

## **ARTIFICIAL INTELLIGENCE AND POLITICAL RIGHTS: CHALLENGES AND PROSPECTS FOR UKRAINE**

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**Abstract.** The article "Artificial Intelligence and political rights: challenges and prospects for Ukraine" explores the intersection of AI and political freedoms, highlighting both opportunities and challenges posed by the integration of artificial intelligence in political processes. It emphasizes the importance of ensuring the protection of fundamental human rights amidst the rapid digital transformation.

The authors analyze how AI technologies can enhance the transparency, efficiency, and inclusiveness of political systems, particularly in voting and public administration. They also stress the necessity of robust legal frameworks to address privacy concerns, data protection, and the ethical use of AI in political campaigns and governance. Moreover, the article discusses the implications of using AI in electoral systems, referencing international practices and lessons that Ukraine can adopt.

Key challenges include preventing data misuse (as seen in cases like Cambridge Analytica), addressing disinformation, and safeguarding against cyber threats. The authors propose adopting international legal standards, such as the General Data Protection Regulation (GDPR), and developing domestic legislation tailored to the Ukrainian context to balance innovation with the protection of political freedoms. In summary, the article advocates for a nuanced approach to AI integration, where technological advancements are aligned with democratic principles and human rights. It positions Ukraine as a potential leader in leveraging AI responsibly within its political framework.

**Keywords:** Artificial Intelligence, Political Rights, Electoral Process, Democratic Freedoms, Digital Technologies, AI Ethics, Data Privacy, Cybersecurity, Electronic Voting, AI Regulation, Disinformation, Digital Transformation, Political Participation.

In the modern world, digitalization has become an integral part of political life, offering both new opportunities and threats to the realization of political rights and freedoms. Digital technologies enable citizens to actively engage in political processes through online platforms, social networks, electronic voting, and access to open government data. However, these advancements are accompanied by challenges that require regulation and the safeguarding of fundamental rights.

The digitalization process profoundly impacts political rights and freedoms, creating both new opportunities for their realization and significant challenges. This particularly involves the protection of personal data, combating disinformation, ensuring the cybersecurity of electoral processes, and guaranteeing equal access to political information. Artificial intelligence (AI) allows for the near-complete elimination of the human factor in securing information systems, leaving only auxiliary functions such as monitoring and corrections. In this context, AI is a technology of the future. AI and its related technologies are opening new horizons in the digital age and are being actively employed in both civil and military spheres. According to expert forecasts, the implementation of such solutions is expected to contribute \$1 trillion to global economic growth in 2024 [1, c.52].

The development of artificial intelligence (AI) technology is leading to changes in the status of individuals in society, making it imperative that its application respects fundamental human and citizen rights, particularly labor rights, due to the "substitution effect." This dynamic introduces social issues and challenges related to the realization of certain rights and freedoms. Consequently, the use of AI technologies in socio-economic and administrative spheres must be approached with caution and subject to oversight by civil society and government authorities.

This necessity raises the question of legal regulation of these processes in Ukraine, where national legislation must adapt to the challenges of the digital age. Ukraine's integration into the European community, particularly its affiliation with the Council of Europe, underscores the country's commitment to a series of international legal obligations, primarily the respect for and protection of human rights. Among the commitments undertaken before the Council of Europe, a cornerstone was Ukraine's ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms in 1997 [2] and the associated recognition of the jurisdiction of the European Court of Human Rights. Issues related to the use of artificial intelligence (AI) must be regulated in accordance with the norms of international treaties and conventions ratified by the majority of European states. Specifically, this includes specialized international agreements in the field of AI development, such as the Council of Europe Convention on Cybercrime, commonly known as the Budapest Convention [3]; the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their Environment, as well as the General Data Protection Regulation (GDPR) [4].

The increasing volume of personal data processing poses significant threats to political rights and freedoms. Modern technologies enable the collection of vast amounts of information about citizens, including their political preferences, which are often utilized for targeted political advertising. For instance, during election campaigns, political parties leverage social media data for microtargeting, potentially distorting voters' free choice and influencing their political decisions.

On the other hand, insufficient attention to the protection of such data may lead to leaks or abuses, as was evident in the Cambridge Analytica scandal, where the data of millions of Facebook users were exploited to manipulate voters in the United States and the United Kingdom. Consequently, one of the primary challenges

of digitizing political processes is ensuring robust protection of citizens' personal data and preventing unauthorized use.

Digital technologies can also be employed to restrict political rights and freedoms through censorship and information control. Some governments use cybersecurity laws or anti-disinformation measures as tools to limit freedom of expression and access to information. For example, in countries like China and Russia, digital technologies are utilized to block opposition websites, social media platforms, or other channels where citizens can voice criticism of the authorities. Such restrictions undermine the principles of democratic society and facilitate the establishment of authoritarian regimes that leverage digital tools to exert control over their populations.

According to the provisions of current legislation, artificial intelligence (AI) is defined as an organized set of information technologies that enable the execution of complex and multifaceted tasks through the application of a system of scientific research methods and algorithms for processing information obtained or independently generated during operation. Furthermore, AI systems are capable of creating and utilizing their own knowledge bases, decision-making models, information processing algorithms, and determining methods for achieving predefined objectives [1, c.57].

At the same time, alongside the evident advantages of integrating AI technologies into all spheres of societal life, it is crucial to consider the potential threats and challenges to the realization of human rights and freedoms. In August 2012, philosophy professor Hugh Price published an article titled «Artificial Intelligence: Can We Keep It in the Box?» in which he urged serious consideration of possible risks associated with AI. Price argued that the first prudent step is to cease treating artificial intelligence as a subject of science fiction and start viewing it as a tangible reality that we or our descendants may inevitably confront.

The primary source of danger, according to Price, lies in the fundamental difference between anticipated artificial intelligence and human intelligence. Values such as "love, happiness, and even survival" are significant to us because of our evolutionary history. However, there is no reason to assume that machines will share these values with us. As Price suggests, machines may simply be indifferent to humanity, a scenario that could lead to catastrophic consequences [5].

The utilization of artificial intelligence (AI) raises critical concerns regarding human rights enshrined in international legal frameworks, such as the right to respect for private and family life, freedom of expression, non-discrimination, freedom of movement, the right to free and fair elections, and the right to a fair trial.

Ukraine is actively participating in the global process of improving the legal regulation of AI technologies and aspires to occupy a significant segment of the global AI market, aiming for leading positions in international rankings. The country has already started leveraging the experience of advanced European nations, such as Estonia, in its journey towards building an "electronic Ukraine." A notable milestone in this endeavor was the approval of the Concept of Artificial Intelligence Development in December 2020.

This strategic document aims to foster the integration of innovative AI technologies into key economic sectors, enhance public administration systems, and transform Ukrainian society in the context of the digital era. It outlines the priority areas and fundamental tasks for AI development in the country, focusing on creating a competitive national economy, improving public management, and ensuring the protection of individual rights and legitimate interests [6], the practical implementation of this Concept is expected to facilitate the integration of innovative technologies into economically significant sectors of the state. Artificial intelligence (AI) technologies are anticipated to drive the transformation of the economy, labor market, public institutions, and society as a whole. Their application is projected to reduce costs, enhance production efficiency, and improve the quality of goods and services.

The primary goal of the Concept is to identify priority directions and key tasks for the development of AI technologies, aiming to safeguard the rights and legitimate interests of individuals and legal entities, build a competitive national economy, and optimize public administration systems. The policy focuses on strategically important areas, including education and professional training, science, the economy, cybersecurity, information security, defense, public administration, legal regulation and ethics, and justice.

By targeting these priority sectors, the Ukrainian government seeks to establish an innovative and secure AI ecosystem that promotes national competitiveness while addressing both opportunities and challenges posed by emerging digital technologies [6].

Special attention in the provisions of the Concept is devoted to the development of artificial intelligence (AI) specifically in the field of cybersecurity. Ukraine's current legislation establishes that the primary task in the sphere of cybersecurity, as part of the implementation of state policy on AI development, is the protection of communication, information, and technological systems. This includes information technologies, particularly those used by operators (providers) of key services, including critical infrastructure objects that are essential for the continuous functioning of the state, society, and the safety of its citizens.

For a long time, Ukraine lacked legislation to regulate security issues in both the informational and cyber domains. The first attempt to address this gap was the draft Law of Ukraine "On the Fundamentals of Information Security of Ukraine," which proposed distinguishing between information security and cybersecurity. This distinction aimed to ensure that legal and regulatory frameworks address the unique challenges posed by each domain, while also providing comprehensive protection mechanisms in response to the increasing threats associated with digital transformation and the proliferation of advanced technologies.

By advancing legislative initiatives in cybersecurity, Ukraine demonstrates its commitment to creating a robust infrastructure capable of mitigating cyber threats, safeguarding critical assets, and securing the nation's integration into the global digital ecosystem. The continued development and refinement of such policies are vital to protecting citizens' rights and maintaining national security in the digital age [7]. Thus, the primary requirement is that collected personal data

must be adequately protected. Personal data should be gathered, used, and shared only with the knowledge and consent of the individual. Additionally, individuals must have access to their collected personal data, including the ability to correct or delete inaccurate information.

Presidential Decree No. 685/2021 enacted the decision of the National Security and Defense Council of Ukraine dated October 15, 2021, "On the Strategy for Information Security." This strategy outlines key concepts in the field of information security and provides an analysis of the primary threats and challenges in this domain. The document serves as a framework for addressing risks associated with data protection, cyber threats, and the integrity of information systems, emphasizing the importance of robust security measures to safeguard personal information and ensure public trust in the digital environment [8].

The Strategy explicitly emphasizes that the lack of an adequate level of information culture and media literacy within society, particularly during the rapid development of digital technologies, provides fertile ground for manipulating public opinion and conducting swift destructive information operations. This reality creates both potential and actual threats to Ukraine's information security. Therefore, the ability to analyze information from various sources and access reliable online resources becomes a critical component in countering disinformation, particularly from the Russian Federation, during the state of war in Ukraine.

In our view, the use of artificial intelligence (AI) technologies must prioritize the protection of human dignity as a fundamental and foundational human right upon which all other rights and freedoms are based. Any violation of human rights through the misuse of AI can thus be considered a violation of the right to human dignity. The deployment of AI technologies significantly alters the structure of human relationships, including legal relations, creating a new "human-machine" paradigm. This development impacts private law by necessitating a balanced legal framework for regulating the legal status of robots equipped with AI. It also raises the issue of holding these entities accountable for harm caused by their actions, as well as safeguarding intellectual property rights for creations generated by such robots.

The integration of AI technologies across all spheres of human life must prioritize safety, respect for human rights, and the intrinsic value of human dignity. A major issue stemming from AI usage today involves the infringement of human rights related to the confidentiality of private data on the Internet and interference in personal and private life.

Given the need for universal rules governing the use of AI technologies worldwide, especially in countries with varying levels of socio-economic development, it is essential to adhere to the principle of universality of human rights and the inviolability of fundamental human values. A key characteristic of universal rights is their inalienability and their restriction only under exceptional circumstances. According to the preamble of the European Convention on Human Rights, the effective guarantee of fundamental rights and freedoms is best achieved "through an effective political democracy." Article 3 of Protocol No. 1 of the Convention reinforces this by ensuring the mediation of freely elected

representatives and the right to vote and be elected in genuine periodic elections conducted based on universal and equal suffrage by secret ballot. These elections must safeguard the freedom of voters to express their will without undue influence.

This comprehensive approach underscores the importance of both legal and ethical considerations in the use of AI technologies to ensure their alignment with human dignity, rights, and democratic principles [9].

According to Article 25 of the International Covenant on Civil and Political Rights, every citizen, without discrimination or unreasonable restrictions, must have the right and opportunity to participate in public affairs directly or through freely chosen representatives. The European Court of Human Rights has elaborated on the application of this principle, emphasizing that holding elections at reasonable intervals is crucial for a genuinely democratic society, as the preservation of fundamental human rights and freedoms fundamentally relies on democracy. These conditions, according to the Court, include freedom of expression, as protected by Article 10 of the European Convention on Human Rights, as well as the principle of equality in granting all citizens the right to vote (active electoral rights) and the right to stand for election (passive electoral rights).

One of the key advantages of artificial intelligence (AI) is its potential to optimize electoral processes. AI integration enables the automation of various procedures, such as voter registration, vote counting, monitoring of violations, and the prevention of fraud. For instance, AI algorithms can analyze large datasets to detect anomalies, thereby enhancing the transparency and trustworthiness of electoral processes. Furthermore, AI application in political communication fosters greater public engagement in elections by increasing awareness about elections, candidates, and their platforms.

In Ukraine, the use of AI technologies in electoral processes remains at a developmental stage and requires legislative formalization. In contrast, many other countries have already embraced AI in electoral systems, particularly for electronic voting and rapid result processing. Currently, electronic voting systems are implemented in several countries, including the United States, Canada, Brazil, India, Belgium, Australia, Estonia, and South Korea. Experiments with such systems are also underway in countries like the United Kingdom, Germany, France, Spain, Portugal, Italy, Norway, Switzerland, Kazakhstan, Japan, and China.

In these countries, AI technologies in elections have demonstrated the potential to streamline processes and reduce inefficiencies, but their application also highlights the need for robust cybersecurity measures, transparency, and accountability. Ukraine, as it continues its journey toward digital transformation, has the opportunity to learn from international experiences to implement AI in its electoral processes effectively, ensuring both technological advancement and adherence to democratic principles [10].

For the Ukrainian electoral system, "electronic voting" is an entirely new and unfamiliar phenomenon, requiring a clear understanding of its essential characteristics. Electronic voting encompasses several different types of voting mechanisms. It includes

both the process of casting votes using electronic means and the automatic counting of votes through electronic devices and specialized software [12].

In Europe, voting equipment was first introduced in the Netherlands in 1969. By the early 1990s, the Ministry of the Interior implemented electronic voting systems, significantly modernizing the electoral process. By the year 2000, nearly 90% of voters were using electronic voting equipment.

However, due to growing concerns from critics about the transparency and security of electronic voting systems, the Netherlands reverted to traditional paper ballots during the 2008 elections. This decision highlighted the challenges and skepticism surrounding the use of electronic voting technologies, including issues of voter confidence, potential vulnerabilities to cyber threats, and the lack of robust auditing mechanisms.

In Estonia, electronic voting has been used for local elections since 2005 and for parliamentary elections since 2007. During the 2007 parliamentary elections, 30,275 citizens cast their votes online without leaving their homes. This marked a significant milestone in digital democracy, showcasing Estonia's leadership in leveraging technology for electoral processes [13].

In 2002, Estonia introduced electronic signatures and digital ID cards equipped with a code and microchip. These cards store visual data and two digital certificates, enabling user identity verification and secure digital signatures. [14, 15]. Today, the majority of eligible voters in Estonia possess these digital ID cards, facilitating widespread adoption of electronic voting and other e-government services. The system has earned international recognition for its efficiency and ability to ensure voter security and anonymity [16].

In the United States, voting technology has similarly undergone significant modernization. Traditional punch cards have largely been replaced by electronic voting machines equipped with touchscreen systems. Voters can make their choices by simply tapping the screen, streamlining the voting process. This system has been implemented in voting districts across 42 out of 50 states, representing a substantial technological shift [17]. The deployment of these touchscreen voting machines cost approximately \$4 billion, reflecting the significant investment required for electoral modernization. However, the adoption of such systems has also sparked discussions regarding transparency, security, and trust in electronic voting.

In Switzerland, a country of referendums, about 90% of voters prefer the traditional voting method. The electronic voting system "E-Voting" is being implemented as part of the strategic project "Vote électronique." The first trial of electronic voting took place in 2003 during municipal elections in the canton of Geneva. In 2005, similar pilot projects were carried out in the cantons of Neuchâtel and Zurich. Today, this system partially covers voters in 13 out of 26 cantons. According to experts, the further expansion of electronic voting will require the authorities to urgently implement second-generation software that will enable unequivocal voter authentication/verification. The strategic perspective of Swiss democracy is the further development of Internet technologies for the direct participation of citizens in state governance [18].

Ukraine is still taking its first steps toward implementing an electronic voting system. At the legislative level, an adequate framework for this has not yet been established. Member of Parliament O.I. Tyshchenko submitted a draft resolution to the Verkhovna Rada on the introduction of "electronic voting," which aims to ensure transparency in the interaction between the government and Ukrainian citizens, but the project has not yet been implemented. Since 2002, the Central Election Commission has operated the Unified Information and Analytical System "Elections" in one form or another, designed to quickly determine preliminary voting results [12].

The National Ministry of Digital Transformation implemented a pilot project with PrivatBank's Smart-ID. This involves identification using an electronic signature stored not on a chip but on a SIM card. Thus, each individual can easily obtain an identification tool. This innovation represents another step toward the introduction of an electronic voting system. However, the signature on a smartphone is insufficiently protected against hacking.

From the perspective of ensuring human rights, particularly the right to fair and transparent elections, the following drawbacks should be noted:

- electronic voting cannot guarantee full protection against fraud through interference by interested parties in the system's operation;
- additionally, there is a risk of data leakage and a breach of the right to voting secrecy;
- the transparency and reliability of technological solutions for this type of voting will always remain a significant concern, leading to distrust in the voting results;
- the greatest disadvantage of implementing an electronic voting system in the context of modern Ukraine, given the ongoing hybrid aggression, is the potential for cyberattacks on the system, particularly from the aggressor country.

Since 2015, Ukraine has successfully implemented an «electronic petitions» system, enabling citizens to address government authorities, submit complaints, or make proposals. An electronic petition is one of the tools of e-democracy. According to the Law of Ukraine «On Citizens' Appeals», a petition is a specific form of collective appeal by citizens, including suggestions (comments), applications (requests), and complaints, presented in written or oral form. The first petition to gain the required number of votes was submitted by the Association of Gun Owners of Ukraine, which demanded the legislative establishment of the right of Ukrainian citizens to self-defense. During the processing of signature data, so-called «bots» were detected, attempting to inflate the number of signatures. Studies indicate that in 2018, more than 1,000 consultations were provided via electronic applications [20].

Currently, citizens can submit electronic petitions on the official websites of the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, and local government authorities.

The digitization of political processes creates new opportunities for engaging citizens in political life while posing significant challenges to the protection of political rights and freedoms. Ukrainian legislation requires further adaptation to

the emerging realities, particularly in the areas of personal data protection, cybersecurity, and combating disinformation. Achieving a balance between freedom of speech and the need to protect national security while adhering to democratic principles is critical. Ensuring the balance between freedom of expression and the necessity to safeguard national security and state interests is especially vital. Governments and international organizations must enhance mechanisms to protect political rights and freedoms in the digital age, avoiding the creation of systems that violate fundamental principles of democracy and human rights.

The digitization of political processes in Ukraine reflects broader global trends while simultaneously introducing challenges related to the protection of political rights and freedoms. Despite existing legal frameworks, Ukrainian legislation exhibits significant gaps that impede the effective regulation of digital aspects of political life.

Insufficient protection of personal data. The Law of Ukraine «On Personal Data Protection» provides basic requirements for the processing and storage of data but does not address the specificities of modern digitization. For instance, the absence of clear regulations on the use of personal data during political campaigns (such as microtargeting and citizen data analysis) creates opportunities for abuse, similar to the Cambridge Analytica case. Improving mechanisms for personal data protection by adopting international standards such as GDPR and establishing clear rules for political entities' use of voters' personal data is essential.

Insufficient cybersecurity of the electoral process. Despite the existence of the Law «On the Basic Principles of Cybersecurity», the protection level of electoral infrastructure remains inadequate. Cyberattacks on the Central Election Commission during elections highlight the urgent need to strengthen protective measures and adopt modern technological solutions. Furthermore, Ukrainian legislation does not yet offer adequate protection for digital platforms used in political campaigns, nor does it provide clear regulation of cybersecurity threats within the electoral process.

Unregulated disinformation. One of the most significant challenges is combating disinformation, which can undermine political processes and influence election outcomes. Legislation on disinformation in Ukraine is still under development, but initiatives such as the draft law "On Disinformation" have sparked considerable controversy. It is crucial to strike a balance between ensuring freedom of speech and combating fake news by creating mechanisms for accountability in spreading disinformation without infringing on citizens' democratic rights.

Gaps in regulating digital rights and freedoms. Ukrainian legislation insufficiently addresses modern digital challenges related to political rights, particularly in the context of online communications, digital platforms, and social networks. Electoral campaigns actively utilize online resources, but their impact on political processes is not yet adequately regulated. For instance, there are no clear mechanisms for controlling the use of political advertising on social media platforms.

While Ukraine is making strides toward integrating international standards into its legislation (including through alignment with GDPR), significant gaps

remain in harmonizing with global requirements. This applies to both the protection of personal data and the safeguarding of privacy rights in the digital space. An analysis of Ukrainian legislation reveals several shortcomings in the face of rapid digitization, necessitating improvements. Among the most pressing challenges are the protection of personal data during elections, combating disinformation, and ensuring the cybersecurity of critical infrastructure.

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