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# Ukraine

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Press freedom eroded further in 2012 as President Viktor Yanukovich continued curtailing the country's recent democratic gains through his authoritarian style of rule. The president and his Party of Regions cracked down on the opposition, stalled legal reforms, consolidated their influence over the national broadcast media, and manipulated the results of October parliamentary elections—all while rhetorically promoting media freedom abroad as Ukraine prepared to assume the 2013 chairmanship of the Organization for Security and Cooperation in Europe (OSCE). A highly politicized judicial system ensured that Yanukovich's main political rival, former prime minister Yuliya Tymoshenko, remained in prison under a seven-year sentence that was imposed in 2011 for her alleged mishandling of natural gas negotiations with Russia in 2009. Journalists endured an escalation in attacks in the months ahead of the parliamentary elections, while Yanukovich's relatives and allies continued to use their positions to dramatically increase their personal wealth.

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 continue 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 in recent years.

The Party of Regions proposed various new laws and initiatives during 2012 in an effort to muzzle independent reporting on widespread corruption and nepotism among the ruling elite. In January, the party ousted media lawyer and lawmaker Andriy Shevchenko from his post as head of the parliamentary committee on free speech and information. In July, the Party of Regions proposed a bill that would recriminalize libel and insult, allowing up to five years' imprisonment for convicted offenders. The parliament initially passed the proposed law in September, but withdrew it in October amid intense domestic and international criticism. Politicized courts, weakened by legal reforms introduced under Yanukovych, consistently ruled in favor of progovernment media owners and against outlets that criticized politicians and the government during 2012. In August, for example, a Kyiv court found *Hromadskyy Zakhyst Kyivshchyny* reporter Andriy Kachor guilty of petty hooliganism and fined him 102 hryvnias (\$13) for allegedly forcing his way into the office of a Party of Regions parliamentary candidate. Kachor had accused the candidate of misusing public funds in an interview on the independent television station TVi.

The National Television and Radio Broadcasting Council remains unreformed and has applied regulations in a secretive and highly partisan manner. The council used the transition from analog to digital television broadcasting in 2011 to deny licenses to editorially independent television stations such as TVi, TRC Chernomorskaya, and Rivne 1. Meanwhile, it awarded digital licenses to progovernment stations or new outlets that were registered offshore to unknown owners. Other government officials, like tax inspectors, continued to enforce regulations in a selective and politicized manner in 2012. In July, tax police and prosecutors raided the offices and froze the bank accounts of TVi—the last remaining national television station that criticized the Yanukovych administration—while some 80 cable operators were reported to have dropped the channel. In September, a Kyiv court threatened the station with insolvency by ordering it to

pay 4 million hryvnias (\$500,000) in alleged back taxes. The timing of the financial pressure suggested that the authorities were attempting to control the media environment ahead of the October parliamentary elections.

Government officials routinely took steps to limit journalists' access to information during the year. In January, presidential security officers prevented journalists from filming Yanukovich's entourage leaving his mansion in the northern Kyiv suburb of Mezhyhirya. In February, *Korrespondent* reporter Iryna Solomko filed a lawsuit against the parliament after she was denied information about civil servants working as assistants to lawmakers. A Kyiv court ruled against Solomko in March, despite a provision of the Law on Access to Information that prohibits the withholding of such information about officials receiving state salaries. An appellate court confirmed the ruling in June. In September, guards protecting Yanukovich as he spoke at a World Press Congress in Kyiv confiscated several "Stop Censorship" posters that journalists held up in protest. In addition to imposing restrictions on professional journalists, the government limits the ability of bloggers and citizen journalists to report on public affairs by refusing to grant them accreditation.

Although media coverage—including on electoral campaigns—remains more pluralistic than in Russia and other authoritarian states in the region, the politicization of private media has increased under the Yanukovich administration. Wealthy media tycoon Valeriy Khoroshkovskyy has used his Inter Media Group to advance his political interests, serving first as head of the National Security Service (SBU) and later as first deputy prime minister from 2010 to 2012. Two days before the parliamentary elections in October, a group of editors at the UNIAN news agency, owned by Yanukovich loyalist Ihor Kolomoyskyy, issued a public statement protesting that they had been instructed not to publish stories that criticized Yanukovich. Meanwhile, the country's state media remained unreformed and continued to serve the interests of senior politicians and the bureaucracy. Politically loyal managers have been appointed to the state-run outlets, and those who failed to ensure favorable coverage have been illegally dismissed. OSCE election monitors indicated that "due to the lack of political will, the transformation of the National Television Company of Ukraine from a state to a public-service broadcaster has not progressed; two laws on the reform ... are pending in the parliament." State television has no editorial statute or editorial board, as required by law. The election monitors also reported "abuse of regional state-owned broadcasters or newspapers in favor of the Party of Regions, in particular through

obvious political advertising not declared as such.” Additionally, independent news websites like LB.ua endured harassment throughout the year as well as hacking attacks that escalated during and after the parliamentary election campaign.

A steady stream of threats and harassment against the media continued in 2012, as the country’s weak and politicized criminal justice system failed to protect journalists from abuse by politicians, businessmen, and criminal groups. Several correspondents for the popular Roadcontrol.org.ua website were harassed and assaulted during 2012 in retaliation for exposing abuses committed by corrupt traffic police officers. In June, Maksym Kasyanov, a correspondent for Korrdon.info in the southeastern city of Donetsk, was filming the car of a senior politician when he was assaulted by several tax-service officers, arrested by the police, and then forced by an investigator to write a statement that he was planning to assassinate the politician. Prosecutors declined to punish the police investigator.

Attacks against journalists escalated significantly in the months ahead of the October parliamentary elections, with the Kyiv-based Institute of Mass Information registering some 60 cases in September. Prosecutors and police regularly failed to take action against suspects identified in past attacks, leading to a culture of impunity. In April, prosecutors in the southeastern city of Donetsk declined to open a criminal inquiry after a group of Ukrainian nationalists assaulted four journalists at a ceremony in January to commemorate Ukrainian resistance to Bolshevik forces in 1918. In August, police investigators reported that they had identified a former Kharkiv police officer as a suspect in the August 2010 disappearance of *Novyy Styl* editor Vasyl Klymentyev, but the suspect had not been apprehended by the end of the year. Klymentyev had disappeared shortly after reporting on police corruption.

The authorities have made limited progress in solving an older such crime, the abduction and murder of journalist Heorhiy Gongadze in 2000. Former Interior Ministry official Oleksiy Pukach remained on trial at year’s end for allegedly carrying out the killing, though the case was marred by procedural violations and closed to the public. In June, a Kyiv appellate court upheld a lower court’s ruling that prosecutors could not investigate credible evidence that former president Leonid Kuchma had ordered the killing. Journalists, press freedom advocates, and Gongadze’s family have asserted that Yanukovych used the courts to clear Kuchma’s name by dismissing key evidence and pinning all of the blame on Yuriy

Kravchenko, a deceased former interior minister.

With hundreds of state and private television and radio stations and numerous print outlets, Ukraine's media sector is diverse compared with those of most other former Soviet republics, but it faces growing challenges, including declining pluralism and an increasing emphasis on entertainment over news reporting. Four pro-Yanukovich media magnates—Viktor Pinchuk, Ihor Kolomoyskyy, Valeriy Khoroshkovskyy, and Renat Akmetov—dominate the national television channels, while most regional broadcasters are dependent on progovernment business magnates and state subsidies, encouraging self-censorship and bias 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 has led to a decline in advertising revenue, leaving 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 about 38 percent of the population in 2012. A growing number of citizens are relying on the web and social-networking sites such as Odnoklassniki and VKontakte to exchange information. Although internet publications are not required to register with the authorities, the SBU has increased its monitoring of government criticism on the internet in recent years.

## 2013 SCORES

PRESS STATUS

# Partly Free

PRESS FREEDOM SCORE

**60**

LEGAL ENVIRONMENT

**19**

POLITICAL ENVIRONMENT

**21**

ECONOMIC ENVIRONMENT

**20**

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