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BRIEF MEMO ON ONLINE PETITIONS

Enhancement of the quality of
public involvement and
dialogue during the
development of policies with
the use of the Ukrainian
e-democracy platforms

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ENHANCEMENT OF THE QUALITY OF PUBLIC INVOLVEMENT AND DIALOGUE DURING THE
DEVELOPMENT OF POLICIES WITH THE USE OF THE UKRAINIAN E-DEMOCRACY PLATFORMS.

BRIEF MEMO ON THE ONLINE PETITIONS

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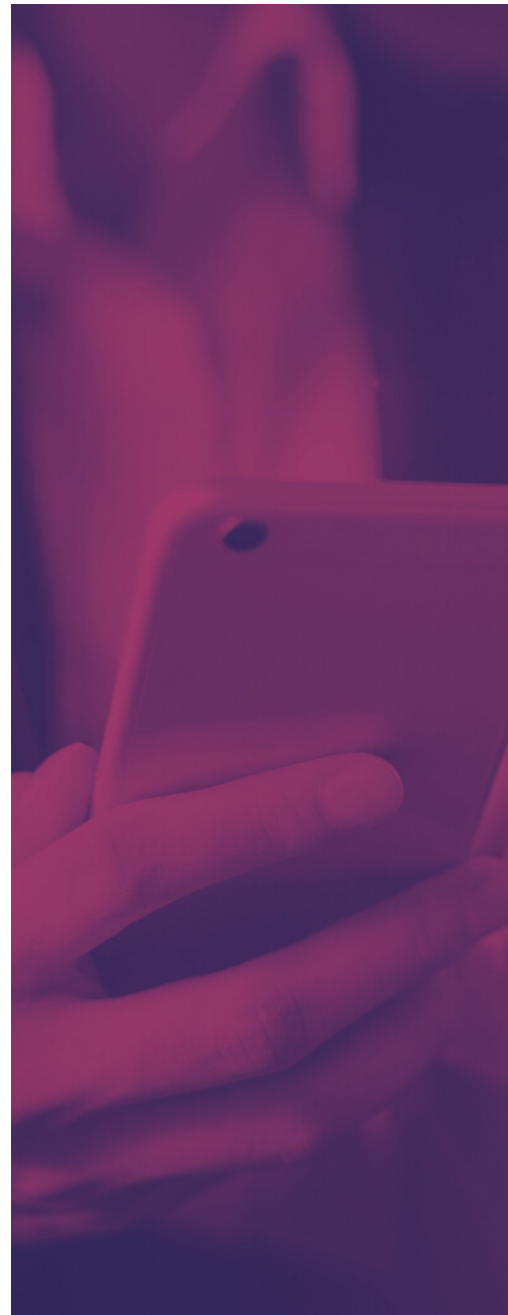
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ONLINE PETITIONS: ENHANCEMENT OF THE QUALITY OF PUBLIC INVOLVEMENT AND DIALOGUE WHEN DEVELOPING POLICIES WITH THE USE OF THE UKRAINIAN E-DEMOCRACY PLATFORMS

Online petitions in Ukraine become a popular instrument of public involvement in solving problems of national and local significance. Online petitions are addressed to the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine and, as of 01.06.2018, to 231 towns of Ukraine (60% of the total number of cities). 30,000 online petitions have been submitted to the President of Ukraine during 2015 – 2018.¹ Along with that, the percentage of the realized online petitions remains not so high.

In particular, it can be linked to the absence of a good quality and meaningful preliminary moderation of the online petitions. Instead of that, only conformance of the petition text to formal criteria stipulated in the Law of Ukraine “On citizens’ appeals”² or the Regulations of the appropriate local self-government body, wherein the additional criteria applicable to online petitions are often imposed is being made.

CURRENT STATUS AND PROBLEMS

In accordance with the study data¹ presented by the Centre for Innovations Development, the outcome of online petitions at the local level in Ukraine comprises 28% of the total number of the online petitions reviewed by local self-government bodies, and, approximately, 15% of those addressed to the President of Ukraine. At the same time, the outcome of the online petitions addressed to the Parliament of Latvia comprises 63%

It is possible that such a situation with online petitions in Ukraine arises because of the following:

- quite often online petitions are submitted to a body that has no authority to settle such issues (e.g. the petitions requesting to raise pensions are submitted to the local self-government bodies);
- quite often online petitions are badly prepared by authors and/or contain vague wording or vague ideas;
- online petitions are inexecutable.

1. Iemelianova A., Loboyko S. National study on e-petitions in Ukraine, 2018. Source: https://drive.google.com/file/d/1D1iKkOYNIKvzAnF_EtkhxHXqMLfZv2ko/view

2. Law of Ukraine "On citizens' appeals", 02.10.1996 #393/96-BP, Source: <https://zakon.rada.gov.ua/laws/show/393/96-%D0%B2%D1%80>



PROPOSALS

Taking into consideration the Latvian experience, we are of the opinion that it is expedient to consider a possibility of pre-moderation of the online petitions not only by formal, but also by the essential criteria. The editing instrument suggested by the Online petition platform “Mii Holos” can be an example of such pre-moderation.

Articulation of clear criteria for the online petitions and special Editing board can facilitate enhancement of the online petitions outcome.

Taking into account that the online petitions in Ukraine have been implemented legislatively, we consider it necessary to develop a separate regulatory legal act that regulates both the functioning of the online petitions in Ukraine and special criteria related to the quality of the online petitions, and the functions of the Editing board. Besides, various online discussions of ideas and online petitions should also facilitate quality enhancement of the petitions.

The Editing board of the “Mii Holos” Platform presents an example of the editing instrument’s performance.

The basic proposals concerning the criteria that can apply to the online petitions are as follows:

- the repeated online petitions should be combined with the previous petitions, and their authors should become the co-authors;
- the online petitions that have been submitted to a body that has no authority to settle the issue indicated in the petition should be re-directed to the appropriate body;
- refusal to post inexecutable and humorous online petitions.

Each decision accepted by the moderator and/or Editing board should be substantiated. The online petition author should be obligatorily notified about any changes. Appointment of a person responsible for exercising of the public functions related to consideration of online petitions, executors of online petitions, and reporting to public of their outcomes should become a routine practice at the state and local levels.

POSSIBLE CHALLENGES CONNECTED WITH ADOPTION OF THE PROPOSED DECISION



There are several challenges for the enhancement of participation and dialogue in Ukraine.

First, a low understanding of the requirement, as the online petitions have been functioning in Ukraine for the last 4 years; certain institutional memory of this instrument's functioning; and a lack of readiness to implement changes in a tense situation. However, a successful experience observed in Latvia (implemented by the Latvian NGO "ManaBalss") demonstrates that the society and the government agencies that make decisions fully trust the good quality editing instrument despite the longer process of assessing the online petition ideas and, sometimes, a necessity of additional consultations as compared with a process that excludes pre-moderation.

For the last 8 years, since the moment of implementing the good quality editing system, the latter's international potential and efficiency have been proved. The majority of online petitions in Latvia are submitted precisely via websites of non-governmental organizations. The good quality editing systems are trusted by society, politicians, representatives of the governmental authorities, and mass media. In Ukraine, this process is not of so high a quality. Frequently, we can hear thoughts that the online petitions are ineffective.

Secondly, even the implementation of clear-cut rules aimed at quality enhancement and, as a result, at the outcomes of the online petitions at the legislative level, can cause a legal condemnation of the society. As opposed to the Latvian case, the Ukrainian e-democracy platforms will remain either governmental or municipal in the short-term period. A risk of censorship under the pretence of quality enhancement remains a potential threat. Apart from that, the public opinion concerning implementation of the editing instrument and a possibility of clear-cut communication of the proposed changes necessitates wider research.



PROPOSED SOLUTION

"IT IS NECESSARY TO IMPLEMENT COMMUNICATION SUPPORT AND ADVOCACY OF A SEPARATE LAW ABOUT ONLINE PETITIONS"

Taking into consideration the assessment of the online petition outcomes, the Latvian experience and possible solutions and challenges, we are of opinion that it is necessary to implement communication support and advocacy of a separate Law of Ukraine "On online petitions", which would facilitate formation of the likeminded people around this idea; to ensure further discussion, and involvement of experts and developers of regulations in the determination of the ways to enhance quality online petitions.

The new legislation should formulate a set of qualitatively novel principles governing the functioning of the online petitions so as to improve to the full their texts, juridical, departmental, and specific agenda as well as enhance the prospects of their consideration by the official developers of policies; and regulation of the procedures for re-addressing and reporting. For this reason, the recommended steps for improvement of the system are precisely formulated amendments to the legislation and revision of the online petition system management.

Hence, the proposed solution to indemnify for social stigmatization will facilitate establishment of partnership relations between the governmental and municipal platforms, non-governmental organizations, and coalitions dealing with the electronic democracy issues, which would help to adopt a politically tough and well-thought-out (instead of secure the functioning of the "checks and balances mechanism) decision pertaining to the higher quality of the online petitions.

It is also important, to our mind, to learn lessons from the other member-states of the European Union so as to formulate a more comprehensive proposal for the legislative changes.