the topics posted usually by a central moderator.

76. The role of civil society in making full use of e-tools is essential. We can note with satisfaction a rapidly increasing civic mobilisation which results in e-initiatives and the creation of different pressure groups using ICT for influencing political processes. In this respect, the work of the Council of Europe’s Conference of INGOs on the Code for Good Practice on civic participation which includes a section on e-democracy is to be commended.

2.7. E-parliament

77. ICT offer Parliaments and their elected members a very special opportunity to make their relations with constituencies and voters much more meaningful and to add a special dimension to the concept of representativeness of democracy. This includes, not only sharing information, increasing transparency and accountability, but also elaboration of political vision with regards to new perspectives offered by e-democracy, for example, the right of citizens to launch a new law.

78. National parliaments have also special responsibility in reviewing domestic legislation with a view to introducing legal standards for using e-tools in the political process and to eliminate the risks of their misuse, both technical and political, notably as regards human rights and security issues including data protection, documents, voting, networking and information security.

79. Council of Europe national parliaments interact with the public, providing information on the work of the legislature and gathering opinions on different issues although some of them have websites which are much more sophisticated, user friendly and efficient than the others. Also a big number of elected members run personal websites and blogs in order to keep their voters informed on their work and activities. In many countries it has become easy to monitor the action of an elected representative. This is a very positive development which reinforces the concept of representative democracy, and both parliaments and individual members should be encouraged to continue in this way and have the possibility to share their experience and good practices. The Parliamentary Assembly should be instrumental in this respect.

80. Parliaments in different countries are at different stages of the process of implementation of e-tools in their work. What is necessary now is a global vision at a European level and a strategic plan which would encompass the goals and objectives for the legislature's use of e-tools. This vision and plan must be endorsed by the key stakeholders in each parliament: the members, officials, chairs of committees, political group leaders and the secretariat – and must be managed effectively by the legislature's highest officials. The Parliamentary Assembly is well placed to promote and co-ordinate efforts at the European level.

2.8. E-vote

81. E-voting is an important element of e-democracy. Elections supported by ICT have been tested in several Council of Europe member states, giving rise to a vibrant debate in recent years. The most technologically advanced elections, using the Internet, have been held in Switzerland and Estonia, and they have proved to be successful.

82. The electronic vote, which helps to avoid problems related to displacement difficulties in reaching polling stations, may have a positive effect on the turnout, especially among young and old people, disabled and ill voters, overseas personnel, business and holiday travellers, and institutionalised or housebound voters.

83. In 2001, the Electronic Voting and Counting System (eVACS) used in the elections in Australia, allowed blind voters to cast their vote in secret by providing voters with spoken word instructions and candidate lists through disposable headphones

84. However, in certain countries, several e-voting instruments were introduced some years ago which were not coherent with modern security requirements. Problems that inevitably surfaced with such systems caused some academic and civil society groups to express concerns regarding the safety of new voting technology. Concerns expressed in the public resulted in a diminishing trust of voters in the e-voting technology in many countries. These developments in the Netherlands, Belgium and outside Europe, in the United States and New Zealand have provided opponents of the e-vote with new arguments.

85. In order to strengthen voters' confidence in voting technology it is necessary that voting instruments should be tested by independent testing laboratories and certified to the accepted standards. It is also true that a number of questions linked to the e-vote such as certification, confidentiality of the vote, protection of data, observation or transparency, still need further consideration.

86. The Council of Europe maintains a predominant role in this field. It reviews, on a regular basis, the implementation of the Committee of Ministers Recommendation Rec(2004)11 on legal, operational and technical standards on e-voting and provides a platform for discussion and exchange of experience and standard setting.

87. In the USA the Voluntary Voting System Guidelines were developed as standards in 2005. It is highly recommended that legal, operational and technical standards for e-voting should be further elaborated to address fully all the security concerns about e-voting which has today spread to many countries.

88. Reflection on these important issues at the pan-European level should be continued.

3. Main concerns of e-democracy

89. Citizens' confidence is one of the necessary conditions of the success of e-democracy. This confidence should be translated firstly in trust as regards security of use of e-tools and the elimination of risk of their abuse, and secondly, in conviction that e-democracy offers real opportunities for participation in the democratic process. Citizens have to see concrete results in their engagement.

90. Protection of personal data and its storage is another problem which constitutes a major challenge in the light of developing technologies. The Council of Europe has elaborated several relevant Conventions and the Committee of Ministers has adopted a number of recommendations, but the issue is evolving alongside the development of electronic devices and continues to create new challenges.

91. Another necessary condition for the success of e-democracy is generalised access to it. This means not only ease of access to in terms of equipment and affordable connection, but also the educational preparatory work needed to facilitate e-participation. This goes beyond mere ICT skills. There is a real risk that the "digital gap" or the "technology gap", which certainly exists today, will go hand in hand with the "social gap" and will result in the reinforcement of the latter.

92. Another issue may seem only technical but in reality is more than that: as e-tools become more sophisticated and widely used, the amount of information and opinions grow so much, that instead of being helpful, they may become confusing.

93. The concentration of technological tools in restraint groups of corporate entities may be a potential threat to the democratic process. It may lead to technological, commercial or political malpractice and exploitation.

94. The concerns listed above, and the new challenges appearing with the further development of technology make it important that best practices are widely shared.

4. Council of Europe's role in promoting e-democracy

95. The Council of Europe has made it one of its priorities to fully exploit the potential of ICTs as a means of reinforcing democracies. In the framework of the multi-disciplinary project "Making democratic institutions work" (2002-2004), different aspects of e-governance were explored and a European legal framework for electronic voting was prepared.

96. It was followed by the Project on "Good Governance in the Information Society" (2005-2008), which focuses on how new information and communication technologies (ICT) affect the practice of democracy, human rights and the rule of law in Council of Europe member states. In 2007, the Project had as its main task to compile and analyse examples of good practice on e-voting and e-participation via its expert network and to examine developments on e-democracy/e-participation at European and international level in order to advise the Committee of Ministers on e-democracy's potential to facilitate democratic reform and practice.

97. In the framework of this Project, the Ad Hoc Committee on e-democracy (CAHDE), by looking beyond the widely addressed field of e-Government, fills a gap in intergovernmental work as it examines the potential of ICT's to facilitate democratic practice. Synergies are being sought with the European Commission, OSCE/ ODIHR and with the United Nations, through participation in the follow-up to the World Summit on the Information Society (WSIS).

98. The ad hoc committee has submitted a draft recommendation on e-democracy to the Committee of Ministers for adoption in the near future. Once completed, it will offer Council of Europe member states' governments guidelines and principles for dealing with e-democracy. The recommendation will also offer a number of practical tools.

99. The Parliamentary Assembly is very well placed for further action in promoting e-democracy at the pan-European parliamentary level. As a strictly political body it bears particular responsibility for a quick and adequate reaction to the challenge and opportunities created by new technologies. Of course, these solutions require political courage and political vision – and these can be achieved by political debate on a broad, pan-European level. The Parliamentary Assembly constitutes a good platform for such a debate.

100. The potential is enormous. I am convinced that we are only at the beginning of a long road and what we are witnessing today will be fully effective once the necessary conditions are put into place. The great advantage of the Council of Europe is that by enabling dialogue and sharing good practices, it paves the way for systematic solutions and regulations. We already have many spectacular examples of using e-tools for the benefit of democracy, but they remain isolated, and the Council of Europe should promote their introduction in a systematic and harmonised way. We are heading towards a better quality of representative democracy!

Reporting committee: Political Affairs Committee

Reference to committee: Reference No. 3388 of 21 January 2008

Draft resolution and draft recommendation unanimously adopted by the committee on 16 December 2008

Members of the committee: Mr Göran **Lindblad** (chairperson), Mr David **Wilshire** (vice-chairperson), Mr Björn Von Sydow (vice-chairperson), Mrs Kristina **Ojuland** (vice-chairperson), Mrs Fátima Aburto Baselga, Mr Françis Agius (alternate: Mr Joseph **Debono Grech**), Mr Miloš Aligrudić, Mr Alexander Babakov, Mr Denis **Badré**, Mr Ryszard Bender, Mr Fabio Berardi, Mr Radu Mircea Berceanu, Mr Andris **Bērzinš**, Mr Alexandër Biberaj, Mrs Gudfinna Bjarnadottir, Mr Pedrag Boškovic, Mr Luc **Van den Brande**, Mr Mevlüt **Çavuşoğlu**, Mr Lorenzo Cesa (alternate: Mr Pietro **Marcenaro**), Ms Anna **Čurdová**, Mr Rick Daems, Mr Dumitru Diacov, Ms Josette Durrieu, Mr Frank Fahey, Mr Joan Albert Farré Santuré, Mr Pietro Fassino (alternate: Mr Andrea **Rigoni**), Mr Per-Kristian Foss, Ms Doris Frommelt, Mr Jean-Charles Gardetto, Mr Charles Goerens, Mr Andreas **Gross**, Mr Michael **Hancock**, Mr Davit Harutiunyan, Mr Joachim Hörster, Mrs Sinikka **Hurskainen**, Mr Tadeusz **Iwiński**, Mr Bakir Izetbegović, Mr Michael Aastrup Jensen, Mrs Birgen **Keleş**, Mr Victor Kolesnikov, Mr Konstantion Kosachev (alternate: Mr Sergey **Markov**), Mr Jean-Pierre Kucheida, Ms Darja Lavtižar-Bebler, Mr René van der Linden, Mr Dariusz **Lipiński**, Mr Juan Fernando López Aguilar (alternate: Mr Pedro **Agramunt**), Mr Younal Loutfi, Mr Gennaro **Malgieri**, Mr Mikhail Margelov, Mr Dick Marty, Mr Frano Matušić, Mr Mircea Mereută, Mr Dragoljub Mićunović, Mr Jean-Claude **Mignon**, Ms Nadezhda Mikhailova, Mr Aydin Mirzazada, Mr João Bosco Mota Amaral, Mrs Miroslava **Nemcova**, Mr Zsolt Németh, Mr Fritz Neugebauer, Mr Hryhoriy **Omelchenko**, Mr Theodoros Pangalos, Mr Aristotelis Pavlidis, Mr Ivan **Popescu**, Mr Christos Pourgourides, Mr John **Prescott**, Mr Gabino **Puche**, Mr Oliver Sambevski, Mr Ingo **Schmitt**, Mr Samad Seyidov, Mr Leonid Slutsky, Mr Rainder Steenblock, Mr Zoltán **Szabó**, Mr Mehmet Tekelioğlu, Mr Han Ten Broeke, Lord Tomlinson (alternate: Mr Rudi **Vis**), Mr Petré **Tsiskarishvili**, Mr Mihai Tudose, Mr José Vera Jardim, Ms Biruté Vesaité, Mr Luigi **Vitali**, Mr Wolfgang **Wodarg**, Ms Gisela Wurm, Mr Boris Zala.

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N.B.: The names of the members who took part in the meeting are printed in **bold**

Secretariat of the committee: Mr Perin, Mrs Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner, Ms Alleon