

BRIEF OVERVIEW OF UKRAINIAN MEDIA SITUATION, 2

*Valeriy Ivanov,
Professor, Doctor of Philological Sciences,
President of the Academy of Ukrainian Press*

2002, autumn – since September 2002, the Presidential Administration has practiced unprecedented pressure on Ukrainian journalists (introducing “temniks” on national TV channels);

2002, October – almost 500 Ukrainian journalists signed a Manifesto against political censorship;

2002, November – Kyiv Independent Media Trade Union was established;

2002, December – Parliamentary Hearings on “Society, media, authorities: freedom of speech and censorship in Ukraine” were held;

2003, January – the Parliamentary Assembly of the Council of Europe acknowledged the existence of political censorship in Ukraine;

2003, April – the “anti-censorship” law, based on the results of the Parliamentary Hearings, was adopted.

Ukrainian media operates under difficult conditions. The country’s media environment fully reflects the current trends in the development of civil society and Ukrainian statehood. The trends make it evident that a vast majority of broadcasting channels are controlled by the government and oligarchic groups rather than by the society. Media has become a tool for public opinion manipulation. Today there are hardly any newspapers, magazines, TV channels and radio stations that could be called independent.

Subject to legal, economic and administrative regulations existing in the market, the economic success both of print media and of TV or radio stations in Ukraine does not depend on the amount or the quality of the audience (i.e. its readers, viewers,

and listeners). Profits earned from sale and advertising activities (in Ukraine advertising is considerably cheaper if compared, for example, with Russia) do not cover the costs for producing the information outlets. At the newspaper market, entertainment, advertisement and erotic editions are more or less profitable. The absolute majority of public and political outlets, however, serve the interests of financial and political groups. There are newspapers and journals that intentionally raise their circulations several times higher for advertising purposes, or publish biased popularity ratings. Grants and sponsorship financing of mass media in exchange of so called information supply have become a usual thing. The decline of circulations of periodicals, which began in 1991, is still in progress. In fact, the majority of Ukrainian population cannot afford to buy periodicals, and, thus, does not get information about social, economic, political and spiritual life in Ukraine as well as about events from abroad. In terms of the number of periodicals, Ukraine has significantly fallen behind the well-developed countries of the world.

In general, the media system in Ukraine might seem to be normally regulated from the legal point of view, and it should function normally, too. But the level of how all these laws are implemented, unfortunately, leaves much to be desired for better. In fact, there is no law in the sphere of media that is implemented to its full extent. Laws that exist, but do not function, unfortunately, cannot promote the development of a democratic society.

In our opinion, difficult economic conditions under which the media functions are the greatest threat to the freedom of speech. The factual absence of an advertising market and the impossibility, to demand real prices for the products (due to the poverty of the majority of consumers) make the media dependent on funds from sponsors and the state. The media's owners consider such funds

not as a means for receiving profit, but rather as a tool for forming a favourable public opinion. Therefore, by investing money into media business, the majority of investors regard such activity as auxiliary with respect to their major business. This is the reason why nobody really wonders about the sale of popular editions at dumping prices, which, from the very beginning, cannot result in self-repayment. Besides, non-profitability of the media, how paradoxically it might seem, is profitable for its owners. Journalists are managed in an easier way when they know that their salary directly depends on the investment of the media tool's owner, and not on the audience or advertising. Last not least, the crisis in which the absolute majority of publications finds itself results in the expansion of such a phenomenon as concealed advertisement. Under such circumstances, a lot of critical materials placed in the media does not mean freedom of speech, but only shows how orders of either owners or sponsors are fulfilled aiming at eliminating business or political rivals. Thus, interests of the society fall back into the shadow.

Consequently, economic pressure on media continues to pre-dominate over the pressure of law. In regions, as a rule, local authorities appear to be among the founders of the press and actively interfere into its activity. In case if a newspaper refuses to follow the opinion of the representatives of the regional authorities, they try either to replace the editor-in-chief, or, if they failed to do so, simply quit the membership of the founders. For Ukraine, taking into account its complex economic situation, when newspapers can hardly exist on the basis of self-repayment, this often means the newspaper's real death.

The media engagement is particularly increasing during the pre-elections period. The previous parliamentary elections were not an exception. It is necessary to mention that these elections were

conducted according to a new law, and, as a matter of fact, this resulted in certain corrections in the activity of journalists, too. In particular, during the first forty days the journalists were prohibited to analyse pre-elections programs of candidates, parties and blocs. During the same period, any kind of propaganda was prohibited.

These elections were not equally evaluated by international observers and journalists themselves. Specifically, monitoring surveys, namely those financed by the European Commission, revealed that the majority of Ukrainian media worked in the interests of the state authorities. Opposition parties were generally presented in a negative light. The extremely biased position of Ukrainian media was noticed also by the US State Department. The extensive usage of administrative recourse was particularly pointed out. At the same time, certain positive changes were recorded, if compared with the previous elections. Namely, more information was devoted to the elections as a whole; some TV channels broadcasted debates.

Court actions for multimillion defamatory damages remain to be a critical point for Ukrainian media. These actions play the role of the sword of Damocles hanging over Ukrainian media. The amount of actions is that high that in case at least one of them had been completely satisfied, the corresponding newspaper or television company would be forced to immediately terminate its existence. However, the situation is changing for better due to the "anti-censorship" law which provides mechanisms of securing the media and journalists from excessive claims.

Prosecution of journalists on the basis of the Criminal Code continues. An example: The case brought against the journalist V. Boiko regarding unpaid taxes is being either opened or closed all the time. The fact that the case has been under consideration since

spring 2002 and has been either opened or closed four times already testifies to the desire of the persecution office to punish V. Boiko for his sharp critical publications in regard of the prosecution office activities.

Political engagement of the several media outlets becomes more evident. Discreditable materials, public opinion manipulation, concealed advertising are being broadcast and placed on newspaper pages instead of unbiased information describing the life of the society. In regions due to the absence of advertising, almost all newspapers are under strong influence of local state administrations. Newspapers and radio companies which stand for the interests of business structures but are in opposition to local authorities, are constantly experiencing strong pressure. The presidential elections in Ukraine 1999 revealed several forms of such pressure. It appeared, that most often administrative and judicial measures were applied (audits by tax administration and imposition of significant penalties as a result, control by fire prevention authorities, disconnection of transmitters or a threat to disconnect them by Ukrchastotnadsor [Ukrainian State Centre of Radio Frequencies and Communications Supervision], cases regarding honour and dignity protection with indemnification amount which often exceeded the annual gross output of Ukraine). Due to such measures, the activity of some media outlets was completely terminated, while the managerial staff of other ones was changed entirely (for example, in October 1999 a change of managers of STB [СТБ] TV-channel was performed). Audits by tax authorities seem to be the most effective way of "taming the rebellious".

Pressure exercised over regional media in October 2003 led to the adoption of a special statement of journalists' Ethics Commission, which paid attention to the following facts. Beginning from July 2003, the Executive Committee of the city of Sumy cut off the

access of journalists from 3 non-governmental newspapers to staff meetings, thus violating Ukrainian legislation. The representatives of the state press can easily attend such meetings. Publishing houses of Sumy oblast refuse to publish non-governmental newspapers. In the beginning of October 2003 the journalist L. Budzhu-rova was deprived of her accreditation at Yalta Summit Ukraine – EC. In September of the same year a group of journalists was locked in the press-centre of the Cabinet of Ministers. This was done with the purpose to prevent the journalists from asking the highest officials in the Cabinet of Ministers questions connected with the accession of Ukraine into the Unified Economic Area. A number of public organizations filed a petition to the General Prosecution Office but it forwarded it for consideration to the body that violated the law – the Cabinet of Ministers. In autumn 2003 the tax administration initiated a so-called war against “Lvivska Gazeta” [Newspaper of the City of Lviv] and its founders.

In January 2004, the militia arrested a truck in Zaporizhia. It carried the edition of the newspaper “Bez Tsenzury” [Without Censorship] to be circulated in the southern oblasts of Ukraine. The driver’s licenses and other documents as well as all copies of newspaper were confiscated.

In 2003, the newspaper “Ukraina-Tsentr” lost the case initiated on the basis of claim filed by one of the judges of Kirovograd. Yaroshenko, the judge, filed the claim on the fact that the newspaper reprinted the information of UNIAN on the press-conference, where one of the participants accused the judge in ordering a murder against the participant. After 16 months of legal proceedings and processing of the case by the Supreme Court, the newspaper was judged to pay 50.000 Hryvnias to the benefit of the plaintiff (about 9.500 USD).

In autumn 2002, there were several events that significantly restricted the pluralism in the Ukrainian informational sector. Since 2002 the Presidential Administration has been exercising an unprecedented pressure on journalists. It determined what information and how it, regardless of the topic, should be presented or published. The existence of “temnyky” (direct instructions on how events should be highlighted and evaluated) was highly discussed in the society.

Journalists evaluated these events as the beginning of political censorship. About 500 journalists signed a Manifesto in which they oppose political censorship in the country. On October 5, 2002, a committee on the creation of an independent trade union of media employees and a strike committee were founded by journalists.

On December 4, 2002, at the request of journalists, parliamentary hearings «Society, Mass Media and Authorities: Freedom of Speech and Censorship in Ukraine» were initiated. According to results of hearings in April 2003, the law «On Making Changes and Amendments to Certain Legislative Acts of Ukraine Related to Ensuring and Unimpeded Exercise of the Human Right for Freedom of Speech» was adopted.

The fact of political censorship in Ukraine was recognized by the Parliamentary Assembly of the European Council.

Generally speaking, Ukraine experiences a difficult period in its development. Ukrainian journalists cannot use those rights and freedoms that are exercised by their colleagues in western countries. The development of a democratic press is under way. Existence of pluralism of views in Ukrainian media is neither supplemented nor backed by the independence of newspapers and TV and radio organizations.

There are several major threats to the freedom of speech in Ukraine. First, it is the inability of media to be profitable, i.e. economically independent; second, murders of and assaults against journalists; third, judicial persecutions, in particular related to cases on protection of honor and dignity; fourth, administrative pressure (inspections and sanctions on the side of tax inspectors, fire service and other services). Unfortunately, in Ukraine critical components needed for the creation of civil society such as freedom of speech and independent media, do not exist yet.

In January, 2004 a new wave of the repression against independent media has started. Radio Liberty was removed from Radio Dovira FM. The arbitrage court started a suit against the only network TV channel controlled by opposition ("5 channel") to deprive it of the license for broadcasting. That means that alternative media to the state power opinions are removed from Ukrainian media sector on the eve of the presidential election campaign.