



**EGAP**

B R I E F

# POLICY BRIEFS ON GOOD E-GOVERNANCE

## Issue #1: Legislative Aspects on E-Democracy in Ukraine



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*The use of new technologies for strengthening good governance and democracy in Ukraine is increasingly gaining in importance. The Policy Brief Series on Good E-Governance launched by the Swiss funded EGAP Program, the State Agency for E-Governance in Ukraine, the Center for Innovations Development (CID) at Kyiv-Mohyla Academy and other partners serve as pragmatic, evidence based resumés that seek to inform policy makers and practitioners about key policy topics linked to the mainstreaming of good electronic governance in Ukraine. The Policy Briefs Series will be distributed quarterly, electronically and on EGAP Program's website ([www.egap.in.ua/natsionalna-polityka](http://www.egap.in.ua/natsionalna-polityka)). For future editions, we are open to your suggestions on pertinent topics.*

The first Policy Brief in this series is devoted to electronic democracy (e-democracy hereafter) in Ukraine. Although since 2014 many positive developments have taken place in this area, recent research shows that the use and benefits of new technologies in democratic processes are

still inadequately understood in Ukraine. This first brief therefore defines e-democracy, traces existing legislation and recent advancements, but it also outlines potential gaps and policy recommendations for the future.

### DEFINING ELECTRONIC DEMOCRACY

Also known as “digital democracy”, “Internet democracy”, or “e-participation”, e-democracy incorporates the use of novel information and communication technologies (ICT) for enhancing civic rights and freedoms as well as new channels for citizens’ participation in decision and policy making processes. In principle, e-democracy aims to enhance four key concepts of good governance: transparency, accountability, participation, civic education in order to strengthen citizens’ rights and access to benefits gained from information society<sup>1</sup>.

When defining e-democracy, firstly, it is important to emphasize that it does not substitute offline democracy. Rather, new technologies provide new ways of enhancing and amplifying existing offline democratic processes. If used effectively, ICT can empower governments in providing new participatory tools and citizens or netizens to engage in political life with new instruments in new ways. Because ICT offer efficiency of one-to-many, many-to-many, asynchronous communication and new tools, they help to lower transaction costs of civic participation, offer new spaces for deliberation and options for joint problem solving, civic self-mobilization and collective action. By engaging and empowering more people in political processes, e-democracy thus can enhance social inclusion, mutuality and active citizenship which is fundamental for a vibrant democratic life.

<sup>1</sup> World Summits on the Information Society (WSIS, Geneva 2003, Tunis 2005) recognized the right of everyone to benefit from the information society and reaffirmed participating states’ commitment to build a people-centred, inclusive and development-oriented information society that fully respects and upholds the Universal Declaration of Human Rights. [www.itu.int/net4/wsis/forum/2015](http://www.itu.int/net4/wsis/forum/2015).

### KEY E-DEMOCRACY INSTRUMENTS



**Transparency:** citizens’ online access to public information (24 hours per day, 7 days a week) through user-friendly government websites, online video streaming of government proceedings, open budget and open data portals, e-Parliament – transparency of parliamentary procedures and roll call votes.



**e-Participation:** e-petitions and appeals, public/ expert e-consultations, e-referendums, e-voting, e-discussion forums, e-polling, ICT enabled participatory budgeting, interactive ICT enabled urban planning methods.



**Accountability:** (G2C) government’s timely responsiveness to civic e-appeals and enquiries; politicians’ use of ICT to pro-actively inform citizens about their activities online, efficient, transparent (non-corrupt) provision of administrative services, (C2G) tracking of ‘achieved’ political party programs, citizen satisfaction surveys.



**Civic education:** governments’, NGOs’, media’s use of ICT to provide information, online campaigns to educate the public about their rights, opportunities and complex policy issues in user-friendly formats such as open data visualizations, infographics, online videos, tutorials.



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Secondly, it is important to note that e-democracy is not a static political term. In practice e-democracy is a dynamic process. It is implemented at different levels with different tools, by different actors with different responsibilities, resulting in different outcomes and yielding diverse democratic dividends. For example, at the government to citizen (G2C) level e-democracy can mean a government passing new legislation or policy on e-petitions or e-consultations. Government, and civil society then need to use the tools effectively in order to benefit from their democratic dividends. At the local level, e-democracy can include working with smart city concepts using ICT for visualization and participatory purposes to facilitate more effective urban planning processes. At the, citizen-to-citizen (C2C) level social media can be used for community mobilization, lobbying and collective action, public awareness building, or in the implementation of local community projects. At the citizen-to-government level (C2G), using e-petitions, online feedback forms or open data platforms, citizens can monitor and hold authorities accountable.

Thirdly, it is useful to distinguish between the terms e-democracy and e-government. E-government is a generic term, typically associated with the use of ICT in the provision of public services and more efficient public administration at all levels of government. E-democracy refers to the use of ICT instruments to enable e-participation of citizens in decision and policy making processes. Hence e-government policies should, but do not by default, include e-democracy components. To do so, they need to pro-actively incorporate e-participation instruments such as online policy consultations, e-voting and other civic input mechanisms.

### LEGISLATION ON E-DEMOCRACY IN UKRAINE

The constitution of Ukraine does not make explicit references to e-democracy, e-governance nor to Ukrainians' right to Internet access<sup>2</sup>. However, it provides several important precedents for citizens' engagement in political life and the state's accountability relevant for e-democracy.

2 In 2012 United Nations Human Rights Council recognized the protection of the right to Internet access and in 2015, 'universal and affordable access to Internet' has been identified as one of the 17 global Sustainable Development Goals (SDGs). In Greece and Costa Rica access to Internet is constitutionally enshrined, while in Finland, Estonia, France, Spain and the EU it is stipulated in designated legislation.

Article 5 of the Constitution, for example, stipulates citizens' right to exercise power directly, through bodies of power or through bodies of local self-government while Article 15 affirms social life in Ukraine to be based on the principles of political, economic and ideological diversity and guarantees the freedom of political activities. Under Article 38 citizens also have the right to participate in the administration of state affairs and Article 40 assumes certain civic engagement instruments such as individual or collective petitions, or appeals to public authorities, local self-government bodies and officials who are then obliged to consider civic claims and provide a substantiated, time-bound reply as stipulated by law.

*"Electronic Democracy is a form of social relations where the citizens and organizations are involved in state building and state administration, as well as in local self-government through the widespread use of information and communication technologies".*

**Strategy for the Development of Information Society in Ukraine (2013)**

In Ukraine, the term electronic democracy first began to be formally but rather loosely defined in the 2013 Strategy for the Development of Information Society in Ukraine (#386)<sup>3</sup> adopted by the Cabinet of Ministers. Subsequent legislative developments linked to e-democracy can be divided into two phases: i) the pre-2014 phase when several declarative documents were adopted but with a low rate of implementation, and ii) the post-2014 phase, when more visible legislative commitments, action plans and implementation instruments began to be adopted.

The following sections trace these legislative developments in terms of the four key good governance principles of transparency, participation, accountability and civic education.

### TRANSPARENCY

Starting in 2003, several legislative acts were introduced in Ukraine providing important precedents for state's transparency and guarantees for public's access to public information. The Law (of Ukraine) on Principles of Regulatory Policy in Economic Activity

3 [zakon5.rada.gov.ua/laws/show/386-2013-%D1%80](http://zakon5.rada.gov.ua/laws/show/386-2013-%D1%80).



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(#1160)<sup>4</sup> was among the first stepping stones toward online transparency where the law not only obliged state bodies to publish drafts of regulatory acts, action plans and reports online but it also enabled citizens and companies to comment on them in offline discussions. The act, however, made no provisions for e-participation. In 2005, the Law on Access to Court Decisions (#3262)<sup>5</sup> further expanded online transparency of the judiciary by guaranteeing free and open, online access to court decisions, hence introducing important precedents for transparent and electronic courts<sup>6</sup>.

Three successive legislative developments continued to entrench public's access to information in Ukraine. In 2011, the Law on Access to Public Information (#2939)<sup>7</sup> enabled citizens' access to public information through government websites and emailed queries with obligatory state response. Order of the Cabinet of Ministers on the Approval of the Concept of Creation and Operation of Information Systems for Electronic Interaction of Public Electronic Information Resources (#634-r)<sup>8</sup> in 2012 additionally reinforced government bodies' required adherence to transparency, openness and efficiency.

In the same year, Ukraine also took an important step by signing the Open Government Partnership (OGP)<sup>9</sup> agreement – a multilateral initiative that promotes governments' commitments to transparency, empowerment of citizens, fight against corruption, and the use of new technologies to strengthen governance. Over 70 countries are members of the OGP. In this context, two Cabinet of Ministers orders were passed on the Approval of the Action Plan for the Implementation of the Open Government Partnership initiative (#220-r)<sup>10</sup> and subsequently its Action Plan for Implementation (#514-r)<sup>11</sup>.

### Post 2014: Open Data, E-Procurement, Open Budgets and E-Parliament

Since 2014, the ambitious promotion of the open data agenda, e-procurement, open budgets and e-Parliament significantly advanced Ukraine's efforts to make state information open, accessible and transparent through noteworthy legislative changes. Civil society played an instrumental role in initiating most of these policy directions.

Amendments to the Law on Access to Public Information (#2939) and Cabinet of Ministers' Resolution (#835)<sup>12</sup> on the Approval of Regulation on Datasets to be published in Open Data Format (2015) for the first time, guarantee Ukrainians the right to access public information free of charge in an open data standard. More than 300 public registries such as those of business, property and national land cadaster have been prioritized for public access and for their data to be used and reused for free. First starting as a civil society project, a state web portal *data.gov.ua*, administered by the State Agency on e-Governance<sup>13</sup> was also created to host the newly released datasets. In August 2016, the portal listed 5731 datasets by 722 data providers.

In February 2016 the Ministry of Regional Development, Construction and Housing and Communal Services and State Agency on E-governance proceeded to approve the Open Data Roadmap for Ukraine<sup>14</sup>, committing to 41 tasks for open data development including the improvement of data quality, training of public authorities and citizens on the use of open data and integration of open data with other state policies. Ensuring that open data policies trickle down to the local, civic and private sector level will be the next challenge and key to the development of new services and benefits derived from open data initiatives. Pertinent programs and resources need to be proactively supported in this direction.

Changes to the Law of Ukraine On the Prevention of Corruption (#1700)<sup>15</sup> further intensified requirements for transparency of parliamentarians' and state officials' income declarations by requiring them to be published online while the Law on the Open Use of Public Funds<sup>16</sup> obliges all state bodies, organizations and enterprises to publish their expenditures in an open data format on the *spending.gov.ua* portal. These are important steps toward anti-corruption as they define procedures for national and local public expenditures tracking, including municipal property and obligatory state social insurance funds.

In addition to these notable advancements in open data and open budgets, strengthened commitments to an open, transparent e-Parliament were also bolstered. While legislation on e-Parliament was adopted in 2012<sup>17</sup>, since 2014, a wider range of interactive, electronic instruments enabling citizens' greater access to information on parliamentary proceedings have been introduced. E-petitions, creation of 'deputy's e-cabinet', online feedback forms and release of

4 zakon3.rada.gov.ua/laws/show/1160-15.

5 zakon0.rada.gov.ua/laws/show/3262-15.

6 www.reyestr.court.gov.ua.

7 zakon4.rada.gov.ua/laws/show/2939-17.

8 zakon5.rada.gov.ua/laws/show/634-2012-%D1%80.

9 www.ogp.gov.ua; www.opengovpartnership.org.

10 zakon4.rada.gov.ua/laws/show/220-2012-%D1%80.

11 zakon5.rada.gov.ua/laws/show/514-2012-%D1%80.

12 zakon5.rada.gov.ua/laws/show/835-2015-%D0%BF.

13 dknii.gov.ua.

14 www.minregion.gov.ua/wp-content/uploads/documents/%D0%9D%D0%B0%D0%BA%D0%B0%D0%B7%2019.zip.

15 zakon4.rada.gov.ua/laws/show/1022-19; (March 2016).

16 zakon5.rada.gov.ua/laws/show/183-19

17 zakon3.rada.gov.ua/laws/show/5096-vi.



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information on [opendata.rada.gov.ua](http://opendata.rada.gov.ua) are some examples<sup>18</sup>. In 2015 much awaited legislation on public procurement<sup>19</sup> and highly regarded online state procurement portal Prozorro ([Prozorro.gov.ua](http://Prozorro.gov.ua)) further added to Ukraine's anti-corruption efforts. Similarly as with the open data portal, Prozorro first started as a civil society project and since 1 August 2016 was adopted by the Government as the main platform for all online purchases at the national and local level. In its first 14 months of operation, Prozorro saved USD 55 million for the state<sup>20</sup>.

In 2015, the Law on Access to the Archives of Repressive Totalitarian Communist Regime 1917-1991 (#316)<sup>21</sup> as well as the Law on Peculiarities Of Access To Information In The Supply Of Electricity, Natural Gas Heating, Central Hot Water, Centralized Drinking Water Supply And Sanitation (#887)<sup>22</sup> in 2016 obliging market operators to provide fees and other information related to service provision online, demonstrate other areas where mandatory online transparency of state bodies was introduced.

All in all, since 2014 the Ukrainian Government and civil society exerted significant efforts in strengthening online transparency of public authorities in Ukraine. But how about advancements in online civic participation?

### E-PARTICIPATION

Electronic participation provides citizens with new means of engaging in decision and public policy making processes at different levels, in diverse political spaces. Widening civic and social inclusion in public decision making can help to ensure that policies are better tailored to peoples' and stakeholders' needs hence making them more legitimate and effective.

Prior to 2014 several policy directions were initiated to strengthen e-participation in Ukraine. Some were more general listing e-participation as a civic right linked to e-governance but without further specifications<sup>23</sup>.

18 [pravo.org.ua/ua/news/20871323-v-ukrayini-zapuschenoelektronny-parlament](http://pravo.org.ua/ua/news/20871323-v-ukrayini-zapuschenoelektronny-parlament).

19 Law on public procurement (#922) and Law on the specifics of the procurement of goods, works and services for needs of defense (#1356) [zakon2.rada.gov.ua/laws/show/922-19](http://zakon2.rada.gov.ua/laws/show/922-19) and [zakon5.rada.gov.ua/laws/show/1356-19](http://zakon5.rada.gov.ua/laws/show/1356-19)

20 [en.interfax.com.ua/news/economic/347258.html](http://en.interfax.com.ua/news/economic/347258.html)

21 [zakon5.rada.gov.ua/laws/show/316-19](http://zakon5.rada.gov.ua/laws/show/316-19).

22 [zakon0.rada.gov.ua/laws/show/887-19](http://zakon0.rada.gov.ua/laws/show/887-19).

23 e.g. Cabinet of Ministers' Resolution on the Approval of the Concept for Developing Electronic Governance (#2250) in 2010 and the Presidential Order "On the Strategy of State Policy to Promote Civil Society and Priority Measures for its Implementation (#212) in 2012 (replaced by Order on Civil Society Development #68), [zakon5.rada.gov.ua/laws/show/2250-2010-%D1%80](http://zakon5.rada.gov.ua/laws/show/2250-2010-%D1%80) and [zakon5.rada.gov.ua/laws/show/212/2012](http://zakon5.rada.gov.ua/laws/show/212/2012).

Others, such as the Cabinet of Ministers' Regulation on the Provision of Civic Expertise in Activities Conducted by Executive Bodies (#976)<sup>24</sup> in 2008 and subsequently the Regulation on Public Participation in the Formulation and Implementation of Public Policy (#996)<sup>25</sup> set the first foundations for e-consultations.

**Table 2:** Proportionality of E-petitions Signatures vs. Population size

Population size in locality	Proposed Signature Threshold
<1 000	50
1 000 - 5 000	75
5 000 - 50 000	100
100 000 - 500 000	250
500 000 - 1 000 000	500
>1 000 000	1 000

The latter specified procedures for civil society's engagement in policy making and obliged state authorities to publish draft acts as well as results of expert discussions on a designated portal [civic.kmu.gov.ua](http://civic.kmu.gov.ua) during policy formulation and implementation stages. Although the portal generated some civil society activity, it has not become the envisioned interactive platform for e-consultations. Low public awareness about the platform's existence and low number of legislative or policy drafts published for consultation is part of the explanation.

While these pre-2014 initiatives set early policy foundations for e-participation in Ukraine, they lacked the necessary political will, mechanisms and resources for their implementation. Outdated and often dysfunctional Public Councils were considered as the primary instruments for public consultations.

During the 2014 Revolution of Dignity, the use of social media spurred unprecedented high levels of informal civic activism and mobilisation online. Significant legislative breakthrough for e-participation in Ukraine, however, came in 2015 when the "Law on Citizens' Petitions (#393)<sup>26</sup> was passed. For first time in Ukraine's history, Ukrainian citizens could use their constitutional right to petition state bodies including the President, Cabinet of Ministers, Parliament or local authorities online.

24 [zakon5.rada.gov.ua/laws/show/976-2008-%D0%BF](http://zakon5.rada.gov.ua/laws/show/976-2008-%D0%BF).

25 [zakon1.rada.gov.ua/laws/show/996-2010-%D0%BF](http://zakon1.rada.gov.ua/laws/show/996-2010-%D0%BF).

26 [zakon5.rada.gov.ua/laws/show/577-19/paran2#n2](http://zakon5.rada.gov.ua/laws/show/577-19/paran2#n2).



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The e-petitions law stipulates the following important features:

- Authors of e-petitions addressed to the Parliament and local councils can present their petitions in Parliamentary or local council public hearings.
- At national level, the threshold for an e-petition to receive a published response from government is 25000 signatures collected within a 3-month period. Petitions that do not reach 25000 signatures are responded to individually.
- Local governments (LG) can set their own thresholds and duration for the collection of signatures. Until LG adopt the relevant statutes, a “transitional provision” provides for ‘votes’ to be counted proportionally to the city/ village population within a 3-month period (see Table 2).
- In addition to group e-petitions, citizens can e-mail individual appeals to any state body which addresses past problems with state officials often not recognizing citizens’ e-mails as a legal channel of communication.
- E-petitions can be also collected by non-governmental organizations.

In August 2015, the President of Ukraine<sup>27</sup> was the first state body to implement the e-petitions law while the Verkhovna Rada presented an interactive portal for e-petitions in October 2015<sup>28</sup>. With the support of the Swiss-funded EGAP Program, in August 2016, Ukraine’s Cabinet of Ministers also followed to implement the e-petitions law through the launch of a new portal *petition.kmu.gov.ua*.

While the legally enshrined right to petition is a positive step forward for e-participation in Ukraine, several aspects still need to be legislatively resolved. A key oversight in the existing law is the exclusion of cities with population of 50 000 to 100 000 (see Table 2). Identification issues also arise in practice. While the law on e-petitions only demands petitioners to specify their name, address and e-mail, the Presidential e-petitions site requires persons to sign in with bank ID or a digital signature (which only a minority of Ukrainians have); the Parliament requests a Ukrainian mobile phone number. If the intention is to ensure widespread use of e-petitions, Ukraine’s state organs need to ensure that they facilitate rather than restrict citizens’ access to e-petitions<sup>29</sup>.

Implementation of e-Petitions systems at the local level also requires support. It is estimated so far that only 200 out of about 12 000 LG offer e-petitions to citizens<sup>30</sup>. LG that have implemented e-petitions, also often fail to effectively formulate the respective legal statutes. Currently there is no designated entity that would monitor the effective implementation and compliance of e-petitions systems with national legal requirements, a gap that should be addressed in the future.

### Upcoming Draft Legislation on E-Participation

It is encouraging that upcoming draft laws on public consultations<sup>31</sup> and electronic elections<sup>32</sup> intend to strengthen earlier e-participation policies by specifying more concrete procedures and instruments for citizens and civil society to participate and influence decision-making in Ukraine both offline and online.

#### **INSIGHT:** *Draft Law on Amendments to Certain Legislative Acts of Ukraine on Electronic Elections*

The draft law seeks to introduce new procedures to ballot counting using optical scan machines and other electronic transactions to optimise efficiency of elections. Although the law is still being drafted, e-Voting pilots are emerging. The first official internet-based voting pilot in Ukraine was initiated during the National Anti-Corruption Bureau Council’s elections in 2015 and with some improvements to the system, the practice was repeated in 2016. Although comprehensive development of legislation and practice in e-voting is complex and takes time, countries with e-voting practice include Switzerland, Estonia, Spain, UK and Philippines.

Perhaps less known draft legislative initiatives include the Odesa Package of Reforms<sup>33</sup> and the Draft Law on Decentralized Electronic Auctions that seek to establish the obligatory use of transparent electronic auctions and fair rules for state and local authorities when they sell or lease public property. The law also proposes innovative elements related to block-chain technologies as a guarantor for transparency and irrevocability of transactions.

27 [petition.president.gov.ua](http://petition.president.gov.ua).

28 [itd.rada.gov.ua/services/Petitions](http://itd.rada.gov.ua/services/Petitions).

29 [www.coe.int/t/dgap/democracy/Activities/GGIS/CAH-DE/2009/RecCM2009\\_1\\_and\\_Accomp\\_Docs/Recommendation%20CM\\_Rec\\_2009\\_1E\\_FINAL\\_PDF.pdf](http://www.coe.int/t/dgap/democracy/Activities/GGIS/CAH-DE/2009/RecCM2009_1_and_Accomp_Docs/Recommendation%20CM_Rec_2009_1E_FINAL_PDF.pdf).

30 [goo.gl/z1ZYr](http://goo.gl/z1ZYr).

31 [civic.kmu.gov.ua/consult MVC\\_kmu/news/article/img\\_lst/2778](http://civic.kmu.gov.ua/consult MVC_kmu/news/article/img_lst/2778).

32 [w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=58703](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=58703).

33 [uareformers.com](http://uareformers.com).



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### ACCOUNTABILITY

Political accountability is based on two intrinsic principles: i) legal liability that refers to government representatives' obligation to act in compliance with administrative and criminal law, and ii) political responsibility that expects government officials to act and make decisions in the best interests of society and be liable for them. Politicians' responsiveness, assuming justifiable responsibility and civic oversight are other key words typically associated with political accountability. The noted legislation such as access to public information, citizens' appeals and e-petitions, transparency of public funds and e-declarations of public servants, among others, outline various accountability measures and officials' responsibilities in Ukraine.

Important for enforcing political accountability in Ukraine, however, is Article 212-3 in Ukraine's Code on Administrative Offences<sup>34</sup> which stipulates that violations of national laws by public servants can be fined from 425 to 850 UAH (USD 17 - 34); if violations occur twice or more times in a year, a fine of 1020-1350 UAH (USD 40 - 55) or community service for a term of twenty to thirty hours can be imposed. The law, however, does not hold state office to account by removing them from office if violations are detected.

What is currently lacking in Ukraine are impactful online instruments that would enable civil society and media to monitor government institutions' and public officials' accountability. Based on international practice, these should be typically initiated by civil society and media but are also increasingly being implemented by public officials. Examples of such popular international initiatives include Canadian Prime Minister's *Trudeau Meter* or Swiss Parliamentarian's *Balance Sheet* which enable citizens to track politicians' electoral promises in real time. In Ukraine *Slovo i Dilo*<sup>35</sup> [Word and a Deed], OPORA's platform for tracking parliamentarians' performance and *Chesno.org* portals are other good examples, but more should be available.

### CIVIC EDUCATION

The last of the four tenets of good governance is civic education. A healthy democratic system presumes that its citizens are aware about their rights and freedoms and have a basic level of understanding about political affairs that affect their lives. Government, media and civil society have certain obligations to ensure that citizens and policy

target groups are informed and aware about policies that affect their lives. This does not mean providing citizens with academic or theoretical explanations about policies but rather more practical ways of how they can relate to, use and benefit from policies. Due to their various communication and interactive capacities such as ability to produce infographics, data visualizations and multi-media platforms, ICTs can be cost-effective tools for civic education and public awareness building in various policy contexts.

Apart from the Strategy on Information Society Development (2013) that included e-skills development in the academic context, explicit references to the Ukrainian government's role in civic education using ICT cannot be readily found in existing legislation. However, past initiatives such as the *We Are Developing Electronic Governance* portal launched in 2013 (but dismantled in 2014)<sup>36</sup> and more recent *spending.gov.ua*, and *data.gov.ua* are potentially useful instruments for online civic education. Interactive online tools offered by civil society such as *Price of the State*, *texty.org*, *EGAP Program's Civil Inspect*, the *Open Data Incubator 1991*<sup>37</sup> are other examples.

Still recent research shows that while Internet and mobile penetration is increasing in Ukraine, citizens and public officials are inadequately aware about e-government and e-democracy initiatives in Ukraine. A 2015 national public opinion poll commissioned by the Swiss funded EGAP program showed that 86% of Ukrainians do not understand what e-government means, 79% of Ukrainian citizens have never heard of the term eDemocracy and only 41% have some idea of what it means. The poll also showed that citizens use Internet mostly for information seeking and news rather than for e-services or participatory purposes<sup>38</sup>. Widespread public awareness and civic education campaigns on the benefits of ICT are therefore needed.

### SUMMARY AND FUTURE DIRECTIONS

Over the past 10 years and especially in the post-2014 period, normative acts and regulations for developing e-Democracy in Ukraine have expanded. The 'Big Three': Law on Citizens' Petitions, Law on Access to Public Information (Open Data), and Law on the Open Use of Public

34 zakon5.rada.gov.ua/laws/show/80731-10/paran2509#n2509.

35 [trudeaumetre.ca](http://trudeaumetre.ca); [barazzone.ch/bilan/securite](http://barazzone.ch/bilan/securite); [slovoidilo.ua](http://slovoidilo.ua).

36 [www.kmu.gov.ua/control/publish/article?art\\_id=246917306](http://www.kmu.gov.ua/control/publish/article?art_id=246917306), [egov.inf.ua](http://egov.inf.ua).

37 [costua.com](http://costua.com); [texty.org](http://texty.org); [egap.in.ua](http://egap.in.ua); 1991.vc.

38 EGAP Program and Kyiv International Institute of Sociology – OMNIBUS public opinion survey. (February 2015) *What Ukrainians Think About e-Government and e-Democracy?*, Kyiv, Ukraine See full report at [egap.in.ua/natsionalna-polityka](http://egap.in.ua/natsionalna-polityka).



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Funds set particularly important precedents. Increasing availability of e-democracy instruments such as open budget and elections monitoring platforms, dynamic use of social networking sites, e-petitions, new portal on open data and e-voting pilots, among others, have further widened options in Ukraine's 'e-democracy toolbox'.

These achievements have been acknowledged in the recently published United Nations E-Government Survey 2016<sup>39</sup> which ranks Ukraine in 32nd place from 193 countries in the global E Participation Index. This is a laudable improvement from Ukraine's 77th place in 2014.

Nonetheless, Ukraine should not stop here. It should be consistent and further advance its (e)democracy. While many encouraging new laws were recently passed, in practice, majority of these are in the category of 'transparency' and less so in e-participation, accountability and civic education where citizens are enabled to pro-actively engage, monitor and interactively learn about policies and government activities that affect their lives. The trickling down of policies to the regional and local levels also needs to be ensured and civil society needs to assume a more pro-active role.

Legislation-wise, future focus should be on ensuring that current legislative drafts are fast-tracked, publicly discussed and adopted. Draft laws on public consultations, the proposed draft Law on Amendments to the Civil Code of Ukraine<sup>40</sup> that seeks to list access to Internet as a civic right and draft legislation on e-voting are some good examples. Developing and implementing a comprehensive national strategy for strengthening e-skills development and targeting citizens and state officials is another important area.

Given the slow rate of implementation and relevant allocation of state resources for e-democracy initiatives in the past 10 years, speeding up the implementation pace of existing laws and policies such as the Roadmap on Open Data, e-declarations, Open Parliament and subsequently the law on public consultations is also necessary. Ensuring that the e-petition systems are impactful by being effectively implemented nation-wide is equally important.

Effective implementation mean: i) resolute political will, ii) systematic allocation of relevant financial resources to prioritized policies and programs, iii) training of government officials, NGOs, citizens and media on how to effectively use e-democracy instruments, and iv) pro-active public awareness building about existing policies and programs on e-democracy.

Bringing all these initiatives together, a national strategy and action plan for e-democracy is also needed. Without a

coherent, systematic policy approach, existing and future efforts may remain fragmented, too small in scale, unmonitored with few options for accountability and overview of progress made over time. A proposed step currently under discussion is the development of a comprehensive e-democracy Roadmap which has been integrated as an action point in Ukraine's Open Government Partnership Action Plan (2016-2018).

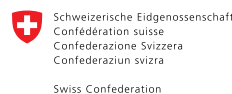
Lastly, continued analytics and experimentation with innovative e-participation, accountability and civic education pilot initiatives, should continue to be encouraged across policy sectors (namely in education, health, social policy, ecology and transport). Ukraine certainly has the IT, intellectual and social capital for doing so. Public-private partnerships should also be actively explored in this context.

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[www.egap.in.ua](http://www.egap.in.ua), [facebook.com/EGAPUkraine](https://facebook.com/EGAPUkraine).

Center for Innovations Development (CID) at the National University Kyiv-Mohyla Academy was created in 2013 to develop innovative eco-systems for sustainable social, political and economic development of Ukraine. CID has a Lab on electronic democracy (e-Dem Lab) and is a vocal advocate of sustainable e-petitions systems.  
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