

Flygtningenævnets baggrundsmateriale

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Freedom of the Press 2017 – Ukraine

Press Freedom Status: Partly Free

Total Score: 53/100 (0 = Most Free, 100 = Least Free)

Legal Environment: 13/30

Political Environment: 25/40 (↓1)

Economic Environment: 15/30 (↑1)

Note: The numerical ratings and status listed above do not reflect conditions in Crimea, which is examined in a separate report. *Freedom of the Press* country reports assess the level of media independence in a given geographical area, regardless of whether it is affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Quick Facts

Population: 42,700,000

Freedom in the World Status: Partly Free

Net Freedom Status: Partly Free

Internet Penetration Rate: 49.3%

Key Developments in 2016:

- Regulators launched an ownership transparency mechanism for television and radio companies, requiring them to disclose detailed information about the identities of their owners.
- Efforts to transform the state radio and television companies into a public broadcaster continued, although organizational and funding challenges, as well as difficulties in the termination of some state companies, continued to delay the process.
- In November, the government approved plans for the privatization of 244 print outlets with the aim of safeguarding these publications' editorial independence from state influence.
- Violence, threats, intimidation, and harassment against media professionals and organizations continued; in the most alarming case of the year, a car bomb killed prominent journalist Pavel Sheremet in July.

Executive Summary

Ukraine's media environment has significantly improved since a change in government in 2014, and ongoing reforms continue to strengthen the legal and economic framework for journalists and

outlets. However, there are several remaining challenges, including undue political interference with content as well as violence, harassment, and other abuse of journalists.

The government continued to adopt new media legislation in 2016, and implemented a number of positive reforms passed in the previous year. In June 2016, President Petro Poroshenko signed a law to facilitate transforming the country's state radio and television companies into a public broadcaster, a process that began in 2014. The government also took steps to reduce state influence in the print sector in November, approving a list of 244 publicly owned local print outlets for privatization. Separately, to comply with legislation that came into force in October 2015, broadcasters began disclosing detailed information about the identities of their owners – including ultimate beneficiaries.

Journalistic access to the Donbas regions of Donetsk and Luhansk, partly held by separatists since 2014, remained restricted. Although violence against the press has significantly decreased since its peak in 2014, attacks on media professionals and houses nevertheless continued. In July, a car bomb killed Sheremet, who had a show on Radio Vesti and reported for the independent online paper *Ukrayinska Pravda*. In May, the vigilante website *Myrotvorets* published the personal information of approximately 5,000 Ukrainian and foreign media professionals who had received accreditation from separatist authorities in Donetsk and Luhansk to report on the conflict. Several journalists reported receiving threats following the publication of the list. Although authorities opened an investigation into the case, the website continued to update the data, and also published a separate list of information about Ukrainian journalists working in Russia.

Ongoing instability and violence in Donbas, as well as concerns about general Russian interference in Ukrainian affairs, continued to create tensions in the country's political environment and affected the government's attitude toward the media. At a press conference in June, Poroshenko requested that journalists refrain from covering negative stories about Ukraine, a statement that media watchdogs decried for undermining journalistic independence. After *Myrotvorets* exposed the personal details of thousands of journalists, Interior Minister Arsen Avakov and lawmaker Anton Herashchenko praised the website's actions.

Legal Environment: 13 / 30

The constitutional and legal framework for the media in Ukraine is among the most progressive in Eastern Europe, though its protections are not always upheld in practice. Legislation adopted in 2015 increased penalties for crimes against journalists and established mechanisms for financial assistance to journalists who are injured, and to the families of those who are killed, while performing their professional duties. Impunity for crimes against the media nevertheless remains a problem in Ukraine, with many incidents reportedly going unpunished.

A separate package of 2015 laws banned symbols related to "communist and Nazi totalitarian regimes" – with some exceptions, including for educational purposes – and penalized the denial of the "criminal nature" of these regimes. They also criminalized public denial of the legitimacy of several groups that fought for Ukrainian independence in the 20th century. Local and international media rights organizations expressed concerns that the broadly worded laws could discourage open debate and critical journalism about politically sensitive topics.

In a case that tested the legal system's tolerance for dissenting views on national security issues, journalist and blogger Ruslan Kotsaba was sentenced in May 2016 to three and a half years in prison for allegedly obstructing the armed forces by calling for a boycott of military conscription in a video posted to YouTube in 2015. In July, however, an appellate court overturned the conviction and released Kotsaba, who had spent a year and a half in detention.

In February 2016, the parliament adopted a law that criminalized the illegal seizure of journalists' materials and other actions that improperly obstruct their work, though the quality of enforcement of the new measure remained in doubt. Journalists have the legal right to protect the confidentiality of sources unless compelled by a court order. Libel was decriminalized in 2001, and in 2009 the Supreme Court instructed judges to follow the civil libel standards of the European Court of Human Rights, which granted lower levels of protection to public officials and clearly distinguished between value judgments and factual information. Officials nevertheless continue to use the threat of libel lawsuits to deter critical reporting.

The courts in Ukraine reputedly suffer from corruption and political dependence on the executive branch, affecting their impartiality when dealing with media-related cases. Conflicting laws on the media's ability to monitor and record courtroom proceedings have led to disputes between journalists and judges.

The 2011 law on access to public information, reinforced by a number of other laws, is considered one of the best of its kind in Europe, though implementation remains problematic. The Institute of Mass Information (IMI), a Ukrainian nongovernmental organization (NGO), has reported that restrictions on journalists' access to public information are most often imposed by local authorities. The February 2016 legislation to criminalize obstruction of journalists' work notably included a provision that would punish unlawful denial of journalists' requests for information.

Legal requirements for the establishment and operation of private media outlets are not unduly onerous, although print media must be formally registered with the state. Registration is not required for online media. Television and radio outlets must obtain licenses from the National Television and Radio Broadcasting Council, which has been criticized at times for opaque decision-making, bias in favor of major media holdings, and failure to punish content violations. A 2015 law required the council to release detailed explanations of its licensing decisions.

There are no burdensome restrictions on freedom to pursue the journalistic profession, and a number of groups and associations, including the National Union of Journalists and the Independent Media Trade Union of Ukraine, are able to support journalistic interests. However, Russian-backed separatist authorities in the eastern regions of Donetsk and Luhansk have been known to deny accreditation to both local and foreign journalists based on accusations of "propagandistic" or "negative" reporting.

In October 2016, prominent online newspaper *Ukrayinska Pravda* reported that it had obtained recordings suggesting that its staff had been under surveillance by the Security Service of Ukraine (SBU). The paper called on authorities to explain, but the SBU declined on national security grounds.

Political Environment: 25 / 40 (↓1)

The content of private media outlets is often influenced by the political or commercial interests of their owners. At least four major media groups, which together garner a television audience share of about 76 percent, are owned by powerful business magnates, or oligarchs, whose primary businesses are not in the media sector. Public media also reportedly face editorial interference. Zurab Alasania resigned as head of the public broadcaster in November 2016, citing government pressure over recent investigative reports on corruption as one of the reasons for his departure.

Freedom of access to official sources varies, depending on the public institution or official. Local officials in particular have been known to restrict media access to the activities of government bodies.

The constitution prohibits censorship, but some forms of de facto censorship have been used to control media content in the country. The National Television and Radio Broadcasting Council obtained court orders in 2014 to temporarily suspend the retransmission of certain Russian channels in Ukraine. The suspensions came after Russian state-controlled news outlets carried aggressively propagandistic content that was apparently designed to support the Russian occupation of Crimea, encourage pro-Russian separatism in eastern and southern Ukraine, and discredit the new government in Kyiv. The retransmission of a number of Russian channels remained barred during 2016.

In occupied areas of Donetsk and Luhansk, Russian-backed separatists retained control of broadcasting facilities that they had seized in 2014, and continued to block the transmission of most Ukrainian television channels. The self-proclaimed governments of these regions have also restricted access to numerous websites.

Ukrainian journalists have reported a degree of self-censorship on politically sensitive issues, such as alleged human rights abuses by the military in the Donbas conflict.

Despite the role of oligarchs and other pressures on journalistic freedom, the Ukrainian media collectively offer some diversity of viewpoints, ranging from the popular television channel Inter, which is regarded as pro-Russian, to President Poroshenko's 5 Kanal and anti-Russian outlets like the magazine *Ukrainian Week*. However, observers have noted growing nationalistic tendencies in Ukrainian journalism that damage objectivity and reduce reporters' and managers' willingness to challenge government narratives or pursue critical investigative work. Some outlets continue to focus on public-interest journalism, including the nonprofit Hromadske.TV and the state-owned television channel UA:First, though their market share is limited. The media's considerable reporting on official corruption rarely results in meaningful enforcement action by the authorities.

The government continues to restrict access to the country for some foreign journalists on national security grounds. In May 2016, Poroshenko issued a decree barring entry to 17 Russian journalists until the end of 2017. The SBU reported in December that it had denied entry to 61 Russian journalists during 2016.

In April 2016, the presenter of a well-known Russian-language political talk show, Canadian and Italian citizen Savik Shuster, was banned from working in Ukraine. The employment agency's decision on his work permit was reversed by a court in June. However, under pressure from an

ongoing tax case and financial difficulties, Shuster's online television outlet announced in December that it would cease operations in early 2017.

IMI registered more than 100 cases of interference with journalistic activities, over 40 cases of threats or intimidation, and 30 cases of beatings or assaults on journalists in 2016, with most incidents perpetrated by individuals, law enforcement officers, or local officials. In July, journalist Pavel Sheremet, who wrote about topics such as corruption in Ukraine and Russian propaganda, was killed by a bomb in the car he was driving. The vehicle belonged to his partner Alena Pritula, owner of *Ukrainska Pravda*, suggesting that she might have been the intended target.

In May 2016, the Ukrainian website *Myrotvorets* published the names and personal information of about 5,000 journalists accredited by pro-Russian forces in Donbas. The journalists were then denounced by Interior Minister Avakov, and some faced harassment and death threats. Anton Herashchenko, the minister's adviser and a member of parliament who joined Avakov in praising the website's actions, was suspected of playing a role in the publication. Poroshenko criticized the website in June, but urged reporters not to write "negative" articles about Ukraine. The case remained under investigation at year's end.

The offices of the television station Inter were attacked or besieged by nationalist protesters on several occasions in 2016. In September, a group of masked assailants set fire to the building, injuring a number of employees. Separately, cyberattacks on media outlets were a routine occurrence during the year, according to IMI.

Economic Environment: 15 / 30 (↑1)

Most media in Ukraine are privately owned, and the most popular source of news is television. Officials have moved in recent years to transform Ukraine's state television and radio outlets into public-service broadcasters. A 2015 law established a new public broadcasting corporation that would be overseen by a supervisory board with strong civil society representation. It was set to begin operations in January 2017. In June 2016, Poroshenko signed legislation requiring the merger of all state and regional media companies into the new entity, with provisions designed to overcome obstruction by the state enterprise Ukrtefilm, which had resisted the reform.

A number of state television and radio companies duly merged into the new public broadcasting company during 2016, and in December the cabinet approved the charter of the organization, dubbed the National Public Broadcasting Company of Ukraine (UA:PBC). However, its initial budget allocations were substantially below the level expected, which Alasania cited as one of the reasons for his resignation in November.

A law adopted in December 2015 facilitated the privatization of print media owned by central, regional, and local government authorities, which watchdogs praised as an important step toward increasing pluralism in the sector. Implementation was slow, however, and the list of 244 print outlets to be privatized during the first stage of the reform was approved by the cabinet only in November 2016.

The private media sector is characterized by large holdings under the control of influential politicians and oligarchs. For example, the television station 5 Kanal is owned by President Poroshenko. The Inter group is owned by opposition lawmaker Serhiy Lyovochkin, oligarch

Dmytro Firtash, and former SBU head Valeriy Khoroshkovskiy. Media Group Ukraine and the newspaper *Segodnya* are owned by oligarch Rinat Akhmetov, while oligarch Viktor Pinchuk owns Star Light Media.

Legislation that came into force in late 2015 banned individuals or entities from offshore economic zones or "aggressor or occupier states" – a designation determined by the government – from establishing or owning broadcasting or program service provider companies in Ukraine.

Ownership transparency among television and radio companies increased during 2016 as result of the same 2015 legislation, which required broadcasters and program service providers to disclose detailed information about their ownership structures, including the identities of ultimate beneficiaries. The companies consequently identified their ultimate beneficiaries on their websites. There is a lesser degree of transparency regarding ownership of print media, but ultimate beneficiaries in many cases can be ascertained via a registry maintained by the Justice Ministry. Online media are not subject to regulations on ownership transparency.

The government does not restrict access to the internet, which was used by about 49 percent of the population as of 2015. Ukrainians have increasingly turned to online platforms, including social media, for their news and information.

Although a crowded media market – with some outlets supported by wealthy owners – makes it difficult for new enterprises to become financially sustainable, the basic costs of establishing and operating media outlets are not generally prohibitive. Zeonbud, the country's only digital terrestrial television transmission company, announced substantial price cuts for its services in August 2015. The company, which had obtained an exclusive license through an opaque process in 2010, was declared a monopoly in 2014 and fined by the state antimonopoly committee in December 2015 for abuse of its dominant position in the market. However, an economic court invalidated the finding on monopoly abuse and removed the penalty in May 2016; that ruling was confirmed by the Supreme Economic Court in October.

Difficult economic conditions in Ukraine have placed the media sector, particularly small outlets, under financial strain in recent years. Advertising revenue for print media has declined, leaving newspapers even more financially dependent on politicized owners. Paid content disguised as news (*jeansa*) remains widespread and weakens the credibility of journalists, especially during elections. IMI monitored *jeansa* materials from April until December 2016, finding that the city of Mykolaiv had the highest percentage in print media (15 percent), while the city of Dnipropetrovsk had the highest percentage in online media (7 percent). The nonprofit outlet Hromadske.TV continued to rely in part on funding from foreign donors in 2016.