

<p>EU-UKRAINE CIVIL SOCIETY PLATFORM</p>		<p>ПЛАТФОРМА ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА УКРАЇНА-ЄС</p>
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FREEDOM OF MEDIA / AUDIO-VISUAL MEDIA DEVELOPMENT IN UKRAINE

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Introduction

According to recently issued Freedom in the World 2017 report by Freedom House, assessing the condition of political rights and civil liberties around the world, Ukraine and its press are ‘partly free’¹. Ukraine’s media environment has significantly improved since a change in government in 2014, and ongoing reforms continue to strengthen the legislative environment for journalists and outlets. Throughout 2016, Ukraine underwent transformations, mainly because of the pressure from civil society. Even with economic slowdown and reform, the growth of political populism, the third year of war against Russian backed separatists in the east and Russian occupation of the Crimea peninsula, and increasing disappointment among citizens on the declining quality of life, there were signs of progress, such as increased government transparency. However, there are several remaining challenges, including undue political interference on content as well as violence, harassment, and other abuse of journalists.

Media access in Ukraine

A large number of active print outlets are present in Ukraine (1,364 newspapers and 1,677 other periodicals)² with the most popular being “Fakty I Kommentarii”, “Segodnya” and “Vesti”³. There are 42 national television channels, 130 regional channels, and 201 local channels as well as 15 national, 57 regional, and 223 local radio stations⁴. The most popular television channels are all privately owned: “Inter”, “1+1”, “Kanal Ukraina”, “STB”, “ICTV” and “Novyi Kanal”⁵.

The main news agencies include the privately owned Interfax, UNIAN, Ukrainski Novyny, LigaBiznesInform, RBC-Ukraine, RIA Novosti Ukraine and the state-owned UNIA Ukrinform.

The internet is used by 21.88 million of Ukraine’s inhabitants, which means that half of population still does not have access to the internet⁶.

¹ Freedom House, Freedom in the World 2017, Ukraine

² Ukrainian State Committee on Television and Radio, 2016

³ TNS audience research MMI Ukraine, 2016

⁴ National Council for Television and Radio Broadcasting, 2014

⁵ ITC-Nielsen television panel, December 2016

⁶ CIA World Factbook, July 2015

Media environment

In 2016, numerous state registers and databases were made public in Ukraine. More than 10,000 data sets are available at the data.gov.ua portal, mostly in an open data format. The spending.gov.ua portal discloses public spending. Outstanding achievements include the launch of the electronic public procurement system “ProZorro”, recognized by the World Procurement Award; electronic declarations of more than 100,000 public officials; and establishment of new anticorruption bodies, and destatization reform, which will not only increase public funds in communities but also the potential for local corruption. The challenge for journalists and civil society will be to use public data to make the government even more accountable.

The key developments⁷ in 2016 in the area of media freedom include:

- 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.

The broadcast licensing process is not fully transparent, well-understood, and fair, and the criteria are unclear⁸. There are two monopolies: the private “Zeonbud” in digital transmission and state-controlled “Concern RRT” for analog. Their pricing is not transparent and fair, often inflated, and it is a tremendous double burden for regional and local broadcasters forced to broadcast both digital and analog signals. For example, in recent years some media outlets did not receive a license at all; some were required to take all available frequencies, which is very expensive; and others could choose one or two frequencies among those available. Licensing fees remain substantial, and in some situations television companies are held hostage. In 2016, the regional television company TV-4 had to prolong its license for analog broadcasting for the annual fee of \$2,765, because after four years, the transition to digital television is not yet completed in the country even though it had to end in mid-2017. Moreover, a prerequisite for obtaining a license is an agreement with “Zeonbud” leads to high prices. The attempts to recognize it as a monopoly have failed in the Ukrainian courts (“Zeonbud” has been in court with the Anti-Monopoly Committee, which recognized it as a monopoly and fined it for \$1.62 million in December 2014 and again in December 2015 for \$1.64 million, however, “Zeonbud” won its appeal to the Highest Appeal Commercial Court of Ukraine in 2016), the applications are not evaluated objectively and the judgments never include comments or explanations⁹. Also, the system for transmitting and receiving the signal does not correspond to the consumers’ requirements. There could be alternative providers for transmitting but the state monopoly does not allow the installation of additional transmitters on its territory.

Impunity for crimes committed against journalists persists, but the number of attacks decreased. The formation of the public broadcasting service, which launched in early 2017 presents high hopes, yet it needs to secure new management on a competitive basis, acquire public funding, and undergo reorganization and reprogramming. Local government resistance delayed and complicated the planned privatization of the state print media, but it is proceeding. The disclosure of broadcast media owners is highly welcome, but the pluralism of Ukrainian media is still secured primarily by the variety of oligarchs’ interests.

⁷ Freedom House, Freedom in the World 2017, Ukraine

⁸ IREX’s Media Sustainability Index 2017, Ukraine

⁹ Regional Press Development Institute, Ukraine, 2016

Numerous international organisations, watchdogs and think tanks believe that the year 2017 will mark a tipping point for Ukraine's commitment to reforms. Any further resistance for change could cripple the foundations of the changes that the government has managed to lay down under tremendous pressure from experts from various sectors and civil society. The third sector can and must influence the shape of the agenda and require these changes from the state.

The biggest concerns remain with the quality of journalism, compliance with professional and ethical standards, and low media literacy of the population, which is susceptible to manipulation through Internet and new media. Overall, there are clear improvements, especially in the areas of freedom of speech and plurality of news, but the situation in other areas changed little. The professional journalism and the business management remain to be tackled. The country's lack of economic growth and the media's slim prospects for financial independence perpetuates its dependence on owners and fuels the declining quality of journalism and the public's growing distrust of media.

Quality of journalism

Compliance with professional standards remains low in national as well as regional media and the regular monitoring of the national, private and to-be-public television channels shows substantial problems with balance and objectivity of news. Journalists very often cite their opinions in news and do not distinguish between facts and comments. Problems persist with ethical standards compliance and usage of hate speech, and only a few journalists are still guided by ethical codes¹⁰.

The monitoring of online media shows great problems with sources: 90 percent of content flows from official press releases and social networks, which are not processed and verified, and often do not point to a source at all¹¹.

According to a recent poll¹², 45 percent of Ukrainians did not trust the media and only 26 percent trusted it. The reasons might include the information war with Russia against the backdrop of military conflict, political fights between the oligarch owners of major media, and public conflicts among the journalists. All of these issues sharpened Ukrainians' distrust of state and public institutions. On the other hand, public demand for alternative sources pushes them to social networks, where they are even more easily manipulated by fake news or inspired campaigns.

The trust in journalists has sunk so low that people are asking about criminal responsibility for journalists. Many suffer from low professionalism, fail to check facts, and publish fake information and press releases. Many journalists are treated as liars, servants of the government, and servants of separatists after the "Myrotvorets" publications¹³.

Therefore, the quality of journalism and public media literacy should be the primary areas of concern in order to improve media freedom situation in Ukraine. Today, low salaries, especially in the regions of the country, along with low media literacy of the audiences are the key reasons for low professionalism of journalists.

Threats to media freedom

Journalistic access to the Donbas regions of Donetsk and Luhansk, held by Russian backed separatists since 2014, remains 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 a reporter. In May, the vigilante website "Myrotvorets" published the personal information of approximately 5,000 Ukrainian and foreign media professionals who had received

¹⁰ Detector Media, 2016

¹¹ Institute of Mass Information, Ukraine, 2016

¹² Kiev International Institute of Sociology, 2016

¹³ IREX's Media Sustainability Index 2017, Ukraine

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 the Donbas region, as well as concerns about general Russian interference in Ukrainian affairs, continued creating tensions in the country's political environment and affected the government's attitude toward the media¹⁴. In June, President Petro 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 parliamentarian Anton Gerashchenko praised the website's actions.

The Ukrainian laws do not regulate the status of Internet media, although various draft laws have been under development since 2002. There is only the National Register of Electronic Information Resources, which contains about 164 entries of news media websites – a small margin of what is actually available online. It becomes necessary to register Internet publications as media because websites that cannot be identified disseminate large volumes of unverified information, fake data, and mudslinging campaigns without being held accountable¹⁵.

Conclusions and recommendations

The Ukrainian government should put more effort on increasing the internet penetration for the general population, especially when the popularity of television as the main source of news is declining year-by-year and in order to avoid situations when people become trapped within some sources of information simply because they cannot access the other ones.

Destatization reform is highly welcome and should be continued in order to ensure media independence. Yet, while transitioning the numerous public media outlets to private ownership, it is important to ensure that new media monopolies would not be born in the process.

The EESC calls upon the Ukrainian government, social partners and civil society to take urgent steps in raising public awareness on violence against journalists. Due to low trust of media by the public, violent acts against journalists do not receive the needed attention by the public, which, in turn, poses a threat to become less of a concern for the authorities and judicial system.

The Committee praises the emergence of transparency registers in Ukraine and calls upon the Ukrainian journalists and society to use the public data more actively in order to further increase the accountability.

The quality of journalism and public media literacy should be the primary areas of concern in order to improve media freedom situation in Ukraine. Therefore, journalist organisations and overseeing bodies should increase and empower the ethical standards for media, as well as invest into the competences of both journalists and managers of media outlets. The EESC calls upon the Commission to review and present to the Ukrainian media and journalist associations and overseeing bodies with the possibilities of competence exchange and on-the-job training programmes in the media outlets and institutions of the EU Member States.

¹⁴ Ibid

¹⁵ Pylyp Orlyk Institute for Democracy, Ukraine, 2016

The Ukrainian government, in cooperation with the related social partners and civil society organisations, should develop and adopt the legislation to empower media and ethical standards in the internet, which is currently unregulated and is often misused for fake news and propaganda.

The Ukrainian National Council on Television and Radio Broadcasting should establish proper procedures to make the broadcasting licensing process more objective and free from monopolies, which it has failed to do until this moment.

Despite the challenging economic situation in the whole country, it is crucial to ensure that media outlets have possibilities to present quality content for the public instead of choosing an often easier and more profitable path of ordered content. The EESC therefore calls upon the Commission to assist the Ukrainian media outlets and broadcasters on the possibilities of presenting European works to their audiences, participating in EU media support schemes, cooperating with and learning from the peers in EU Member States.