Detector Media ■ Kyiv ■ 2018 ■

WORK OF PUBLIC AUTHORITIES IN INFORMATION POLICY AND MEDIA REGULATION

Annual Monitoring Report of 2017

NED National Endowment for Democracy
Supporting freedom around the world

DETECTOR M media

Authors:

Serhii Harmash
Mykhailo Kolesnikov
Nataliia Lygachova
Evgeniia Oliinyk
Halyna Petrenko
Roman Shutov

General Editorship:

Andrew Nynka

Design, page layout:

Yana Dobrianska

Coordinator of the project:

Olena Demchenko

This Monitoring Report has an overview and assessment of actions of the Parliamentary Committee for Freedom of Speech and Information, the State Committee for TV and Radio, the National Broadcasting Council, the Ministry of Information Policy of 2017. The Report gives a global understanding of the situation, achievements and issues of the public information policy in Ukraine under conditions of war and democratic media reforms. This Report may be interesting for civil servants, media analysts, media NGOs, researchers in public policy, representatives of technical assistance programmes, journalists and all interested individuals.

photo: Pixabay

CONTENT

2017 was a year of continued implementation of important reforms in the media. It bouyed the hope of Ukrainians for change in the information sphere. A lot has been done, but there is still more work to be done in 2018 and beyond. At this point in the process of reform, it is important that the public, media experts, and the international community closely monitor the progress of the work, monitor each stage, and ensure that structural changes translate to quality content, and prevent the "adaptation" of new ways of working that would allow content to return to what was there previously. Namely, state and communal print publications, which according to Ukrainian law should no longer exist in the country by the end of next year, will need support as they work in these new conditions. Editors will face serious challenges, including the need to target content to the audience and not the owner of the publication, as was done in the past, resulting in a total overhaul of content; update visual design; construct a new financial model that will support the editorial staff; and, finally, all of the above will require knowledge and skills in media management.

In 2017, the government of Ukraine adopted a number of important decisions to protect society from misinformation by the Russian Federation. In addition to a wide range of measures that were implemented earlier, the government continued its doctrine of information security, which blocked Russian social networks, and is continuing discussion on possibly blocking websites with dangerous content. Ukraine seeks a balance between security and freedom of speech. And while this line has not yet been crossed, there is still a danger that, in its effort to ensure security, the government may take action that will irreparably harm the democratic future of Ukraine.

Over the past three and a half years, Russia has completely cleared the Crimean information space of independent mass media: editorial offices of newspapers and television channels have been closed, creating an absence of Ukrainian media, and journalists have faced criminal prosecution. With regard to freedom of speech, the peninsula finds itself on par with dictatorships.

Russia's occupation of Donbass has left the region without freedom of speech, too. Citizens of the region do not have access to Ukrainian media; regional and local mass media have become propaganda tools of the marionette governments in the Luhansk People's Republic (LPR) and the Donetsk People's Republic (DNR). Journalists and activists who oppose the occupation were forced to leave the territory.

photo: Pixabay

WHAT MEDIA ARE MAKING PROGRESS IN THE UKRAINIAN MEDIA MARKET.

A SHORT GUIDE TO THE UKRAINIAN MEDIA LANDSCAPE

MEDIA MARKET

0, 98
billion UAH
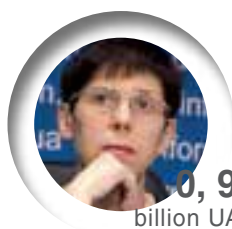
● Nataliia
Lygachova

● Halyna
Petrenko
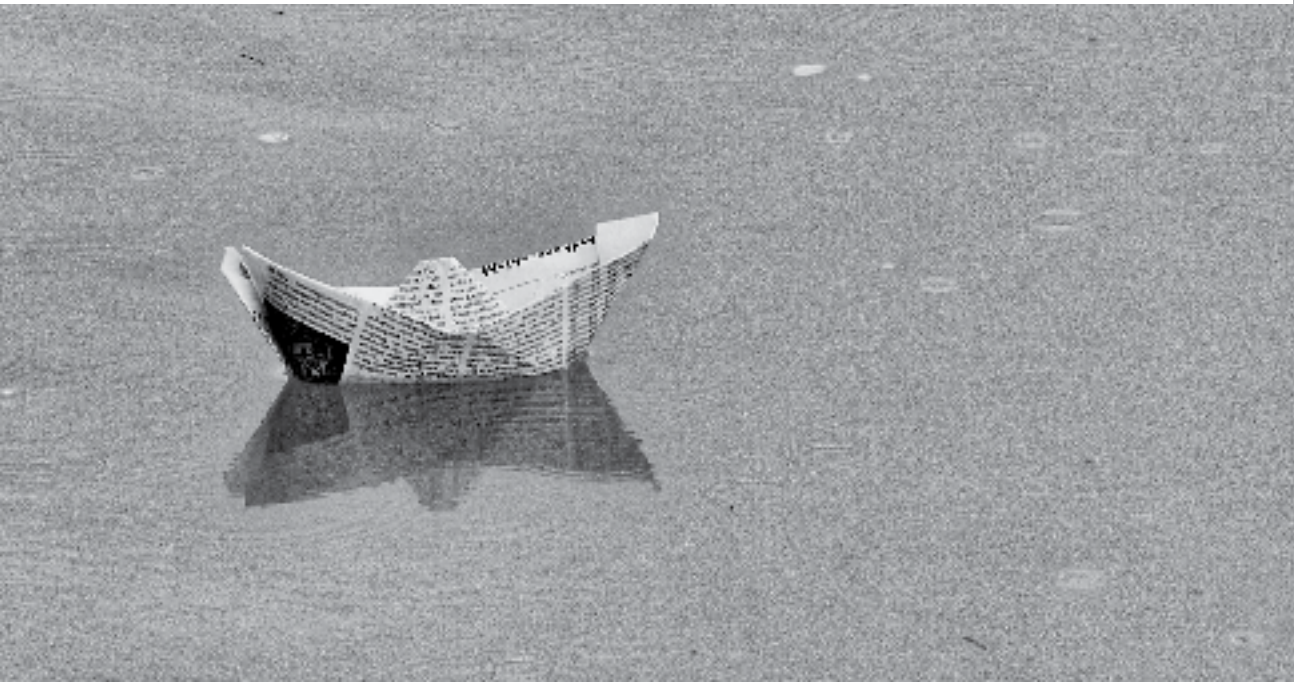
According to a survey conducted by the Research & Branding Group in February 2017, approximately 9 out of 10 adult Ukrainians more or less regularly received news via television, and about half got their news via the Internet. Other types of media are less popular.

● Table 1 [1].

WHAT KIND OF MASS MEDIA DO UKRAINIANS USE MOST OF ALL?

In pct from all respondents; N = 1800

Media	Value
Television	58
Internet	30
Radio	2
Press	2
Denied to answer	8

Values
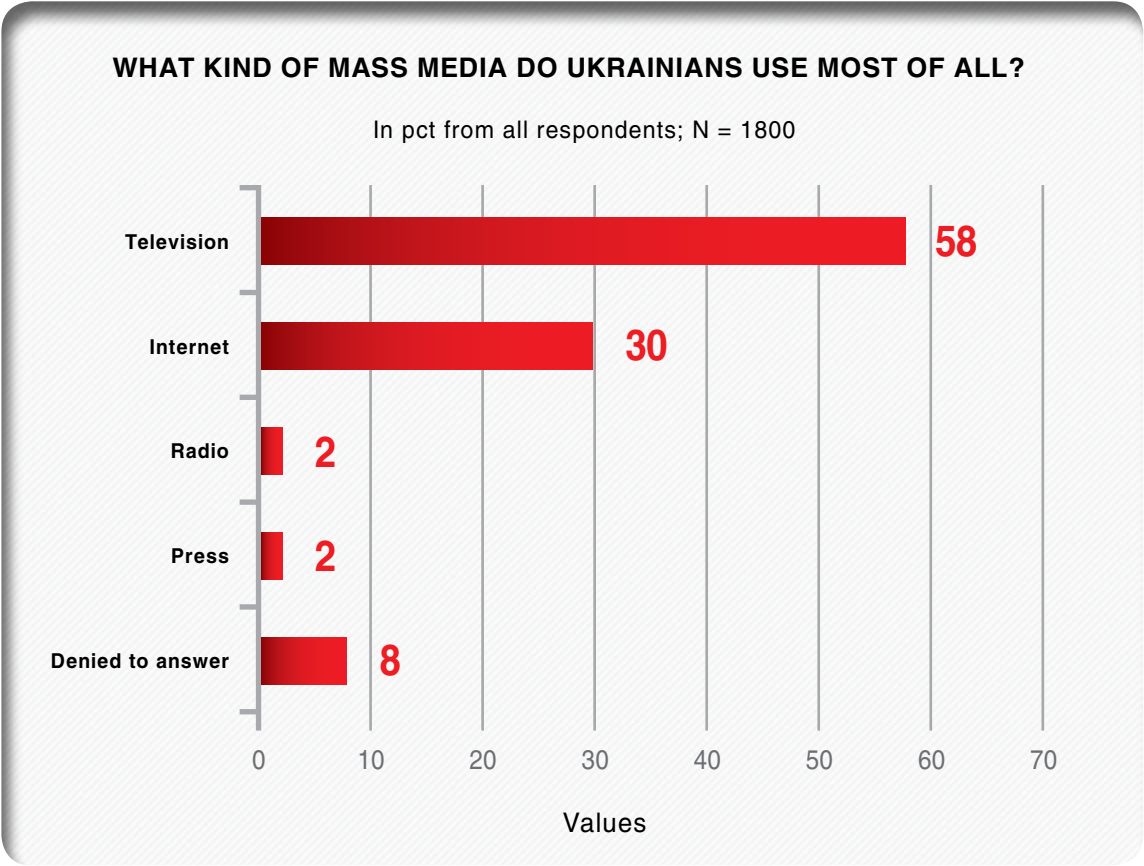
The advantages that Ukrainians attach to certain types of media are to some extent related to age, education, and employment. According to the company's analysis, the highest level of trust in television was observed among people of retirement age, and the lowest among people under the age of 30. On the contrary, the Internet was most often used by young people and rarely by the elderly. At the same time, individuals with the highest level of education are significantly less likely to use television to get their news than those with lower education, but they use the Internet significantly more to get their news than do people with low levels of education.

The popularity of different types of media closely correlates with their rates in the advertising market. Thus, according to the All-Ukrainian Advertising Coalition, in 2017 television led in advertising sales, while the Internet was in the second place, newspapers were third, and radio was in fourth place.

● Table 2.

	2016 Total, Million UAH	Forecast for 2017, million UAH (forecast made in August 2017)	Percentage change 2017 to 2016
TV advertising, total	**5 676**	**7 414**	**31 %**
Direct advertising	4 965	6 455	30 %
Sponsorship	711	960	35 %
Press, total	**1 150**	**1 349**	**17 %**
National	680	816	20 %
Regional	190	219	15 %
Specialized	280	314	12 %
Radio advertising, total	**400**	**480**	**20%**
National radio	290	348	20 %
Regional Radio	39	47	20 %
Sponsorship	71	85	20 %
Out-of-Home Media, total	**1 240**	**1 766**	**42 %**
Outdoor advertising structures	1 081	1 567	45 %
Transportation advertising	77	96	25 %
Indoor-advertising (i.e. Indoor video)	82	103	25 %
Advertising in theaters	**35**	**40**	**15 %**
Internet advertising	**3 140**	**4 344**	**38 %**
TOTAL MARKET	**11 641**	**15 393**	**32 %**

MEDIA MARKET

TELEVISION

According to the Industrial Television Committee, in October 2017, television channels 1 + 1, Ukraine, STB, ICTV, Novy Kanal, Inter, NTN, TET, K1, and 2 + 2 made up the top 10 rated television channels for peopla age 18-54. Each had an audience of more than 50,000 people. Each channel is privately owned and part of various media groups owned by Ukrainian oligarchs: Igor Kolomoisky and Igor Surkis (1 + 1, TET, 2 + 2), Rinat Akhmetov (Ukraine), Viktor Pinchuk (STB, ICTV, Novyj Kanal), and Dmitry Firtash, Sergey Lyovochkin and Valery Khoroshkovsky (Inter, NTN, K1).

● Table 3.

№	TELEVISION CHANNEL	Age 18-54, 50,000+ audience	
		rat %	shr %
1	«1+1»	1,46	10,64
2	«Ukraine»	1,46	10,60
3	STB	1,44	10,48
4	ICTV	1,21	8,77
5	Novyj Kanal	0,94	6,83
6	Inter	0,89	6,49
7	NTN	0,45	3,28
8	TET	0,43	3,14
9	K1	0,35	2,53
10	2+2	0,34	2,45

Meanwhile, public television channel "UA: First," created in early 2017 and based on the former state television company, came in 29th in the October rankings. As a result of commercial negotiations with cable providers, all of the largest private media holding groups decided to encode their signals on satellite in 2018, creating a significant challenge for the configuration of the mass media market in Ukraine. There are fears that this could harm information security in Ukraine, as the satellite signal will remain uncoded and be capable of broadcasting Russian television channels with illegal anti-Ukrainian propaganda. At the same time, Ukrainian television channels may not be able to compete for the attention of those Ukrainian satellite television consumers who do not want to pay for encoded channels or change their television signal.

Another trend in Ukraine's television market in 2017 included the launch or intensification of television content focusing on Ukrainian presidential and parliamentary elections in 2019. Currently, there are 14 television channels either entirely or partially devoted to providing news and information: Channel 5, 24, Espresso, 112 Ukraine, NewsOne, Hromadske, ZIK, Social Country, NewsNetwork, PravdaTUT, UNIAN, Direct Channel, Oboz TV, and ATR. Although the audience for these channels is much smaller than the audience of large channels, it is comprised of people who are highly politicized. They are opinion leaders whose views can influence others.

MEDIA MARKET

In contrast to Hromadske and ATR, other channels quite clearly promote the interests of one or another political-business group. Some of them are also de facto affiliated with large oligarchic media groups (for example, 112 Ukraine is connected to the Inter group). The ownership of these groups is often unclear (in the case of 112 Ukraine) or raises doubts (for example, NewsOne). It is also a feature of the current state of television in Ukraine that, although almost all private information channels are political and business tools of their owners, their precise purpose is often hidden not only from viewers, but even from experts. They use very subtle manipulative and political tools. There has been a chaotic rearrangement of political forces leading up to the 2019 election, and various groups have struggled to maintain their influence on the media, making it difficult to understand exactly what kind of editorial policy is being used by certain television channels. And at times there have been dramatic changes in editorial policy by some individuals or on some issues. For example, over the past two years Inter continuosly criticized the head of the Ministry of Internal Affairs Arsen Avakov and the People's Front political party. Then, suddenly, on roughly November 7, not only did the channel stop mentioning or criticizing Avakov, but they also removed any negative mentions of the minister from their site.

Meanwhile, neither Hromadske nor ATR have attracted much attention from viewers.

There is a fierce struggle for ratings among the largest television channels, which has led them to show programs of dubious artistic value that indulge the primitive tastes of the audience: social talk shows about sex, reality shows about fights in the family, etc. Political talk shows also launched in the fall of 2017 on many television channels: there are already five of them, including three that launched in the fall. And politicians who are also television anchors, and who provide commentary on current political events in Ukraine, have also became very popular.

The only way to improve the quality of such entertainment programs is through self-regulation by mass media market itself. But it is extremely difficult to battle against the television market. For example, a working group at the National Council on Television and Radio Broadcasting has spent two years working to develop a common editorial policy that would protect minors from harmful content, or protect them when they work in television. This group is comprised of psychologists, and representatives of all major broadcasters and community media organizations. The first result of the group's work was the signing of a joint agreement at the end of the past year by the largest television organizations in the country on "Protecting the child who was sexually abused while engaging in media production." After long discussion, the media groups agreed to make it impossible to identify child victims of sexual violence (this included not disclosing their names, faces, or publishing their names in settlements, etc.). Work on the second self-regulatory act is underway. This act governs the coverage of suicide, but its discussion is moving very slowly. The issue of self- and co-regulation is one of the most problematic in the discussion of the bill on audiovisual media service, which is currently awaiting registration in the Verkhovna Rada.

As for the quality of political talk shows and the participation of politicians in television programs as news anchors, the situation could be improved if media financing was more transparent.

INTERNET

According to the Internet Association of Ukraine, there are no news sites among the top 10 Internet sites in Ukraine: The most popular sites are search engines, social networking sites, custom video platforms, online stores, and online banking sites. It is also noteworthy that the decision by the National Security and Defense Council – "On the application of personal special economic and other restrictive measures (sanctions)," which blocked Russian Internet services offered by Mail.ru, Yandex, VKontakte and Odnoklassniki, and which came into force in May 2017 – reduced access Ukrainians have to these sites, but it did not cut it to zero. Thus, the sites of all four services

in Ukraine were in the top 10 in terms of coverage in May, while in October only two of them (the search engine Yandex and the social networking site VKontakte) remained in the top 10.

● Table 4.
Top 10 sites: Ranked by average daily share, October 2017

Domain	Desktop		Mobile browser (Android)		Desktop+Mobile browser (Android)	
	ADS, %	Monthly share, %	ADS, %	Monthly share, %	ADS, %	Monthly share,
%	70%	78%	61%	14%	70%	87%
youtube.com	49%	70%	8%	6%	45%	74%
facebook.com	30%	50%	12%	7%	29%	55%
olx.ua	17%	49%	5%	5%	16%	53%
privatbank.ua	14%	47%	3%	3%	13%	50%
rozetka (.ua/.com.ua)	10%	43%	4%	4%	10%	47%
wikipedia.org	7%	39%	6%	5%	7%	43%
prom.ua	8%	37%	4%	4%	7%	41%
yandex	21%	39%	2%	1%	19%	40%
vkontakte(vk.com)	24%	37%	6%	3%	22%	39%

● Table 5.
Top 10 sites: Ranked by average daily share, May 2017

Domain	Desktop		Mobile browser (Android)		Desktop+Mobile browser (Android)	
	ADS, %	Monthly share, %	ADS, %	Monthly share, %	ADS, %	Monthly share, %
google	63 %	72 %	57 %	12 %	63 %	80 %
youtube.com	47 %	66 %	3 %	3 %	43 %	68 %
vkontakte(vk.com)	45 %	62 %	22 %	8 %	43 %	68 %
yandex	37 %	57 %	5 %	4 %	34 %	60 %
odnoklassniki(ok.ru)	29 %	45 %	5 %	3 %	27 %	48 %
facebook.com	28 %	48 %	2 %	2 %	26 %	49 %
mail.ru	25 %	54 %	8 %	5 %	24 %	57 %
ukr.net	16 %	29 %	4 %	2 %	15 %	30 %
olx.ua	14 %	45 %	6 %	5 %	14 %	48 %
sinoptik.ua	14 %	30 %	8 %	3 %	13 %	32 %

In terms of the most popular social and political mass media sites, 4 out of 10 are the Internet sites of television channels – tsn.ua, 24tv.ua, unian (.net/.info/.ua), 112.ua/112.international – and two belong to media holding companies, which include television channels (obozrevatel.com, segodnya.ua).

● Table 5.

№	RESOURCE	Share, September 2017	Share, October 2017
1	obozrevatel.com	22 %	22 %
2	segodnya.ua	18 %	21 %
3	tsn.ua	18 %	20 %
4	24tv.ua	16 %	20 %
5	rbc.ua	14 %	16 %
6	znaj.ua	10 %	13 %
7	strana.ua	11 %	12 %
8	unian (.net/.info/.ua)	10 %	11 %
9	112.ua|112.international	7 %	11 %
10	pravda.com.ua	12 %	11 %

Internet media in Ukraine are unregulated, and their legislative requirements are considerably more liberal than those that cover television. And it is on the Internet, including on those sites in the .ua domain, that many pro-Kremlin resources and pro-Russian propaganda can be found. Strana.ua, the socio-political Internet site in seventh place, is of particular interest. This site appeared in early 2016, and it attracted an audience because it presented complex topics quickly and clearly. Unfortunately, the site was often caught trying very subtly to manipulate its audience toward a certain pro-Russian point of view.

The web site vesti-ukr.com also maintains a very dangerous pro-Russian editorial policy. The site belongs to the newspaper Vesti, which began publication in 2013, and has one of the country's largest readership. The paper has long been distributed for free. Its owner is the former Ukrainian Minister of Income and Assets, Oleksandr Klymenko, who is accused of treason in Ukraine, and who fled to Russia after the revolution.

Regional media also maintain an outright anti-Ukrainian editorial policy. They skillfully employ a language of hostility toward Ukraine. One such example is the Odessa web site Timer.

Ukraine has not yet developed a clear policy to counter such sites. From the very beginning of Russia's military aggression against Ukraine, large efforts were made by various organizations to expose fake information (in particular StopFake, VoxCheck, and Detector Media). Work on this issue has been ongoing for several years, and the Ministry of Information Policy was created in 2014, which is responsible for the UA/TV channel. In 2017, the ministry also maintained a working group and Expert Council that sought to examine the question of how to counter Russian propaganda on the Internet. In particular, those groups compiled a list of sites that contained signs of illegal information, and passed that list on to the Ukrainian security service, SBU. This list included the following sites: rusvesna.su, rusnext.ru, news-front.info, novorosinform.org, nahnews.org, antifashist.com, antimaydan.info, lug-info.com, novorossia.today, comitet.su novoross.info, freedom.kiev.ua, politnavigator.net, odnarodyna.org, zasssr.info, ruspravda.info, on-line.lg.ua, ruscrimea.ru, c-pravda.ru, 1tvcrimea.ru. At the time this report was drafted, these sites were not blocked on the territory of Ukraine.

MEDIA MARKET

The availability of Ukrainian media in Crimea and in the occupied territories of Donbass remains a painful issue. Despite efforts by Ukrainian authorities to provide at least some access to radio and television, the reality is that information about Ukraine can still only be obtained by residents of Crimea and Donbass via satellite television and the Internet.

PRESS

According to the Communication Alliance, 10 out of 10 Ukrainian print publications with the largest advertising revenues in the first three quarters of 2017 are glossy magazines. The top three publishing houses with the largest advertising revenue are Burda Ukraine, Hearst Shkulev Ukraine and Edipress Ukraine. At one time, all three represented foreign publishing houses in Ukraine. Today, only the first two still do: in the spring of 2016, the

● Table. [2]
Periodicals with the largest advertising revenue

Periodical	Publisher	Advertising space with regard to A4	Advertising space with regard to the edition (pages)
Elle	**Hearst Shkulev Ukraine**	286	301
Vogue UA	**Siogodni Multimedia**	262	270
L'Officiel	**Babylon**	152	145
Cosmopolitan	**Hearst Shkulev Ukraine**	174	188
Harper's Bazaar	**Hearst Shkulev Ukraine**	278	236
XXL. Muzhskoy razmer (XXL. Men's Size)	**Babylon**	97	96
Karavan istoriy (Caravan of Stories)	**Caravan-Media**	138	135
VIVA!	**Edipress Ukraine**	236	218
Lisa	**Burda Ukraine**	188	210
Marie Claire	**Burda Ukraine**	257	267
Edinstvennaya (The Only One)	**Edipress Ukraine**	169	187
L'Officiel Hommes	**Babylon**	88	85
Telenedelya	**UMH**	432	358
Novoe vremia strany (Country's New Time)	**Media-DK**	251	288
Otdokhni (Have a Rest)	**Burda Ukraine**	149	166
Women's magazine for those who want to live a happy life	**Club ZhZh**	196	192
Focus	**Focus Media**	217	238
Segodnia (Today)	**Siogodni Multimedia**	259	190
Dobriye sovety (Kind advices)	**Burda Ukraine**	149	161
Delovaya stolitsa (Business Capital)	**Cartel**	201	118
Vokrug sveta (Around the World)	**Cartel**	134	139
Tvoy malysh (Your Baby)	**Edipress Ukraine**	142	166
Dobriye sovety. Liubliu gotovit (Kind advices. I like cooking)	**Burda Ukraine**	113	175
Pink	**Babylon**	138	171
Moy rebenok (My Baby)	**Burda Ukraine**	115	123
Business	**Blitz-Inform**	154	163
Natalie	**Blitz-Inform**	69	70
Kyiv Post	**Public Media**	178	117
Idei vashego doma (Your House Ideas)	**Burda Ukraine**	127	150
AvtoMir (AutoWorld)	**Burda Ukraine**	97	103

Swiss owners of Edipress Ukraine transferred 75 percent of the publication to the Ukrainian director of the publishing house, Inni Katushchenko, leaving themselves only a minority stake of 25 percent. In the autumn of that year Victor Shkulov, owner of the Russian holding company Hearst Shkulev Media, said he would not mind getting rid of the Ukrainian asset.

Since then, however, there has been no official word regarding an ownership change at Hearst Shkulev Ukraine.

RADIO

According to the intersection industrial association "Radiocommittee," in the third quarter of 2017, four radio stations of the TAVR Media group (owned primarily by Victor Pinchuk and Nikolay Bagraev) were among the top 10 radio stations in Ukraine. Others on that list included four UMH holding stations and one radio station from the Business Radio Group (owned by Anatoly Yevtukhov and, according to some reports, People's Deputy Vitaliy Khomutinnik) and the holding "Lux" (the majority owner is Ekaterina Kit-Sadova, the wife of the mayor of Lviv).

The biggest event of the year in the radio market occurred in October of 2017. The National Television and Radio Broadcasting Council refused to reissue six licenses of five UMH radio companies and to appeal to the court to cancel a total of 30 licenses of 12 radio companies of the same holding on the basis that their property structure was not transparent. The formal owner in the spring of 2017 was Dmitry Krykberg, although it is widely known that the real owner is the oligarch Sergey Kurchenko, who is wanted by the authorities.

● Table 7. [3]

RADIO COMMITTEE		Universe (12-65)					
PLACE		**W3'2017 03.07-01.10**	**W2'2017 10.04-25.06**	**W3'2016 20.06-25.09**	**Difference of AQH% in comparison with the previous second wave 2017 (pct)**	**Difference of AQH% in comparison with the samethird wave 2016 (pct)**	**Difference of AQH% by the place of radio station in comparison with the previous second wave 2017**
place		AQH% (previous name rat%)	AQH% (previous name rat%)	AQH% (previous name rat%)			
1	Hit FM	1.12	1.15	1.02	▼ -0.03	▲ 0.10	▬ 0
2	Radio Friday	0.77	0.70	0.68	▲ 0.07	▲ 0.09	▬ 0
3	Shanson	0.68	0.69	0.70	▼ -0.01	▼ -0.02	▬ 0
4	Lux FM	0.67	0.67	0.71	▼ 0.00	▼ -0.04	▬ 0
5	Russian Radio Ukraine	0.60	0.62	0.76	▼ -0.02	▼ -0.15	▬ 0
6	Radio Roks	0.57	0.61	0.55	▼ -0.04	▲ 0.02	▬ 0
7	Retro FM	0.55	0.48	0.54	▲ 0.07	▲ 0.00	▲ 1
8	Kiss FM	0.49	0.52	0.54	▼ -0.03	▼ -0.06	▼ -1
9	NRJ	0.44	0.30	0.26	▲ 0.14	▲ 0.18	▲ 3
10	Autoradio	0.43	0.39	0.44	▲ 0.04	▼ -0.01	▼ -1

SUMMARY

This was the first time that the National Council took advantage of the opportunity granted to it at the end of 2015 to impose such a severe sanction for the lack of transparency of media ownership. Under the new legislation, in 2017 television and radio companies and service providers have twice submitted reports regarding their ownership. The practical application of the rules on transparency has shown that the rules need to be further improved, adding reporting on the transparency of media financing. Among other media reforms necessary for 2018, Ukraine must develop and assure proper financing of the newly created Public Broadcasting, shut off analogue television, and adopt a bill on audiovisual media services.

MEDIA MARKET

Thus, as this description of the Ukrainian media landscape shows, there is no problem in Ukraine to find a platform from which to provide any kind of criticism, even the harshest, of politicians, officials, or business figures. In other words, Ukraine does not have a problem with freedom of speech. The problem Ukraine does have regards the dependence of many media on the interests of its owners: oligarchs or representatives of big business are closely linked to politicians. The oligarchic nature of the Ukrainian media market means that media is less about competing ideas or policy positions, and instead about reflecting the business interests of political-oligarchic business clans. The real political fight becomes a competition of political slogans, and this ultimately leads to populism. It is extremely difficult to understand what is truly happening in Ukraine under these circumstances.

According to monitoring conducted by Detector Media, a lot of content in Ukrainian mass media created for a commission. The people who commission content in Ukraine not ownly own the content, but they can negotiate their price as well. Added to this equation is the chaos found on social media, where the emotions of "soft experts" are consciously exacerbated by professional provacateurs, including Russian ones. As a result of this situation, the majority of the population of the country is often disorientated regarding what's real and what's not.

One result of this situation may be the return of the media to profitability, which they noticeably lost over the past four years, during which time the country has been mired war and economic stagnation. This may contribute to the idea of prohibiting advertising of certain types of goods (pharmaceutical or political), switching off analogue broadcasting (since most television channels currently pay for both analogue and digital signals), inducing cable providers to pay television channels a fair price for content, abolition of licensing for media activities that do not require the use of limited frequency bandwiths, fighting against Internet piracy, stopping advertising in pirate and other questionable content, stimulating international cooperation in cinema series production (this does not mean cooperation with Russia at present), developing a cinema network in small cities, and so on.

Getting the mass media in Ukraine to operate in a true business market is a necessary step, but this move alone will not be enough to allow journalists to resist the pressure of censorship by their media owners. It is equally important to increase the professional standards of both media managers and journalists themselves, creating incentives for them to not only receive wages or advance career paths, but to also perform their work at a high journalistic standard. Restructuring professional bonuses and the tools used by media to regulate themselves would be very useful for improving the quality of media work. It is equally important that the media in Ukraine come to some agree regarding their role in a country currently at war. It is also important to increase the level of media literacy among readers, listeners, and viewers. This can be done via the introduction of a mandatory course on media literacy in Ukrainian schools.

In the end, if the media in Ukraine do good work, then it will increase the public's faith in them. Doing this will take a long time, but the media in Ukraine must move along this path. ■

LIST OF REFERENCES

[1]   http://detector.media/infospace/article/123866/2017-03-07-naibilsh-populyarnimi-sered-ukraintsiv-zmi-e-telebachennya-ta-internet-research-branding-group/

[2]   http://detector.media/rinok/article/131637/2017-11-06-rinok-radio-ta-presi-pidsumki-trokh-kvartaliv-2017-roku/

[3]   http://detector.media/rinok/article/131794/2017-11-10-zrostae-kilkist-postiinikh-koristuvachiv-internet-radio-radiokomitet/

INFORMATIONAL THREATS

photo: Pixabay

BETWEEN SECURITY AND FREEDOM:

INFORMATIONAL THREATS AND POLITICAL TOOLBOX

Ukraine is a frontline in an ongoing information war, defending itself against the powerful pressure of disinformation from the Russian Federation. The information security challenges that have touched the democratic world after 2014 (for example, fake news, anti-democratic propaganda through social networks and fringe media, and the spread of xenophobic and anti-western messages) are much more acute in Ukraine. In fact, they are used by Kremlin as another weapon in the war against Ukraine.

Roman Shutov

ON THE FRONTLINE OF THE INFORMATION WAR

In fact, the Kremlin's war against Ukraine began with a massive propaganda attack in the winter of 2013-2014. The Russian mass media machine (Russian television channels, Internet web sites, social media networks, and Ukrainian mass media connected with the Kremlin and with government organized non-governmental organizations, also known as GONGO) worked at full capacity to disinform Ukrainian citizens about events during Maidan (now known as the Revolution of Dignity). Various fears and stereotypes were propagated in an effort to further mobilize potential supporters to the Russian side. For example, citizens were told that Nazis from western Ukraine were coming to kill Russian language Ukrainians in the east and south of the country; and they were told that the treacherous west, which allowed these Nazis to rise to power in Kyiv, is now using them against Russia. This in large part contributed to the destabilization of the situation in the east and south of Ukraine in 2014, and it created conditions favorable for further military intervention.

Throughout 2014-2016 the Ukrainian government took a number of steps to restrict the Kremlin's ability to influence the Ukrainian information space and enhance information security:

1 It is illegal to broadcast Russian television channels that contain propaganda. This includes banning broadcast and cable networks, though citizens can still access this content via satellite and the Internet. The first channels were banned by a court order in March 2014; there are now more than 80 banned Russian television channels. While Kyiv has abided by with the norms of international law, it has also done everything in its power to ensure that the Russian side would not succeed.

2 It is illegal to screen Russian films made after January 1, 2013, as well as any Russian films that contain elements of propaganda. While people can still watch these films freely via various media, including on the Internet, the goal is to stop screening them in cinemas and on television.

3 There is a limit to the number of books that can be imported from the Russian Federation.

4 The Ministry of Information Policy was created. This is a special governmental body that is responsible, among other things, to ensure Ukraine's information security.

5 A law on the transparency of media ownership was adopted. This law aims to help the public better understand the influence of pro-Russian business groups on mass media organizations.

6 A number of important media reforms have begun (in particular, the

INFORMATIONAL THREATS

≪ We believe the burning of the channel was an act of vandalism and an attack against democracy and freedom in Ukraine».

(statement by journalists from the Inter Media Group accused of collaborating with the separatists of the DPR)

creation of a public broadcasting organization and the denationalization of the state press). The goal of these reform measures is to democratize the current media landscape and improve citizens' access to quality, balanced news.

Not all of these measures were equally effective. Overall, however, they have limited Ukrainians' access to Russian propaganda and eliminated some of the most harmful information from the Ukrainian information space. Despite this, sociological research conducted by Detector Media and the Kyiv International Institute of Sociology show that even three years after the war began (in which these restrictions were in place for at least two years), the percentage of citizens who still believe Russian propaganda ramains relatively high (more than 30 percent). This number demonstrates the effectiveness of the powerful influence that Kremlin proxies – operating in Ukraine itself without restriction – still exert on Ukrainian citizens.

These proxies are quite powerful. Among them is a financial and political group associated with former President Viktor Yanukovych, who is currently hiding in Russia and in fact remains the leader of Russian interests in Ukraine.   This group is represented in parliament by the Opposition Bloc (the reincarnation of the Party of Regions, Yanukovych's former party), and its representatives control significant media assets. Numerous analysis and monitoring reports are available

(e.g. Kremlin Influence Index) that demonstrate a strong correlation between the rhetoric of the Opposition Block and media controlled by pro-Russian businesses (such as Inter TV, Vesti, strana.ua) to Kremlin narratives that undermine citizens' trust in government, destabilize Ukrainian society, and reduce its will to resist Russian military aggression. Though all those actors appear demonstratively pro-Ukrainian, there is evidence that they serve as Kremlin proxies inside Ukraine.

The vulnerability of the Ukrainian government to hybrid information threats came to light on August 2016, when testimony revealed publicly cooperation between Inter TV channel (among the most popular in Ukraine) and separatist groups in Donetsk. As it turned out, Inter TV received instructions from separatist groups on which topics to cover in their broadcasts. The government has been unable to take action in this situation; pro-Ukrainian activists began numerous protests, which ultimately led to the burning of the television channel. Inter TV took the position that it was a "victim of the antidemocratic regime." Its editorial policy remains unchanged.

The situation with Inter TV, as well as with many other cases in which the Kremlin's media and political agents operate in Ukraine, lead experts to argue that the current political tools in Ukraine are not suffient enough to ensure information security in the context of free speech.

APPROVED DOCTRINE OF INFORMATION SECURITY

Attempts to develop the Doctrine of Information Security in Ukraine have been ongoing for more than 15 years, but this has never been a priority of state policy. Because of the war and the clear information threats, this issue can no longer be ignored or postponed.

The beginning of 2017 marked an important milestone: the approval of a strategic document on information security.

The doctrine was approved by the National Security and Defense Council of Ukraine on December 29, 2016, and on February 25, 2017, it was signed into law by the president.

❮❮ The Russian Federation's use of technologies in the hybrid war against Ukraine has transformed the information sphere into a key arena of confrontation (...) The purpose of the Doctrine is to clarify the principles of the formation and implementation of state information policy, primarily in counteracting the devastating informational influence of the Russian Federation in the conditions of its hybrid war».

(Doctrine of Information Security of Ukraine, 2017)

The adoption of the doctrine is a clear step forward in strengthening Ukraine's ability to withstand hybrid threats. It clearly defines the interests of the state and its citizens in the informational sphere, the goals of the state policy of information security, and the tools used by the state to ensure information security. This document shows the government's commitment to democratic values and their effort to ensure they will not cross the line to enfringe upon freedom of speech. Overall, the doctrine reflects both Ukraine's consistent effort to affirm its commitment to freedom of speech, and its search for effective solutions to fight misinformation and propaganda.

More time is needed to understand how adoption of the doctrine will affect state policy and freedom of speech. Implementation of the policy in the near future will show whether the doctrine can become the foundation for further development of state policy on information security. With that said, the fundemental problems for Ukraine in this area remain unresolved: managerial chaos, lack of coordination between government bodies, and a lack of the capabilities and resources needed, which makes the state policy of ensuring information security completely ineffective. Meanwhile, a number of provisions (for example, the possible blocking of websites with dangerous content, or having government produce and distribute "strategic narratives") can in practice be undemocratic without proper public oversight.

In general, however, the doctrine has made it possible for Ukraine to further develop its state policy on information security, a step that is urgently needed for a country in a hybrid war.

BLOCKING RUSSIAN SOCIAL MEDIA

Officially, this issue regards Ukraine's introduction of new sanctions against the Russian Federation on April 28, 2017. Among the 468 entities that were subject to these new restrictions, the following Russian Internet services were included in the sanctions: mail.ru and Yandex, the social media networks Vkontakte and Odnoklassniki.ru, as well as the antivirus companies Kaspersky Lab and Dr. Web.

The reaction in Ukraine and internationally to the development of such events was mixed. On the one hand, the role Russian social media played in spreading hatred and ligitimizing violence in 2014 was obvious. People used social media networks to call for the slaughter of Ukrainians and the persecution of pro-Ukrainian activists in Crimea, Luhansk, and Odessa. On

INFORMATIONAL THREATS

Wellness. Russians. Yours.
Images such as the one above were disseminated by social networks in an effort to ligitimize the invasion of Crimea and Donbass by Russian troops in the spring of 2014.

the other hand, Vkontakte was the most popular social network in Ukraine. At least 12 million people used it for daily communication, for educational purposes, and to watch videos and listen to music.

Though Ukraine does find itself in a unique situation and it must fight to protect itself in this war of information, experts called the decision to block various Russian Internet sites excessive and undemocratic.

However, the example of blocking social media in Ukraine illustrates that such efforts to restrict access to social media in today's information age are never fully effective. For example, the ban of Vkontakte only reduced its total monthly Internet audience saturation in Ukraine from 68 percent to 39 percent . This means that two out of five Internet users in Ukraine continue to use the network via VPN servers and other means.

The blocking of social networks in Ukraine has also been discussed in a different context: it is the first case of a ban on online resources that bypassed a court ruling. This is significant because there is a similar discussion now in Ukraine about possibly blocking web sites with dangerous content.

ENTANGLED IN THE WEB

The Russian propaganda machine created a huge number of web sites aimed at fostering misinformation. The sites are entertaining, pseudo-scientific, religious, and conspiratorial, and they all address the concepts of "New Russia" or "the Russian sphere of influence. They all spread a single narrative among Russian-speaking audiences. In addition to these quasi media, the official Russian mass media and the propagandistic media of the LPR and DPR are used to carry out the typical war time work of demonizing Ukraine while glorifying their own fighters. These sites are all accessible to Ukrainian citizens.

Ukrainian security circles recognized this problem from the beginning of the war. The problem regards removing propaganda from the sphere of free speech and the use of blocking measures that restrict access for the Ukrainian audience to disinformation resources on the Internet.

The possibility of blocking sites with dangerous content was first mentioned in the Strategy of Cybersecurity of Ukraine in March 2016. The doctrine of information security contained similar provisions.

In June 2017, the Ministry of Information Policy issued a list of 20 sites it recommended be blocked. Experts raised serious concerns over two issues: the first concern regarded the criteria used to select the mass media sites included in the list of sites to be blocked; the second and most important concern was that Ukraine had not developed an algorithm

Freedom House

❮❮ **Russian social networks VKontakte and Odnoklassniki were blocked in May 2017, inhibiting the potential for mobilization using these popular platforms».**

(Freedom House, Freedom on the Net 2017[1])

for such blocking. For these reasons, this recommendation has not been implemented.

Human rights activists and media watchdogs insist that only a ruling by a court can block Internet sites. The Minister of Information Policy Y. Stets said that no web site would be blocked unless there was a court decision or Ukrainian legislation that allowed such a measure. But alarming signs have already developed: the Verkhovna Rada drafted bills that included fairly rigid tools for controlling the Internet. Such tools would not require court oversight. This move raised serious concern among media and experts.

This move comes against the background of the first criminal rulings on blogging. There were several convictions of Internet users (usually on conditional sentences of up to 3.5 years) for encroachment of the territorial integrity of Ukraine on the Internet. Thus, international organizations (in particular, Freedom House) raised the issue of additional threats to freedom of speech on the Internet in Ukraine.

Taken together, all of these threats look quite threatening to Ukrainian democracy. It is understandable that the government wants to minimize information security risks online. And there are no universal democratic solutions for effectively fighting information threats online. Ukraine, therefore, is forced to be a pioneer in this war.

CONCLUSION

Despite various concerns, the Ukrainian government has not yet crossed the line from ensuring information security to restricting democratic freedoms. There is a great risk that, in making short-sighted and radical decisions, Ukraine will place mines beneath the foundations of freedom of speech in the country: we must not allow the creation of tools that can be used to silence dissent within Ukraine itself.

Moreover, at a time of democratic instability in Ukraine there is a great risk that the country can slide back toward authoritarianism. Even if the current government does not dare to restrict democratic freedoms, the next government could use these same tools to do so. ■

LIST OF REFERENCES

[1] https://freedomhouse.org/report/freedom-net/2017/ukraine

[2] http://detector.media/withoutsection/article/131791/2017-11-10-polgoda-sanktsii-protiv-rossiiskikh-saitov-chto-izmenilos/

[3] http://detector.media/infospace/article/123734/2017-03-02-yurii-stets-antiukrainski-saiti-mae-zakrivati-sud-za-rezultatami-monitoringu-mipu-ta-analizu-sbu-i-ekspertnoi-radi/

[4] http://detector.media/infospace/article/127933/2017-07-13-zakonoproekti-6676-i-6688-stavlyat-pid-zagrozu-vilnii-rozvitok-internetu-v-ukraini-zayava-mediinikh-go/

During 2017, the third year in which media reforms have been implemented in Ukraine, we have seen significant achievements in the creation of public broadcasting, the continuation of the reform of state and regional print media, and some progress in the reform of audiovisual media services legislation.

photo: Pixabay
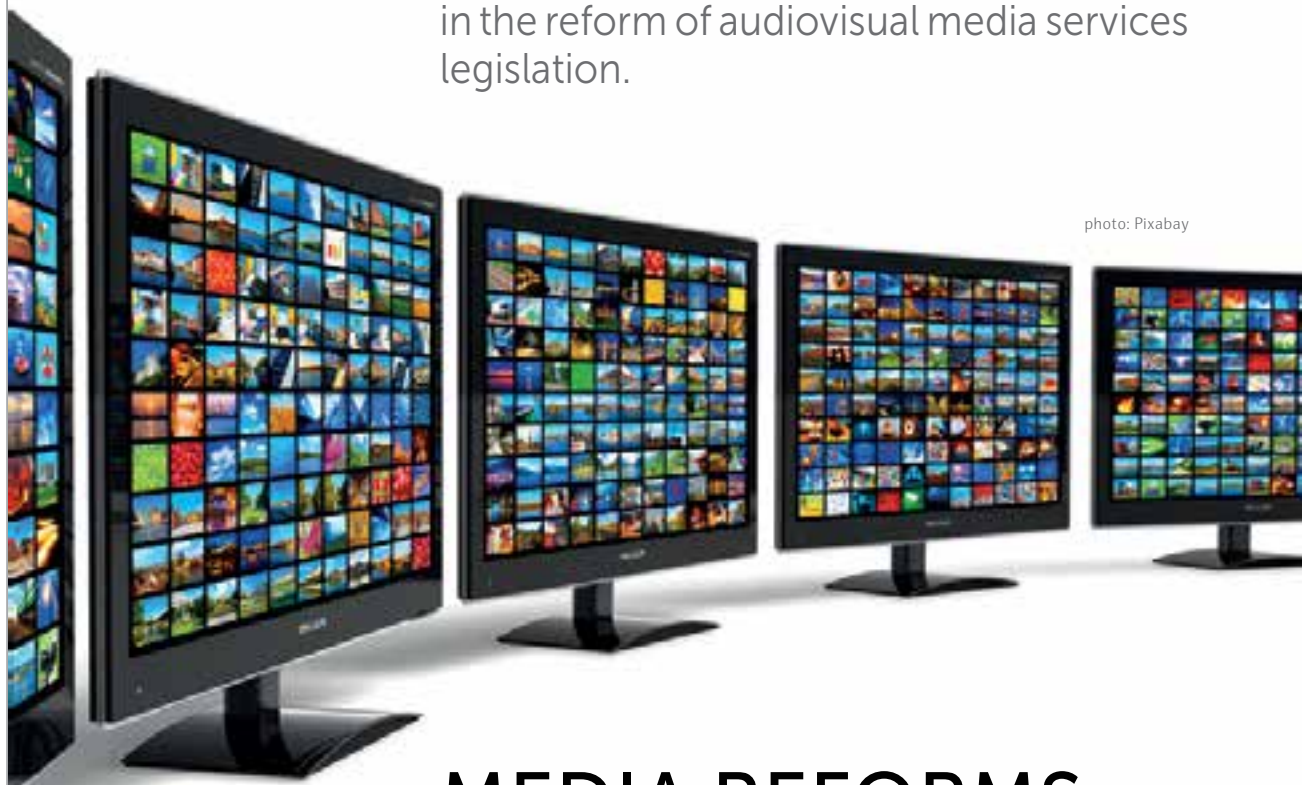
MEDIA REFORMS IN UKRAINE 2017: A TIME OF FLUCTUATIONS

Evgeniia Oliinyk

One of the basic documents used in implementing reforms and introducing changes to the media law of Ukraine is the Strategy for the Development of Ukrainian Legislation on Freedom of Speech and Media Activities in Accordance with European Standards. [2] The document was approved by members of the Verkhovna Rada Committee on Freedom of Speech and Information Policy on January 27, 2016. However, a plan for implementing the strategy still does not exist. Therefore, our comments can only offer general analysis and reflection, and they cannon cover concrete measures, periods, or responsible bodies. The strategy foresees a complex set of steps that would bring Ukrainian legislation closer to European standards. These steps are broader than those called for under the requirements of the Association Agreement. The requirements of the Agreement call for the gradual alignment of Ukrainian legislation with the Audiovisual Media Services Directive (Annex XXXVII, Chapter 5, Chapter 15).[17]

MEDIA REFORMS

Implementation of the strategy implies adoption of amendments to the Constitution of Ukraine, the development and adoption of new laws, or amendments to the existing laws of Ukraine. This would cover the following areas: transparency of media ownership and financial activities of media; competition in media markets; reform of state and regional print media; public broadcasting; community broadcasting; broadcasting; registration of press and news agencies; advertising; coverage by mass media of government activity; government support of mass media; support for self-regulation and co-regulation of the mass media; state policy (promotion of media literacy, etc.); audiovisual media services; freedom of expression on the Internet; protection of children; and media and elections.

PUBLIC BROADCASTING

Background

The relevance and crucial importance of the reforms for society are affected by Ukraine's oligarchy, and, therefore, will largely depend on whether most owners of national media in Ukraine fix longstanding problems (for example, providing one-sided information, or violating journalistic standards). In addition to oligarchic media, Ukraine maintains a state television and radio company with employees at the national and regional levels throughout the country. At all levels, the company acted as a voice for government. The company should have been reformed when Ukraine gained its independence, but the interests of society only came to the fore after the Revolution of Dignity. A decision was made to reform the state television and radio company into a public broadcasting organization that would become a model for commercial media. Such a public television and radio company should – particularly during war, and during an information war at that – work to inform the public about social and political events, reforms, etc., while upholding journalistic standards and meeting the public's demand for high quality journalism.

On April 7, 2015, the channel unveiled the new graphic design for the logo of the Public Broadcasting Company (Public Broadcasting Company of Ukraine - NSTU-PBCU) during a live broadcast by the channel. It was presented as the logo for the Public Broadcasting Company of Ukraine, "UA: Public Broadcasting," and its primary channel, "UA: First.» [10]

Monitoring by Detector Media revealed a number of positive changes in the company's content during **2014-2016**.[1] Those changes included the following:

● a change in approach by journalists to relations with authorities: despite the desire of authorities or political forces to continue to influence content on the television channel, journalists were able to withstand the pressure and remain relatively neutral in their coverage of socio-political news;

● refusal by journalists to broadcast purchased materials of a political or commercial nature (known as "jeansa");

● the number of topics that were kept quiet gradually decreased with each passing year. By 2016 the channel broadcast a full picture of the day's news;

● experts noticed a so-called parquet in the news (a lack of critical coverage of the activities of the president, the prime minister, and other high-ranking officials);

● the situation regarding journalistic standards has improved, but there is still an issue of providing complete information (in most cases this means a lack of detail or facts about the topic being covered), and there remains an issue with the standard used to judge authenticity (many of the references to the sources of information are unclear or too vague).

● Overall, the quality of information broadcast by the television channel is still insufficient.

MEDIA REFORMS

The goals for 2017 included the following items:

1 Make improvements to informational and socio-political broadcasting that foster a standard of high quality, reliability, and impartiality within the Ukrainian media sphere while informing society about events in Ukraine and the world.

2 Develop the concept of promoting a single brand of Ukrainian public broadcasting in the radio and television media space.

3 Begin reforming content: critically review and update the concepts of national and regional television broadcasting, develop the concept of reporting on issues that affect national minorities, children, and youth.

4 Begin reforming staff structures and funding [9].

Government Authorities Responsible.

Verkhovna Rada of Ukraine, Cabinet of Ministers of Ukraine, State Committee for Television and Radio Broadcasting, Ministry of Finance.

Content of Reforms.

Creation of an independent public media in Ukraine for the following purposes::

● to satisfy the information and cultural needs of society,

● to engage citizens in discussing and solving the most important socio-political issues,

● to ensure a national dialogue, promote the formation of a civil society, ensure everyone's right to freedom of thought and speech, and obtain complete, reliable, and prompt information,

● to foster the open and free discussion of public issues [16].

What has been achieved in 2017?

The year began with a major event in the process of creating a public broadcasting company: the registration of the broadcaster as a legal entity (National Public Broadcasting Company of Ukraine) and the termination of the legal entity of the State National Television Company of Ukraine (on January 19, 2017). This means that state television broadcasters have been officially revamped into a public broadcasting company. The NPBC was created on

« **This structure stabilized the situation, created all managerial connections, built a clear management model, at least in the central directorate. ... Also, a directorate has been created. It is an advisory body under the executive director, and it will be more vertical than the council of generate producers.»** —

Executive Director, Alexander Leiev[8]

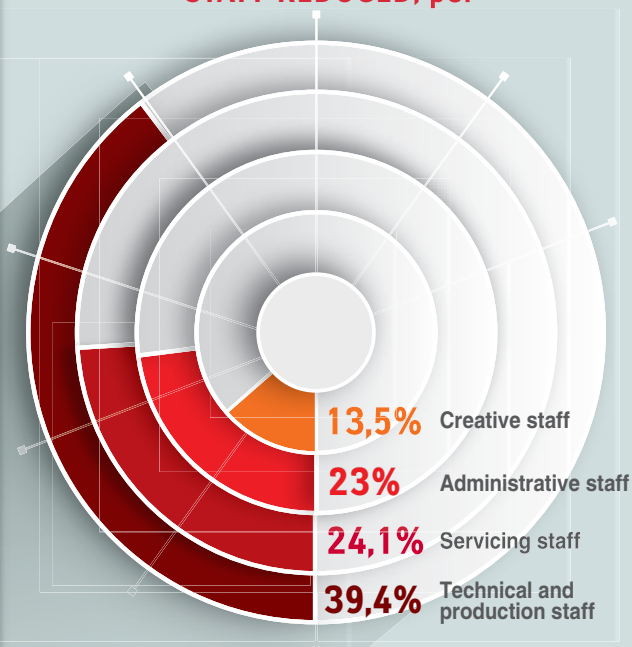# OPTIMIZATION OF PBCU

28 December 2017 – 02 April 2018

PBCU Staff

Budget 2018

01 January 2017	7056 employees	Scheduled — UAH 1.535 bln
02 April 2018	4087 employees	Allocated — UAH 776.6 mln

STAFF REDUCED, pct

- **13,5%** Creative staff
- **23%** Administrative staff
- **24,1%** Servicing staff
- **39,4%** Technical and production staff

NEW STRUCTURE OF BRANCHES

76-96 employees

25	15	27	9
News Service	**Technical Service**	**Content Service**	**Administrative Service**

COMPLEX OF EVENTS MITIGATING THE TERMS OF STAFF REDUCTION

1 During February – March 2018, employees who have received notification of staff reduction will be given one more paid day-off for a job search

2 Employees being dismissed within the period from 1 to 28 February 2018 will be paid two salaries when dismissed

3 During February-March 2018, there will be at least three job fairs with the assistance of the Council of Europe in the regions where the most of employees are dismissed

4 A representative of the Trade Union Committee of PBCU will consult employees daily by 01 April 2018. For this purpose, such representative will be freed from his main work with the salary remaining

5 There will be a 'hot line' for legal consultations to employees

6 Employees who have been notified of the staff reduction in written will be offered all available positions at PBCU (central office and branches)

7 Representatives of trade unions will be involved in commissions on the determination of the prevailing right to be left on the position for employees who are subject to transfer to another position / dismissal / notification of the future dismissal

ДЕТЕКТОР M МЕДІА   UA: СУСПІЛЬНЕ МОВЛЕННЯ   DANIDA   *Vasil Kisil & Partners*

MEDIA REFORMS

the basis of a number of state-owned television and radio companies (central and regional). At the time of the drafting of this report the public joint stock company NPBC was comprised of the national television channels UA: First and UA: Culture, 26 regional affiliates, and the radio stations Ukrainian Radio, Promin, and Culture. The state-owned "Studio Ukrtelefilm" slated to become a public joint stock company and added to the NPBC.

The governing bodies of the National Public Broadcasting Company of Ukraine[15] are **the Board of Directors, the Supervisory Board, and the Audit Commission.** The NPBC supervisory board's authority began on the day it was registered, and its members elected a head, deputy, and secretary from among themselves. It is an achievement that the majority of the supervisory board is comprised of representatives of public associations and not political parties (eight members are delegated by parliamentary factions and groups, while nine members are elected by public organizations). This is one of the preconditions for the public broadcasting company's independence. Based on election results (announced by the Supervisory Board), the chairman of the board of the National Public Broadcasting Company of Ukraine (a public joint stock company) is Zurab Alasania, who was elected on April 10, 2017. Alasania was at the heart of the reforms, and his election is another step on the way to developing public broadcasting. The third governing body – the editorial board – was elected in November 2017, and will soon begin drafting an editorial charter.

The board of directors is developing a vision for how to r**eform the content** found on the channel. This work is scheduled to be completed by the end of the year. In order to achieve this goal, new concepts for national and regional channels is being developed. Initial impressions regarding these changes should be evident by early 2018. Zurab Alasania and his team have also begun reforming the old structure of the state broadcasting company. A new (albeit temporary) management structure was already introduced during September-November at the NPBC. This included creation of the central directorate, the council of general producers, directorate, and creative associations.

The **complexity and particulars** of creating a public broadcasting company arise because the organization is created not from scratch, but rather from the former state television and radio company (as mentioned above). Thus, the NPBC inherited a cumbersome structure, "bloated" bureaucracy, and outdated technologies. Another obstacle to reform is the lack of communication with regional branches of the process and its ultimate goals, which means employees have only a partial understanding of events during the transition period.

❮❮ We must approve the main structure by the end of the year. We will make changes step by step: the structures will be for this year, by 2018, and then by 2019. This will be done so that people do not perceive it as destruction, as has been writen, and they were not afraid of it. By the end of the year, as was stated in our plan, we will provide the supervisory board with a detailed concepts of all areas of development, including the organizational structure. After four years, we must reduce our staff to 3,883 people (out of a total of 7,000).» — Zurab Alasania, Chairman of the Board of NPBC [8].

> **Regional broadcasting is our next step. ... The content produced by affiliates should be high-quality, conform to standards, and achieve, first of all, the main goal of regional broadcasting. We all remember that we need to spend money efficiently, because it is the money of Ukrainian citizens, although now indirectly through taxes.»**
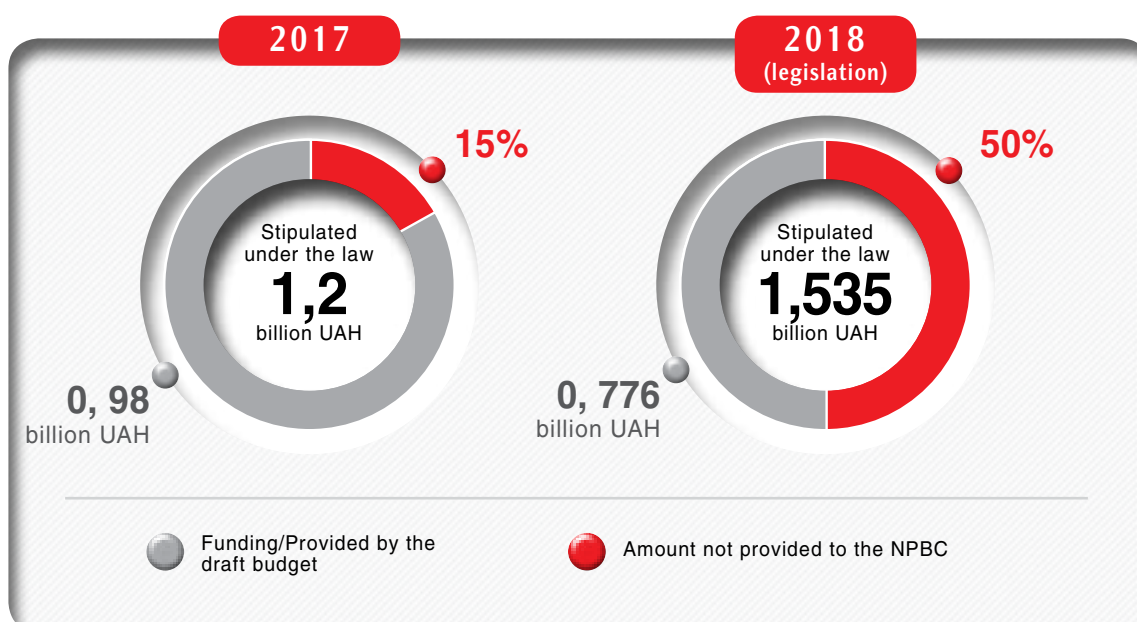>
> — Program Director, NPBC, Daria Yurovska

Funding is yet another obstacle to the implementation of the reform. Budget financing of the National Public Broadcasting Company of Ukraine is guaranteed by the Law on Public Broadcasting: they must provide no less than 0.2 percent of the expenditures from the general fund of the state budget for the previous year. However, in 2017, the public broadcasting company received only 75 percent of the amount it should have received from the state budget, and the following year it was budgeted to get only 50 percent of what it should have received under the law [6].

Thus, in creating a public broadcaster, the strategy of developing legislation on freedom of speech and mass media activity that upholds European standards has in most cases been fulfilled.

Plans for 2018:

Public broadcasting will actively continue efforts to reform. The broadcasting concepts that were developed at the end of 2017 will be implemented. We hope that by the second half of 2018 the audience will begin to notice the first major changes to the content.

Structural changes will also continue to be made. As a result of a merger of administrative staff in the regional hub, a reduction of up to 2,000 people is expected.

2017

15%

Stipulated under the law
1,2
billion UAH

0, 98
billion UAH

2018
(legislation)

50%

Stipulated under the law
1,535
billion UAH

0, 776
billion UAH

⬤ Funding/Provided by the draft budget

🔴 Amount not provided to the NPBC

MEDIA REFORMS

REFORMING STATE AND MUNICIPAL PRINT MEDIA

Background.

As in the case of the State Television and Radio Company, many print media outlets in Ukraine were created by state or local authorities. As was the case 25 years ago, it seems as though these mass media publish press releases issued by government officials, which are written in a beauratratic language, and they do so with huge praise from leaders and officials. These publications are unable to capture the attention of their audience and be profitable. If people do buy them, it is because they have trouble accessing or don't use the Internet and they want to see the particular advertisements found in those publications.

The law on the reform of print media was adopted in November 2015, and came into force on January 1, 2016. The law calls for the deregulation of print media so that they are no longer controlled by the state. The first phase of the reform of print media was planned for 2016. This goal, however, was not met because the Cabinet of Ministers only approved the list of publications to be deregulated in the first phase on November 23 (instead of July) [11] Therefore, it was very difficult to deregulate the planned 244 publications in the last month of 2016. Instead, 23 publications were deregulated.

This is also not the only obstacle to the successful start of reforms. There has been resistance from local and municipal authorities, who have shown considerable interest in the property and premises of the editorial offices. These authorities, particularly those who founded some of the publications in question, do not want to lose what had become for them tools used to disseminate information about their activities and exert pressure on editors.

Goals in 2017:

● Complete the deregulation of publications that have expressed a desire to participate in the first stage of reforms;

● Improve legislation that addresses the financing of reformed publications and their organizational and legal structures;

● Ensure the timely implementation of the second stage of reforms: deregulation of all remaining state-controlled and communal publications. [7].

Government Authorities Responsible:

Verkhovna Rada of Ukraine, Cabinet of Ministers of Ukraine, State Committee for Television and Radio Broadcasting, founders of print publications.

Content of Reforms.

The basis of the reform is the idea that state and other public authorities should not own or control media, as this is undemocratic. The media cannot be used by the state to control information and manipulate public opinion. They should be independent of government influence in order to perform their role as watchdogs in society. State or communal ownership of mass media is a form of censorship. It distorts market conditions by providing unfair advantages (Strategy for the development of Ukrainian legislation on freedom of speech and media activity in accordance with European standards).

What has been done?

There are 690 publications that are slated for reform, of which 612 were created by municipal governments, and 78 were created by the state authorities. At the time this report was drafted, 126 publications were deregulated from communal enterprises and restructured into business associations, and 117 publications were on schedule to complete their

reforms by the end of the year, according to the monitoring of regional organizations of the National Union of Journalists of Ukraine. The worst situation was in Kyiv Oblast, where not a single regional publication had been deregulated, while publications in Vinnitsa, Zaporozhye, and Ternopil were still in the first stage of deregulation.

In 13 of Ukraine's 24 regions, there were occasions when the founders of print publications (previously owned by local governments) did not remove themselves from among the cofounders of regional mass media. There have been 26 such cases as of October 1, 2017. Some of them have been resolved in court. In some cases, the sticking point has been property that co-founders do not want to turn over to the publication. In some regions there have been cases in which an editor was illegally fired in an attempt to resolve the situation, although this has not been widespread. There were eight cases in five regions in which labor collectives did not accept the decision to deregulate their publication.

In order to overcome the obstacles that arose during the first stage of reforms, draft law No. 6560 [16] was developed, which, among other things, proposes to establish that public authorities, other state bodies, and local governments be responsible for making a decision on reforms and the process of reforms; it would be illegal for an owner or another authorized official to terminate the contract of an editor-in-chief without the consent of the labor union. The project was registered in parliament and has already received the support of six committees, including the Committee on Freedom of Speech and Information Policy, the Committee on European Integration, and others.

"Registrars in the regions do not know what to do if decisions aren't made by authorities. Therefore, we have offered amendments to the law, which should solve these problems step by step. In particular, if the local authorities have not voted by a certain date, then the decision of the labor collective will automatically be enforced." – *O*leksiy Pohorielov, director of the Ukrainian Media-Business Association, who stressed that the lack of a clear process for registrars in the absence of a decision by the government to reform was a problem. His comments came during a hearing on "Reforming public and communal print media: experience, obstacles, solutions."

What is complicating the reforms?

In addition to a problem mentioned previously – the reluctance of founders to let go of a newspaper – the process of reforms have also been complicated by the need for legal legal support: most editors need advice from a lawyer to navigate the path to independence.

The risk remains that communal mass media will not be able to manage their own business (providing services, advertising, attracting donor funding, etc.), and they will instead return to the easier path of making financial agreements with local governments in exchange for positive coverage of their activities. Print publications remain important in the fight to gain the audience's trust. It is important that the audience stops identifying them as organs of local government power, and that they gain new readers. This could be possible after the design of the publications is updated, as many of them look old and were designed 15-20 years ago. In addition, it is important that publications learn about their audience in order to better address their needs. To this point, when newspapers previously got their funding from authorities, they did not need to focus on the audience or what they wanted.

In order to encourage and support deregulated mass media in 2018, the state budget will provide funds for their support. This decision will protect editorial staffs from stopping operations and will grant them more time for their reorientation. At the same time, there is a risk that deregulated mass media will not actively work to improve content, design, and their understanding of audience needs, etc. Doing so, however, would bring them closer to competitiveness and speed up the process by which their editorial staff becomes independent.

MEDIA REFORMS

Plan for 2018.

The reform of print mass media is scheduled to be completed by the end of 2018. This means that, if all things go well, 117 publications will have been reformed by the end of 2017. Consequently, there are 573 publications that still need to be reformed in 2018.

Mass media will need legal support during the first stage of reforms. Once they decide on the formal process, they will then need to consider their organizational, financial, and, foremost, conceptual structures. That is to say that they will need to update their content and visual design to reflect the demands of their audience.

Taking into account the delay of the first stage, parliamentary sources have suggested that there might be changes to the law on the reform of print mass media and an extension of the second stage for at least another year into 2019.

ON A PATH TO A LAW ON AUDIOVISUAL SERVICES

Background.

Ukrainian legislation on television and radio broadcasting is obsolete and should be brought into line with the European Union directive on audiovisual media services. Ukraine has two years from the date of ratification to complete this step (it was signed in the Netherlands on June 1, 2017).

The draft law on audiovisual services was presented to the public council of the Committee on Freedom of Speech and Information Policy in early February 2016. The law has been met with criticism and opposition from various interests in the media market.

In early October 2016, the chair of the Verkhovna Rada Committee on Freedom of Speech and Information Policy, Viktoria Syumar, explained why the registration of a bill on audiovisual services has been delayed: *"We are now drafting standards on modern audiovisual platforms, and these are innovations in the legislation. That's why it takes some time, because there are a number of new categories."* [5]

In December 2016, Anna Kamuz – an assistant and consultant to the chair of the committee, Viktoria Syumar – spoke about the process of drafting the bill:

«... We decided to break all of our media initiatives into blocks and try to do test-drive bills. We want to introduce them in blocks and see whether they work or not. ... The law on audiovisual media services can have enormous resistance in the parliamentary hall. In order to succeed, we need to have 100% confidence that the initiative will be supported.»[4]

For example, the committee worked on legislation regarding transparency of media ownership (approved last year), quotas for European products, quotas for Ukrainian-language songs on the radio, fines by the National Council on Television and Radio Broadcasting (adopted last year), a community broadcasting bill (now in a working group), about the language used in programing (already registered), and about self-regulation or co-regulation (Viktoria Syumar's idea).

Goals for 2017.

It was expected that during the year a draft law on audiovisual services will be developed and submitted to the Verkhovna Rada for consideration. Instead, the Committee on Freedom of Speech and Information Policy in the Verkhovna Rada chose to draft separate laws and advocate for them in parliament.

Government Authorities Responsible.

Verkhovna Rada, National Council of Ukraine on Television and Radio Broadcasting..

Content of Reforms.

The effect of the new law should be to allow the public to get audiovisual services through traditional broadcasting or custom service, and to receive programs without editorial control. And it should also allow for public administration, regulation, and supervision in the field of audiovisual services.

In accordance with the strategy on developing legislation on freedom of speech and media activity that adheres to European standards, the new law should aim to achieve the following:

● Broadcasting, taking into account technological developments and the emergence of new audiovisual media services;

● simplify regulations and abolish unnecessary administrative barriers, and remove unnecessary technical details from the law;

● ensure that legislative regulations are clear and predictable, foremost in terms of restrictions on activities in this area (licensing, content requirements, supervision, sanctions, etc.);

● ensure guarantees of independence, and effective and transparent mechanisms of activity by the state regulator in the field of audiovisual media services;

● comply with European standards (in particular, the European Convention on Human Rights and the practice of the European Court of Human Rights, the European Convention on Transfrontier Television, the EU Directive on Audiovisual Media Services, the EU Directive on Electronic Communications, the documents of the Committee of Ministers and the Parliamentary Assembly of the Council of Europe, and recommendations of Ukraine experts at the Council of Europe).

What has been done in 2017?

One year has passed since preparation of the draft law on audiovisual services. In early 2017, a decision was made to formalize the creation of a working group for drafting the bill. The working group is comprised of members of parliament, representatives of the National Council on Television and Radio Broadcasting, the State Committee for Television and Radio Broadcasting, media groups, industrial associations, public media organizations, and interested specialists.

It was assumed that the working group would rely on the development of the committee and the public council at the committee. The bill was supposed to add amendments made by parliament over the past year to the law "On Television and Radio Broadcasting" (for example, on the composition of the universal program service, on fines by the National Council, on radio quotas), as well as add proposals by the National Council on Television and Radio Broadcasting concerning changes in a part of media ownership transparency. "We will not retreat from transparency, not even a single step – on the contrary, we will strengthen it," - said Viktoria Syumar, regarding the position of the members of the Committee on Freedom of Speech.[12] The working group also planned to write several new sections to the bill (for example, on co-regulation, on the latest media services on the Internet, etc.).

Additionally, in July 2017 a draft law was introduced to amend the law "On Television and Radio Broadcasting." This move was considered a success step that would improve the mechanisms used to ensure the transparency of ownership of audiovisual (electronic) mass media.[14]

MEDIA REFORMS

The draft law proposed the following points

● standardize the definition of individual entities that may have a decisive or significant influence on the management or activity of a legal entity, or be its key participant;

● clarify the provisions of the current legislation in order to comply with the requirements for the transparency of ownership structures; in particular, the procedure used by the National Council to verify information provided on ownership structure in cases when the structure is unclear, etc.

● set the deadline for submitting information on ownership structures at January 20 of each year;

● increase the responsibility of the licensee for failing to comply with the requirements established by the National Council regarding the transparency of the ownership structure, and/or failure to provide information requested by the National Council in investigating compliance with the requirements for the transparency of ownership structures, etc.

Thus, the process of drafting a law on audiovisual services has confronted a situation where the interests of key stakeholders – the regulator and the industry – are not in line. The main points of contention are the powers of the National Council on Television and Radio Broadcasting, transparency of media ownership, and the transition to digital television. Industry representatives believe that the powers of the regulator should be decreased, though they also cannot agree on a single position on this issue.

Plan for 2018.

The registration and consideration of the bill on audiovisual services remains a key task for the parliamentary committee. It is worthwhile for the legislator to move away from the unfeasible idea of balancing the interests of all stakeholders since the interests of the industry are fundamentally contrary to the interests of the public and the state regulator, and the industry itself has no unified position on some of the fundamental issues of the new law. The law on audiovisual services should not be the subject of political bargaining by the state and a mass media market controlled by oligarchs.y.

CONCLUSIONS

2017 was a year of continued implementation of important reforms in the media. It bouyed the hope of Ukrainians for change in the information sphere. A lot has been done, but there is still more work to be done in 2018 and beyond. At this point in the process of reform, it is important that the public, media experts, and the international community closely monitor the progress of the work, monitor each stage, and ensure that structural changes translate to quality content, and prevent the "adaptation" of new ways of working that would allow content to return to what was there previously. Namely, state and communal print publications, which according to Ukrainian law should no longer exist in the country by the end of next year, will need support as they work in these new conditions. Editors will face serious challenges, including the need to target content to the audience and not the owner of the publication, as was done in the past, resulting in a total overhaul of content; update visual design; construct a new financial model that will support the editorial staff; and, finally, all of the above will require knowledge and skills in media management.

A huge amount of work is planned by the board of the public broadcasting company, whose main task will be to consolidate public media and gain the trust of Ukrainian citizens. To achieve these goals, the broadcaster will begin to implement the concepts of each of the national channels, as well as a single concept of regional broadcasting.

Since the government approved the implementation plan of the Association Agreement in October 2017,[18] we are optimistic regarding the registration of the draft law on audiovisual services. And we also hope that the project will not be subject to populism or political games on the eve of parliamentary and presidential elections scheduled for 2019.

Additionally, a number of issues that are part of the strategy of the development of Ukrainian legislation on freedom of speech and media activities have not been addressed. For example, review of the existing institutional structure regulating freedom, liquidation of the State Committee for Television and Radio Broadcasting (this requires the introduction of amendments to the Constitution of Ukraine), the switch to digital broadcasting, and other issues. ■

LIST OF REFERENCES

1. **Antonina Mnikh, Diana Dutsyk. Інформаційний контент теле- та радіоканалів, залучених у систему Суспільного мовлення: тенденції 2014-2016 років** [Content of TV and Radio Channels in the Public Broadcasting System: 2014-2016 trends], 3 July 2017, http://stv.detector.media/reformuvannya/movlennya/informatsiyniy_kontent_tele_ta_radiokanaliv_zaluchenikh_u_sistemu_suspilnogo_movlennya_tendentsii_20142016_rokiv/ - Last visited: 30 November 2017.

2. **Council of Europe Office in Ukraine EU. Затверджено Стратегію розвитку медіа законодавства відповідно до європейських стандартів** [Standards-Based Media Legislation Strategy Approved], 23 February 2016, https://www.coe.int/uk/web/kyiv/-/the-strategy-for-development-of-ukraine-s-media-legislation-in-line-with-the-european-standards-has-been-approved - Last visited: 28 November 2017.

3. **Suspilne Movlennia. Online service. Зураб Аласанія: «Думаєте, багато представників влади хочуть програми з собою позначати плашкою "реклама"?»** [Zurab Alasania: You Think Many Public Officers Want to Mark Shows Featuring Them with the "Advertisement" Icon?], 21 August 2017, http://stv.detector.media/interview/zurab_alasaniya_dumaete_bagato_predstavnikiv_vladi_khochut_programi_z_soboyu_poznachati_plashkoyu_reklama/ - Last visited: 28 November 2017.

4. **Detector Media. Online service. Комітет свободи слова вирішив працювати над законопроектом про аудіовізуальні послуги частинами** [The Freedom of Speech Committee Made a Decision to Work on the Audio Visual Services Bill in Parts, 5 July 2017,   http://detector.media/infospace/article/121094/2016-12-01-komitet-svobodi-slova-virishiv-pratsyuvati-nad-zakonoproektom-pro-audiovizualni-poslugi-chastinami/ - Last visited: 30 November 2017.

5. **Mariana Zakusylo. Законопроект про аудіовізуальні послуги планують зареєструвати в липні** [The Audio Visual Services Bill to be Registered in July], 1 December 2016, http://detector.media/rinok/article/127649/2017-07-05-zakonoproekt-pro-audiovizualni-poslugi-planuyut-zareestruvati-v-lipni/ - Last visited: 30 November 2017.

6. **Mariana Zakusylo. Проект держбюджету -2018: демонстративне недофінансування суспільного мовника та невиправдання сподівань Держкіно** [The Proposed National Budget-2018: Deliberate Underfunding of the Public Broadcaster and Falling Short of DerzhKino's Expectations], 4 October 2017, http://detector.media/rinok/article/130592/2017-10-04-proekt-derzhbyudzhetu-2018-demonstrativne-nedofinansuvannya-suspilnogo-movnika-ta-nevipravdannya-spodivan-derzhkino/- Last visited: 25 November 2017.

7. **Reanimation Package of Reforms. Online service. Медіа реформа** [Media Reform], http://rpr.org.ua/groups-rpr/11media-reforma/- Last visited: 260 November 2017.

8. **Suspilne Movlennia. Online service. Олександр Лієв: Суспільному треба навчитися працювати з розв'язаними руками й ногами** [Oleksandr Liyev: Suspilne is to Learn to Work Being Set Loose], 25 September 2017, http://stv.detector.media/interview/oleksandr_liev_suspilnomu_treba_navchitisya_pratsyuvati_z_rozvyazanimi_rukami_y_nogami/ - Last visited: 28 November 2017.

9. **NPBCU's Major Lines of Action. Annex to Minutes No. "Meeting of NPBCU Supervisory Board on 23 January 2017,** http://1tv.com.ua/uploads/assets/files/nagliadova_rada/dodatok%202%20(23-01-2017).pdf - Last visited: 28 November 2017.

10. **Suspilne Movlennia. Online service. Pershyi Natsionalnyi Changed its Logo,** 7 April 2015, http://stv.detector.media/reformuvannya/movlennya/pershiy_natsionalniy_zminiv_logotip/ - Last visited: 27 November 2017.

11. **Decree of the Cabinet of Ministers of Ukraine of 23.11.2016 № 848 On approval of the list of print media and editorial teams to be reformed at first stage. - Ukraine's State Committee for TV and Radio Broadcasting,** 29 November 2016, http://comin.kmu.gov.ua/control/uk/publish/article?art_id=131753&cat_id=126285 - Last visited: 28 November 2017.

12. **Detector Media. Online service. При комітеті свободи слова запрацювала робоча група з підготовки законопроекту про аудіовізуальні послуги** [Audio Visual Serviced Bill Drafting Task Force under the Freedom of Speech Committee Started Working], 1 February 2017 http://detector.media/rinok/article/122752/2017-02-01-pri-komiteti-svobodi-slova-zapratsyuvala-robocha-grupa-z-pidgotovki-zakonoproektu-pro-audiovizualni-poslugi/ - Last visited: 30 November 2017.

13. **Verkhovna Rada of Ukraine. Bill on amendments to the Law of Ukraine "On Reforming of State-Owned and Municipal Print Media" regarding the improvement of print media reforming mechanism,** 8 June 2017, http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=61982 - Last visited: 30 November 2017.

14. **Verkhovna Rada of Ukraine. Bill on amendments to the Law of Ukraine "On TV and Radio Broadcasting" regarding the improvement of mechanisms ensuring the audio visual (electronic) media ownership transparency,** 18 July 2017, http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=62338 - Last visited: 30 November 2017.

15. **Charter of PJSC NPBCU. Articles 40, 41,** http://zakon5.rada.gov.ua/laws/show/1039-2016-%D0%BF - Last visited: 30 November 2017.

16. **Charter of PJSC NPBCU. Article 9,** http://zakon5.rada.gov.ua/laws/show/1039-2016-%D0%BF - Last visited: 30 November 2017.

17. **ASSOCIATION AGREEMENT between the European Union (EU), Euratom, Ukraine and the EU's 28 member states. Legislation of Ukraine,** 30 November 2015, http://zakon0.rada.gov.ua/laws/show/984_011 - Last visited: 29 November 2017.

18. **Evropeiska Pravda Online service. Уряд затвердив план виконання Угоди про асоціацію з ЄС.** [Government Approved the Association Agreement Implementation Plan], 25 October 2017, http://www.eurointegration.com.ua/news/2017/10/25/7072742/ - Last visited: 29 November 2017.

CRIMEA

CRIMEA
WIPED CLEAN
OF INDEPENDENT MASS MEDIA AND FREE SPEECH

photo: Pixabay

Over the past three and a half years, Russia has completely cleared the Crimean information space of independent mass media: editorial offices of newspapers and television channels have been closed, creating an absence of Ukrainian media, and journalists have faced criminal prosecution. With regard to freedom of speech, the peninsula finds itself on par with dictatorships.

● Mykhailo
  Kolesnikov

WITHOUT UKRAINIAN TV

The first documented attacks on freedom of speech in Crimea began in early March 2014. Immediately after the seizure of administrative buildings and important strategic assets by Russian special forces, analogue broadcasting of all Ukrainian and regional television channels disappeared from the peninsula. A dozen Russian television channels appeared in their place. Those channels included Channel One, Russia 24, Russia 1, NTV, and Zvezda, among others. The people behind this move feared that further broadcasting Ukrainian channels on the peninsula would affect public opinion on the eve of the so-called referendum of Crimean accession to the Russian Federation.

"From a moral point of view, all Ukrainian TV channels were tightly censored by the illegitimate authorities in Kyiv, violating fundamental principles (of being able to work). They provided only one point of view.

In fact, Crimean politicians, representatives of the public, and Crimeans themselves were not able to talk about the situation," Crimea's "Information Minister," Dmytro Polonsky, said to Russia's ITAR-TASS news agency.

Yet another reason for shutting down Ukrainian channels, the Kremlin-controlled official cited the decision of parliament regarding the autonomy "of the republic to enter Russia": "From this point on, Ukrainian law does not cover Crimea." Ukrainian television channels then gradually disappeared from cable networks.

A Legal Barrier and Roskomnadzor

The next goal for officials controlling Crimea centered on independent media still operating on the annexed peninsula. In August 2014, officials confiscated property from Black Sea TRC, a popular and historic Crimean information resource. The reason given for the seizure was a court's decision supporting the claim of the Crimean Radio and Television Transmission Center regarding an unpaid debt the channel owed of 1 million UAH. Though the court has yet to decide the case, the work of the channel has been completely paralyzed. The channel's owner – Serhiy Senchenko, a three-term member of parliament from the Batkivshchyna party – decided to continue broadcasting Black Sea TRC from Kyiv. Meanwhile, the state television channel First Crimean (previously DTRK Crimea) and three private television companies continued operating in Crimea.

Russian jurisdiction on the peninsula meant local media would now need to register with the Federal Service for Supervision of Communications, Information Technology and Mass Media (also known as Roskomnadzor), the Russian federal body responsible for working with media. Up until April 1, 2015, this registration was free, though not everyone managed to actually register. Those television and radio stations loyal to Russian policies in Crimea had no difficulty with the process of registration. The same cannot be said for opposition television and radio stations which did not support the referendum. After repeated attempts to register with Roskomnadzor, a number of large Internet portals, newspapers, and television channels stopped operating in Crimea..

Leaving Crimea

The first Crimean Tatar television channel ATR (founded in 2005) provided non-stop coverage of events associated with the annexation of the peninsula. The channel gained worldwide noteriety for a few days after it become one of the main sources of objective information from Crimea. At the time, ATR was among the highest rated channels in Ukraine. Over time, however, its editorial policy and reluctance to obey local authorities led to its inability to register with Roskomnadzor.

The Russian office returned ATR's registration documents four times without formal explanation. On March 31, 2015, ATR – owned by Lenur Islamiyov, a businessman who later became one of the initiators of economic and energy blockades of Crimea – suspended broadcasting. ATR resumed its work two and a half months later in Kyiv. The channel rented several floors, equipped a studio, and purchased the equipment necessary to carry on its work. Directors, editors, journalists, and camera operators moved with their families from Simferopol to the Ukrainian capital.

Several large Crimean Internet portals also moved to Kyiv: the Center for Journalistic Investigations, Blackseanews, Qirim Haber Ajansi, 15 minutes, and Crimean Realities. In addition, the only Ukrainian-language newspaper on the peninsula, Krimskaya Svitlytsya, the only Ukrainian children's television channel, Lale, and the Crimean Tatar radio station Meydan, all belong to the same media holding company that owns ATR. None of these media organizations has correspondents in Crimea because they are not accredited by the Ministry of Foreign Affairs of Russia. The information they provide in their work is drawn from social networks or open sources, affecting the quality of their content.

At the same time, a number of popular Crimean mass media were forced

CRIMEA

« **This is not so much a verdict for me, a Ukrainian journalist, as it is a verdict for all journalists in Russia. Because if there is no freedom of speech for all, then there will be no freedom of expression for all – and there will be no journalism as such».**

(Nikolai Semen, Crimean journalist, sentenced for professional activity)

to cease their work shortly after the annexation. Among the closures were the radio stations Assol and Leader, and the weeklies Events and Republic, which both had multiple thousand subscribers. The Crimean Tatar newspaper Avdet, which has not registered with Roskomnadzor, reduced its circulation to 999 copies, which is allowed under Russian law without registration. The newspaper's editor earlier received several written and verbal warnings from the FSB that the weekly's articles allegedly contained extremist materials. The concern regarded the paper's use of the words "annexation" and "temporary occupation of Crimea."

According to Roskomnadzor, on April 1, 2015, 232 media outlets were allowed to work in Crimea. According to Ukrainian legislation, however, about 3,000 mass media organizations were previously registered to work on the peninsula.

A Prison Term for Having an Opinion

Over the past three and a half years, dozens of well known journalists have left Crimea. They left because it became impossible to work in the area and they could not guarantee their own security. The journalists who did stay have worked as feelancers and write under pseudonyms. But they continue to face pressure from security services.

Nikolai Semen is a striking example of this situation. A criminal case was opened against Semen under Part 2 of Article 280.1 of the Russian Criminal Code (a call to violate the territorial integrity of the Russian Federation). Semen wrote an article titled "Blockade – a necessary first step toward the liberation of Crimea," published on September 11, 2015, on the web site for Crimean Realities (a project of the Ukrainian service Radio Liberty). In April 2016, FSB officers conducted a search of Semen's apartment and confiscated his computer. Though Semen's newspaper article was published under a pseudonym, investigators had various screenshots from the journalist's computer that were captured using an embedded spyware program.

Semen's trial lasted six months. The journalist was found guilty of writing an article that called for a "military operation" to "liberate Crimea." Semen was sentenced to a conditional term of two and half years, with probation of three years. He was also banned from engaging in public activities for three years. Semen did not admit guilt; instead he claimed that he was convicted for "the free expression of his opinion." He said the court's decision was "a sentence against all journalism in Russia."

« I know these people very well. They are our enemies. They are enemies of Russia, enemies of Crimea. And no matter what they write, they have one main goal – to hurt us».

(Volodymyr Kostiantinov, Speaker, Kremlin-controlled parliament of annexed Crimea.)

Semen is forbidden from leaving the peninsula for the entire term of his sentence. For his position on Crimea, Semen received the award named in honor of Paul Sheremet, a Belarusian journalist who worked in Ukraine and was killed in Kyiv by a car explosion in July 2016.

Blackmail and Threats by the FSB

Russian law enforcement officers filed a case against two Crimean journalists under articles similar to those used to charge Semen. They charged the editor-in-chief of the Internet publication Blackseanews Andriy Klymenko, as well as Anna Andrievska. Both journalists, however, avoided prosecution by moving to Kyiv as the investigation unfolded. But officials did conduct searches of their relatives' and colleagues' homes.

In comments to Detector Media Anna Andrievska said that information about her criminal case has been "kept secret," and documents that do manage to become public are immediately cleansed. "I know that, at the moment, there are no active proceedings in the case. The matter has not reached the courts. Why? You can only guess. Either some FSB officers did not testify after receiving blackmail and threats from my relatives and colleagues, or the issue is just taking its time. I believe that the case's transfer to the court is being deliberately delayed to keep me and everyone for whom they believe this case is relevant in suspense," said the journalist.

Andrievska is afraid to travel to Crimea, where her close friends and family live, because officials could pottentially detain her. "Since my status in this criminal case is designated as a suspect, my appearance in Crimea could lead to my arrest. In general, the cost of my return home could be the loss of liberty for up to five years ," Andrievska said. This is the punishment listed in the Criminal Code of Russia for making statements that violate Russia's territorial integrity, namely the claim that "Crimea is Ukraine."

«Enemies of Crimea»

Crimean authorities deny in every way that they exert any pressure on freedom of speech and that they violate the rights of journalists. But those journalists who collaborate with foreign media are openly labeled "enemies" by officials of the republic.

According to Dmytro Polonsky, 448 media outlets are currently registered in Crimea and Sevastopol. But according to the "Minister of Information," this is "a common fake – there is no freedom of speech in Crimea. But the figures speak for themselves." The Kremlin-controlled minister added: "We have registered more than 60 mass media organizations, which indicated that they do not broadcast in Russian. You will recall that, and this is an official figure, 175 nationalities live in Crimea. The largest of them

CRIMEA

Freedom House

❝ The world's 10 worst-rated countries and territories [in terms of lack of free speech] were Azerbaijan, Crimea, Cuba, Equatorial Guinea, Eritrea, Iran, North Korea, Syria, Turkmenistan, and Uzbekistan».

(Freedom House, Freedom of the Press 2017.)

are Crimean Tatars, Germans, Greeks, Armenians, and Jews. All of these peoples have their own media in their native languages."

Among such mass media is the public Crimean Tatar television channel Millet (translated from the Crimean Tatar "nation"), financed by the state budget. The channel began operating immediately after ATR stopped broadcasting on the peninsula. Millet's initiators intended to use the resource as a replacement for ATR. However, the channel has not become popular among Tatars because of its policy of ignoring the pressure security services exert on Crimean Tatars.

The mass media that remain on the peninsula maintain a largely pro-Kremlin position in their work. They cover events in the territory of mainland Ukraine from one side, they are occasionally or almost never criticized by the central authorities, and television talk shows have virtually no opposition points of view.

Objectionable Blocking

On the initiative of Ukrainian authorities, in March 2017, a 150-meter television tower was installed at the border between the Kherson region and Crimea (Chongar) to transmit a signal to the annexed peninsula. Several Ukrainian television channels and radio stations were able to resume broadcasting to Crimea. But because the Russian side muffled the signal, these channels remain unavailable to most people in the republic.

According to monitoring conducted by a Crimean human rights group in July 2017 in five Crimean cities, 22 Ukrainian information resources are totally or partially inaccessible The blocked or inaccessible sites include the following: European Truth, Espresso, Tsensor.net, RBK.ua, 15 minutes, Crimea SOS, Public Radio, Ukrinform, Gordon, Channel 5, Focus, STB, ICTV, Crimean Realities, Sevastopol Meridian, and others.

According to the head of the Crimean human rights group Olga Skrypnyk, "Russia has once again confirmed that it is not going to adhere to human rights in the Crimea." The human rights advocate added that, "Access to information is one of the key points that people need to express their freedom of opinion."

International organizations have repeatedly expressed concern regarding freedom of speech in Crimea. Appeals have been made to Russia to stop the persecution of journalists According to the international human rights organization Freedom House, Crimea, along with countries such as Azerbaijan, Cuba, Equatorial Guinea, Eritrea, Iran, North Korea, Syria, Turkmenistan and Uzbekistan, entered the list of the ten worst territories in the world regarding respect for freedom of speech. ■

DONBASS

photo: Minister of Defence of Ukraine

Russia's occupation of Donbass has left the region without freedom of speech. Citizens of the region do not have access to Ukrainian media; regional and local mass media have become propaganda tools of the marionette governments in the Luhansk People's Republic (LPR) and the Donetsk People's Republic (DNR). Journalists and activists who oppose the occupation were forced to leave the territory. The hybrid Russian war against Ukraine – in which Ukrainian territory has been physically captured by "volunteers," separatists, and other non-official soldiers – has, first and foremost, seen Russian agents in Donbass assert their control over and use mass media to influence civilians living in the region. The tendency for 2017 has been to further tighten the grip on the information sphere in the region.

DONBASS:
THE WINDOW OF FREEDOM IS SHRINKING

DONBASS

Serhii
Harmash

ALTERING THE REALITY IN UKRAINE VIA MASS MEDIA

Mass media were among the first targets of pro-Russian, separatist aggressions in the spring to summer of 2014. During the first protests in Donetsk in March 2014 Ukrainian journalists were the focus of criticism and attacks. The trend of Russian television news cameras appearing in active combat regions before the conflict began was not only obvious, but it allowed local journalists to know where they could witness provocations or the seizure of state resources.

By early April 2014 armed soldiers could be seen in the editorial offices of mass media organizations in Donetsk, aggressively convincing editorial staff to work with them. On 27 April, the illegal armed group "Oplot," headed by the current head of the DPR," Alexander Zakharchenko, seized the Donetsk State Television and Radio Company (DonDTRK). The militants immediately cut off Ukrainian TV channels and began retuning frequencies to Russian channels. At the same time, the basement of the television company was equipped with a torture cell that is used to this day.

Prior to this, most Donetsk newspapers were captured. A shooting on May 5, 2014, from an automatic rifle from the window of the editor-in-chief of the leading regional information agency "Ostro" showed that the authorities were not able to protect journalists. Most of the local media then went into a semi-legal mode of operation. Many had to subsequently leave the region. Many journalists lost not only their jobs, but also their homes. Few journalists remained in Donetsk and Luhansk. Those who stayed mainly came from Russia, or had connections to elite representatives of the pro-Russian, separatist side of the conflict.

By the time of the so-called referendum on the independence of the "DPR" and "LPR" in mid-May 2014, virtually all local TV channels and radio stations were controlled by militants. Russian TV channels dominated television screens, while Ukrainian television channels were banned. It marked the beginning of an altered reality in which the population of the region now finds itself.

TOOLS OF MASS PROPAGANDA

Today's information sphere in the marionette, self-proclaimed Donbass "republic" is completely controlled by the "LPR" and "DPR," which seized governmental power in these territories. As before, there are no Ukrainian television channels, Ukrainian radio stations are deliberately silenced, and Ukrainian Internet sites are blocked. The leadership of the "republic" implements a policy of complete information isolation from Ukraine. "Ministries of Information" have been created in Donetsk and Luhansk. It is telling that the staff of the Ministry of Information Policy of Ukraine – a country of 45 million people – is comprised of only 29 people, while the Ministry of Information of the DPR – which has a population of roughly 2.5 million people – has a staff of 120 people.

The seized television channels and newspapers were rebranded "state" mass media, although in practice they are instruments of propaganda. This characterization is based on a content analysis of these media in which more than three years of monitoring revealed a complete lack of any criticism of authority or of Russian politics. Negative news stories, if any, are solely directed against Ukraine, the United States, and western Europe. Each week the republic's "Ministry of Information" prepares a list of strategic themes that mass media organizations in the region are obligated to cover. For example, in 2015 the most frequently covered themes were the "Minsk Protocol," "Thank you, Russia!," and "In Ukraine it's worse!"

In 2016 hackers broke into the email of the "Ministry of Information" of the "DPR," which contained a document titled "Media as an instrument

© Noah Brooks Photo

photo: Minister of Defence of Ukraine

photo: Minister of Defence of Ukraine

DONBASS

for regulating the level of social tension." The document is an analytical report on the market for information in the "republic." The following bullet points are excerpts of the document, which provide an example of the mechanisms used to influence the inhabitants of the occupied territories.

• *"Centralized monitoring of the first round of [news] events with the participation of the Head of the Republic";*

• *"Operational interaction is organized with newspaper editors. All [print newspaper] mock-ups are previewed";*

• *"For programs that alleviate social tension, it is possible to allow almost all broadcasting of TV channels in the Republic. In contrast with Ukraine, which always aims to inflame such tension ... In Ukraine it's always worse."*

• *"Creation of a management system for the flow of information ... Prepared accounts (more than 1,000 in total) with different histories and worldviews."*

A person can, of course, believe that the document that hackers extracted is fake, but there is no denying that the governments of the "republics" have officially banned television channels and radio stations not officially recognized as "state" media. The relevant "laws" in the republics put those restrictions in place until 2017. Last summer, however, they were extended for several more years. Article 9 of the so-called law on mass media in the DPR states the following: "The founders of TV channels, radio stations, and legal entities that broadcast are the People's Council of the Donetsk People's Republic, the republican body of executive power." The law provides no other options for broadcasters.

The system of propaganda created in the "republics" covers all of the population and uses all available communicative channels. For example, newspapers are aimed at middle and older generations, the Internet is geared toward younger and middle-aged people who live in cities, and television and radio broadcast propaganda aimed at all age segments of the population in the region.

Within the so-called Donetsk People's Republic there are four television channels that are categorized as belonging to the "republic" and four city television channels, four radio stations, three radio stations categorized

as belonging to the "republic,"16 city newspapers (average circulation of 200,000), 34 web sites, more than 60 groups on social media, and more than 3,000 outdoor advertising structures. In the so-called Luhansk People's Republic – where the population is about a third of the DPR – there are about half as many mass media resources as there are in the DPR.

In addition to those mass media categorized as belonging to the "republic," citizens of the region also have access to television channels of the Russian Federation, as well as Russian nationalist and neo-imperial Internet projects. The main goal of these sites is to fuel hatred of Ukraine and spread propaganda on the Russian sphere of influence. It should be noted that, as local media have decreased in number, Russian media have garnered the highest level of trust from the populations in both the "DPR" and "LPR," although that level of trust has also fallen recently.

Moreover, Russia is using the territory of the republics to expand its flow of information into Ukraine. It's technical capabilities now allow the self-proclaimed "DPR" to digitally broadcast 110 kilometers into territory controlled by the Ukrainian government. This free package of Russian and four "republic" channels is available to every household that owns a satellite dish.

THE PRICE OF FREEDOM

Television remains the most efficient tool for reporting information in the occupied territories. While it is technically possible to access Ukrainian television channels within the occupied territories (though doing so requires some effort to physically set up an antenna), reception of such TV channels won't significantly impact the situation. There are three reasons why this is the case:

1. the majority of the population get cable, and all Ukrainian channels are blocked on cable;

2. people are afraid to physically point their antenna toward Ukraine, as it reveals their desire for Ukrainian content (and results in threats of repression);

3. Ukrainian television channels have virtually no information about life in the occupied territories, that is to say the life and needs of people living there, which makes them uninteresting for the local population.

Ukrainian television channels have virutally no content on life in the occupied territories because Ukrainian mass media cannot work openly in the territories of the republics. Even Russian journalists whose work does not support to official picture of the world presented by the authorities in the DNR and LNR can be beaten and thrown out of the republics. This was the case in June 2015 for Russian journalist Pavel Kanigin of "Novaya Gazeta." Or they can be kidnapped from a building and lost for a month "in a basement," which was the case in October 2017 in Donetsk for Roman Manekin, a Russian citizen, well-known blogger, and ideologue of the "Russian Spring."

With regard to Ukrainian journalists, they are captured, tortured, and declared spies for the CIA, Ukraine, and so on. This was the fate for well-known Ukrainian journalist and blogger Stanislav Aseyev (pseudonym Vasin), who disappeared in occupied Donetsk on June 2, 2017. He was arrested by the "MGB of the DPR" – although militants spent a long time trying to hide this fact – accused of spying for Ukraine, and tortured for nearly six months. He is not only well known in the Ukrainian media sphere, but in the Russian media sphere as well, and so there is hope that public pressure might help force his release in a prisoner exchange. The situation is much worse for those volunteers who cooperated with the popular local online resource "Ostrov" (www.ostro.org). These volunteers did not write news stories, but they provided or verified information for "Ostrov" from occupied Donetsk. Two of them have disappeared over the past two years;

photo: Minister of Defence of Ukraine

they have made no contact with the organization. Ostrov's editorial board does not have information about their fate and they cannot officially claim they have disappeared because their contact with these volunteers was made only through social media.

DANGEROUS TRENDS

Unfortunately, the trend of restricting freedom of speech in the occupied territories of Donbass will only get worse in the coming year. This is likely due to the upcoming elections of "authorities of the republics" in the fall of 2018. This has already led to an increase in political repressions against the so-called opposition, people who are allowed to compete in the elections by the leadership of the DPR and LPR, or who publicly criticize them on social networks.

We can assume that, in addition to punishing the opposition, the information tools the opposition uses to communicate with the public (usually through various groups on social media and channels on YouTube) will also be investigated. The recent kidnapping and illegal arrest of blogger Roman Manekin, discussed above, is one of the illustrations of this trend. Another illustration is the search for and abduction of the father of the director of the separatist propaganda TV channel "Novorossiia TV." His abduction took place on November 4, 2017. These examples show an obvious tendency to clear the informational space in the republics. Such acts of kidnapping are no longer done for ideological reasons, but for political ones (in some cases, the victims have been prominent supporters of the Russian sphere of influence). Therefore, the level of freedom of speech, even on the Internet, in the occupied territories of Donbass has decreased.

The population's information isolation in Donbass will also contribute to the increase in the number of people who, in connection with the obvious deterioration in the quality of services provided by Ukrainian mobile operators who are able to service their networks in the occupied region, will switch to "republican" mobile operators. This will significantly reduce traffic to the Internet of the segment of the Ukrainian population in Donbass that accesses the Internet via a mobile device.

The Internet is now the best bridge of information between people in occupied Donbass and the rest of Ukraine. Blocked sites can be accessed, and the users who access such sites are the youngest and most critical target audience. This has made the Internet the main channel for reporting alternative information. But this window of opportunity is also gradually closing. As Ukraine's Internet connections to the occupied territories of Donbass are being blocked, a growing number of local Internet service providers are switching to Russian connected channels.

Unfortunately, this isolation of Ukraine impacts not only the policy of blocking channels of Internet traffic in the so-called DPR and LPR, but also its linguistic and information policies.

After three years of war, the Ukrainian government has not created a single mass media outlet that specifically broadcasts in the occupied territories, where the population faces a constant flow of Russian propaganda. That is to say, the information policy of Ukraine regarding Donbass does not take into account the factor of group psychological trauma, which, of course, is present in people in conflict zone, who are completely under the influence of propaganda.

Moreover, even those Ukrainian radio channels that break onto the airwaves in Donetsk or Luhansk speak Ukrainian, which makes them dangerous to listen to in cars (where radio is mostly listened to), since foreigners can hear the Ukrainian language and report it to repressive authorities. Such a language policy is a clear mistake of the Ukrainian state. ■

DONBASS