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E-petitions: New Ukrainian Experience in E-Democratic Communication. General Overview of the New Norms and Procedures of the Communicative Reform in Ukraine

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Abstract

The paper presents a general theoretical overview of the new norms and procedures of e-petitioning in Ukraine. E-petitioning is viewed as a new form of direct and effective political communication and participation that marks country's democratic advances. The article presents a brief history of petitioning and its e-modification after the worldwide growth of informational and communication technologies. We see e-petition as the most standardized and lawful form of e-democracy present in Ukraine. The changes to the Law of Ukraine "On the Appeals of Citizens" state electronic petition as a specific form of collective citizens' appeal to the President of Ukraine, Verkhovna Rada of Ukraine, Cabinet of Ministers and local governments.

The suggested analysis of the e-petitioning in Ukraine provides the information on the norms and restrictions of this form of government – people communication. E-petitioning can also be viewed as a new type of media discourse. Statistics on the visit-growth of the President of Ukraine portal prove e-petitioning popularity and suggest the necessity of adding e-petition services on the web-pages of the other governmental organs mentioned in the Law.

Keywords: *e-democracy, e-petitioning, informational and communication technologies, political discourse*

Abstrakt

W artykule przedstawiono ogólny teoretyczny przegląd nowych norm i procedur składania e-petycji na Ukrainie. E-petycje są postrzegane jako nowa forma bezpośredniej i skutecznej komunikacji politycznej i uczestnictwa, która wskazuje na postępy demokracji w kraju. Artykuł przedstawia krótką historię składania petycji i jej e-modyfikacji po globalnym wzroście technologii informacyjnych i komunikacyjnych. Widzimy e-petycję jako najbardziej znormalizowaną i legalną formę

e-demokracji obecną na Ukrainie. Zmiany w prawie Ukrainy „W sprawie skarg obywatelskich” stanowią, że elektroniczna petycja jako specyficzna forma zbiorowych obywateli zwraca się do Prezydenta Ukrainy, Rady Najwyższej Ukrainy, Gabinetu Ministrów i samorządów.

Proponowana analiza e-petycji na Ukrainie dostarcza informacji na temat norm i ograniczeń tej formy rządu – komunikacji ludzi. E-petycje mogą być również postrzegane jako nowy typ dyskursu medialnego. Statystyki odwiedzin portalu Prezydenta Ukrainy dowodzą popularność składania e-petycji i sugerują konieczność dodawania usług e-petycji na stronach internetowych innych organów rządowych wspomnianych w ustawie.

Słowa kluczowe: *Słowa kluczowe: e-demokracja, składanie e-petycji, technologie informacyjne i komunikacyjne, dyskurs polityczny*

In Ukraine recent years have been marked by tremendous political and social changes. Being at the crossroads between East and West, Ukraine has finally chosen its way back to common European cultural and historical space. The change of the political regime in 2014 resulted in dozens of reforms in economy, education, local management and administration, etc. New democratic norms of government – society collaboration demand new forms of their immediate and efficient communication.

The relationship between citizens and governments has also changed largely due to the increasing role of information and communication technologies. Different concepts have been adopted to describe this transformation such as e-government, e-governance, and e-democracy. Though meaning different things, they all refer to the use of electronic means to improve government's performance and citizen engagement (Janus, 2001).

Like democracy, e-democracy is a complex and contested concept, and a number of different models of e-democracy have been advocated. Reflecting these different views, e-democracy may encompass a wide range of democratic practices and is by no means limited to the formal institutions of representative government and politics. However, the term "e-democracy" is most often used to refer to activities in and around the sphere of conventional politics. Defined as such, the field of e-democracy includes the conceptualization and empirical study of key practices such as voting, rulemaking and consultation, deliberation, political campaigning and party activities, petitioning, and information provision and open government (Freeman, Quirke, 2013).

The emergence of the Internet created a popular avenue for discussion of political and social issues. Many scholars have explored the role of

computer-mediated communication in political discussion (Brundidge, 2006; Holt, 2004). Online discussion of political and social issues has occurred over many interactive channels, including e-mail, chat rooms, pages and groups in social media, e-petitions, e-consultations etc. Within online discussion research, some scholars argue that Internet communication serves as an excellent portal for debate among persons of varied opinions and beliefs (Kitchener, Kushin, 2009). "The ability of the Internet to unite those of disparate backgrounds has great potential for fostering debate and discussion of issues in the civic arena. In many cases, differences of opinion about, for example, political issues arise from lack of familiarity with the perspectives of other people." (Holt, 2004).

Political participation via the Internet seems to be less advanced, tend to remain at an experimental stage or are confined to very specific purposes. Online voting in general elections and referenda has so far only been introduced as a regular and guaranteed feature in Estonia; online consultations offered by governments are much more common (European Commission, Canadian federal government). Yet, compared to e-petitions, e-consultations are usually not codified in law, and can generally be characterized as non-compulsory (Lindern, Riehm, 2009).

Electronic petition is a specific form of collective appeal that has a limited number of addressees, must gain support of a certain number of signatories within a limited period of time and to be consider in a specific order. Petition as an instrument of e-democracy is mentioned in the legislative acts of the European Council and many other governments.

The origin of petition may be individual or collective, the form – paper or electronic. According to their judicial character, petitions are divided into advisory or imperative. Imperative petitions are obligatory for the government. In Finland, the petition that gets 50000 signatures becomes a draft legislation and the Parliament has to consider it in the priority order.

Advisory petitions are intended to analyze public opinion, examine issues important for both the government and citizens. This form of petition does not have any judicial consequences. All of the Ukrainian e-petitions are advisory because strict web-identification of the signatory is so far impossible (Zakirova, 2016).

Among the numerous possibilities to offer formal online participation channels to citizens, e-petitions were clearly the forefront of official, fully operational e-democracy activities of governments and parliaments. In 2000, the Scottish e-petitioner was the first e-petition system to be established by an elected parliament.

There are currently a number of e-petitions systems already in existence across the world including, the Scottish Parliament (introduced in February 2004), the Number 10 Downing street e-petitions facility (introduced in November 2006) and the National Assembly for Wales (introduced in April 2008) among the first (*Public*).

Formal e-petitions refer to institutionalized and at least to some extent legally codified e-petition systems operated by public institutions. In the case of paper petitions, the principal petitioner normally gets in touch with the administration after having collected signatures, and hands over the actual petition, the list with signatures and other required documents at once. The internet-based procedure, however, requires the petitioner to contact the administration prior to the signature phase. So far, only few insights could be gained on the political effects of this early procedural "filter". On the one hand, the early contact with the experts in the administration opens the opportunity to improve the petition text, and the petitioner may receive useful tactical advice on how to promote e-petition. On the other hand, it cannot be ruled out that the petitioner's genuine request might be distorted in the process (Lindern, Riehm, 2009).

The official web-page of the United Kingdom Parliament states: "petition is a formal written request from one or more people to the Sovereign, the Government or Parliament. The right of the subject to petition the Monarch for redress of personal grievances has probably been exercised since Saxon times. It was recognized in Magna Carta and more explicitly in Act of 1406. The Bill of Rights of 1688 restated that right in unambiguous terms, "it is the right of the subject to petition the King, and all commitments and prosecutions for such petitioning are illegal." (*Public*).

An understanding of the history and evolution of the right to petition relative to the development of speech and press rights crucial to ascertain the appropriate level of protection petitioners deserve today. In Medieval times, before the UK Parliament had assumed its present constitution and when its judicial and legislative functions were yet undefined, Receivers and Triers of petitions appointed by the Crown travelled the country to hear the complaints of people. The British Parliament first legislative acts occurred with the Commons petitioning the King for certain amendments to the law. The seventeenth century saw the development of what may be considered the "modern" form of petition – addressed to Parliament, drawn up in a prescribed manner, usually dealing with public grievances.

When the English government first began to speak of petitioning as an "inherent right" of citizens, the rights of speech, press and assembly were

regulated. These regulations called for and frequently resulted in punishment. Not only did government ordain petitioning as an individual right, but also treated it as one. From its inception in the thirteenth century and for approximately 500 years thereafter, petitioning was not a meaningful right because petitioners were frequently punished. Petitioning did not mature into an individual right in either England or American colonies until early in the eighteenth century. In both, England and the colonies, the changing political climate was the catalyst for this transformation.

In 2006 e-petitions appeared on the state level as the initiative of the PM Tony Blair. That was the time when the first electronic form for the individual petition was introduced; an option to support somebody's petition was also added. E-petitions that received more than 100000 signatures were presented to the Parliament for further analysis and decisions. In 2011 a new site appeared on the portal of the British government that was totally dedicated to the work with e-petitions. It was better structured, more informative and user friendly.

Development of e-petitioning as a form of direct and almost immediate communication with the government always marks periods of country's democratic advances. In December, 2013 Ukrainians started the collection of signatures for the petition aimed to impose sanctions on Viktor Yanukovych for not signing the EU Association.

Legislative history of the e-petitions in Ukraine started in July, 2014 when the legislative draft "On the Right of Citizens to Initiate Hearing of Legislative Acts by Government Authorities and Local Government" was presented. This draft provided main standards of a petition, mechanism of its creation and implementation.

In Ukrainian legislation, electronic petition is a special form of collective citizens' address to the President of Ukraine, Verkhovna Rada of Ukraine (Parliament), Cabinet of Ministers of Ukraine and local government organs. E-petitions can be submitted via an official web-site of the institution addressed or via a web-site of a non-governmental organization responsible for the collection of signatures supporting the e-petition (*Electronic*).

In March, 2015 the President of Ukraine introduced one more legislation aimed to implement changes to the Law of Ukraine "On Appeals of Citizens" thus giving people the opportunity to post electronic petitions. In July, 2015 Verkhovna Rada accepted the changes to the Law of Ukraine "On the Appeals of Citizens" that state electronic petition as a specific form of collective citizens' appeal to the President of Ukraine, Verkhovna Rada of Ukraine, Cabinet of Ministers and local governments. On August,

28 2015 the President of Ukraine issued a Decree "The Order of Hearing of the Electronic Petition" according to which the site of the President of Ukraine started accepting petitions on the very next day.

E-petition addressed to the President of Ukraine, Verkhovna Rada of Ukraine or Cabinet of Ministers of Ukraine will be considered in a special order after it collects not less than 25000 signatures within a 3 months term after the day of its publication. The number and terms of signatures collection under the e-petition addressed to the local municipality is determined by the Statute of the local community.

The contents of the e-petition in Ukraine prohibits: appeals to break Ukrainian constitutionalism; appeals to break territorial integrity of Ukraine; appeals to terrorism; war, violence, cruelty propaganda; exasperation of interethnic, racial and religious hatred; invasion of human rights and freedom; information that humiliates dignity, honour, rights and lawful interests of a person; materials and statements that threaten national interests and national safety of Ukraine; pornographic and sexual materials; election materials; commercial and advertisement materials.

The procedure of the e-petition creation and consideration differs depending on the state. In Ukraine, the e-petition procedure demands the following steps:

1. Formulation of the e-petition contents and its intended addressees (the President of Ukraine, Verkhovna Rada, Cabinet of Ministers or local government authorities). The e-petition must include the reason of the appeal and the name of its author.
2. The e-petition has to be submitted on the official web-page of the government authorities addressed in the petition or on the web-pages of non-governmental organizations responsible for the signatures collection.
3. Verification of the e-petition by responsible organ within two working days.
4. Publication of the e-petition on the official web-page of the government authorities addressed in the petition or on the web-pages of non-governmental organizations responsible for the signatures collection.
5. Collection of signatures to support the e-petition. If the petition fails to get the necessary amount of supporters, it will not be considered in special order, but only as an average citizens' appeal.
6. If the e-petition was published on the web-page of an NGO responsible for the collection of signatures, than after the end of the e-petition term all the information on the e-petition should be sent to a corresponding organ addressed within one day.

7. Consideration of the received e-petition by an organ addressed within 10 working days. The process may include collection and analysis of the information, verification of the arguments mentioned in the petition, but the most important outcome of this stage is the development of the action plan on the e-petition's appeal.
8. The results of the e-petition are announced on the next day after the finish of the consideration procedure. They should be published on the official web-page, sent to the author (initiator of the e-petition) and the NGO responsible for the collection of signatures (Reshota, 2015).

Except the contents and legislative norms, e-petitions have to follow strict time limits for the collection of the necessary number of signatures. In Ukraine, the time limit for the e-petitions addressed to the President of Ukraine, Verkhovna Rada and Cabinet of Ministers is 3 months since the day of their publication. Within this period, an e-petition has to be signed by at least 25 000 people. The number of signatures for e-petitions addressed to the local government authorities depends on the population of the political unit addressed (less than 1000 residents – not less than 50 signatures; 1 million – not less than 1000 signatures) (*Electronic*).

At the present moment, only the portal of the President of Ukraine has a specific site for electronic petitions, despite the law that demands similar possibilities for citizens on the portals of other governmental organs. The portal of the President of Ukraine also ranks among the most visited and active web-pages of the country. Obviously, the option of e-petitioning available on the portal made it attractive for the visitors.

A gradual democratic shift through e-participation has begun. Democracy and communication rights are quite interdependent, they promote transparency, effectiveness and accountability of governmental organs. New model of political communication mediated by advanced informational and communication technologies changes and "upgrades" the rules of legislative procedures and political decision-making. New forms of e-democracy like e-petitioning or e-consultations demand much of linguistic and social attention as they give birth to new types of media discourse and new social practices (Biskub, 2016).

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