



1.6.2016

# **WORKING DOCUMENT**

on digital democracy in the European Union: opportunities and challenges

Committee on Constitutional Affairs

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The relationship between the public and politics tends to become increasingly strained as a result of apathy and disillusionment. When the public feels that it is not represented as it wishes, it stops participating in the democratic life, and this phenomenon has negative consequences on institutions and their representatives, which are sensed as far from citizens' needs. The deteriorating relationship between politics and the public can thus have a serious impact on the legitimacy of both national and EU representational systems. A further problem is the social impact of the recent deep economic crisis, which has severely worsened living conditions in most countries.

There is an urgent need to re-establish the relationship between both European and national politics and the public and, therefore, to improve participation and transparency in decision-making; to buttress democratic oversight mechanisms; to make political parties more open and to reform electoral systems to give the public more of a voice in them. Those are just a few of the demands being made of us.

In that context, a wave of new digital communication tools, and open and collaborative platforms can inspire creative solutions for reducing public discontent with political institutions and increasing levels of trust in the democratic system, not least among the younger generations.

How can these reforms be carried out? How can democratic and political legitimacy and responsibility benefit from information and communication technology (ICT)? How can traditional democracy incorporate these new working methods?

### **E-Democracy: what is it?**

The rapporteur has preferred not to focus on coming up with a new definition of 'e-democracy', since other institutions have already done that and we run the risk of creating a concept that is either too woolly or too set in stone, lacking the necessary flexibility to incorporate the various tools involved.

Nevertheless, the definition approved in Recommendation CM/Rec (2009)1 of the Committee of Ministers of the Council of Europe is worthy of mention: it sets out standards for implementing e-democracy. According to the resolution, e-democracy 'promotes, ensures and enhances transparency, accountability, responsiveness, engagement, deliberation, inclusiveness, accessibility, participation, subsidiarity and social cohesion'.

The principle distinguishes between three concepts, although they obviously overlap:

- **E-Government:** refers to the use of ICT in the workings of the public sector, particularly to provide individuals with information and services from public authorities electronically (for example, payment of a speeding ticket).
- **E-Governance:** refers to the use of ICT to establish communication channels that enable the inclusion of the various stakeholders with something to say about the policy-making process (for example, through electronic public consultations on whether a particular speed limit should be changed, or local budget consultations).
- **E-Democracy:** refers to the use of ICT to create channels for public consultation and participation (for example, an e-parliament, e-initiatives, e-voting, e-petitions, e-

consultations).

## **Current situation in the EU**

Since 2009, the Commission has been particularly focused on e-participation and e-governance. DG CONNECT is pushing e-participation as part of the Digital Single Market Strategy. What is more, the EU preparatory action for e-participation, which was supported by Parliament and incorporated into the Fifth and Sixth Framework Programmes, has funded various pilot projects (such as the successful 'OURSPACE', 'PUZZLED BY POLICY' and 'PARTERRE'), which provide a range of tools for involving the public in the policy-making process online. The FUPOL project is currently taking place under the Seventh Framework Programme. Its goal is to create a model of governance that includes all stakeholders in the policy development life cycle. The Commission already carries out public consultations and impact assessments, mainly before proposing draft legislation, in order to increase public participation and improve European governance. These processes could benefit from a wider use of the new technologies.

At the same time, Article 11 of the Treaty on European Union, introduced a pioneering instrument of participatory democracy into the European Union: the European Citizens' Initiative. The mechanism was launched in 2012, on the basis of a regulation adopted by Parliament and the Council. Over 35 requests have been registered so far, three of which managed to reach the threshold of 1 million signatures and, therefore, received an official response from the Commission.

Parliament published 'The Future of Democracy in Europe: Trends, Analyses and Reforms' in 2008 and 'E-Public, E-Participation and E-Voting – prospects and challenges' in 2012; these studies analyse new tools and highlight, in particular, the difficulties of introducing widespread e-voting in Europe for reasons of cost/benefit, conflicting technological interests and concerns over political legitimacy.

During the Luxembourg Presidency of the Council, on 6 October 2015, the EU Youth Conference issued joint recommendations calling for the development, implementation and evaluation of online tools encouraging political participation among young people.

## **Examples of the successful implementation of e-democracy**

Estonia is the most successful example of e-voting in Europe. In 2005, it became the first country to hold legally binding elections using e-voting. Currently, the electorate can vote online between 11 and four days prior to elections, including from abroad. The overall percentage of e-votes is 25-30%. The key success factors are Estonia's small population, the high density of the country's technology industry, and its high levels of Internet penetration and widespread Wi-Fi connectivity.

In the UK, local governments have developed various e-participation initiatives; for example, the local authority of Milton Keynes in southeast England has developed a significant website, managed by young volunteers. What is more, the UK Government launched an e-petition system in 2011, which has been hugely successful, with more than 14 000 petitions accepted in the first year. Any petition submitted on the UK Parliament's official petitions

website that has been signed by more than 100 000 British nationals or UK residents in less than six months automatically triggers a parliamentary debate on that issue.

In Spain, only the Autonomous Community of the Basque Country has electoral legislation on e-voting. Its Demotek project is a novel e-voting system that speeds up vote-counting as well as the transmission and communication of election results, while respecting the current voting system. At local level, new public participation schemes have been set up in Catalonia, Madrid and Andalusia.

In Italy, the Italian Declaration of Internet Rights was published by the Chamber of Deputies on 28 July 2015, for the first time as a Parliament's declaration of constitutional inspiration and international scope. The non-binding declaration calls on the Italian government and Parliament to commit themselves to the principles laid down in the bill when they are dealing with draft legislation in the field of Internet.

### **E-Democracy: great prospects or potentially risky?**

Technological progress should benefit humanity. Digitalisation could and should be used to create a more transparent and participatory democracy, and to improve the relationship between politics and the public. Yet this aspiration should not cause us to disregard the risks associated with the new technological age. In particular, we should take the following into account:

- The digital divide: in many countries, there are still areas without Internet access and all societies have huge sectors of the population that do not have the technical skills for Web use (the digitally illiterate). It is crucial to avoid that a different use of technology can create democratic inequalities.
- Electoral fraud: voting systems should preclude any type of irregularity that impedes faithful reflection of the will of the electorate.
- Protecting privacy and personal data. Since absolute data security is impossible privacy can be undermined. This is a particularly sensitive issue for the public.
- Need to account for democratic processes. Democratic procedures generally require extensive debate and the reconciliation of various viewpoints. The Internet is not always the ideal place for rational deliberation and getting to the bottom of arguments. It is not always possible, online, to distinguish between public opinion and viewpoints that seem to be held by the majority because of the role played by the most active Internet users.
- Some experience has shown an increasing trend towards the use of information and networks by private interests, which could cause a particular interest to be considered erroneously as a general interest and therefore ethics and transparency would be compromised. Sectorial ITC literates' and lobbies' requests should not prevail on the needs of the whole society.

### **A possible way forward**

Experts, institutions, governments and the general public have made several suggestions and recommendations. The rapporteur, after extensive debate with his colleagues, believes that the

following proposals might form part of his report and be addressed at European as well as at national level:

- Since the digital revolution is already all around and will inevitably influence citizens' everyday life, it is advisable to provide educational and technical means for improving ITC competence for the ultimate benefit of democracy;
- Bridging the digital divide and widespread access to technology for all members of the public (e-inclusion), and fostering a more secure internet environment, particularly with regard to information and data security, the setting-up of secure digital public registers, and the checking of unique digital signatures to prevent fraudulent multiple interactions.
- Digital technology could be used to improve public consultation and impact assessments processes as a helping step in the process of decision-making to enhance governance;
- Promoting and encouraging mechanisms that enable the public to participate and interact with the institutions and officials who represent them. ICT should facilitate access to information, transparency, active listening, debate and, therefore, it could help bridge the gap between the public and better decision-making. It should also facilitate accountability, etc.

Encouraging public representatives to participate actively in existing forums, with a view to stimulating discussion and the exchange of opinions and proposals with members of the public.

- Sharing best practice for e-democracy projects as a way to move towards a form of democracy that is more participatory and deliberative, and that responds to the requests and interests of the public.
- Creating networks for working together with universities and educational institutions to encourage research on and implementation of new communication and participation tools and channels.
- Promoting cooperation at European level, particularly in relation to the transparency of the European institutions and public participation in democratic decision-making.
- Offering political parties new ways to be open and connected with their members and supporters.

To conclude, let me pose these open questions: is e-democracy yet to become more mature, before assessing that it can be juxtaposed to fully-fledged democratic processes? Should it be still considered as an ongoing and developing participative process?

For sure, we are assisting at a digital revolution which demands constant observation and careful attention on man's behalf.