

Freedom of the Press 2014 - Ukraine

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2014 Scores

Press Status: Not Free

Press Freedom Score: (0 = best, 100 = worst) 63

Legal Environment: (0 = best, 30 = worst) 19

Political Environment: (0 = best, 40 = worst) 24

Economic Environment: (0 = best, 30 = worst) 20

Status change explanation: Ukraine's status declined from Partly Free to Not Free due to a dramatic increase in harassment and violence against journalists as they covered the Euromaidan protests that began in November, including targeted attacks by police and hired thugs. In addition, increased concentration of print media ownership by progovernment groups resulted in the departure of leading journalists from key publications, including *Forbes Ukraine* and *Korrespondent*. In the broadcast sector, TVi, one of the few remaining critical television channels, went through a contentious change of ownership in April, prompting more than 30 of its top journalists to resign due to the opaque manner of the takeover and expectations that the station's independence would be sacrificed.

Press freedom deteriorated sharply in 2013, culminating in a spike in harassment and violence against journalists as they covered the so-called Euromaidan protests against the government of President Viktor Yanukovich that began in November. Earlier in 2013, the print and broadcast sectors experienced contentious ownership changes, resulting in the departure of leading journalists from prominent outlets.

The constitution and legal framework generally provide for media freedom and are among the most progressive in Eastern Europe. Libel was decriminalized in 2001, and in February 2009 the Supreme Court instructed judges to follow the civil libel standards of the Strasbourg-based European Court of Human Rights, which granted lower levels of protection to public officials and clearly distinguished between value judgments and factual information. Nonetheless, officials continue to use libel lawsuits filed in the country's politicized court system to deter critical news reporting. In July 2012, the ruling Party of Regions proposed a bill that would recriminalize libel and insult, allowing up to five years' imprisonment for convicted offenders. The parliament initially passed the draft law in September of that year, but withdrew it in October amid intense domestic and international criticism. In March 2013, the defamation debate was reignited by Ukraine's first deputy prosecutor general, Renat Kuzmin, who argued in a 12-page opinion piece in a local business journal that libel should be recriminalized and should extend protection not only to people

but to institutions, particularly to the courts. Despite these remarks, no proposal to recriminalize libel was considered by the parliament during the year.

In late 2012, a new code of criminal procedure was implemented. Article 171 of the code prohibits interference with the professional activities of journalists, but prosecutions for such interference are rare. According to the Institute of Mass Information (IMI), a local media watchdog group, in the first six months of 2013 only three of the 117 cases filed under Article 171 were heard in court.

The parliament passed access to information legislation in 2011, but the government has stalled in passing necessary amendments to related legislation that would allow for enforcement of the law. As a result, many agencies continue to deny information requests, particularly concerning the income and asset disclosures of public officials. Draft Law No. 0947, which has been pending before the parliament since May 2012, contains amendments to more than 55 other contingent laws and would strengthen administrative sanctions for noncompliance with the law on access to information. In June 2013, media advocacy groups stepped up pressure on legislators to approve the bill before their summer recess, but it remained pending at year's end.

The National Television and Radio Broadcasting Council (Natsrada) remains unreformed and regularly applies regulations in a secretive and highly partisan manner. The council used the transition from analog to digital television broadcasting in 2011 to deny licenses to editorially independent stations such as TVi, TRC Chernomorskaya, and Rivne 1, while awarding digital licenses to progovernment stations or new outlets that were registered abroad to unknown owners. Allegations of bias in the awarding of licenses continued in 2013. In November, the national channel 112 Ukraine – believed to be connected to First Deputy Prime Minister Serhiy Arbuzov – was created after Natsrada allowed five companies licensed in 2011 to merge. The channel was rapidly integrated into cable, satellite, and internet platforms, a process that would normally take years.

Although media coverage, including on electoral campaigns, remains more pluralistic than in Russia and other authoritarian states in the region, the politicization of private media has increased under the Yanukovych administration. Meanwhile, the country's state media remained unreformed in 2013 and continued to serve the interests of senior politicians and the bureaucracy. Politically loyal managers have been appointed to the state-run outlets, and those who failed to ensure favorable coverage have been illegally dismissed. Efforts to transform the state broadcaster into a public-service broadcaster have stalled since 2010. In July 2013, legislation to move the process forward finally passed its first reading in the parliament, but critics warned that the draft law, which would make the broadcaster accountable to the cabinet rather than a nonpartisan board, does not provide sufficient guarantees for its independence. The bill remained with the parliament at year's end.

Many independent journalists and activists reported cyberattacks in 2013, particularly during the Euromaidan protests. In August, *Ukrayinska Pravda*, the country's most influential online news outlet, came under pressure attributed to the president's allies, with the establishment of look-alike websites and publications meant to tarnish its image. The executive director of IMI reported that her personal e-mail account had been hacked and the information posted to a *Ukrayinska Pravda* copycat site. A new and independent online news site, Hromadske TV, which broadcast many of the Euromaidan events in real time, reported frequent blocking of its signal.

A steady stream of threats and harassment against the media continued in 2013, as the country's weak and politicized criminal justice system failed to protect journalists from abuse by politicians, businessmen, and criminal groups. IMI registered 496 free speech violations during the year, with the largest number falling under the category of "impeding journalistic activities." Taras Chornoivan, chief editor of the local news website *Tarasova Pravda*, was brutally attacked by three unidentified men in the central city of Vinnitsa in March. Chornoivan believes the attack was provoked by a series of articles that accused a former governor, Aleksandr Dombrovsky, of vote rigging. In May, two reporters covering an opposition rally outside the Interior Ministry in Kyiv were punched and kicked by a group of assailants that had earlier clashed with the protesters. The attack occurred in full view of more than half a dozen police officers, yet none of them intervened. When 10 journalists staged a silent protest outside a cabinet meeting several days later to condemn the impunity for the attacks, Prime Minister Mykola Azarov revoked their press credentials. Multiple attacks occurred in July. Two journalists from Channel 5 television were assaulted by special police forces during a demonstration denouncing the gang rape of a local shop owner in Kyiv, while a reporter for the popular website Roadcontrol.org.ua – which exposes abuses by corrupt traffic police officers and other law enforcement agents – was severely beaten in Donetsk. Another television journalist who reported on police corruption was hospitalized after an attack outside his home in eastern Ukraine, and Russian photojournalist Dmitry Kostyukov was assaulted by 15 to 20 plainclothes men in Kyiv as he photographed three activists associated with the feminist protest group FEMEN on July 27. The activists were later arrested on charges of "petty hooliganism."

Attacks against journalists escalated in November, as many reporters were deliberately targeted by the special police unit Berkut during its attempts to clear protesters from Kyiv's Maidan Nezalezhnosti (Independence Square), the focal point of demonstrations against Yanukovych's decision not to conclude an association agreement with the European Union. In the days leading up to the president's December 2 announcement of a new partnership agreement with Russia, the Media Law Institute in Kyiv reported that more than 50 Ukrainian and foreign journalists were beaten, injured by stun grenades and tear gas, or arrested while covering the protests. Media groups were also attacked and raided, including the headquarters of the Writer's Association of Ukraine, the offices of the newspaper *Vechirni Visti*, the online television station INTV, and the news website Cenzor.net. Two journalists with the Georgian television channel Tabula were deported on December 10 over their coverage of the demonstrations, while a reporter from the Georgian channel Rustavi-2 was blacklisted and denied entry into Ukraine. On December 24, well-known journalist and opposition activist Tetyana Chornovol was badly beaten and left in a ditch near Boryspil. She claimed that Yanukovych had ordered the attack because she was investigating the construction of a new mansion for him, and that she had been followed while taking pictures of the mansions of the interior minister and the prosecutor general. Meanwhile, prosecutors did not disclose the names of officials who ordered Berkut to use force against journalists and demonstrators on the nights of November 28 and 29, perpetuating the country's culture of impunity.

The authorities have made limited progress in solving the 2000 abduction and murder of journalist Heorhiy Gongadze. In January 2013, former Interior Ministry official Oleksiy Pukach was sentenced to life in prison for carrying out the killing, though the trial was marred by procedural violations and closed to the public. In June 2012, a Kyiv appellate court upheld a lower court's ruling that prosecutors could not investigate credible evidence that former president Leonid Kuchma had ordered the killing. Journalists, press freedom advocates, and Gongadze's family have asserted that Yanukovych used the courts to clear Kuchma's name by dismissing key evidence and

pinning all of the blame on Yuriy Kravchenko, a deceased former interior minister who Pukach claims ordered him to interrogate Gongadze. After the verdict was announced, Pukach implicated Kuchma and Volodymyr Lytvyn, a former speaker of parliament, in the murder, saying he would accept his conviction when the two men "join [him] in this cage."

With hundreds of state and private television and radio stations and numerous print outlets, Ukraine's media sector is extensive compared with those of most other former Soviet republics, but it faces growing challenges, including declining pluralism and an increasing emphasis on entertainment over news reporting. Four pro-Yanukovych media magnates – Viktor Pinchuk, Ihor Kolomoysky, Valeriy Khoroshkovsky, and Renat Akhmetov – dominate the national television channels, while most regional broadcasters are dependent on progovernment business magnates and state subsidies, encouraging self-censorship and bias in favor of specific economic or political interests. Commercialization of the sector has led to a decline in professional standards among many journalists in recent years; fact-checking is rare, and plagiarism is widespread.

Transparency of media ownership remains poor, as businessmen and politicians often prefer to hide their influence over news programs. Khoroshkovsky has used his Inter Media Group, the largest television network in Ukraine, to advance his political interests, first as head of the Security Service of Ukraine (SBU) and later as first deputy prime minister from 2010 to 2012. In February 2013, Khoroshkovsky sold all of his shares in the group to gas tycoon Dmytro Firtash. About a week later, Serhiy Lyovochkin, the head of the presidential administration, acquired a 20 percent stake in Inter Media Group. The dissolution in March of the group's oversight council, which monitored compliance with journalistic standards, negatively influenced the quality of its coverage. Separately, the takeover of the independent station TVi by Ukrainian American businessman Alexander Altman at the end of April prompted 30 of its journalists to resign. Similarly in June, the takeover of Ukrainian Media Holding (UMH) by 27-year-old Serhiy Kurchenko, who is apparently a front man for the president's inner circle, led many respected journalists to leave their positions at dozens of newspapers and websites controlled by UMH, including the well-known opposition publication *Korrespondent*. Vladimir Fedorin, the editor of *Forbes Ukraine*, which was part of the group, also left after the sale, stating that the magazine had lost its independence. In July, the parliament passed a law on media ownership transparency that was criticized for its lack of real reforms. Although the law prevents nonresidents of Ukraine from owning broadcasting companies, offshore companies are still a part of the corporate structures of Ukrainian television channels.

As a result of ties between business and politics, many of the top television channels avoid politically sensitive topics such as government corruption, the president's use of state resources to support his and his family's lifestyle, human rights abuses, persecution of the political opposition, and growing unemployment. The global economic crisis has led to a decline in advertising revenue for print media, leaving newspapers even more financially dependent on politicized owners. Paid content disguised as news, known as "jeansa," is widespread in the media and weakens the credibility of journalists, particularly during elections.

The government does not restrict access to the internet, which was used by about 42 percent of the population in 2013. Although internet publications are not required to register with the authorities, the SBU has increased its monitoring of government criticism on the internet in recent years. Internet advertising revenues increased by 35 percent in 2013, as Ukrainians continued to look to the web and social-networking sites including Odnoklassniki and VKontakte for their news and information. During the Euromaidan protests, visits to news websites such as Hromadske TV and

social-media sites soared as citizens sought out live news updates and what they believed to be more reliable coverage of events than what was being offered by state television and the major private channels.

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