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STATEMENT

Ukraine: ARTICLE 19 and IMS Call on Parliament to Address Media Freedom

At the start of the new parliamentary session in Ukraine, ARTICLE 19 and IMS call on Members of Parliament to place freedom of expression legal and policy issues at the top of their agenda. In a joint letter, Parliament is urged to adopt the Law on Access to Public Information, to introduce true public service broadcasting and to ensure the protection of media workers.

As the Ukrainian Parliament (*Verkhovna Rada*) conducted its opening session on Tuesday, 7 September, ARTICLE 19 and IMS called on MPs to place freedom of expression high on their agenda. As concerns about recent developments in media freedom intensify, ARTICLE 19 and IMS urge parliament to immediately address the key freedom of expression legal and policy issues. This includes legal reform in areas of access to publicly held information and public service broadcasting, as well as ensuring media are free from attacks and political pressure.

Access to information

An immediate priority identified by ARTICLE 19 and IMS is the adoption of the Law on Access to Public Information. After the adoption of an initial draft in the first parliamentary reading in June 2009, the amended draft, developed by a broad coalition of civil society and parliamentarians, was rejected on 9 July and re-sent for revision to the Parliamentary Committee on Freedom of Speech and Information. According to the parliamentary records, parliament discussed the proposal for a mere two and a half minutes. Adopting the Law on Access to Public Information would give a clear sign that Ukraine is committed to transparent and accountable governance.

Public service broadcasting

The Parliament is urged to make decisive steps towards the transition from state-owned to public service broadcasting (PSB) and to adopt a progressive law on PSB. Public service broadcasting has now been debated for more than a decade in Ukraine, but no real progress has been made despite a myriad of proposals by different lawmakers, as well as by the Presidential Administration. ARTICLE 19 and IMS are ready to assist in consolidating such efforts, to support the drafting of the law and to provide consultation on its implementation.

Protection of media

A third area, raised by ARTICLE 19 and IMS, is the issue of the protection of media. This issue is of particular concern due to an increasing number of physical attacks recently as well as the disappearance of the editor-in-chief of *Novyi Styl*, Vasyl Klymentiev on 11 August in Kharkiv. Klymentiev's disappearance is reportedly linked to his reporting on corruption in the Kharkiv region. Reports indicate that the police consider the case 'premeditated murder', despite his body not yet being found.

ARTICLE 19 and IMS welcome the establishment in July this year of the parliamentary *ad hoc* commission to investigate censorship in the media, pressure on freedom of speech, and obstruction of journalistic activities. We call on the Commission to seek regular updates on the investigation of all attacks and threats against journalists, including Klymentiev's disappearance and address the shortcomings of the progress in its recommendations and conclusions. The upcoming 10th anniversary of the disappearance of the web journalist Georgiy Gongadze on 16 September, should serve as a reminder, as his case is still unresolved and the instigators of the crime have not been brought to justice.

Broadcast licensing

ARTICLE 19 and IMS also raised the issue of fairness and impartiality in the granting and revocation of broadcasting licenses in Ukraine. The regime for the granting and revocation of licences in the Law on Television and Radio Broadcasting is too broadly defined, allowing the broadcasting regulator, the National Broadcasting Council to grant and revoke licences of individual broadcasters at its discretion. This allows the Council to prevent the allocation of licences to certain broadcasters without adequate justification and to single out certain broadcasters with a threat to revoke their licence at any point in time, endangering their independence.

As an example, the recent revocation of broadcasting licenses of two independently owned TV stations, *TVi* and *Kanal 5*, was done in a manner that raises suspicion of political pressure. On 7 June 2010, the National Broadcasting Council revoked the licences of the two stations following an appeal by a rival broadcasting company, Inter Media Group, who claimed that their frequencies were granted in violation of the law. The links with the government in the case are troublesome in view of the fact that the head of the secret service, Valeriy Khoroshkovsky, partially owns Inter Media Group. The Administrative Court in Kiev and the Court of Appeal upheld the decision of the National Broadcasting Council in proceedings, which according to the *TVi* and *Kanal 5*, had a number of shortfalls.

ARTICLE 19 calls on the Parliament to review the Law on Television and Radio Broadcasting to ensure the granting and revocation of licences is fair and impartial. It should introduce clear and simple provisions to ensure the broadcasting regulator takes fair and impartial decisions.

"We are particularly concerned about the safety of journalists in Ukraine and that political pressure is used against the media," says Agnès Callamard, ARTICLE 19 Executive Director. *"The recent disappearance of the editor Vasyl Klymentiev is of great concern and parliament should continue to follow this case closely. It should also immediately inquire into the recent allegations that revocation of licenses of two independent TV stations was politically motivated and that pressure on the judiciary was exerted"* states Dr Callamard.

“Free and independent media is a reflection of a true democracy. The Ukrainian Parliament needs to take decisive action to develop legislation in line with European and international standards that ensures respect for freedom of expression and diversity of opinion,” adds Jesper Højberg, Executive Director of International Media Support.

Recommendations

ARTICLE 19 and IMS call on the Ukrainian Parliament to urgently:

- Adopt the Law on Access to Public Information as an important step in making the right to information reality in the country
- Draft and adopt a Law on Public Service Broadcasting which complies with international standards, and transform the state-owned broadcaster to a genuine public service broadcaster
- Adequately equip the parliamentary *ad hoc* commission to investigate censorship in the media, pressure on freedom of speech, and obstruction of journalistic activities
- Review the Law on Television and Radio Broadcasting, introducing a clear and specific regime for the granting and revocation of licenses in a fair and impartial manner. In addition, the Parliament should inquire if any political pressure was exerted on the broadcasting regulator in its latest decision to revoke the licenses of two TV stations.

The Ukrainian Parliament has a crucial role in ensuring that Ukraine complies with its commitments under the European Convention of Human Rights and the International Covenant on Civil and Political Rights. ARTICLE 19 and IMS are ready to provide the support and expertise necessary to protect media freedom in Ukraine.

FOR MORE INFORMATION:

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- ARTICLE 19 is an independent human rights organisation that works globally to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech. For more information on ARTICLE 19 please visit www.article19.org
- International Media Support (IMS) is a non-profit organisation working with media in countries affected by armed conflict, human insecurity and political transition. In more than 30 countries worldwide, IMS helps to strengthen professional practices and ensure that media and media workers can operate under challenging circumstances. For more information about International Media Support please visit www.i-m-s.dk
- This statement is issued within the framework of the IMS Media and Democracy Programme for Central and Eastern Europe and the Caucasus.