E-PETITIONS IN UKRAINE: PEOPLE'S AGENDA SETTING

POLICY BRIEF

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E-petitions in Ukraine: People's Agenda Setting

Introduction

Over the last three years digital democracy has been rapidly advancing in Ukraine. Citizen participation in public affairs using information computer technologies increased dramatically. To a large extent, e-democracy was introduced into the public agenda due to the establishment and popularization of electronic petitions (e-petitions). At first, a coalition of civil society organizations—headed by the Center for Innovations Development at the National University of Kyiv-Mohyla Academy and the Reanimation Package of Reforms—advocated amendments to the Law of Ukraine "On Citizens' Appeals"[1]. Subsequently, on July 2, 2015, the Verkhovna Rada of Ukraine adopted these amendments to the law legitimizing e-appeals and e-petitions. Since then, the service of e-petitions was introduced by the President's Administration, the Parliament, the Government ("central authorities"), and hundreds of local bodies of self-government ("local authorities"). Still, there is a number of challenges remaining: the absence of e-petitions in many communities, the lack of popular awareness about e-petitions, and an inefficient processing of e-petitions by authorities. Thereby, this policy brief aims to comprehend the development of e-petitions in the country and offer solutions for its improvement.

The meaning of an e-petition

An e-petition is a valuable instrument because it provides citizens with the opportunity to voice their ideas, unite with like-minded thinkers, and oblige authorities to consider suggestions promptly. At the same time, e-petitions are useful for authorities too. E-petitions help authorities to identify citizens' needs and suggestions in real time online, and, to start working on those needs, which citizens identified as priorities. Essentially, an e-petition allows citizens to influence the policy agenda setting and thus implement people's rights both in a direct exercise of authority—through direct democracy and an indirect form—via representative democracy, guaranteed in Article 5 of the Constitution of Ukraine[2]. Moreover, in the course of the information campaign supporting e-petitions and during the monitoring of their implementation, teams of authors emerge. They become leaders of public opinion and civic activism. Finally, the review and realization of e-petitions establish a positive experience of a dialogue between citizens and authorities, which becomes a habitual routine.

> *The people bear the sovereignty and constitute a sole source of authority in Ukraine. The people exercise their authority directly, via state authorities, and bodies of local self-governance (Article 5 of the Constitution of Ukraine).*

Definition, application and review procedures

Under Ukrainian law[3], electronic petition is a special form of collective citizens' petitions, which can be written or oral proposals ("remarks"), claims ("petitions"), or complaints. By this law, an electronic petition procedure has a number of specificities – see Graph 1.

Graph 1. Peculiarities of e-petition service operation.

- Addressee: The President, the Parliament, the Government, LBSG
- Platform: an official website of an authority or NGO
- Publishing online: within 2 working days
- Review by central authorities: if 25,000+ signatures within 3 months
- Review by local authorities: according to a community statute
- Unsuccessful: is considered as a citizen appeal
- Review duration: during 10 working days
- Review procedure: is defined by central or local authorities
- Justified answer: on an official website and to the author

1. The Verkhovna Rada of Ukraine. The official web-portal. The Law of Ukraine "On Citizens' Appeals."
   http://zakon3.rada.gov.ua/laws/show/393/96-%D0%B2%D1%80.
2. The Verkhovna Rada of Ukraine. The official web-portal. The Constitution of Ukraine.
   http://zakon3.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80.
3. The Verkhovna Rada of Ukraine. The official web-portal. The Law of Ukraine "On Citizens' Appeals."
   http://zakon3.rada.gov.ua/laws/show/393/96-%D0%B2%D1%80.

Available services

At present, citizens can propose e-petitions on the following official websites: The President of Ukraine ("the President")[4], the Verkhovna Rada of Ukraine ("the Parliament")[5], the Cabinet of Ministers of Ukraine ("the Government")[6], and local bodies of self-government (LBSGs). Other online platforms also accept applications, including: The Unified System of Local Petitions (USLP)[7] (152 communities), Smart City (SC)[8] (101 communities), websites of unified communities of Ukraine[9] (247 communities), and My Voice[10] (to any authority). Hence, by the beginning of November 2017, the service of e-petitions was introduced by at least 500 communities.

Moreover, in early February 2017, the two most popular e-petition platforms (USLP and SC) were offering this service to 197 communities (USLP – 127 and SC – 70)[11]. Already in early November 2017, these platforms were offering it to 253 communities (USLP – 152 and SC – 101). Thereby, within 9 months 56 communities had introduced this service on the aforementioned platforms. The growth rate is 75 communities annually, which comprises 38% of new e-petitions servicers' annual growth.

Yet, in 2017 as many as 30,539 LBSGs—in particular, 490 regions, 216 territorial communities, 460 cities, 111 city districts, 885 urban-type settlements, and 28377 villages[12]—could have introduced e-petitions. Therefore, the instrument of e-petition has much space for geographic and organizational scaling up. There are free servicers, such as e-dem.in.ua, (by Soft Xpansion sponsored by EGAP), budget servicers, such as gromada.org.ua, (by vlada.info), and more expensive multifunctional opportunities (by Kitsoft, Bissoft) to develop e-petitions for a community. Therefore, the issue of its further introduction depends only on awareness and willingness of local communities and civil society organizations to strengthen e-participation.

Public opinion

To have a massive demand among the public, two conditions should be met. First, citizens should know about them, and second, citizens should envision a reason for using them. To test these preconditions, two surveys were included into omnibuses: by The Razumkov Center in November 2015[13] and by The Kyiv Institute of Sociology in September-October 2017[14]. Both surveys are representative for the adult population of Ukraine, applying the same methodology, and were conducted using substantially identical questions (with minor differences in formulation and the order of answer options). Therefore, this data can be used to compare change in citizens' public opinion about electronic petitions between 2015 and 2017.

As Graph 1 demonstrates, over 2 years, the population's awareness about the instrument of e-petitions has remained practically unchanged. The difference lies within the margin of error. Currently, about 1/4 of the population is aware of this instrument. Probably, during the first year of introducing e-petitions, mass media publications, especially on television, have reached the most interested audience, and since then information campaigns were smaller.

4. Electronic petitions. The official internet representation of the President of Ukraine. https://petition.president.gov.ua/.

5. The Verkhovna Rada of Ukraine. Electronic Petitions. https://itd.rada.gov.ua/services/Petitions/.

6. Electronic petitions. The Cabinet of Ministers of Ukraine. https://petition.kmu.gov.ua/.

7.   The Unified System of Local Petitions. http://e-dem.in.ua.

8. Smart City platform. https://rozumnemisto.org/project.

9.   Websites of united communities of Ukraine. https://gromada.org.ua/.

10. My Voice. https://miygolos.org.ua/.

11.   Loboyko, S., M. Nakhod, D. Khutkyy. (Eds.). Iemelyanova A., Dovbenko, M., Zavadska, P., Khutkyy, D., Loboyko, S., Nakhod, M. 2017. Instruments of e-democracy in cities of Ukraine. Informative and analytical handbook.
    https://drive.google.com/drive/folders/0Bz4lVwLV-SsiOXhXMkpXY3JpalU?usp=sharing.

12. State Statistical Service of Ukraine. The number of administrative-territorial units by regions of Ukraine as of January 1, 2017.
    http://www.ukrstat.gov.ua/operativ/operativ2016/ds/ator/ator2017_u.htm.

13. The survey was conducted during November 6, 12, 2015. 2,008 respondents were interviewed. The sample error without design effect is less or equal to 2.3%. The data is representative for the adult population of Ukraine.

14. The survey was conducted from November 5, 2015 to October 2, 2017. 2,027 respondents were interviewed. The sample error without design effect is less or equal to 2.2%. The data is representative for the adult population of Ukraine.

The data analysis provides evidence that men, the younger, the educated, and the residents of more populous settlements are more aware about electronic petitions.

Public opinion implies a certain level of awareness. Therefore, answers for the following questions were calculated only among those, who know about the service of e-petitions.
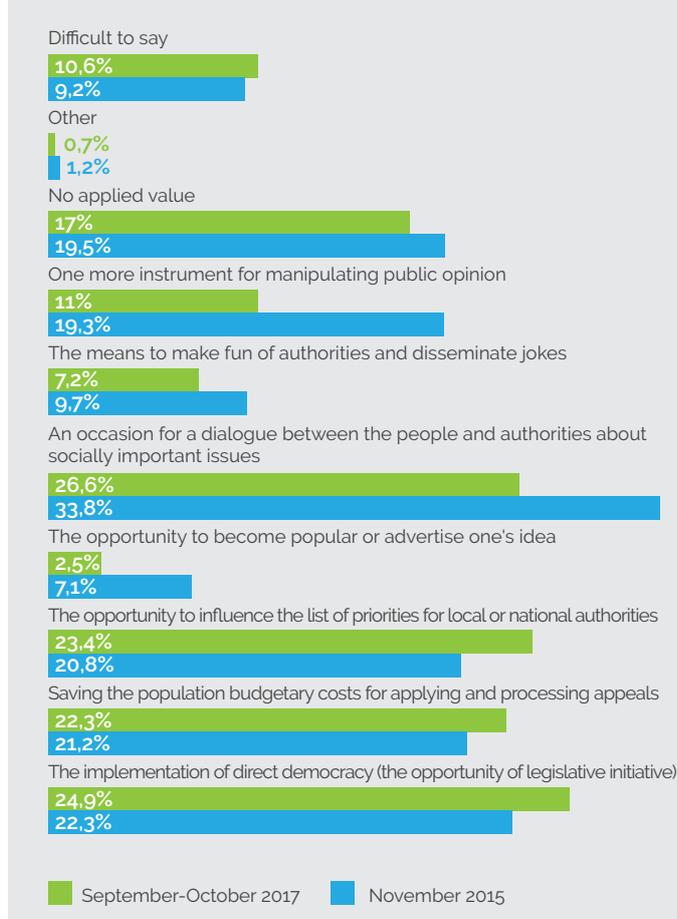
As shown on Graph 2, the share of earnest skeptics thinking that e-petitions have no applied value has remained virtually the same, at less than 1/5. At the same time, the views on e-petition as an instrument for manipulating public opinion, the means to make fun of authorities and disseminate jokes have statistically significantly decreased, from 1/3 to 1/5. The share of optimists, who envision an e-petition as a means of saving money, implementation of direct democracy, and the opportunity to impact public policy, remains constant at approximately 1/5. Nevertheless, the share of those, who believe that an e-petition is a dialogue between the people and authorities, has statistically significantly decreased, from 1/3 to 1/4. This proves that the routine on implementing e-petitions is a priority task for authorities, as it might help regain society's trust in e-participation instruments.

According to this data (see Graph 3), over 2 years, the number of skeptics (those who are "rather or totally unsupportive" of e-petitions) has decreased. Only 11.2% of them remain. Maybe, some of them became convinced that e-petitions do function and thereby they switched to the category of uncertain people (for whom it is "difficult to say"), which grew to 23.5%. Herewith the share of optimists (those who are "totally supportive" of e-petitions) decreased—they remain at 23.1%. Probably, part of them became more moderate optimists (those who are "rather supportive" of e-petitions), they amount to 42.2%. Not much is known about the proponents of e-petitions, except that there are more of them among young people. In sum, over the last 2 years, citizens have become more moderate. Yet, in total, in autumn of 2017, proponents outnumbered opponents by nearly 6 fold and uncertain people by nearly 3 fold (the same as in autumn of 2015). And supporters constitute an overwhelming majority, at 2/3.
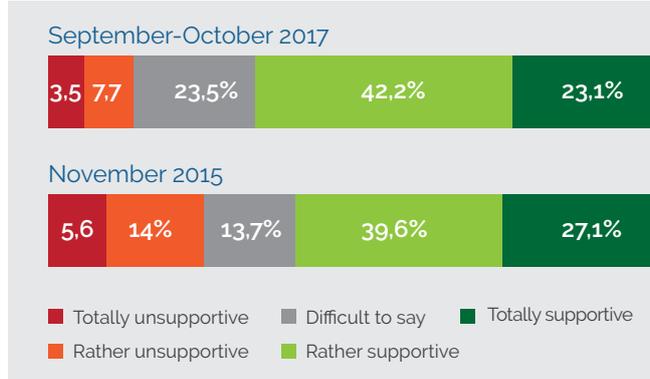
Graph 1. The awareness of e-petition (among those, who answered, in 2015, there were 2,002 respondents, and in 2017, there were 2,017 respondents).

September-October 2017
Know **27,5%** | Don't know **72,5%**

November 2015
Know **26,3%** | Don't know **73,7%**

Graph 2. The value of e-petitions (among those, who answered, in 2015, there were 507 respondents and in 2017, there were 557 respondents).

Difficult to say
10,6%
9,2%
Other
0,7%
1,2%
No applied value
17%
19,5%
One more instrument for manipulating public opinion
11%
19,3%
The means to make fun of authorities and disseminate jokes
7,2%
9,7%
An occasion for a dialogue between the people and authorities about socially important issues
26,6%
33,8%
The opportunity to become popular or advertise one's idea
2,5%
7,1%
The opportunity to influence the list of priorities for local or national authorities
23,4%
20,8%
Saving the population budgetary costs for applying and processing appeals
22,3%
21,2%
The implementation of direct democracy (the opportunity of legislative initiative)
24,9%
22,3%

■ September-October 2017   ■ November 2015

Graph 3. The attitudes towards e-petitions (among those, who answered, in 2015, there were 507 respondents and in 2017, 557 respondents).

September-October 2017
3,5 | 7,7 | 23,5% | 42,2% | 23,1%

November 2015
5,6 | 14% | 13,7% | 39,6% | 27,1%

■ Totally unsupportive   ■ Difficult to say   ■ Totally supportive
■ Rather unsupportive   ■ Rather supportive

Debatable issues of the collection of signatures

The issues of techniques and stages of identification of authors and signatories of e-petitions is ambiguous. According to the law, to submit or sign an e-petition, it is sufficient to provide only one's name, family name, residence address, and email. On the contrary, some authorities required digital signature, Bank ID, or Mobile ID. From one viewpoint, for a wide use of e-petitions, authorities must guarantee an easy access of citizens to this e-participation instrument[15]. Yet, from another perspective, additional requirements ensure a secure identification for reducing the probability of fake signatures and provide grounds for prosecution in the case of identifying signatures submitted with violations, in accordance with the law.

Another issue is the minimum number of signatures, required to oblige a local authority to consider an e-petition. A low barrier makes this service more accessible, while a high barrier allows focusing on e-petitions, which citizens deem as the most important. One solution is to specify a smaller number or required signatures and increase them gradually, in the spirit of experimental democracy.

There are debates about the risks of administrative pressure. In particular, these include: blocking e-petitions on the stage of pre-moderation, unlawful adding, or ignoring signatures. Regarding pre-moderation, some authors report that their petitions were not published online, but this is difficult to check. An open code of e-petition platforms and the access to depersonalized information about signatories using API can resolve these issues. Concerning manipulation with the number of signatures, the available assessments show that if there are some, they are minor and do not impact the final result. According to the monitoring of the NGO Electronic Democracy[16], the analysis of the dynamics of the first week of signing the first e-petition N40 (on the right for armed self-defense) on the website of e-petitions to the President of Ukraine demonstrate that there are no dramatic peaks of new signatures, therefore, in-mass "cheating" is unlikely.

Actual usage level

For the e-petition service, it is essential that it is used by citizens and responded to by authorities. The statistics of e-petition websites are presented below. By November 15, 2017, for the whole period of the service operation, citizens have submitted the following number of e-petitions to central authorities: to the President, 28,243 (from August 2015); to the Parliament, 775 (from October 2015); and to the Government, 80 (operates from August 2016, but data is available only from September 2017). In contrast, local authorities consisting of 152 LBSGs on the USLP platform, received 9,840 e-petitions, while the Kyiv City Council (KCC) received 4,519. During this period, the same central authorities have obtained some successful e-petitions (which reached the number of signatures required for consideration). These include 39 successful e-petitions to the President, 3 to the Parliament, and 0 to the KCC. Similarly, during the same period, local authorities have received successful e-petitions, in the form of 1,683 e-petitions to 152 LBSGs and 46 to the KCC. Thereby, citizens submit the most e-petitions to the President. According to another study[17], in August 2017, on the EGAP Program online platforms, the e-petition service to 152 LBSG attracted 300,000 users. At the same time, according to the information by KCC, in October 2017, Kyiv City solely has involved over 479,000 users. Thus, it is possible to engage citizens to e-participation.

Themes (people's agenda)

Which themes are topical to the citizens? To identify this, an analysis was conducted of the statistics of e-petitions during September-October 2017 to the President, the Parliament, the Government (central authorities), and to Kyiv City Council (KCC), as a local authority, with the biggest number of users, applied and realized e-petitions.
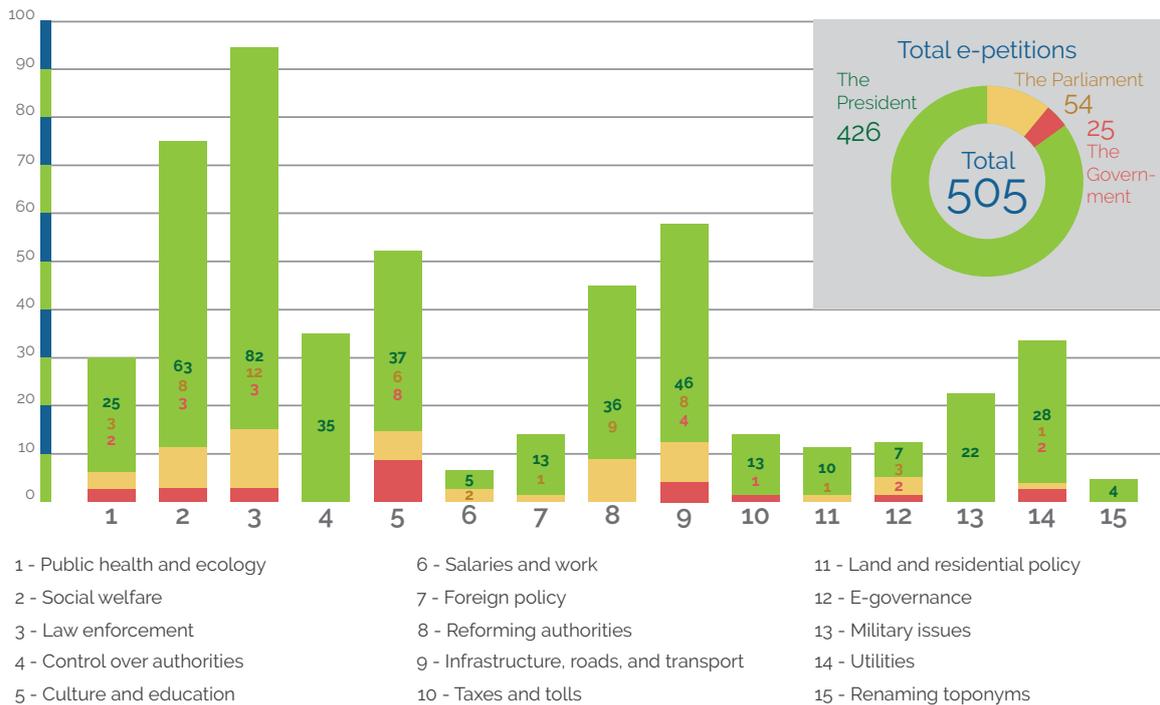
15. Tomkova, Jordanka, Oleksii Konashevych. 2016. "Policy Briefs on Good E-Governance. Issue #1: Legislative Aspects on E-Democracy in Ukraine." Retrieved August 1, 2016 (http://egap.in.ua/natsionalna-polityka)

16. Flonts, Volodymyr. 2017. "The Analysis of the First Electronic Petitions – Is It Possible to Identify Fake Votes on the Graph?" Retrieved September 2, 2017 (http://ed.org.ua/petition.html).

17. Loboyko, Serhiy, Anna Iemelianova, Kateryna Ivanchenko, Karina Litvinova, Stanislav Mahula, Arina Kuts, Anastasia Yaryhina. 2017. "The Results of Research 1 LSG." Retrieved September 2, 2017 (https://drive.google.com/open?id=0B0hZVPxisxY7VTZTSENEeTZsUlU).

Graph 4. The people's agenda to central authorities from September-October 2017.
E-petitions to the Parliament, the Government, and the President

1 - Public health and ecology
2 - Social welfare
3 - Law enforcement
4 - Control over authorities
5 - Culture and education

6 - Salaries and work
7 - Foreign policy
8 - Reforming authorities
9 - Infrastructure, roads, and transport
10 - Taxes and tolls

11 - Land and residential policy
12 - E-governance
13 - Military issues
14 - Utilities
15 - Renaming toponyms

Graph 4 reveals the top-3 themes of e-petitions:

1) law enforcement, social welfare, and public health; 2) infrastructure and utilities; 3) reforming authorities and controlling them. Hence, at the national level, people envision two priorities: first, ensuring security and high quality of life, and second, reforming political institutions.

Comparing this data with the one for June-August 2016[18], it is evident that over the last year the share of all social-economic issues (law enforcement, social welfare, public health, ecology, salaries and work, taxes and tolls, land and residential policies) in e-petitions to central authorities increased from 34% to 46%. As Graph 5 demonstrates, on the local level, among e-petitions to the KCC the most topical are the issues of infrastructure, roads, transport, and utilities. Therefore, citizens think that at the national level, social-economic issues, and at the local, infrastructural issues, are the priorities.

Graph 5. The people's agenda to KCC, from September-October 2017.
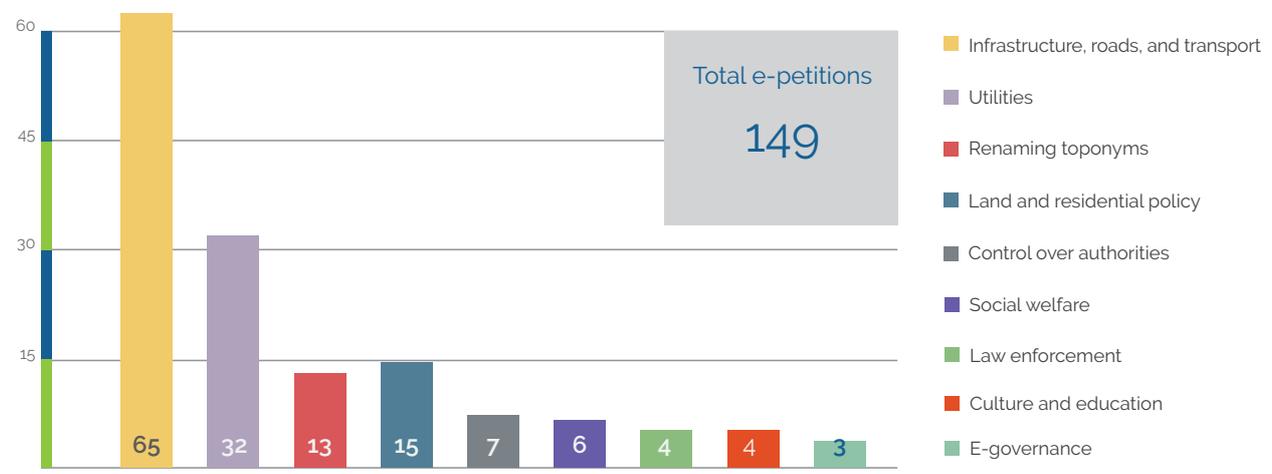
18. Communication of Changes. 2017. "People's Agenda. Summer 2016." Retrieved September 2, 2017 (https://www.facebook.com/ukrchanges/posts/824192527718383).

5

Best practices of introduction and implementation

According to recent studies, Kyiv city is a unique example of the introduction of local e-petitions, due to: the elaboration of a high-quality regulation jointly with the civil society[19], a prompt review, the obligation to develop an action plan, a personalized responsibility for implementation, the collaboration with the authors of petitions, and public reporting about realization[20].

But why do individual petitions become successful and realized? First of all, the motivation of authors is important—they can be inspired by local challenges or international experience. Second, it is crucial to describe a topical challenge and suggest a solution. Third, a large-scale communication campaign in mass media, social media, and amongst locals, facilitated by a team of supporters, would be helpful. Fourth, a regular dialogue of civic activists with local deputies aimed at explaining the importance of issues, suggesting an action plan, together with implementation monitoring is essential. This is confirmed by the opinions of authors of realized e-petitions in Kyiv.

> *"One should be ready to run his or her own project as a marathon, not a sprint."*
> *(Bohdan Dolintse, the author of the realized petition about public transport night routes).*

> *"I recommend to find like-minded people, think through an action plan, and decisively push for implementation of own initiatives." (Victoria Kyryliuk, the author of the realized petition about street cats in the urban ecosystem).*

> *"It is worth 'globalizing' a problem, so that a petition concerns as many Kyiv residents as possible."*
> *(Akim Halimov, the author of the realized petition about the museum on Poshtova Square).*

Conclusions

· E-petitions have become popular, the authorities introduce services and listen to citizens;
· Petitions frame the agenda for the public policy and thereby fulfill the functions of both direct and representative democracy;
· The hype over petitions has diminished, public opinion has become more balanced, and at the same time the majority of aware citizens support this e-participation instrument;
· Authors of petitions become public opinion leaders and create active urban communities;
· E-petitions to local authorities are more efficient then to central authorities, with some space for improvement.

Challenges

· Relatively few local authorities have introduced e-petition services and they lack professionals;
· The population is insufficiently aware about the existence and the use of e-petition service;
· On account of the lack of knowledge, some petitions are badly formulated and addressed to the wrong authorities;
· The issues of overlapping themes and consideration of contradicting ideas remain unsolved;
· There is a risk of abusing petitions for political purposes, in particular, via agenda-setting, submitting fake votes, and information campaigning;
· There is a risk of administrative abuse during pre-moderation and counting stages;
· Formal answers and abusing petitions for the benefit of authorities are possible, because of non-transparency in review and in implementation of petitions;
· Citizens lack mechanisms to monitor the review and control the realization of e-petitions.

19. Tomkova, Jordanka, Dmytro Khutkyy. 2017. "Policy Briefs on Good E-Governance. Issue #2: Implementing E-democracy: A Spectrum of Instruments and Choices." Retrieved February 10, 2017 (http://egap.in.ua/natsionalna-polityka).

20. Loboyko, Serhiy, Mykhailo Nakhod, Dmytro Khutkyy (Eds.). 2017. "Instruments of E-Democracy in the Cities of Ukraine. Information and Analytical Handbook." Retrieved September 1, 2017
(https://drive.google.com/drive/folders/0Bz4lVwLV-SsiOXhXMkpXY3JpalU?usp=sharing).https://drive.google.com/drive/folders/0Bz4lVwLV-SsiOXhXMkpXY3JpalU?usp=sharing.

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E-petitions in Ukraine: People's Agenda Setting

Recommendations

To central and local authorities:

- Jointly, with the public, elaborate or improve regulations based on best practices;
- Hold awareness-raising events and popularize e-petitions in mass media;
- Open the code for IT-solutions and API for e-petition signatures for monitoring and audit;
- Create infographics about the responsibility areas of central and local authorities;
- Reduce the number of stages, identify with digital signature, Bank ID, and Mobile ID;
- Add a deliberation space on e-petition platforms;
- Add statistics, visualization, and analytics modules with API about e-petitions;
- Focus on social-economic issues at the national level and on infrastructural issues at the local level;
- For every petition develop an action plan and appoint responsible officials;
- Be open for cooperation with the authors of petitions and civil society organizations;
- Review petitions transparently and regularly report to the public about their realization;
- Visualize topics and the progress of collecting signatures, review, and implementation.

To civil society organizations:

- Launch an awareness raising campaign about e-petitions as an e-participation instrument;
- Provide expert support for the authors of e-petitions during formulation and advocacy;
- Facilitate the dialogue between the authors and the authorities;
- Monitor e-petitions' review and control their realization.

To the authors of petitions:

- Choose a theme, topical for the target audience;
- Gather a team and get ready for a long-term work;
- Visualize a clear and a realistic result-oriented formulation;
- Launch an information campaign: meet with local residents, give interviews in mass media, and post in social media involving well-known people;
- Cooperate with authorities, while demonstrating mutual respect and a win-win approach;
- Monitor review and control implementation;
- Publicly announce the result and share the success story;
- Apply other instruments of online and offline democracy.

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References:

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