

Statement of the Delegation of Ukraine
at the Working Session 2: “Fundamental freedoms I, including: – Freedom of
expression, free media and information” of
2019 OSCE Human Dimension Implementation Meeting
delivered by Valentyn Koval, member of National Council of Ukraine of
Television and Radio Broadcasting
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Mr. Moderator, dear colleagues,

Freedom of speech, or more broadly, freedom of expression, is one of democracy's key assets. The legislation of Ukraine on television and radio is 100% compliant with this principle. Among the about 30 broadcasting parameters controlled by the National Council of Television and Radio Broadcasting, only 4 relate to the content, or the SUBJECT of the programs, the rest to the FORMAL - the numerical indicators or legal aspects of the activities of broadcasting organizations.

Content issues of concern to the National Council - is recognized worldwide restrictions democratic society imposes on its members. This protection of the reputation, dignity, national security, public order, prohibited by the Constitution propaganda of social, racial, national or religious hatred, as well as protecting children from the harmful effects of negative content.

Censorship, that is, approval of the information by regulator before its release is completely excluded by law, and you are unlikely to find any examples of this in the activities of the current cadence of the National Council. But this does not mean that the country does not have certain restrictions and even bans in the media space.

The events of recent years, the aggression on the part of Russia, in particular, and the rapid development of Internet communications have made us revert to the well-known postulate that "he who chooses between freedom and security will lose both." Unfortunately, our own experience shows that this axiom works well in polemical plane, but loses its brightness when the state meets unlawful actions of another state .

It is important to understand that we can use to protect informational space the only tool x the law. Using the Laws on Cinematography, On Television and Radio Broadcasting, On Information and the provisions of the European Convention on Transfrontier Television , the National Council restricted or stopped rebroadcasts in cable networks 86 television channels 83 from Russian Federation, as well as 3 channels licensed by countries - members of the European Union - formally - but essentially where editorial control was exercised by the Russians and the content violated Ukrainian law. (RTVi - UK , TV XXI - Latvia , Our Favorite Movie - Germany). And I want to say that cable households are just 40 percent of TV viewers in Ukraine.

Another 40 percent are satellite households and they are fully under attack of Russian propaganda since main channels are coming from satellite without any

coding or scrambling. And more to say – all those satellites are under European jurisdiction, but our attempts to stop this were unsuccessful.

But we still hope that EU countries will heat us one day.

Providing pluralism of thought as a fundamental principle of democracy is one of the main factors in shaping the country's broadcasting information space. Today, there are virtually no filters and obstacles in the creation of TV channels and radio stations, the only thing that limits us and our licensees is the bandwidth allocated for television and radio broadcasting, or as we say, the limited frequency bandwidth resource. At the same time, even for terrestrial broadcasting, where this restriction exists - with the help of new digital technologies the number of broadcasters is increasing, sometimes even contrary to market laws or social needs.

In Ukraine, after switching off analogue terrestrial broadcasting in September 2018, digital terrestrial broadcasting added to usual 16 national channels 12 more. The digital technology also appears on the radio - in September 2018 the digital multiplex DAB + started operating in Kyiv, broadcasting 14 radio stations, of which 12 are new broadcasters. While this is an experiment, it will be decided to expand the technology.

We also strengthen our informational presence along the borders with temporarily annexed or temporarily uncontrolled territories by establishing new sites for TV and radio transmitters, even despite a number of attempts from other side to destroy those sites by artillery fire. We are thankful to our long-time friends from United States: 11 new DVB-T2 transmitters were switched on just at the end of previous week or will start working in close future with a technical support from USAID.

One can argue whether pluralism of opinions should be provided by editorial policy of each media, but in practice this is not always done. Instead, it is a sufficient amount of media and provides a very wide range of opinions and political positions in the country.

Another example of creating new types of media in a limited frequency resource is low-power FM stations for local broadcasting. This type of broadcasting, which emerged in response to the completion of the life cycle of wired broadcasting technology, has today received a huge impetus with the development of the idea of territorial communities. By issuing 74 new frequencies over the last 3 years, the National Council has increased the number of local radio stations to 177. The National Public Broadcasting Company has also had the additional effect of creating low-power local broadcasting stations, since under the terms of community radio licenses only the Public Broadcasting Program is allowed to broadcast.

In conclusion, I can say that the toolkit of freedom of speech in Ukraine, developed in previous periods, confidently keeps the country in the fairway of European social norms. Instead, the new reality that Ukraine has faced over the last 5 years, and which, to my great hopes, has been understood by Europe as well, requires considerable legislative effort, first and foremost, in order to choose between freedom and security, we have lost neither one nor the other.

Recommendations:

1. Take into account that Ukraine is in fire now, aggressor defined by Ukraine and it's understood and accepted by international community.
2. Take into account that such situation demands certain steps from the state that could be considered as unpopular, but for sure all those steps correspond with the law, and we understand our responsibility.
3. Avoid accepting the right to express any opinions by mass media licensed by occupational power or state regulation bodies of aggressor country.

Thank you for your attention.