Print

FREEDOM HOUSE

Freedom Of The Press - Ukraine (2011)

Status: Partly Free
Legal Environment: 16
Political Environment: 20
Economic Environment: 20
Total Score: 56

Press freedom declined in 2010 after the pro-Russian opposition leader Viktor Yanukovych was narrowly elected president in February over former Prime Minister Yulia Tymoshenko. Violent attacks, increased political pressure, and legal changes steadily eroded some of the independence journalists had gained following the Orange Revolution, a popular anti-corruption revolt in 2004-05 that thwarted electoral fraud by Yanukovych and secured the presidency for Viktor Yushchenko. After his election in 2010, Yanukovych strengthened ties with Moscow and curtailed reforms required for European integration, while prosecutors launched a series of politicized criminal investigations against Tymoshenko and her political allies. In July, Yanukovych reduced the authority of the Supreme Court when he ignored changes proposed by the Council of Europe and signed an unrevised Law on the Judicial System and Status of Judges, Human Rights Watch reported. Public complaints about corruption and abuses committed by regional prosecutors, police, and mayors also increased during the year.

The constitution and legal framework generally provide for media freedom and is one of the most progressive in Eastern Europe, but respect for these laws has diminished since the Orange Revolution. In October, the Prosecutor General's Office in Kyiv summoned Alyona Pritula, editor-in-chief of the popular news website Ukrainska Pravda, to identify the source of a government decree her website had published, even though the press law only authorizes courts to request journalists' sources. Criminal libel was eliminated in 2001, and in February 2009 the Supreme Court instructed judges to follow the practices of the Strasbourg-based European Court of Human Rights, which granted lower levels of protection from criticism to public officials and clearly distinguished between value judgments and factual information. Nonetheless, officials continued to use civil libel lawsuits filed in the country's politicized court system in an effort to deter critical news reporting. In October, the Podolsky District Court in Kyiv found Channel 5 journalist Olga Snitsarchuk guilty of libel for describing parliamentarian Yury But as a political "black sheep" in a news report and ordered her to pay him 20,000 Hryvnas ($2,500) in damages.

Freedom of information legislation has yet to be formally adopted, and requests for official information are often ignored, particularly at the local level. In July, the Emergency Situations Ministry improperly denied a request filed the previous month by the Kyiv-based Media Law Institute inquiring which media organizations the ministry financed. In November, the parliament adopted a draft Law on Access to Information, which includes a broad definition of public information as well as a "legal responsibility of

holders of information who fail to publish." The law was pending at the end of the year.

The country's politicized state media remained unreformed and continued to serve the interests of senior politicians and the state bureaucracy, where secrecy and corruption remained widespread. During the presidential election, state television UT1 and the state-owned newspaper *Uryadoviy Kuryer* both favored Tymoshenko, the incumbent, while many private channels owned by oligarchs favored Yanukovych, the Vienna-based Organization for Security and Cooperation in Europe (OSCE) reported. In September, Prime Minister Mykola Azarov announced at a youth conference that he had prohibited state television channels from broadcasting humorous videos about politicians. The politicization of media increased under the Yanukovych administration, which appointed media tycoon Valery Khoroshkovsky—owner of the popular television channel Inter—to head the country's National Security Service (SBU) and serve as a member of the Higher Council of Justice, which appoints judges. In May, journalists from two television channels, STB and 1+1, issued letters criticizing station management for introducing new editorial policies that restricted critical news reporting of Yanukovych and his government's policies. In June, the Kyiv district court stripped new broadcasting frequencies from two rivals of Inter, Channel 5 and TVi, which had not adopted editorial policies favorable to the Yanukovych administration. The court said the frequencies had been improperly granted in January under the previous government. Channel 5 was able to continue broadcasting on its old frequencies, but the ruling sparked criticism that the Yanukovych administration was using Khoroshkovsky's judicial influence to curtail independent news reporting.

A steady stream of threats, harassment, and attacks against the media continued in 2010 as the country's weak and politicized criminal justice system failed to protect journalists from regional politicians, businessmen, and criminal groups. The Kyiv-based Institute for Mass Information reported that more than two dozen journalists were violently beaten that year. Prosecutors and police regularly failed to take action against suspects identified in past attacks, leading to a culture of impunity and a return of more serious attacks against journalists that had not been seen in recent years. In March, two unidentified men brutally assaulted Vasyl Demyaniv, editor of the independent newspaper *Kolomyiskyi Vestnik*, in the western city of Kolomyya. Demyaniv was hospitalized with a broken knee and a fractured skull. The attack occurred several days after city officials sued the newspaper to have it evicted from a municipal building after it had criticized city officials. In April, SBU officers followed *Frankfurter Allgemeine Zeitung* reporter Konrad Schuller during a trip to Kyiv and later harassed two of the sources he had met with, according to the news website Ukrainska Pravda. In August, the editor of the weekly newspaper *Novyi Stil* in the eastern city of Kharkiv, Vasyl Klymentyev, disappeared several days after he refused a bribe to suppress a story about bribe-taking and the lavish homes owned by a local deputy prosecutor, a tax chief, and several SBU officials. *Novyi Stil* deputy editor Petro Matvienko criticized the police for conducting an incomplete investigation, and no progress in the case was reported at the end of the year, according to local and international press reports.

Separately, while Yanukovych had pledged to aggressively

defend press freedom upon taking office, his government made limited progress in solving the 2000 abduction and murder of journalist Heorhiy Gongadze. In September, on the tenth anniversary of Gongadze's murder, prosecutors claimed that the late Interior Minister Yuri Kravchenko had ordered his abduction and murder on his own initiative, according to local and international press reports. The announcement sparked accusations from journalists, press freedom advocates, and Gongadze's family that the Yanukovych administration was protecting former president Leonid Kuchma by ignoring credible evidence that the former president had ordered the murder.

With hundreds of state and private television and radio stations and numerous print outlets, Ukraine's media sector is very diverse compared to other former Soviet republics, but it also faces challenges. Many major outlets are owned by regional business magnates with close ties to the government, while others are dependent on state subsidies, encouraging widespread self-censorship and slanted news coverage in favor of specific economic or political interests. The global economic crisis led to a decline in advertising revenue that made media outlets, particularly newspapers, even more financially dependent on politicized owners, the U.S.-based nonprofit group IREX reported. Hidden political advertising is widespread in the media and weakened the public credibility of journalists, particularly during the presidential election at the start of the year, according to the OSCE. The quantity of stories commissioned by business and political figures reportedly doubled during the presidential election, according to IREX. Officials from the Central Election Commission and the National Television and Radio Broadcasting Council failed to enforce provisions of the Law on Radio and TV Broadcasting that explicitly banned hidden political advertising during election campaigns. Transparency of media ownership remains poor, as businessmen and politicians often prefer to hide their influence over news programs. Ukraine's print distribution system is problematic and dependent on the national postal service. Some of these deficiencies were compounded by the country's deep economic recession, which led to a decline in the value of the country's currency and an increase in unemployment and inflation.

The government does not restrict access to foreign outlets or to the internet, which is used by around 23 percent of the population. Although internet publications are not required to register with the authorities, the government retains the ability to monitor websites and e-mail. Under Khoroshkovsky's leadership, the SBU increased its monitoring of government criticism on the internet. In July, SBU officers in Kyiv summoned blogger Oleg Shinkarenko to be questioned about postings critical of Yanukovych, and insisted that he make a written statement promising to stop criticizing the president, according to local and international press reports. In December, two SBU officers in Kyiv summoned Kirill Baranov, deputy editor of the news website Fraza, to their headquarters to be questioned about his work at the website. News websites that were critical of the government faced occasional hacking attacks. In August, the website of the independent Channel 5 television sustained a denial-of-service (DoS) attack. In November, hackers entered the website of the Simferopol-based Center for Journalistic Investigation and deleted the site's analysis of local elections held in October, the Information Press Center

reported.