EGAP
Policy Briefs on
Good e-Governance

Issue #2: Implementing E-democracy: A Spectrum of Instruments and Choices

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The use of new technologies for strengthening good governance and democracy in Ukraine is increasingly gaining importance. The Policy Briefs Series on Good E-Governance launched by the Ukrainian-Swiss E-Governance for Accountability and Participation (EGAP) Program, the State Agency for E-Governance in Ukraine and the Center for Innovations Development (CID) at Kyiv-Mohyla Academy aim to serve as pragmatic, evidence based briefs to inform policy makers and practitioners about key policy issues related to the mainstreaming of good electronic governance in Ukraine. The Policy Briefs Series are distributed quarterly and electronically; they are also available on EGAP Program’s website www.egap.in.ua/natsionalna-polityka.

A vibrant democratic system provides a range or a ‘menu’ of instruments that citizens, civil society and government authorities can actively use to participate in, and influence, political life. With the increasing speed of IT and social innovation, the expanding spectrum of information communication technologies (ICT) available for enhancing democratic processes cannot be left out from the menu. Our first September 2016 issue in the Policy Briefs on Good Electronic(e-) Governance focused on the legislative aspects of e-democracy in Ukraine. In this second issue, we look at the implementation of e-democracy. More specifically, we examine the role of e-democracy instruments, how they are used and how they can sustainably enrich Ukraine’s democracy in the future.

CATEGORISING E-DEMOCRACY INSTRUMENTS

Electronic or digital democracy can be defined as the use of ICT for enhancing civic rights and freedoms as well as for increasing transparency, government’s accountability, citizens’ participation in decision making processes and public awareness building. In practical terms, these refer to different online or ICT enabled government, civic, business or media websites, platforms, embedded features or mobile applications that facilitate the implementation of democratic and good governance principles.

If designed well, e-democracy tools can bring numerous benefits to the democratic process. They can reduce transaction costs of information sharing and civic participation; they can facilitate transparency more effectively and curb corruption; bring new direct, interactive, analytical and participatory experiences to citizens’ political engagement; enhance rapid dissemination of ideas, civic mobilization and networking; offer spaces for collective problem-solving, political learning; and attract new participants such as youth into political processes. On the contrary, when e-democracy tools are misdesigned or not implemented well, they can also raise risks in becoming politicized, costly, perpetuating the status quo of politics and civic distrust. If not targeted well, they may also fail to attract the enhanced levels of participation or they may raise the quantity but not necessarily the quality of interaction, participation and impact.

To better understand their diversity and added value, e-democracy instruments can be categorized in several ways. Perhaps the most common way to classify e-democracy tools is by their linkage to the four key democratic principles of transparency, accountability, participation and public awareness building. Informative government websites, open data and e-procurement, for example, are associated with transparency while policy performance tracking dashboards, civic e-journalism are linked to the monitoring of accountability. E-petitions, online citizen feedback forms or e-polls belong to the e-participation category while voter advice applications or thematic webinars, online tutorials and courses are good examples of ICT mediated educational tools. In vibrant (e)democratic systems, all of the above should be available on the ‘menu’ and be pro-actively used by civic and state actors.

Another way of assessing e-democracy tools is by looking at how they optimize political supply-demand (government-to-citizen/business (G2CB), citizen/business-to-government (Cb2G) and citizen-to-citizen (C2C) or business-to-business (B2B)) relationships – illustrated in Figure 1. All political actors share a joint responsibility in creating a vibrant (e-) democracy ecosystem. The government is responsible for supplying citizen centered, open and equal access to government information through government websites and mobile applications, open data initiatives as well as for providing civic engage-
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...useful during decision-making processes or elections while open budgeting and policy performance tracking dashboards are effective in policy implementation stages.

Nonetheless, many of the mentioned tools can accompany all stages of the policy process or can be combined in order to amplify the participatory experience and desired democratic dividends. With the speed of ICT innovation combining and integrating several different tools is a growing trend in global e-democracy practice. Government or civil society websites tend to combine policy consultations with synchronous (in real-time) moderated discussion forums, question and answer sessions and some form of preferential e-voting or online ranking mechanisms. Others feature online

The third way of understanding e-democracy tools is ‘when’ they are being used. As indicated in Figure 2 - some e-democracy tools are more effective in particular stages of the policy making process. Social media discussion forums, e-petitions, online lobbying and public awareness building campaigns tend to be more useful in agenda setting stages while e-consultations, e-polling and social media sentiment analytics can be effective during policy formulation processes where citizens or civic experts are asked to provide their inputs and influence policy or legislative processes. More specifically, while e-petitions provide ongoing participatory experience for the general public, e-consultations are more useful for short-term, time-bound and targeted solicitation of civic inputs. Variations of e-voting and voter advice applications are...
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THE PRACTICE OF E-DEMOCRACY IN UKRAINE

Over the past five years, Ukraine has seen an increasing trend in the development of new e-democracy tools. This trend accelerated especially after the 2014 Revolution of Dignity which was partly sparked by a leading civic activist (Mustafa Nayem)’s social media post calling for civic mobilization that went viral. Social media continued to play a pivotal role throughout the Revolution and steady advocacy campaigns by civil society since 2014 have prompted series of reforms. These included the introduction of e-petitions (first time in Ukraine’s history), open budgeting, mandatory online asset declarations and ambitious open data and e-procurement agendas. Ukraine’s progressive advances in e-democracy did not go unnoticed in the 2016 United Nations E-Government Survey where since 2014 Ukraine improved its global ranking on the E-participation Index by 45 positions.

These are no small legislative achievements in a fairly short period of time. At the same time, it is important to ask how are the new laws being implemented in practice and to what effect? In other words, what instruments are publicly available to Ukrainian citizens and various stakeholders? How are they being used? Who uses them and what impact on Ukraine’s democratic processes do they have?

TYPES OF INSTRUMENTS

Transparency. When looking at the types of e-democracy tools available to Ukraine’s public, recent research shows that the great majority concentrate in the transparency category. It is becoming increasingly common for government or civil society organizations to have informational websites, online video streaming of meetings and growing trend in open budgeting, open data and e-procurement. Yet most government websites in Ukraine still lack two-way interactive G2C content. Uploading government documents or budgets online does not automatically make them useful, user friendly hence used by the public – which is ultimately the objective. Their content needs to be user/citizen centric, well-structured and interesting in order to be effectively used. For example, the open data data.gov.ua portal established in 2015 and the mandatory electronic asset declarations filed by over 50,000 public officials in the fall of 2016 marked important steps for increasing government’s G2C transparency. At the same time, the quality and structure of the 10,000+ government datasets on the data.gov.ua portal need to improve in order to be effectively used by the public. Similarly, e-declarations leave much room for additional public scrutiny, possibility of legal pursuits for officials with questionable assets and future measures for preventing officials’ corruption.

1 Tomkova, J., Konashevych O. 2016. Policy Briefs on Good E-Governance. Issue #1: Legislative Aspects on E-Democracy in Ukraine
Where most government websites could improve their interactive content, civil society is raising the bar in developing more sophisticated C2G online tools. Notable examples include ‘Rada Oporo’ that tracks and publicly visualizes Verkhovna Rada deputies’ performance, or the reputable Prozorro e-procurement platform that was first developed by civil society and later fully adopted by the Ministry of Economic Development and Trade. The E-Data Project and the Price of the State platforms which integrate useful visualizations, interactive state budget monitoring and simulation features for citizens are also great examples. BiZorro, DoZorro and 007 are promising new applications which emerged as spin-offs from the ‘first wave’ of open budgeting initiatives, to enable more refined monitoring of public spending.

E-participation and civic monitoring are fundamental elements of an impactful e-democracy practice. Numerically and impact-wise, however, e-participation tools in policy and decision making processes are less developed in Ukraine than those in the transparency sector. While government feedback forms, e-petitions, ICT enhanced participatory budgeting (pilots in Kyiv City but also in Vinnytsia, Lviv, Lutsk and other regions) and e-voting pilots (e.g. elections of Public Councils in the National Bureau for Anti-Corruption and Ministry of Ecology and Natural Resources) are evolving, they need to be rolled out and integrated in formal government processes both at national and local level. Currently, the great majority of these pilots are Kyiv based and supported by civil society.

Moreover, some participatory tools such as G2C e-consultations and e-polling are missing in Ukraine’s practice altogether. Where the e-consultations have become quite common in soliciting inputs from civic stakeholders and experts during policy making processes in Europe, North America and Asia, despite the few attempts to introduce them in Ukraine, their practice is still virtually non-existent. To be commended, in late 2016, the Verkhovna Rada has developed an e-consultations mechanism but it still has to be actively applied in concrete policy making processes. If used effectively, e-consultations could be impactful for Ukraine where policy making has a legacy of being conducted behind closed doors with very little or no public input. Mainstreaming the practice of e-consultations at all levels of the Ukrainian government is important as it will also assist in the

Good Practice: E-petitions

Early process: The new e-petitions practice in Ukraine breaks the top-down power politics and introduces a bottom-up, grassroots, citizen-driven agenda setting. The legislative right to e-petitions was advocated by a coalition of CSOs, led by the Center of Innovations Development - Kyiv Mohyla Academy and the Reanimation Package of Reforms. In July 2015, the Parliament passed a legislative act on e-petitions and by the end of August 2015 the Presidential Administration was the first to launch an e-petitions instrument on its website. A successful promotional campaign both online and offline was used to raise public awareness.

First Results: The Presidential Administration’s e-petitions site has so far attracted the highest number of users where within the first two months, 32 e-petitions passed the threshold of 25,000 digital signatures. The first successful e-petition on the right to armed self-defence received significant media coverage and stimulated public debate but due to various interest groups’ inability to reach consensus, the proposed petition was unsuccessful. Following Presidential Administration’s lead, in October 2015, the Ukrainian Parliament proceeded to launch e-petitions and in 2016 the Cabinet of Ministers followed.

Challenges: A systematic and reliable system for user ID verification is among the challenges where e-petition systems could improve. Signing an e-petition on Kyiv City Council’s website only requires a name, address, phone number and email confirmation while submitting an e-petition to the President demands an email confirmation and a tax number or a bank ID which not all Ukrainians have. Stronger requirements seek to ensure better security but they can also demotivate users hence decrease participation levels. Other challenges include the low rates of legislative adoption of e-petitions at the local level as well as mutual trust and supportive relations between civic society, petition authors and decision makers. In this context some good examples are emerging where the Kyiv City Council has co-drafted the concept for processing e-petitions jointly with civil society and has committed to meet authors of e-petitions every 2 months to report on the progress of implementation and to receive feedback from civil society.

5 Civic Organization for E-Democracy (ed.org.ua) has implemented several successful Ukraine-based pilots in e-voting.
implementation of the Law on Public Consultations which is expected to be passed sometime in 2017. E-elections and e-referenda are popularly talked about as the next wave of instruments to be added to Ukraine’s e-democracy toolbox but the relevant legislation, support mechanisms and civic culture is still missing.

Accountability applications that combine transparency, active monitoring, analytics, visualization and public dissemination could also improve and be more widely available. As noted earlier OPORA’s Rada Opora, 007 and some local initiatives such as the Dnipro-based Civic Inspector which monitors ecological issues are good examples of C2G accountability tools but more of them need to be available across different sectors and levels in Ukraine.

Public education and public awareness building. ICT for various public educational purposes can be integrated on government websites in the form of tutorials targeting specific topics (e.g. when introducing new legislation, services, policies etc.). Currently, several free educational online platforms such as the MOOC platforms at the Open University of Maidan (VUM Online), Prometheus, and Skills Academy are available in Ukraine (see page 8 for details). Nonetheless, in a 2016 national survey of civil society organizations conducted by Podil Agency for Regional Development (PARD), 99% respondents confirmed the popularity and the urgent need for more public awareness building and online trainings to be launched Ukraine-wide, especially at the local level?

Citizen-to-Citizen (C2C). The use of social networking sites (SNS) during the Revolution of Dignity was a very good example of effective C2C online activism. Spilnokosht a national crowdfunding platform for social projects and Facebook-based E-democracy in Ukraine (3200 members) or the E-democracy and Open Data in Ukraine groups are other good examples of continuous use of SNS for C2C networking and collaboration. The establishment of national e-democracy platform where useful information about events, best practices, analytics, webinars on topics related to e-democracy could be freely shared is being discussed, but financing of the platform still needs to be secured.

8 The module on e-government and e-democracy within the KIIS OMNIBUS National Public Opinion Survey was commissioned by the Swiss-funded E-governance for Accountability and Participation (EGAP) Program in Ukraine (egap.in.ua).
transaction cost of participation), and iii) enable direct democracy.\textsuperscript{10}

**Successful tools but also processes & partnerships.** Public and expert opinions are important qualitative impact indicators but it is equally important to assess the existing e-democracy tools’ scalability, sustainability, efficiency, degree of policy influence and desired political changes. While the e-democracy practice still has to fully evolve in Ukraine, some noteworthy examples already do exist.

The Prozorro e-procurement platform is one notable impact story. Within its first 14 months of operation, Prozorro became an efficient solution for government’s transparency and anti-corruption, processing over 100 000 tenders from 5800 buyers and saving over 1.5 billion UAH in state funds; in 2017 over 5 billion UAH in state savings is expected\textsuperscript{11} (more on Page 8). By the end of 2016 Prozorro’s users amounted to 19 000 procuring entities and 60 200 bidders. In late 2016 the solution was scaled up nation-wide with expanded analytical and monitoring features.

Another successful impact story is the interactive spending.gov.ua portal for state expenditure tracking. The site receives over 30 000 hits per day, offers useful visualization modalities and as the portal was jointly developed by the e-Data Project and the Ministry of Finance, it sets a precedent for effective civic-state partnership. Other successful examples of civic-state partnerships include the joint collaboration and launch of the Cabinet of Ministers’ and unified local e-petitions portal (e-dem.in.ua) by the Swiss-Ukrainian EGAP Program and East European Foundation at the local level, and the joint partnership between Center for Innovations Development, Kyiv Smart City Hub and the Kyiv City Council that launched the first ICT enhanced participatory budgeting project in Kyiv.\textsuperscript{12}

The ambitious open data agenda, lead by the State Agency for E-governance on the government side and by Social Boost, the 1991 Open Data Incubator, texty.org and a new USAID donor program TAPAS on the civil society side, has evolved into a multi-partner ecosystem that works jointly to motivate government agencies to publish their data online free for public usage but also training the public on how to effectively use the data. So far, several hackathons were supported by 4 regional EGAP Program’s Challenges, the 1991 Open Data Incubator and Apps4Cities with new solutions being incubated.

**Challenges.** While the above list some good examples of e-democracy practice, Ukraine’s 43 million citizens and 24 diverse regions will need more tools at their disposal to sustain the ambitious democratic reforms which the post-2014 Maidan vision asks for. To provide an optimal enabling environment for the future development of e-democracy in Ukraine several key barriers still need to be removed:

- **Low level of systematic mainstreaming and enforcement of existing legislation and use of e-democracy tools.** While legislation and many good e-democracy practices already exist they are not effectively mainstreamed or shared across Ukraine. Local e-petitions are a good example where the mandatory law exists but majority of local authorities have not yet adopted or implemented e-petition statutes.

- **Low interactive content on government websites and low diversity of e-democracy tools** is among the contributing factors for their low usage by the wider public.

- **Lack of financial resources and programs for implementing eDemocracy.** Majority of existing successful e-democracy solutions were developed by volunteers or were donor funded. More ‘formal’ (state) and alternative resources such as public private partnerships need to be allocated in a targeted way.

- **Low public awareness, e-democracy literacy and media coverage** about the benefits of ICT leads to their low usage. In the KIIS 2015 Survey, 79% of Ukrainians surveyed have never heard of the term e-democracy and only 41% had some idea of the term’s meaning (see footnote 8).

- **Emerging but still insufficient political will and experience among public officials to integrate and promote e-democracy instruments.** Low political will often stems from false assumptions, fear and lack of necessary skills among authorities. Here targeted training can be helpful.

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**EXISTING CHALLENGES & MOVING FORWARD**

A vibrant, sustainable and well-functioning democracy offers a wide selection of tools to societal actors which they can actively use when needed. For Ukraine to sustain its recently improved 32nd position on the 2016 UN E-participation Index (see footnote 2), the responsibility will rest with all societal stakeholders – government, civil society, private sector and citizens alike. Collaboration, purposeful innovation and continuing to creating an enabling environment for e-democ-
racy to flourish are perhaps the operative words. To this effect, we propose the following recommendations for different actors:

1. Civil society should continue to assume its pro-active facilitative role as an educator, social innovator, disseminator and monitor of an expanded ‘menu of e-democracy tools’ available to the Ukrainian public and government.

2. Government authorities at all levels (namely the Cabinet of Ministers, the Parliament and local authorities) need to pro-actively and systematically integrate existing, but also new, online tools to improve their transparency, accountability and stimulate civic participation in policy-making and decision making processes.

3. Systematic resource allocation from the state budget but also through public private partnerships, for e-democracy initiatives needs to be made available and implemented.

4. More online tools need to be developed, promoted and used in the area of e-participation and accountability across Ukraine by all stakeholders.

5. Targeted online and offline training for public officials, civil society organizations and media needs to increase in order to improve their understanding, experience with and skills on e-democracy topics.

6. Increase public awareness and e-literacy campaigns to stimulate public’s use of e-democracy instruments.

7. Existing e-democracy good practices need to be documented, studied, disseminated through online resources, guidebooks, training materials and mass media. Academic institutions, NGOs, think tanks and donor programs could play an active role here.

8. New e-democracy tools need to be well designed, cost effective, user-friendly, democratically impactful and socially inclusive enabling easy, equal access and usage to all Ukrainians, including those with special needs and remote areas with limited Internet access.

On a positive ‘forward looking’ note, the above recommendations are currently being integrated into a comprehensive Concept Paper on E-democracy for Ukraine which a coalition of civil society partners, the Concept Paper on E-democracy is expected to be completed in the Spring of 2017 and formally adopted by the Cabinet of Ministers in the summer or fall 2017. The Concept Paper is also an action point within Ukraine’s commitments in the Open Government Partnership Action Plan (2016-2018).

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## Issue #2: Implementing E-democracy: A Spectrum of Instruments and Choices

### Profiles of E-democracy Tools

#### E-DATA
- **Website:** spending.gov.ua
- **Established:** September 2015
- **Number of users:** 30 000 per day
- **Partner Institutions:** EGAP, EEF, GIZ, Ministry of Finance, Ministry of Economic Development and Trade, State Agency for Electronic Governance
- **Instrument(s) created:** E-data (open data on public spending), E-investigation (public spending monitoring and control)
- **Time to develop:** 1.5 months
- **Number of employees (team):** 7
- **Cost:** 0 from public sources
- **Key achievements:** all public financial transactions are mandatory to be posted online
- **Key challenges:** only 54% government bodies are registered.

#### PROZORRO
- **Website:** prozorro.gov.ua
- **Established:** April 2015
- **Number of users:** 19 000 procuring entities, 60 200 bidders
- **Partner Institutions:** ODFD, EBRD, European Commission, GIZ, KMBS, Ministry of Economic Development and Trade, OSF, TI, USAID, WNISEF
- **Instrument(s) created:** public e-procurement platform, online marketplaces, Dozorro and Bizorro (public spending monitoring and control)
- **Time to develop:** 3 months for MVP, 13 months for full scale system
- **Number of employees (team):** 80
- **Cost:** 500 000 USD
- **Key achievements:** 8.8 bln UAH saved, nation wide mandatory rollout
- **Key challenges:** accountability and integrity of procuring entities and bidders; level of professionalism of bidders; insufficient monitoring and enforcement by Government.

#### CASE UKRAINE
- **Website:** www.case-ukraine.com.ua
- **Established:** August 2014
- **Number of users:** 190 000 per year
- **Partner Institutions:** European Commission, East Europe Foundation, OSF, PACT, UNITER, USAID
- **Instrument(s) created:** tax calculator, business tax calculator, pensions calculator, the Index of Untransparency of state-owned enterprise
- **Time to develop:** 1 year
- **Number of employees (team):** 5
- **Cost:** 50 000 USD
- **Key achievements:** after 2 years of publishing the Index of Intransparency of state-owned enterprise, the number of those registered on the public spending portal rose from 329 to 731 (33% of target enterprises)
- **Key challenges:** many state-owned enterprises are ignoring the law on the openness of public finance and are slow to register on public spending websites.

#### UNIFIED LOCAL E-PETITIONS PORTAL
- **Website:** e-dem.in.ua
- **Established:** Fall 2015
- **Number of users (Ukraine-wide):** 123 local government authorities; 200 000 citizens
- **Partner Institutions:** EGAP Program, East Europe Foundation, the State Agency for E-governance, Software Company, Working Group of city council representatives
- **Instrument(s) created:** e-petitions portal
- **Time to develop:** 2 months
- **Number of employees (team):** 1 national moderator, software company back office support (if needed)
- **Cost:** 25 000 USD
- **Key achievements:** first portal of its kind in Ukraine, popular uptake by local authorities; added features on how to draft local legislation on e-petitions; emerging local projects and accountability
- **Key challenges:** absence of reliable, widely used identification system causing fraudulent petitions, evolving but insufficient political will to pass local legislation on e-petitions, insufficient national awareness.

#### E-VOTING PILOTS
- **Website:** ed.org.ua
- **Established:** 2015
- **Number of users:** 81 150 (users), 40 200 (voted) citizens
- **Institutions involved in creating solution:** NGO for ‘E-democracy’
- **Instrument(s) created:** e-voting platforms
- **Time to develop:** 2 months
- **Number of employees (team):** 4
- **Cost:** self-financed
- **Key achievements:** precedents of e-voting in 2 government bodies (Council for Civic Control at the National Anti-Corruption Bureau’s, Public Council of Ministry of Ecology) are created; political support is achieved; open protocol principle is implemented; conducted nation-wide civil society survey, 80% of civil society organizations consider e-voting as a priority
- **Key challenges:** lack of national or local legislation to regulate the use of e-voting mechanisms, insufficient political will to use e-voting mechanisms.

#### E-DEMOCRACY IN UKRAINE FACEBOOK GROUP
- **Website:** www.facebook.com/groups/edemclubua/
- **Established:** January 2015
- **Number of users:** 3 200
- **Partner Institutions:** Center for Innovations Development, Kyiv Mohyla Academy, online (volunteer) contributors/members
- **Instrument(s) created:** online deliberation and opinion making platform
- **Time to develop:** 1 day
- **Number of employees (team):** 6
- **Cost:** free
- **Key achievements:** a vibrant community of e-democracy proponents
- **Key challenges:** ack of coherence for collective action and concrete influence on political processes.

#### PUBLIC EDUCATION

#### OPEN UNIVERSITY OF MAIDAN (VUM ONLINE)
- **Website:** online.vum.org.ua
- **Established:** 2015
- **Number of users:** 5 252 total
- **Partner Institution:** Kyiv Business School
- **Instrument(s) created:** Open Electronic Registries, A Practical Guide on Civic Activism, Creative Activism, Fighting Corruption in Public Procurement, Civic Control online courses
- **Time to develop:** 9 months
- **Number of employees (team):** 10
- **Cost:** created on a volunteer pro bono basis, license costs 100 USD per year
- **Key achievements:** some participants started their own projects
- **Key challenges:** popularization, stability to hacker actions, monitoring the transfer of skills to practice.

#### PROMETHEUS
- **Website:** prometheus.org.ua
- **Established:** October 2014
- **Number of users:** 300 000 total, 15 000 on (e)dem courses
- **Partner Institutions:** Brain Basket Foundation, Kyiv-Mohyla School of Journalism
- **Instrument(s) created:** Public Procurement, Introduction to Public Policy online courses
- **Time to develop:** 6 months
- **Number of employees (team):** 10
- **Cost:** for 1 course 8,000-10,000 USD
- **Key achievements:** Public Procurement online course was taken state officials
- **Key challenges:** creation of specific courses on (e)democracy, monitoring the transfer of skills to practice.

#### SKILLS ACADEMY
- **Website:** skillsacademy.com.ua
- **Established:** 2014
- **Number of users:** 44 000 total, 1 000 on (e)dem courses
- **Partner Institutions:** European Business Association, Ministry of Economics, Development and Trade, Ministry of Education and Science, Ministry of Youth and Sports, Viasgrad Fund, Ukrainian Student Association
- **Instrument(s) created:** All on Electronic Governance, Democratic Values and Mechanisms, How To Influence Decision-Making Process, How to Fight Against Corruption online courses
- **Time to develop:** 1 year
- **Number of employees (team):** 20
- **Cost:** unspecified
- **Key achievements:** interactive social network format links users
- **Key challenges:** promotion of advanced tools for HRs and universities, monitoring the transfer of skills to practice.