

FREEDOM OF THE PRESS

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Ukraine

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Press freedom declined further in 2011 as President Viktor Yanukovich continued curtailing the country's recent democratic gains by reintroducing an authoritarian style of rule that predominated under former president Leonid Kuchma (1994–2005). Yanukovich and his ruling Party of Regions cracked down on the country's opposition, consolidated their influence over the national broadcast media, and approved restrictive laws in the parliament that led to greater media self-censorship. A politicized court sentenced former prime minister Yuliya Tymoshenko—Yanukovich's possible rival in the 2015 presidential election—to seven years in prison at the end of 2011 for allegedly mishandling natural gas negotiations with Russia in 2009. Amid the government's prosecution of Tymoshenko and several of her allies, journalists continued to endure attacks, political pressure, and legal restrictions, further reducing media independence from the level enjoyed after the 2005 Orange Revolution.

The constitution and legal framework generally provide for media freedom and are among the most progressive in Eastern Europe. Libel was decriminalized in 2001, and in February 2009 the Supreme Court instructed judges to follow the civil libel standards of the Strasbourg-based European Court of Human Rights, which granted lower levels of protection to public officials and clearly distinguished between value judgments and factual information. Nonetheless, officials continued to use libel lawsuits filed in the country's politicized court system to deter critical news reporting. Respect for other media-related laws has diminished since the Orange Revolution, especially after Yanukovich was elected president in February 2010. The one exception to this negative trend was the parliament's adoption of a progressive Law on Access to Information in January 2011, which was signed by Yanukovich in response to intense advocacy by civil society organizations.

At least five other laws advanced by the ruling Party of Regions reflected various efforts to reduce government transparency and increase self-censorship in the media. In January 2011, the Law on Protection of Personal Data came into effect, discouraging officials from releasing government data that might contain personal information. In July, Yanukovich signed the Law on Court Fees, which made it much easier for plaintiffs to seek large monetary damages when they file defamation cases. In September, the parliament approved amendments to the code regulating classified information, increasing the fines for both civilians and officials if they are convicted of mishandling state secrets. In October, the parliament approved the first reading of vaguely worded amendments to the Law on Protecting Public Morals that require broadcasters to limit "violent" programming or risk losing their licenses. And in November, the parliament approved a new election code despite civil society criticism that it contained vague clauses authorizing the courts to close media outlets for the duration of an election campaign if they commit an undefined "gross" violation.

Politicized courts—weakened by legal reforms introduced under Yanukovich—consistently ruled in favor of progovernment media owners. Similarly, the

2012 SCORES

PRESS STATUS

Partly Free

PRESS FREEDOM SCORE

59

LEGAL ENVIRONMENT

18

POLITICAL ENVIRONMENT

21

ECONOMIC ENVIRONMENT

20

National Television and Radio Broadcasting Council implemented media regulations in a highly partisan manner. In September 2011, the council issued an official warning to the cable and satellite station TVi—one of the few channels offering independent news reporting and a rival of the government-linked Inter Media Group—for several minor administrative violations. During the year, politicians, the courts, and media regulators closed at least six private broadcasters in an effort to reduce independent news reporting ahead of the October 2012 parliamentary elections. They included the independent television company Krug, which disappeared from the airwaves in Odessa.

These legal restrictions encouraged government officials to remain secretive and even hostile to the media. On February 2, Chief Architect of Kyiv *Sergey Tselovalnik* pushed 1+1 television journalist *Olha Koshelenko* into a closet after she tried to get a comment from him following a meeting of the city planning council. On May 15, a group of Ukrainian and foreign journalists were locked in a Hotel Kievsky conference room while Yanukovich rushed out an exit rather than answer questions from reporters. During one press conference on December 21, Yanukovich even personally threatened a journalist who was asking uncomfortable questions about his luxurious lifestyle as the rest of the country faced an economic crisis.

The politicization of private media has increased under the Yanukovich administration, with the appointment of wealthy media tycoon *Valery Khoroshkovsky*—the owner of Inter Media Group—to head the National Security Service (SBU) in March 2010. Meanwhile, the country's state media remained unreformed and continued to serve the interests of senior politicians and the bureaucracy, where secrecy and corruption are widespread. Politically loyal managers have been appointed to the state-run outlets, and those who failed to ensure favorable coverage have been illegally dismissed. In June, journalists at state-funded Donetsk Regional State Television and Radio complained that managers were receiving instructions on how to cover local events—and were denying journalists technical equipment, transportation, or airtime to cover politically embarrassing developments, such as the outbreak of cholera in the city of Mariupol.

A steady stream of threats and harassment against the media continued in 2011 as the country's weak and politicized criminal justice system failed to protect journalists from abuse by politicians, businessmen, and criminal groups. For example, in September a Zaporizhzhya official beat *Alina Kotenko*, a journalist working for the newspaper *Reporter*. *Kotenko* believed the attack was in response to an article in which she had included criticism of the Public Council of Zaporizhzhya for various inefficiencies. Prosecutors and police regularly failed to take action against suspects identified in past attacks, leading to a culture of impunity.

Separately, although Yanukovich pledged to aggressively defend press freedom after being elected in 2010, his government has made limited progress in solving the abduction and murder of journalist *Heorhiy Gongadze* in 2000. In March 2011, prosecutors charged former president *Kuchma* with a role in the killing, more than a decade after the murder and after the statute of limitation in the case had expired. But in December, prosecutors dismissed the case against *Kuchma*, claiming that secret recordings of incriminating conversations in *Kuchma's* office were inadmissible because they had been acquired illegally. Analysts speculated that the short-lived case was used to quell international criticism of *Tymoshenko's* prosecution. The dismissal also sparked accusations from journalists, press freedom advocates, and *Gongadze's* family that Yanukovich had actually used the case to clear *Kuchma's* name by dismissing credible evidence and pinning all of the blame on *Yuriy Kravchenko*, the deceased former interior minister. Yanukovich appeared indifferent during 2011 toward the disappearances and murders of other journalists. When asked in January about the August 2010 disappearance of *Vasyl Klymentyev*, editor of the Kharkiv weekly *Novyi Stil*, Yanukovich replied dismissively that “many journalists disappear all over the world.”

With hundreds of state and private television and radio stations and numerous print outlets, Ukraine's media sector is diverse compared with those of other former Soviet republics, but it faces a number of challenges. Many major outlets are owned by regional business magnates with close ties to the

government, while others are dependent on state subsidies, encouraging self-censorship and biased news coverage in favor of specific economic or political interests. Transparency of media ownership remains poor, as businessmen and politicians often prefer to hide their influence over news programs. Thanks to the ties between business and politics, the top eight television channels avoid politically sensitive topics such as government corruption, the president's use of state resources to support his and his family's lifestyle, human rights abuses, persecution of the political opposition, and growing unemployment. The global economic crisis led to a decline in advertising revenue that made media outlets, particularly newspapers, even more financially dependent on politicized owners. Hidden political advertising is widespread in the media and weakens the credibility of journalists, particularly during elections.

The government does not restrict access to the internet, which was used by around 30.6 percent of the population in 2011. A growing number of citizens are relying on the web and social-networking sites such as Odnoklassniki and VKontakte to exchange information. The government limits the ability of bloggers and citizen journalists to report on public affairs by refusing to grant them accreditation. Although internet publications are not required to register with the authorities, under Khoroshkovsky's leadership, the SBU has increased its monitoring of government criticism on the internet, and bloggers have been harassed for reporting on politically sensitive issues. In May 2011, three journalists from the website Novosti-N were attacked by officers of the tax police who tried to seize their cameras by force. The three had come to the tax police office after being told that some small-business owners had been taken there for questioning. Also in May, blogger Mykola Sukhomlin posted a video on Facebook of a senior Donetsk official in an expensive Mercedes, but then started receiving threats. His post was blocked in June. In July, the apartment door of Oleksiy Matsuka, editor of the Donetsk-based Novosti Donbass news website, was set on fire. The attack occurred after Novosti Donbass published several articles about the extravagant lifestyle of the local city elite, leading to several death threats. On August 19, a group of journalists with the Donetsk.ua website were detained by police in Donetsk for four hours after they tried to film Yanukovych's motorcade traveling from the airport to a local funeral. News websites that were critical of the government also faced occasional hacking attacks.

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