



OSCE Human Dimension Implementation Meeting 2013
Warsaw, Poland
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Working Session 4

Statement on behalf of the Institute for Mass Information and Freedom House

We welcome Ukraine's Chairmanship of the OSCE and encourage Ukraine to lead by example. Among Ukraine's priorities for its Chairmanship are fundamental freedoms including the freedom of expression. Ukraine is rated as partly in Freedom House's Freedom of the Press survey and an interim assessment Freedom House has prepared for this meeting finds that concrete improvements in the situation are lacking.

The legal framework in Ukraine is advanced compared to many of Ukraine's peer countries – including strong constitutional guarantees and a number of laws on the media. There are also some problematic laws, such as the laws protecting public morality and personal data.

Nonetheless, we find that implementing of existing laws and several other factors contribute to an environment where freedom of expression is not fully realized and journalists are not able to fully operate as they should. TV stations, by far the most important news source for most Ukrainians, are controlled by big business holdings with non-transparent ownership structures. Close relationships between media owners and officials mean that TV stations avoid criticism of the government. The public authorities have privileged access to media as a result of several laws and government control over national- and local-TV stations, either through direct ownership or financial control, is also a problem. Reforms of state-owned media are just beginning with their results unclear.

The government does not do enough to protect journalists doing their work. There is an average of 11.5 incidences of efforts to impede the work of journalists and about 4 physical attacks on journalists per month in Ukraine. There are also no effective remedies for journalists – only three court criminal proceedings came out of a total 117 cases.

We find that the quality of content is low, in part because ethical standards are not obligatory and are not honored. In Ukraine, “jeansa” or hidden advertisements proliferate because they are not perceived as shameful by the media.

In 2013, Ukraine made progress by improving some media legislation, yet the reforms have not yet had a real effect and the low quality of some of the new laws puts their impact in question.

We encourage the OSCE and participating states to address the issues we've raised – media ownership, journalistic ethics, and attacks on journalists – across the OSCE space as the situation in Ukraine is in many ways not unique. With this in mind, we make the following recommendations to Ukraine:

- implement effective media transparency legislation without loopholes such as ones that allow a web of shell companies to obfuscate real media ownership
- implement effective remedies for journalists and civil activists who are victims of violence and censorship by introducing protections of journalism as an activity, sharing police best practices and experiences, and establishing a special consultative group on the topic in administration of Ministry of Internal Affairs;
- address quality issues in the media by implementing legislation that guarantees editorial staff independence, encouraging cooperation between Commission on Journalistic Ethics and National Council on TV and Radio Broadcasting; and encouraging the establishment of ethical commissions within broadcast media outlets