



ARTICLE 19

GLOBAL CAMPAIGN FOR FREE EXPRESSION

STATE TO PUBLIC

**GENUINE PUBLIC SERVICE BROADCASTING IN
BELARUS, MOLDOVA AND UKRAINE?**

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1. INTRODUCTION

Public service broadcasting (PSB) has a vital role in the creation of an environment in which a diverse and pluralistic media can flourish. Their main objective is to promote diversity in broadcasting in the overall public interest, by providing a wide range of informational, educational, cultural and entertainment programming. PSB also has an important role to play in promoting human rights and democracy, and in providing a forum for wide-ranging public debate, innovative programming not driven by market forces and promotion of local production.¹ The PSB should, among other things, provide a service that:

- involves quality, independent programming that contributes to a plurality of opinions and an informed public;
- includes comprehensive news and current affairs programming, which is impartial, accurate and balanced;
- provides a wide range of broadcast material that strikes a balance between programming of wide appeal and specialised programmes that serve the needs of different audiences;
- is universally accessible and serves all the people and regions of the country, including minority groups;
- provides educational programmes and programmes directed towards children; and
- promotes local programme production, including through minimum quotas for original productions and material produced by independent producers.²

An important implication of the guarantee of freedom of expression, and a prerequisite for the fulfilment of the above tasks, is the protection of PSB from political or other forms of interference.³

The broadcasters in the countries under consideration do not yet enjoy this degree of independence. Of the three countries, the only one that has established public service broadcasting (PSB) is Moldova, and this was the result of sustained pressure from the Council of Europe. However, Moldovan PSB is still not independent of political forces, whilst in the Transdniestrian non-recognised State television is utterly controlled by the authorities. In Ukraine a PSB law was passed in 1997, but there was a need to adopt additional provisions regarding the functioning of PSB for the law to be implemented. For a number of years, the executive authorities did not show the political will to do so, and a new draft PSB law was compiled in 2005; discussions on PSB are ongoing. In Belarus there have been no moves for the introduction of PSB.

¹ *Resolution No. 1: Future of Public Service Broadcasting* of the 4th Council of Europe Ministerial Conference on Mass Media Policy, Prague, 1994.

² *Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation*. London: ARTICLE 19, July 2000, Principle 27.

³ Recommendation (1996) 10, *Guarantee of the Independence of Public Service Broadcasting*, Committee of Ministers of the Council of Europe, 11 September 1996.

Overall, in the three countries there is still little understanding of the need, functions, and benefits of PSB.⁴ The Soviet experience has not left people with a taste for a public media outlet existing exclusively to serve the interests of the audience. The three governments have undoubtedly put little effort into the genuine transformation of State television into PSB, while employees of the State broadcaster are firmly within the State's sphere of influence.

1.1. Summary of International Standards on PSB

An important aspect of States' positive obligations under international law to promote freedom of expression and of the media is the need to promote pluralism within, and to ensure equal access of all to, the media. States are not permitted to interfere with broadcasters' freedom of expression, including publicly-funded broadcasters. This is clear from a case before the European Court of Human Rights in which it was held that any restriction on freedom of expression through licensing was subject to the strict test for such restrictions established under international law.⁵ In particular, any restrictions must be shown to serve one of a small number of legitimate interests and, in addition, be necessary to protect that interest. Similarly, in the preamble to the European Convention on Transfrontier Television, States: "[Reaffirm] their commitment to the principles of the free flow of information and ideas and the independence of broadcasters."⁶

As noted above, bodies which exercise regulatory or other powers over broadcasters, such as broadcast authorities or boards of publicly-funded broadcasters, must be entirely independent. This principle has been explicitly endorsed in a number of international instruments.⁷

True independence is only possible if funding is secure from arbitrary government control and many of the international standards noted above reflect this idea. In addition, PSB institutions can only fulfil their mandates if they are guaranteed sufficient funds for that task. Articles 17-19 of Recommendation (1996)10 of the Council of Europe note that funding for PSB should be appropriate to its tasks, and be secure and transparent.⁸ Funding arrangements should not render public service broadcasters susceptible to interference, for example with editorial independence or institutional autonomy.

PSB has also drawn comments from the OSCE Representative on Freedom of the Media, Miklos Haraszti, who emphasised the importance of ensuring that "... members of the Supervisory Council should in their capacity of Council members be *independent* and not

⁴ See Section 3.8.

⁵ *Groppera Radio AG and Ors v. Switzerland*, 28 March 1990, Application No. 10890/84, 12 EHRR 321, para. 61.

⁶ 5 May 1989, European Treaty Series No. 132.

⁷ *Resolution No. 1: Future of Public Service Broadcasting* of the 4th Council of Europe Ministerial Conference on Mass Media Policy, Prague, 1994. See also Recommendation No. R(96)10 on the *Guarantee of the Independence of Public Service Broadcasting*, passed by the Committee of Ministers of the Council of Europe, 11 September 1996; UNESCO 1996 *Declaration of Sana'a*, 11 January 1996, (endorsed by the General Conference at its 29th Session, 12 November 1997, Resolution 34); UNESCO *Declaration of Sofia*, (adopted 13 September 1997. Endorsed by the General Conference at its 29th session, 12 November 1997, Resolution 35. Clause 7); UNESCO *Declaration of Alma Ata*, (adopted 9 October 1992. Endorsed by the General Conference at its 28th session, 15 November 1995, Resolution 4.6. Clause 5.)

⁸ *Guarantee of the Independence of Public Service Broadcasting*, op. cit.

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representatives for any organization ...”⁹ in his recent assessment of the draft Ukrainian PSB law.

⁹ OSCE, Assessment of the Law ‘On Public Television and Radio in Ukraine’, 2 June 2005.

2. BELARUS

2.1. Overview

Not only is PSB absent in Belarus, but State television is under the complete control of the authorities, with a defined role in disseminating State messages. Moreover, all media face obstacles in their exercise of the right to free expression and the situation has further degenerated in the past few years. This means that it is now virtually impossible for Belarusian citizens to obtain accurate, non-biased information about events within their own country and abroad from the Belarusian media.

A crackdown on dissenting voices in the media accelerated around the October 2004 elections. Parliamentary elections were scheduled for 17 October 2004, yet they were overshadowed by President Alyaksandr Lukashenka's announcement that a concurrent referendum would be held about the abolition of constitutional provisions limiting to two terms the maximum length of time that one person could serve as president. This effectively enabled Lukashenka to run indefinitely as president of Belarus. The crackdown led to the suspension of 25 media organisations by the Ministry of Information, on the basis of administrative and technical irregularities. This caused the number of independent publications to fall by more than 50 per cent in 2004, from 50 to just 18. Journalists also faced intimidation; the most serious cases include the murder of journalists Veronika Cherkasova from the non-State newspaper *Solidarnost* (in October 2004) and Vasil Jrdpmokai of non-State *Naradnaya Volya* (in October 2005).¹⁰

The three national television stations, BTV-1, ONT and STV are completely or largely owned by the government, and while there are a number of local stations that are nominally independent, their precarious financial circumstances make it extremely difficult for them to withstand pressure from local authorities to follow the official line. In addition to this, the quality of their output remains extremely low, due to poor technical provision and expertise, lack of funds, an over-reliance on re-transmitting Russian television programmes and the need for content to tally with ideological objectives, leading to rather unimaginative programming.¹¹ Despite this, Belarusian State television is watched by the majority of the population.

To counter these tendencies, in 2003 civil society began activities aimed at raising public awareness of the importance of PSB. Among other things, international events on PSB were organised in co-operation with the Council of Europe and international organisations.¹²

Moreover, in recent years some efforts to improve State television have been in evidence, with the establishment of State channel ONT in 2002 by Presidential decree. This came as a response to criticism of the obvious bias in BTV-1's content. However, these moves seem

¹⁰ See the BAJ Press Service, <http://www.baj.ru/indexe.htm>

¹¹ The Belarusian authorities adopted several measures for the promotion of State ideology, following the President's messages on ideological activities during speeches on 27-28 March 2003. The media have since been used to disseminate Belarusian State ideology.

¹² See below under 2.5.

to have been aimed more at limiting the influence of Russian television channels in Belarus rather than at ensuring greater plurality of views and improved content for their own sake.

2.2. The Legislation

The subordinate role of Belarusian television vis-à-vis the authorities was clearly spelled out in December 2002, when President Lukashenka announced that the presentation of official information on Belarusian State Television should be improved in order to promote State interests.¹³ Yet the fact that State television should serve the interests of the State is also affirmed in the legislation. The 1995 Law on the Press and Other Mass Media (the Media Law) states in Article 1 that the organs of State authority are the founders of the Belarusian Television and Radio Company (BTRC).

Article 16 of the presidential decree on ‘Issues of Belarusian Television and Radio Company of the Republic of Belarus’ (decree on State Television)¹⁴ states that the activity of BTRC is independent, with its activities being protected by law from interference by public bodies and political parties. Article 28 further prohibits the use of the institution for “the propaganda of ideas or programmes of any political parties.” However, the reality seems very different. The President’s ideology and policies are very much identified with State/public policies, so that they are effectively not included in the scope of Article 28.

The functions of the organisation are described at Article 29(1), stating that the organisation is to carry out ‘obligatory informative programmes’, including on the “statements and communications of the president of the Republic of Belarus, other high officials ... and also other publicly significant facts on the activities of the State organs.” BTRC’s functions also include the dissemination of high level professional programmes, cultural programmes, and the promotion of ideas related to democracy and human rights (Article 8 and 9).

The decree on State Television further establishes that “[BTRC] is a central organ of the State administration [and] ... is subordinated to the president of the republic” (Article 1). The presidential powers also extend to the appointment of the management body. He appoints and dismisses the chairman, who is directly accountable to the President, as well as his deputies. The President also selects the members of the Observers’ Council, an advisory body that supervises the work of the institution, and the ‘validity and objectivity’ of messages. These members are recruited entirely from State bodies.

2.3. Bias on State Television

The role of BTRC as an instrument for the implementation of State policy was particularly apparent during the election campaign period in the autumn of 2004. However, even under normal circumstances, the State channels do not present a plurality of views and opinions, with BTV-1 in particular following a slavishly pro-presidential line. Journalists working for

¹³ This was stated in a meeting with Yahor Rybakov, the head of Belarusian Television and Radio Company, on 24 December 2002.

¹⁴ No.128, 28 September 1994.

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State-owned media outlets, be they print or broadcasting, face enormous pressure to ensure that their work conforms to the official line.

The campaign for the parliamentary elections received very little attention in the State-owned media, with for instance more television coverage being devoted to the weather and to sports than to the elections.¹⁵ Such coverage tended to be extremely biased in favour of Lukashenka, and against opposition candidates.¹⁶

In contrast to the lack of coverage given to the parliamentary elections, the referendum on constitutional amendments received widespread coverage. Yet this coverage did not include balanced presentation of the arguments for and against the proposed changes in the Constitution, but rather presented a 'Yes' vote as the only viable option for the future of the country. For example, voter education slots intended to demonstrate to viewers how to cast their vote in the referendum showed clearly how someone could vote 'yes', but did not explain how to cast a 'no' vote.¹⁷

In another example of State interference in the work of both State and private media, several popular Belarusian bands were unofficially banned from the media, following their participation in a rally and concert organised by opposition parties in July 2004.¹⁸ This has included an effective ban on the broadcasting of these groups' music and interviews on State-owned radio and television. The local media organisation BAJ reported that verbal instructions were given to a number of radio stations, included the first channel of Belarusian Radio. The Ministry of Information denied that such instructions were sent out.

Other cases of direct censorship of the activities of State radio and television have included a request from the municipal executive committee not to broadcast a report on the strike of workers from the State-owned factory AKMO on the Mogilev channel of Belarusian State television. The strike was due to a failure to pay the workers' salaries.

Interference takes place despite the fact that censorship is prohibited under Article 33 of the Constitution, Article 48 of the Law on Media and Article 172 of the Administrative Code (with specific fines for public officials who are guilty of this offence).

2.4. Minority Programmes and Funding

Article 19 of the decree on State Television states that the station should provide objective and fair information on national minorities present in Belarus (Article 19). However, there are no regular programmes for minorities. Only on special occasions (such as special celebrations) are special programmes for the Jewish communities in Belarus broadcast.

¹⁵ Belarusian Association of Journalists, *Parliamentary Election 2004 Coverage in the Belarusian Mass-Media*, 2005.

¹⁶ Ibid. See also Committee to Protect Journalists – Attacks on the Press 2004; Belarus <http://www.cpj.org/attacks04/europe04/belarus.html>

¹⁷ *Parliamentary Election 2004 Coverage in the Belarusian Mass-Media*, op. cit.

¹⁸ The bands are Palats, NRM, Zet, PomidorOFF, Drum Ecstasy and Neiro Dubel.

Currently the majority of broadcasts are in Russian, and just a small number of programmes are in the Belarusian language. Over the past few months, there have been several programmes discussing issues related to the Polish minority, yet they were mostly critical of the Poles living in Belarus and could hardly be classified as programmes *for* the minority.

According to Article 12 of the Decree on State Television, BTRC is funded primarily through public funds but also through advertising and other commercial activities.

2.5. Prospects for PSB in Belarus

In the current political and media climate, the establishment of genuine PSB in Belarus does not appear likely. The Lukashenka government is presumably unwilling to relinquish the stranglehold that it maintains over the broadcast media and its content.¹⁹ Of equal significance, it is unlikely that Belarusian society is ready to accept the idea of PSB.

While people in Belarus are aware that the Belarusian media is not free, and are generally distrustful of what the media says, there is no general awareness of the role that freedom of expression and a free media can play in the democratic process, nor of the role that PSB can play in promoting pluralism in broadcast media.

That said, while there is certainly no official enthusiasm for the establishment of PSB, and little understanding of its significance amongst the general public, there have been some encouraging signs that civil society groups are engaging with the issue. At a seminar organised by ARTICLE 19 and the Belarusian Association of Journalists (BAJ) with the assistance of the Council of Europe in 2003, participants discussed the concept of PSB and the feasibility of its introduction in Belarus. A comprehensive book published by BAJ as a result of this seminar outlines the main obstacles to establishing PSB in Belarus, and highlights the conclusion reached at the seminar, namely that an effective education and information campaign is needed in Belarus before the public will be ready to support the idea.²⁰ In addition, BAJ has also prepared a concept note on the PSB in Belarus,²¹ and a draft PSB law, which was discussed at a second Article 19 / BAJ seminar, held in November 2004. Under the current circumstances, the establishment of PSB seems beyond the bounds of possibility, but civil society engagement with the concept despite such a hostile media environment gives hope that one day this might not be the case.

¹⁹ *Concept note on the creation of public service broadcasting in the Republic of Belarus*, op. cit.

²⁰ Melnikau, Eduard, *Television Programme for Tomorrow*, Minsk, 2005. <http://www.baj.ru/bib/bib.asp>

²¹ *Concept note on the creation of public service broadcasting in the Republic of Belarus*, op. cit..

3. MOLDOVA

3.1. Overview

Moldova was the first country of the CIS to embark on a process towards the establishment of PSB. It is also currently the only one of the three countries to have transformed its State broadcasting company, TeleRadio-Moldova (TRM), into a PSBO. Yet while PSB exists in theory, in practice the new broadcasting company remains only nominally independent from government control, and output continues to be heavily biased in favour of the existing regime. Overall, it fails to provide viewers and listeners with accurate and objective information and a plurality of views and opinions. The consolidation of a genuine PSB structure will depend on the ability and will of the authorities to fully implement the newly-adopted provisions, as well as on the success of civil society's campaigning efforts.

In March 2003, the Moldovan Parliament adopted the Law on Amending and Supplementing Law No.1320-XV on the National National Public Broadcasting Company TeleRadio-Moldova (First Amending Law),²² which modified a previous law passed in July 2002 (PSB Law) following recommendations from the Council of Europe.²³ A later controversial amendment to the Law, adopted in November 2003, provided for the liquidation of TRM, enabling its reincarnation as PSB, as well as the replacement of its entire staff (Second Amending Law).²⁴

For a prolonged period of time it remained unclear how the re-staffing would be carried out, and generally journalists and human rights organisations were not provided with essential information as to the mechanisms that would be employed to implement these measures. In addition, the initial debates which led to the adoption of the First Amending Law in its first reading were held in an atmosphere of virtual secrecy. At this stage the company's staff was utterly unaware of the fact that a law on TRM was being debated in Parliament.

Similarly, the process by which the Second Amending Law was adopted did not provide for sufficient opportunity for public consultation, despite the significant public importance of a law of this nature. The draft was submitted to Parliament by seven MPs on 13 October 2003, and adopted in its first reading almost immediately; it then passed its second reading exactly a month later. Some local NGOs and international organisations, such as the Council of Europe, acted very rapidly in providing recommendations on the draft. Other groups simply did not have the time to participate in this process.

Despite the changes, TRM is still under the influence of the authorities. In addition, the quality of programmes has been quite low since the transformation. There is a need for additional funding, to train the employees and raise the standards of professional journalism.

²² Law no. 107-XV of 13 March 2003.

²³ Law of the Republic of Moldova on the National Public Broadcasting Company TeleRadio-Moldova, No. 1320-XV of 26 July 2002.

²⁴ Law on Amending and Supplementing Law No.1320-XV of 13 November 2003.

Another worrying fact is that there has been a progressive decrease in the diversity of media outlets. ‘Analitic Media Grup’, the media organisation that founded Pervii Kanal v Moldova, which until recently re-broadcast the Russian First Channel - as well as having some programmes of its own, including Moldovan news - , was deprived of its licence in October 2005. The licence was, instead, given to a newly-established, unknown television station, which allegedly has close links to President Vladimir Voronin. The decision to deprive ORT Moldova of its licence was reached very speedily; there was even a special edition of the Official Monitor announcing it, to avoid a wait of approximately three days for the decision to come into effect. This development is even more worrying as the old Moldova ORT displayed virtually no criticism of the authorities, and frequently its portrayal of the authorities was positive. Moldova ORT was one of the main television channels in Moldova, together with TRM and private NIT. With TRM and NIT heavily pro-governmental, the new development is likely to dramatically reduce the (already limited) diversity of the Moldovan broadcast scene.

The breakaway region of Transdnistria in eastern Moldova still does not have PSB and its State television is under the authorities’ control.

3.2. The Legislation

According to Article 1 of the PSB Law, TRM is “functionally autonomous and editorially independent” and ensures “in the spirit of plurality of opinions, the exercise of the right to timely, truthful and full communication of information”. Article 2 lists the organisation’s objective, which includes: ensuring the free access of society to information; reflecting objectively and fully all aspects of the social-political, economic and cultural life of the country; and realising the right of the individual to free expression.

The PSB Law also provides for the establishment of an Observers’ Council (the Council) to monitor the implementation of the provisions of the law and its by-laws. According to the law, the Council is composed of 15 members chosen from “known personalities in the areas of culture, science, education, mass media and from other representatives of civil society, appointed for a term of 5 years”; two Council members are appointed by the President, two by the government and two by the Parliament, with the rest appointed by the Superior Magistrates’ Council, the staff of TRM, trade unions, media development organisations and representatives of cultural and minority groups (Article 13).

The Parliament, through a special parliamentary commission (constituted on the basis of proportional representation of the political parties) has the right to investigate the company’s activities when the Council fails to exercise in an appropriate manner its supervisory function.

While *de jure* the Council is independent of government control, concerns remains as to how independent it is in practice, given that a proportion of its members are chosen directly by the President and the authorities. Dependency certainly appeared to be the case when Artur Efremov, a young businessman with little media experience but close to the ruling Communist Party, was appointed as Chairman of TRM by the Council in early 2004.²⁵

²⁵ Efremov was later dismissed from his position through a unanimous Council vote, for violating the PSB Law and ignoring the warnings from the Council. Among other things, he was accused of bypassing the

There has also been criticism that despite the nominal inclusion of ‘representatives of civil society’ in the makeup of the Council, civil society groups are not adequately involved in supervising the activities of TRM.²⁶ The members representing trade unions and army veterans reportedly follow the governmental line, whilst those who are independent and wish to serve the public are a minority within the Council.

3.3. Bias on TRM

As a PSBO, TRM has an obligation to provide accurate and objective news and current affairs coverage, as well as a pluralistic range of voices and opinions. This is enshrined in Article 5(7) of the PSB Law, which states that “[t]he news programs ... shall have an impartial, independent and truthful character. Commentary shall be separated from news.” However, the monitoring of TRM’s output by various civil society organisations has revealed that, in practice, this is not the case. The gap between theory and practice appears to be due to interference of the State in the activities of TRM. Government officials have reportedly been giving instructions over the telephone to TRM’s director. Allegedly the situation deteriorated in early 2001, when the Communist party won a parliamentary majority. Journalists complained vociferously about the TRM’s lack of independence through mass demonstrations, involving about 500 TRM employees, in 2002. In *Manole & others v. Moldova*, Narisa Manole and other high-profile journalists submitted to the European Court of Human Rights a case against Moldova alleging violation of their right to free expression through cases of wide-spread censorship on the State broadcaster in 2001 and 2002.²⁷ Moreover, in October 2003, a member of TRM’s Observers’ Council stated that a great deal of pressure was regularly placed on the Board’s members by the authorities.²⁸

News reporting remains inadequate and is overtly biased in favour of the ruling Communist Party. In addition, the President appears often in the news, more than the government. The opposition is very seldom portrayed, and often in a negative manner. There is very little time dedicated to social issues. The news is often superficial: while there are frequent discussions on Transdnistria, there is hardly any information on issues that may portray the government in a negative light. Civil society figures also have limited access to TRM and stories often lack multiple, diverse sources. In addition, life in Moldova is reflected selectively through the viewpoint of those in power.

The situation worsens during elections campaigns. In the period leading up to local elections held on 25 May 2003, monitoring of television station Moldova 1 and Radio Moldova, which are both part of TRM, revealed that coverage was neither fair nor balanced: not only was coverage on Moldova 1 and Radio Moldova biased in favour of the

Council in proceedings relating to the drawing up of the Second Amending Law, providing for the liquidation of the old State-run TRM.

²⁶ United States Department of State *Moldova Country Reports on Human Rights Practices - 2003* (Released by the Bureau of Democracy, Human Rights, and Labor, February 25, 2004) <http://www.state.gov/g/drl/rls/hrrpt/2003/27854.htm>

²⁷ Application No. 13936/02. In its partial decision on admissibility, the Court decided to adjourn the examination of the complaints. Notice was given of the application to the respondent government.

²⁸ Report available on <http://www.azi.md>.

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Communist party, but it also attacked the non-Communist candidate standing for the post of mayor of Chisinau.²⁹

A similar pattern was observed during the campaign period for parliamentary elections held on 6 March 2005, and further local elections held in July 2005. During this period, opposition parties such as the Democratic Moldova Bloc and the Peasants' Christian Democrat Party criticised news coverage on TRM for being overtly biased in favour of the ruling Communist Party,³⁰ and media monitoring revealed that news coverage of events within Moldova was overwhelmingly positive;³¹ most reports relating to the campaign focused on the achievements of ruling party officials,³² and were positive or neutral, while reports relating to opposition parties were on the whole negative;³³ and opposition candidates received far less coverage than candidates of the ruling Communist Party. The time allocated for debates was insufficient. The questions by some of the moderators seemed to guide the discussions in a certain direction.

The Electronic Press Association (APEL), in monitoring carried out between January and May 2005, noted that news reports were overwhelmingly 'rosy' and non-conflictual, presenting a uniquely positive image of events within Moldova, and with little coverage of more contentious social issues such as unemployment and poverty. Events in the capital Chisinau also received excessive coverage, while events in the rest of the country remained underreported.³⁴

APEL stated that 'professional and moral' standards within the organisation are routinely ignored, with journalists failing to verify information provided by government sources, limiting the role that TRM can play in contributing to informed debate and critical thought.³⁵

These findings were dismissed by Sergiu Batog, director of Radio Moldova, who accused their authors of incompetence, and suggested that they desired to profit from a negative portrayal of TeleRadio.³⁶ Batog also maintained that the limited coverage of opposition parties was due to the fact that they "do not take part in any events, and they generally do nothing to be observed."³⁷

²⁹ The monitoring was carried out by the Moldovan organisation Independent Journalism Center.

³⁰ MOLDPRES "'Democratic Moldova' promises to hold responsible those who swindle the elections", 7 February 2005 and AP FLUX 'Opposition party accuses Communist party of fraud' (reported in the News Digest of the OSCE Mission to <http://www.osce.org/moldova/>)

³¹ Monitoring carried out by the Independent Journalism Center, the Centre for Sociological, Political and Psychological Analysis (CIVIS) and by the Association of Independent Press (API), with assistance from ARTICLE 19. Monitoring was also carried out by APEL. See Infotag 'APEL: TRM broadcasting dictated by ruling party'.

³² Infotag, Ibid.

³³ OSCE/ODIHR Election, Observation Mission Final Report, *Republic of Moldova Parliamentary Elections*, 6 March 2005 (Warsaw, June 2005) <http://www.osce.org/item/14919.html>

³⁴ AP FLUX "Teleradio-Moldova is not yet public", 22 March 2005 and Infotag "TRM improved but still insufficiently", 27 July 2005.

³⁵ Infotag "Anti-Censorship Committee state that Teleradio-Moldova is in a deep crisis", 25 February 2005; BASA-press "National broadcaster still not respecting norms of unbiased coverage", 15 April 2005; and Infotag "Teleradio-Moldova programs lack professionalism", 24 May 2005.

³⁶ Independent Journalism Centre <http://ijc.iatp.md/en/mmnnews/2004/nr10.html#4>, 23 October 2004.

³⁷ Ibid.

3.4. The Transformation

Since its re-establishment as a PSBO, TRM has been dealing with disputes between journalists and management, as a result of the Second Amending Law of 13 November 2003. Article 2 of this law states that “the government shall liquidate the State company TRM” (paragraph 1) and that the “employees of the State company TRM shall be discharged” (paragraph 3). Hence, the law aims at liquidating the ‘old’ TRM and establishing a ‘new’ institution, including through the replacement of staff.

At the time of its enactment, the law was criticised by the opposition Braghis Alliance and Christian Popular Democratic Party, as well as by civil society groups, who have accused the government of introducing the law in order to dismiss ‘uncomfortable’ journalists and replace them with loyal ones. The amendments also gave rise to complaints from company employees, trade union committees and public organisations, which considered the action to liquidate the organisation unlawful.

Upon the announcement of the results of the re-staffing process, made on 27 July 2004, public protests were launched by TRM journalists. Violent clashes with the police occurred on two separate occasions, on 1 and 6 August.³⁸ The Parliamentary Assembly of the Council of Europe (PACE) linked³⁹ the violence of police against protesters with the death of protester Vasile Cibotaru.⁴⁰

On 27 July, 90 employees were also prevented from entering the premises of TRM. The person responsible for the evening news was suspended. He later stated that there had been an order not to broadcast the day’s events by the chairman of TRM. A wildlife documentary featuring elephants was reportedly broadcast in lieu of the 7 o’clock news.

Journalists’ protests continued outside the National Radio building and the Moldovan Parliament from September through mid-December. The protests were led by the Committee for the Protection of Professional and Human Dignity (CADUP), an organisation set up to represent TRM journalists, and culminated with the submission of a case against Moldova to the European Court of Human Rights, *Fusu & others v. Moldova*. Corina Fusu and other TRM journalists maintained the authorities prevented them from entering the TRM premises to preclude their exercise of their right to free expression.

The TRM employees requested an investigation of police violence towards the protesters in early August by the Prosecutor’s Office, but were informed that the protests that started on 27 July were contrary to national legislation and that the actions of the police were therefore legal.⁴¹ Instead, those who protested as of 27 July in front of the National Radio building were sued by the police for “active participation in meetings organised without authorisation”, under article 174(1)(4) of the Code of Administrative Contraventions.

³⁸ See ARTICLE 19 Moldova Bulletin May-August 2004 for further information.

³⁹ In Motion for a Resolution of the Parliamentary Assembly of the Council of Europe, 18 October 2004 <http://assembly.coe.int/Mainf.asp?link=http://assembly.coe.int/Documents/WorkingDocs/Doc04/EDOC10340.htm>.

⁴⁰ Cibotaru, who had heart problems, had a heart attack during the protests of 1 August. He was immediately hospitalised, and remained in hospital until his death on 22 August. However, the General Prosecutor and Deputy Minister of the Interior stated in Parliament on 7 October that there was no link between the actions of the police and Cibotaru’s subsequent death. As such, the Prosecutor’s Office found no grounds for a criminal investigation. AP-FLUX report of 8 October 2004.

⁴¹ This is despite the fact that the Chisinau City Mayor had authorised the demonstrations. See ARTICLE 19 Moldova Bulletin May-Aug 2004, note 38, for further information.

3.5. Minority programmes

Article 2 of the PSB Law states that the objectives of TRM include “to reflect the interests of all social strata and to propagate democratic values.” The law provides that a percentage of programmes should be in minority languages, although no further details on the languages in question are provided.

TRM broadcasts programmes in Russian, Gagauz, Bulgarian, Ukrainian, Polish, Hebrew, Yiddish and Romani language. The division of broadcasting by language is approximately 30 percent Russian, 65 percent Romanian and 5 percent other languages. Linguistic diversity does not appear to be an issue in Moldova, given the influence of Russian language and culture, which means that Moldova was never insular. Minority programmes are prepared by a special department, where a number of minority representatives are also employed. Many Romanian-speakers, however, believe that they effectively experience discrimination, as the majority of programmes of the Moldovan broadcast media as a whole are in the (non-official) Russian language.

3.6. Funding

The public broadcaster is primarily financed through State funds, with some revenues from advertising, although TRM has less advertising than some private channels. In the process towards the adoption of the PSB Law in 2002, the possibility of including provisions on fees was discussed. Such provisions were incorporated in the draft law compiled by civil society. However, the President criticised the NGOs’ draft exactly for its inclusion of fees, on the grounds that Moldovans could not afford to pay them. Many other politicians followed suit. In general, given Moldova’s dire economic situation, there is little desire to pay PSB fees, and little understanding of the important role the introduction of fees would have in enhancing TRM’s independence.

Since the establishment of PSB, the Observers’ Council has prepared two annual budgets, which were sent to Parliament for approval. TRM does not have to provide details of their estimated expenditure for the upcoming year, but only the total.

4. UKRAINE

4.1. Overview

Provisions for the establishment of PSB were included in the 1993 Law on Television and Broadcasting (the Broadcasting Law), which states in Article 13 that one of the national television and radio companies should be set aside for the eventual creation of a PSB channel. Little came of this for several years. A law ‘On the System of Public Television and Radio Broadcasting in Ukraine’ was adopted in 1997 and provided for the creation of a PSB. However, this law has remained in a limbo, as additional regulations were needed to be adopted for the setting up of PSB.⁴² A draft law to this effect was adopted by the Verkhovna Rada (the Rada – the Ukrainian Parliament) in 1997, but was subsequently vetoed by the President. During the period 1998–2004 there were no concrete attempts to set up PSB.

Following the fraudulent second round of presidential voting on 21 November 2004, large scale protests erupted throughout Ukraine, signalling the beginning of the ‘Orange Revolution’, in the wake of which the election results were declared invalid and Viktor Yushchenko was eventually elected as the new President of the Ukraine. Prior to his election, Yushchenko and his Our Ukraine party pledged their support for PSB, and, shortly after the new President was inaugurated, steps were taken to realise its establishment.⁴³ This included the creation, on 20 January 2005, of the Public Broadcasting Coalition, made up of the Parliamentary Committee for Freedom of Expression and Information (the FEI Committee), the Independent Association of Television and Radio Broadcasters, the Institute of Politics, the independent online magazine Telekrytyka, the Academy of Ukrainian Press, the Equal Opportunities Committee, and the Kyiv Independent Media Trade Union. The remit of this coalition has been to canvass popular opinion on the issue of PSB, and to consider the various options available for the formation of a public service television channel. On the basis of this, a draft Law on Public Television and Radio in Ukraine (the draft PSB Law) was drawn up in May 2005. Despite being one of the new government’s stated aims, the issue has not been on the top of the agenda in the Rada, and debates and votes that were due to take place were frequently rescheduled. As a result of this, it was only on 8 July 2005 that a vote passing the draft PSB Law in its first reading was taken, nearly seven months after Yushchenko was elected.

Civil society continued to strongly advocate for the establishment of PSB and debate carried on within political and media circles as to how PSB should be established and financed. Whether or not the existing State channel UT-1 should form the base of the PSB channel (as stipulated in the Broadcasting Law) is a matter of particular debate, and one which it appears the government itself has yet to resolve. Many media commentators within Ukraine are reluctant to accept the idea that PSB should be formed using UT-1 as basis, as

⁴² Article 2 of the law states that the “Parliament creates Public Service Broadcasting as provided by law”: as there is no specific law on this, one has to be adopted.

⁴³ Steven Eke, BBC NEWS UK, 22 January 2005 in The Action Ukraine Report Monitoring Service 2005 , No. 15, 23 January 2005; Institute of Mass Information, 18 January 2005 <http://eng.imi.org.ua/?id=read&n=1863&cy=2005&m=news>.

they fear that transforming UT-1 into a PSB channel will merely amount to ‘cosmetic’ changes, and that the new channel will not be independent of government influence.⁴⁴ In a statement to journalists in February 2005, Yushchenko said that he did not believe that a State channel should be ‘liquidated’ to make way for PSB;⁴⁵ and in a statement made in June 2005, Mykola Tomenko, former deputy Prime Minister, indicated that the Cabinet was committed to the establishment of a PSB channel on the basis of UT-1.⁴⁶

In early November 2005, the Rada failed to vote to adopt on second reading the draft PSB Law,⁴⁷ which was therefore sent back for consideration to the FEI Committee. As a result, no public service broadcasting service will be in place for the March 2006 parliamentary elections. No explanations were provided by MPs as to the reason for the failure to adopt the law.

4.2. Legislation

As noted above, the Broadcasting Law, in Article 13, notes that one existing national television and radio company is to be set aside to become a PSB institution. Other provisions establish the duties and responsibilities of State broadcasting companies, and how their activities are to be regulated. Little information is given as to the structure of these companies, and how management and employees are to be selected.

According to an assessment carried out by ARTICLE 19 in July 2005, the draft PSB Law, as it was adopted in its first reading, contains a number of positive features.⁴⁸ These include a clear statement of the principles of Ukrainian public broadcasting and a mandate for Ukrainian Radio and Ukrainian Television that recognises and seeks to be responsive to the diversity of its audience, provide quality programming on a range of topics and balanced news on important events. The draft Law also recognises the importance of transparency in the operation of public television and radio through the mandatory mass publication of those organisations’ annual audits.

In the preamble, it is stated that Public Television and Radio Broadcasting is independent and cannot be controlled by the State, political parties, private organizations or individuals. However, in the July version the section on the Supervisory Council (the Council), the body that is to regulate the PSB, does not contain a provision explicitly establishing its independence. ARTICLE 19 judged this a significant oversight, as the independence of the regulatory body is critical to the independence of the PSB it oversees.

In Ukraine there have been prolonged discussions as to how the members of the Council governing the new broadcasting service would be selected, with earlier plans that this process should be carried out by the President, Rada and the Cabinet⁴⁹ drawing criticism.⁵⁰

⁴⁴ *Ukrainiska Pravda*, ‘PSB as a litmus test of courage’, 18 January 2005 (www.pravda.co.ua). See also Ukraine Development Gateway, Taras Shevchenko, Media Law Institute Director, ‘Public Service Broadcasting – Lost in Translation’, from *Ukrainiska Pravda*, 15 April 2005

⁴⁵ Interfax, 8 February 2005.

⁴⁶ Institute of Mass Information ‘Government backed bills on public TV’, 21 June 2005 (<http://eng.imi.org.ua/?id=read&n=2189&yy=2005>).

⁴⁷ Only 176 MPs voted in favour of the law, whilst another 50 votes were needed for its adoption.

⁴⁸ In this section there are no references to articles numbers since these are being changed.

⁴⁹ Vse o TV i telekommunikatsiyakh, “Aleksandr Tkachenko: ‘Obshchestvennoe televideniye – istoricheskii

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The draft Law outlines a procedure involving the selection by the Rada of 30 members of the Council, 15 of whom will be nominated by political parties and blocks, and 15 by civil society groups.⁵¹ A committee of the Rada will choose from the submissions and determine the composition of the Council. The proposed membership will then be submitted to the full Rada to be approved or declined. The draft Law specified that a Council member may not be an MP or State employee. Once elected, a Council member may be removed from his/her post only if s/he systematically fails to perform his/her duties. If a Council member appointed by a political party so fails, the nominating political party must provide a new representative. The Council has, among other things, the authority to elect and dismiss the management of public television and radio, and to elect and dismiss the presidents of these institutions.

ARTICLE 19 believes that, in order to avoid any politicisation of the Council, political parties should not nominate members; nominations should be made only by civil society and professional organisations. As the OSCE Special Representative on Freedom of the Media also noted, “The composition of the organs [of supervision] as proposed would not guarantee independence and a non-politicized broadcaster and furthermore the system of appointment and the structure appear unnecessarily complex”.⁵²

In relation to content, the current State television has been operating under the Broadcasting Law, which gives a comprehensive overview of the extent to which content is regulated. In Article 12, the ‘basic tasks’ of State television and radio companies are stipulated. These are:

- 1) to provide information regarding social and political events in Ukraine and abroad; emergencies and situations which threaten the population; disseminate official communications; explain decisions of legislative, official and judicial power;
- 2) to produce and disseminate economic, journalistic, cultural-educational, medical, creative, scientific, entertainment and sports programming, as well as programmes for children and adolescents;
- 3) to enhance Ukraine’s international relations and the growth of its prestige in the world.

The Broadcasting Law also provides that State television and radio companies are obliged to transmit live broadcasts of sessions of the Ukrainian Rada and the (regional) Crimean Rada, as well as to provide airtime for ‘urgent official presentations on important State issues’, at the demand of the President, Prime Minister, Chairman of the Verkhovna Rada or Chairman of the Constitutional Court of Ukraine. During election campaign periods, State broadcasting companies are also obliged to provide ‘broadcast time equal in volume and value’ to candidates, a clause that was significantly violated in the campaign period for the Presidential elections held in 2004.⁵³

The draft PSB Law sets out several positive requirements for the future PSB, such as that the institution should provide programmes that reflect the diversity of the population, and promote democratic values and inter-ethnic harmony. There is also a provision requiring news to be independent, balanced and unbiased. However, the management structure of the

vyzov otechestvennoi zhurnalistike’ ”, 4 February 2005 (<http://www.tv.net.ua/print.php?id=591>).

⁵⁰ Ukrainiska Pravda, ‘Obshchestvennoe teledideniye kak lakmus muzhestva’ (PSB as a litmus test of courage), 18 January 2005 (www.pravda.co.ua).

⁵¹ Article 5 of the Draft Law of Ukraine ‘On Public Television and Radio in Ukraine’, July 2005.

⁵² OSCE, Assessment of the Law ‘On Public Television and Radio in Ukraine’, op. cit.

⁵³ See Article 19 report *The Politics of Media: Freedom of Expression and the 2004 Ukrainian Elections*, June 2005

new PSB in Ukraine proposed in the draft Law lacks clarity with regard to the establishment of editorial policy. Several conflicting provisions create confusion. It appears that the Law does not clearly assign the task of developing a detailed editorial policy to any one group. This may lead to a number of problems, including future conflict and improper interference in the day-to-day editorial matters by the board.

4.3. Biases on State Television

Media monitoring carried out during the campaign period for the first and second rounds of presidential elections (August to 21 November 2004) showed that mainstream media coverage was consistently biased in favour of the (then) Prime Minister and presidential candidate Victor Yanukovich, and against opposition candidate Victor Yushchenko.⁵⁴ UT-1, together with private channels Inter and 1+1, was among the main critics of Yushchenko in the first two rounds of elections. Yanukovich was granted more direct access to the electronic media, with his activities and speeches frequently dominating news programmes and other election coverage. Such reports were overwhelmingly positive, often highlighting the positive impact of Yanukovich's policies as Prime Minister. In contrast, Yushchenko was granted very little direct access to the electronic media, and reports that did feature him tended to be negative, at times concentrating on the activities of his presumed supporters, who were frequently portrayed as right-wing extremists, rather than on his policies.

There have also been wide-spread reports of the Presidential Administration sending 'instructions' (*temnyky*) to the media, both State and private, to cover events in a manner that is favourable to the authorities.

Following the second round of elections and the 'orange revolution', the media situation, including the performance of UT-1, greatly improved, with an increase in balanced reporting and numerous opportunities for Yushchenko to voice his opinions. The use of *temnyky* also seemed to stop.

4.4. Minority programs

The Broadcasting Law makes just one reference to 'minority broadcasting', when it states at Article 9 that while all television and radio companies should broadcast in the State language (Ukrainian), "broadcasts in certain regions may also be in the language of national minorities densely inhabiting those areas". However, no qualification is given as to which national minorities this refers to, or what level of population density is needed before a 'national minority' can expect to be able to access broadcasts in its own language. In addition, these provisions are intended for all broadcasters, rather than the State broadcaster specifically.

⁵⁴ Media monitoring was carried out by the Ukrainian organisations Kharkiv Group for Human Rights Protection and Institute of Mass Information, with assistance from ARTICLE 19. See ARTICLE 19, *The Politics of Media: Freedom of Expression and the 2004 Ukrainian Elections*, June 2005.

The draft PSB Law also does not make any specific reference to what proportion of output should consist of ‘minority broadcasting’. Instead, rather general statements are made (in the July version) about ensuring pluralism and balanced programmes for all strata of society, including national minorities.

According to the above-mentioned monitoring of the 2004 election campaign, minority rights (including the rights of minorities to practice their religious beliefs) and language issues received very little attention in the media, including UT-1. Minority issues, including on the State channel, were exploited by the pro-Yanukovich circles to portray Yushchenko as intolerant towards ethnic minorities, particularly Russians. This utterly contradicts the principle that a public broadcaster should provide inclusive programming, representative of different social strata.

4.5. Funding

The means by which the new broadcasting service will be financed is another matter for debate, and one which is not fully resolved in the draft PSB Law. This states that organisations of public Television and Radio Broadcasting have the right to receive income from a variety of sources, including subscriber fees, advertising and sponsorship *and* State funding. However, the draft Law omitted to establish the precise funding mechanism, leaving this to be determined at a later time. The decision to fund PSB from a variety of sources may represent a pragmatic response to the fact that at present, it is unlikely that the Ukrainian public would be prepared to accept a licence fee,⁵⁵ in part because there is little understanding amongst ordinary people as to what PSB would actually entail, and how it would serve their needs and interests.⁵⁶ In response to this recognised problem, Taras Stetskiv, president of the National Television Company of Ukraine, has suggested that for the first two or three years of the PSB channel’s existence, viewers should be charged a nominal fee of 1 hryvnia per month; this figure would then be increased once the public had grown used to and accepted the idea of PSB.⁵⁷

⁵⁵ Ukrainiska Pravda, ‘Obshchestvennoe teledeniye kak lakmus muzhestva’ (PSB as a litmus test of courage), 18 January 2005 (www.pravda.co.ua); Vse o TV i telekommunikatsiyakh, ‘Obshchestvennoe shou’ (Social show), 11 March 2005 (<http://www.tv.net.ua/print.php?id=1184>). Many people would also find it difficult to afford a fee, given the limited financial resources of many households.

⁵⁶ Ukraine Development Gateway, Taras Shevchenko, Media Law Institute Director, ‘Public Service Broadcasting – Lost in Translation’, from Ukrainiska Pravda, 15 April 2005; Radio Free Europe/Radio Liberty, ‘Public Broadcasting facing Unexpected Challenges in Ukraine’, Washington DC, 6 May 2005.

⁵⁷ KID, ‘Stetskiv khochet “sbit” po grivne za obshchestvennoe teledeniye s kazhdogo zritelya’ (Stetskiv wants to charge every viewer 1 hryvnia for PSB), 15 June 2005 (<http://zadonbass.org/news/message.html?id=16822>).

5. CONCLUSIONS

With the background of a powerful State television operating as government mouthpiece, the prospects for the establishment of genuine public service broadcasting (PSB) are not very high in the three countries. However, while the authorities of Belarus, Moldova and Ukraine have shown little political will to ensure the transition from State to public broadcaster, we should not underestimate the significant achievements of civil society and other actors in this area. This has included strong campaigning for the establishment of PSB and assistance in the compiling of relevant legislation.

One particularly worrying case is that of Belarus, in which there is not even a façade of independence, but the State broadcaster is overtly used to disseminate the presidential line. Lukashenka's omnipresence on State television, particularly during elections periods, eliminates any chance of pluralism through the broadcaster.

In addition to reluctance by the authorities to establish genuine PSB and the many technical/logistic difficulties, there are a number of aspects of the process of transformation that are common in the three countries. One of these is that, on the whole, there is little awareness amongst the population of the significance of PSB, and of the contribution that it can make to democracy-building. This is perhaps the reason why proposals for fees to be paid by the viewers, so as to guarantee the PSB's independence, rarely receive much support. While fees might not be the best (or only) option in all countries, it is important that there is no over-reliance (and therefore over-dependence) on State funding. A mixed model of PSB funding (through advertising revenue and by various means of public funding) is the overwhelmingly dominant model for public broadcasters all over the world.

Furthermore, in the three countries the regulatory bodies in the area of broadcasting (whether for PSB or the broadcast media generally) are linked to or are even controlled by political and other forces. Their institutional independence is not sufficiently protected by the law, particularly in Belarus, and it is also not observed in practice. It is important for the autonomy of the Supervisory Council (the Council) as a regulatory body that its members do not have a conflict of interest with the mandate of public broadcasting. However, in Ukraine, the draft PSB proposes that half of the nominations of Council members be made by political parties. Although ARTICLE 19 appreciates that this proviso was included to ensure that the nomination process is not controlled by the ruling coalition, we are concerned that this may politicise the regulator and jeopardise its independence. In Moldova, where the PSB law states that the Council should include members of trade union and veterans, the reality is that, despite the progressive wording, many such members are in fact selected for their loyalty to the authorities.

In Belarus, Moldova and Ukraine, there are few opportunities for public participation in the appointment of the Council's members. Consideration should be given to including a provision in PSB laws that would require the list of proposed regulatory body members to be published, providing for a period of public debate between the time the list is proposed and the time it is voted on. Allowing the public to make representations about the candidates ahead of a vote is an approach adopted in some transitional democracies, and can significantly enhance openness and promote public confidence in the Council.

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In addition to ensuring that the governing body of any PSB operation is independent, legislation regulating PSB should also guarantee the independence of public institutions themselves, i.e. that editorial policy and content should not be determined by any governing board.⁵⁸ Instead, in all three cases, there are reports of biases in the public broadcasters, with precise instructions often provided by the authorities to the directors of the institutions. These are reflected in programme content, which is frequently superficial and one-sided.

In the three countries, the public broadcaster is particularly abused during elections periods to promote the interests of the ruling party or incumbent president. Although in Ukraine there were improvements in the area of fair and balanced reporting following the ‘orange revolution’, overall the authorities in the three countries should adopt robust measures for the creation of an effective regime for fair election reporting and equitable access to the media by candidates. This should include measures to ensure that the media is not manipulated to their advantage by those who are currently in power.

In most cases, minority issues and minority representation on the public broadcaster are not seen as pressing issues. In Ukraine, ethnic issues were at times manipulated in the media, including on the State broadcaster. In all three countries, the Russian language remains very popular, yet in both Ukraine and Moldova the majority of the programmes on the State/public broadcaster are in the official language. In Belarus the official language is severely marginalised.

In most cases, the public broadcasters lack financial resources and its staff lack professional skills to develop high-quality programming. ARTICLE 19 recommends that, if possible, a solid funding scheme be determined as part of PSB legislation, in order to ensure that the public broadcasters be allocated sufficient resources to fulfil their public mandates.

Finally, in the laws for the State and public broadcaster in the three countries, there are provisions for the use of the institution by the State to disseminate information that is considered vital for the population (‘must-carry’ provisions). While we assume that these provisions are intended to ensure that the public receives important information about government affairs and situations of emergency, they are unnecessary: any responsible broadcaster will carry information of public importance without a specific requirement to do so. The provisions are also potentially open to abuse.

Recommendations

- Public service broadcasters should be established with a view to: a) producing quality, independent programming that contributes to a plurality of opinions and an informed public; b) providing comprehensive news and current affairs programming, which is impartial, accurate and balanced; c) providing a wide range of broadcast material that strikes a balance between programming of wide appeal and specialised programmes that serve the needs of different audiences.
- In Belarus, a special effort should be made to ensure that the State broadcaster become an institution that serves the people through the dissemination of information in the public interest and a variety of views and opinions.

⁵⁸ *Access to the Airwaves: Principles on Freedom of Expression and Broadcast Regulation* (ARTICLE 19 Principles) Principle 35.3.

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- Activities should be intensified in the three countries to raise the general awareness of the importance of public service broadcasting.
- The independence of public service broadcasters and their regulatory bodies should be provided by law and ensured in practice.
- In Ukraine, the provisions in the draft Public Service Broadcasting Law relating to nominations to the Council by political parties should be amended.
- Consideration should be given to the introduction of provisions to enhance public participation in the nomination of the Council's members.
- Specific guidelines should be established to require all broadcasters (and particularly public service broadcasters) to provide fair and balanced coverage of different parties and political candidates during election campaigns.
- An effort should be made to ensure that minority and ethnic issues are mainstreamed in the activities of the public service broadcaster and that special programmes for these and other societal strata are regularly broadcast.
- Public service broadcasters should avoid over-reliance on State funding and consider the introduction of fees. Adequate financial resources should be allocated to ensure that public broadcasters can provide high-quality programming according to their mandate.
- 'Must-carry' provisions should be repealed.



ARTICLE 19, the Global Campaign for Free Expression, champions freedom of expression and the free flow of information as fundamental human rights that underpin all others. We take our name from Article 19 of the Universal Declaration of Human Rights. It states:

Everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.

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