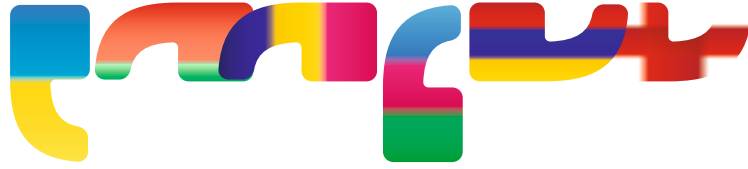




EaP Media Freedom Watch



This project is funded by the European Union

Inspired by



EASTERN PARTNERSHIP
Civil Society Forum

EASTERN PARTNERSHIP MEDIA FREEDOM LANDSCAPE-2013

Kyiv-2014

УДК 342.732(477+47+57)
ББК 7.9(4Укр)400.7+67.9(4Укр)400.7
ISBN 978-617-7157-07-5
M42

PROJECT PARTNERS:



YEREVAN PRESS CLUB

Yerevan Press Club (Armenia)



YENI NESİL
AZƏRBAYCAN JURNALİSTLƏR BİRLİYİ

«Yeni Nesil» Union of Journalists (Azerbaijan)



Association Green Wave (Georgia)



Centrul pentru Jurnalism Independent

Independent Journalism Center (Moldova)



INTERNEWS-UKRAINE

Internews Ukraine (Ukraine)

Partners from Belarus

This publication was prepared through the efforts of:

Armen Nikoghosyan, Yerevan Press Club (Armenia)
Mikayel Zolyan, Yerevan Press Club (Armenia)
Boris Navasardian, Yerevan Press Club (Armenia)
Elina Poghosbekian, Yerevan Press Club (Armenia)
Arif Aliyev, «Yeni Nesil» Union of Journalists (Azerbaijan)
Gulu Magerramli, «Yeni Nesil» Union of Journalists (Azerbaijan)
Tamar Tsilosani, Independent media expert (Georgia)
Petru Macovei, Independent Press Association (Moldova)
Ion Bunduchi, Radio Moldova national public broadcaster (Moldova)
Cristina Leva, Independent Journalism Center (Moldova)
Lyudmyla Opryshko, Regional Press Development Institute (Ukraine)
Valeriy Ivanov, Ukrainian Press Academy (Ukraine)
Oksana Voloshenyuk, Ukrainian Press Academy (Ukraine)
Diana Dutsyk, Telekrytyka (Ukraine)
Vitaliy Moroz, Internews Ukraine (Ukraine)



This publication has been produced with the assistance of the European Union. The content of this publication is the sole responsibility of its authors and can in no way be taken to reflect the views of the European Union.

CONTENT

Foreword	4
Armenia	7
Azerbaijan	15
Belarus	26
Georgia	36
Moldova	41
Ukraine	52
Infographics	68

FOREWORD

The present publication constitutes an aggregate result of the first year of the Eastern Partnership Media Freedom Watch project. The aim of the project is to support media freedom in Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) by informing both the citizens of the mentioned countries and the international community on the state of journalists' rights and freedoms. The project was inspired by the activities of the Media sub-group of the Eastern Partnership Civil Society Forum, initiated in 2009 by the European Commission. The Project was launched in March 2013 with the financial support of the European Union.



<http://mediafreedomwatch.org/ru/>

The main products of the project include website ENP East Media Freedom Watch (<http://mediafreedomwatch.org>) and the Media Freedom Index of the Eastern Partnership countries.

The web resource is a concentrated source of information on the events and processes, taking place in the field of media freedom in the above-mentioned countries. The site serves as a connecting bridge between the journalistic community and non-governmental media organizations of the Eastern Partnership countries, on one side and official EU institutions, European human rights and civil society organizations directly engaged with freedom of expression

issues, on the other. The web resource also acts as a platform for sharing best practices of journalists' rights protection in Eastern Partnership countries, which have a lot in common in their history and development paths, as well as in issues related to mass media. That is why the project finds it vital to inform journalists, public figures and public officials on practices of efficient media freedom protection.

The Media Freedom Index measures media freedom in the Eastern Partnership region. The Index reveals the degree to which media and journalists are allowed to exercise their rights and freedoms without fear of reprisals and pressure from authorities, media owners or other connected entities. The research methodology relies on expert quarterly surveys incorporating all the best approaches of already available international freedom of expression indexes. The study focuses on a specific region thus allowing for a more detailed exploration of the issue. An extended team of 60 specialists (ten from each country) ranging from local journalists, to human rights defenders, to lawyers, to sociologists and public figures with a five-year experience at least in their field of expertise and maintaining close professional relationships with the media sphere were invited as Index experts. In order to ensure a more accurate media landscape of the region the selection of

experts excluded representatives of political organizations and state authorities.

The project team expresses gratitude to journalists, media experts and public figures, lending a helping hand in project implementation: Gulu Magerramli (Azerbaijan); Irene Aloyan, Vardan Aloyan, Levon Barseghyan, Shushan Doydoyan, Anna Israyelyan, Gegham Manukyan, Armen Nikoghosyan, Arthur Papyan, Elina Poghosbekian, Nouneh Sarkissian, Lusineh Vasilyan, Mikayel Zolyan (Armenia); Oleg Ageev, Andrei Bastunets, Pavel Bykovskiy, Svetlana Kalinkina, Aleksandra Koktysh, Zhanna Litvina, Mikhail Yanchuk (Belarus); Mamuka Andguladze, Sopho Bukia, Luba Eliashvili, Maraim Gogosashvili, Nino Jangirashvili, Nino Jojua, Ninia Kakabadze, Tamar Khorbaladze, Natia Kuprashvili, Nino Lomjaria, Ia Mamaladze, Giorgi Mshvenieradze, Ramaz Samkharadze, Irakli Tabliashvili, Tamar Tsilosani (Georgia); Ludmila Andronic, Lucia Bacalu, Ion Bunduchi, Doina Costin, Cristina Leva, Petru Macovei, Olivia Pirtac, Alina Radu,

Vladimir Soloviov, Alina Turcanu (Moldova); Oleksandr Chekmyshev, Andriy Kulykov, Kostyantyn Kvurt, Tetyana Lebedeva, Nataliya Ligachova, Anatoliy Martsynovskiy, Lyudmyla Opryshko, Natalya Pedchenko, Taras Petriv, Vitaliy Portnikov, Oksana Romanyuk, Nataliya Sad, Viktoriya Syumar, Oksana Voloshenyuk (Ukraine).



Media Freedom Index

The present review, as well as all the materials, forming its backbone, are available in electronic format at the ENP East Media Freedom Watch Project site at www.mediafreedomwatch.org.

Boris Navasardian (Armenia)

Arif Aliyev (Azerbaijan)

Manana Jakhua (Georgia)

Nadine Gogu (Moldova)

Andriy Kulakov (Ukraine)

ARMENIA

Policy

The media in Armenia is governed by the Laws of the Republic of Armenia «On Television and Radio», «On Mass Communication», «On Freedom of Information», «On Copyright and Related Rights», «On Advertising» and by the relevant provisions of the Electoral Code regulating media activities during elections and referendums, as well as by other laws and regulations.

On September 30th, 2013 the National Assembly of the Republic of Armenia adopted the final amendments to the Law «On Copyright and Related Rights». The current Law has been supplemented by Article 22.1 which establishes the terms of copying content from printed/online media, in full or in part, by other printed/online media. For the first time ever, the draft law was released for public discussion on Facebook between its first and second reading in parliament. The newly amended legislation caused mixed feelings in the journalistic community. It set the terms for information use, especially in online media, but failed to shut down unprofessional journalism.

On December 26th, the Armenian Government approved a package of amendments to the Laws «On Television and Radio» and «On Advertising»

which substantially restricted commercial advertising on public broadcaster. In particular, it is proposed to introduce a ban on commercial advertising on Public Television of Armenia, however retaining social ads, as well as acknowledgements of the sponsors in cultural, educational, scientific, and sports programs only once throughout the program. At that, the total duration of the above-mentioned advertising should not exceed 90 seconds within an air hour. The Government substantiated its legislative initiative by the fact that the cancellation of commercials in public broadcasting will free time for higher value programs. The package of amendments is now pending the approval of the National Assembly.

In this context, «Asparez» Journalists' Club conducted monitoring of six national channels in August 2013 to reveal numerous violations of the legislation on advertising by the broadcasters. Thus, the provision of the Law «On Advertising» prohibiting more than one ad in less than 20-minutes of TV program was infringed, to a greater or lesser extent, by all six TV channels, including the public broadcaster. Another provision setting a 14-minute limit on advertising in one hour of broadcasting was ignored by four of the monitored TV channels, and in some

cases the limit was exceeded twice or several times. It should also be noted that, according to Armenian legislation, the control over television, including compliance with the latest legal requirements, lies with the regulatory body — the National Commission on Television and Radio.

Some laws, in particular the Law «On Television and Radio» and several legislative provisions continue to attract criticism from journalists and the European institutions. The EU Commissioner for Enlargement and Neighborhood Policy Štefan Füle and the OSCE Representative on Freedom of the Media Dunja Mijatovic during their visits to Yerevan, in July and October 2013, reminded authorities about the necessity to bring the broadcasting legislation of Armenia in line with the recommendations of the OSCE and the Council of Europe. It is noteworthy that there were precedents when the recommendations of international organizations were ignored: for example, a package of amendments to the Electoral Code (adopted by the parliament on May 26th, 2011), proposed by the OSCE/ODIHR after the parliamentary elections of 2012.

The pace of legislation improvement is rather slow. Some laws, even if they are in line with international standards (including the Laws «On Mass Communication» and «On Freedom of Information») started to lose their applicability. For example, the Law «On Freedom of Information» still lacks any rules governing electronic requests, the same as the Law «On Mass Communication» lacks provisions on online media.

Practice

Judicial practice reveals new legislative problems to be solved. On November 5, 2013, the Constitutional Court passed a ruling on the compliance of Clause 2 of the RA Civil Code Article 17 («Compensation for Losses»)

with the Main Law. The Article establishes various kinds of losses, except moral damage. The ruling was issued following the petition of citizen Arthur Khachatrian. His lawsuit on material and moral damage compensation was heard by all court instances with only partial satisfaction — the claim for indemnification of moral damage was rejected. The Constitutional Court adjudicated Article 17 Clause 2 of the Civil Code at variance with the Armenian Constitution and ineffective. However, the Court stated that the provision would lose effect on October 1st, 2014, as its immediate cancellation may lead to legal imbalance. To prevent the imbalance, the Constitutional Court stressed the need to systematize the legislative provisions governing moral damages. According to some lawyers, amendment of the Armenian Civil Code insofar as it concerns compensation for the moral damage and introduction of a clear mechanism for determining the size of financial compensation would contribute greatly to the protection of privacy and the increase of media responsibility.

The claim filed by businessman Khachik Khachatrian, owner of a major holding «X-Group», against the founder of «Zhoghovurd» daily revealed one of the old, but unsolved problems. Armenian legislation is unable to protect citizens, including journalists, from non-public abusive or defamatory statements: despite the fact that the November 15, 2011 decision of the Constitutional Court proposed parliament to consider this issue, it still remains pending.

Physical assaults, threats, arrests and intimidation of journalists. Prosecutions. On May 18th, 2010 the Civil, Criminal and Criminal Procedure Codes were amended to decriminalize libel and insult. Simultaneously, civil legislation was complemented with a provision on compensation for damage. Decriminalization, which was welcomed by international organizations, in practice,

had an ambiguous effect and to some extent became a tool for restricting freedom of expression. Formerly, the libel and insult criminal proceedings were isolated cases, but within the first year after the decriminalization of these offences took place the courts were flooded with dozens of civil lawsuits against the media, mainly newspapers (by the end of 2013, the number of such claims approached one hundred). And the vast majority of plaintiffs are representatives of political and business elites claiming maximum possible compensation. The family of the RA Second President Robert Kocharian alone filed four such claims against different newspapers. The courts tend to satisfy such plaintiffs' claims in full.

In May 2011, the Information Disputes Council was created at the initiative of the Human Rights Defender of Armenia. The Council's expert opinions on defamation lawsuits have gained importance in the law enforcement area, and under the auspices of OSCE, the Council started to function on a permanent basis. Armenia has seen significant improvements in the media legal framework thanks to the recommendations issued by Constitutional Court (of November 15th, 2011) on the enforcement of the relevant civil law, as well as due to the previous decisions on defamation by the Court of Cassation (of April 27th, 2012). Yet, in early 2012 one could witness a decreased number of court decisions fulfilling those citizens going to court with the sole aim to punish journalists, rather than to restore their reputation. The number of claims has fallen dramatically only to increase the odds of solving information disputes out of court, in particular through the self-regulatory body — the Media Ethics Observatory.

Nevertheless, in some cases, courts have become a tool to pressure the media. For example, some influential politicians and big businessmen filed lawsuits asking for maximum damage and in parallel filed

a motion to seize the property and cash of the media outlet they pursued (e.g., Khachik Khachatryan vs «Zhoghovurd» daily lawsuit). Such motions were usually satisfied by the courts insofar as it concerned the seizure of property. The plaintiffs, thereby, could exercise pressure on the media prior to the judgment.

The law enforcement activity of the Information Disputes Council may be highlighted by its proposal to give a legal definition to the term «source of information», as the above-mentioned decisions of the Court of Cassation limits the range of sources to which the journalists may refer. In fact, according to the Court of Cassation, information sources can be categorized as improper. Meanwhile, the Information Disputes Council says that such an approach contradicts the Recommendation No. R (2000) 7 of the Committee of Ministers of the Council of Europe «On the right of journalists not to disclose their sources of information,» according to which the term «source» means «any person who provides information to a journalist». The Recommendation also emphasize that journalists may obtain information from different kinds of sources. In this regard, the Information Disputes Council stressed the need to expand and clarify this term in national legislation and law enforcement practice. Apart from this, the application of Article 1087.1 of the Civil Code («Procedure and Conditions of Compensation of Damage to Honor, Dignity and/or Business Reputation») revealed that the courts, in various cases, interpreted differently the terms «statement of facts» and «value judgment». The Information Disputes Council invited stakeholders to give a clear definition to the term «value judgment,» which is not referred to in the above Article.

During 2013 the relatively new phenomenon of civic activism appeared in Armenia. Activists protested against the



Argishti Kivirian, coordinator of ARMENIA Today, after an incident with the police on August 24, 2013.

public transport price hike, violations of building codes, and the country's intention to join the Customs Union instead of signing the Association Agreement with EU. In this period, the country saw a number of incidents when violence was used against activists, including journalists. In August 2013, the coordinator of ARMENIA Today news agency, Argishti Kivirian, who participated in civil actions, was twice detained by the police. During his second detention (on August 24th) he was beaten in a police car by law enforcement officers. Argishti Kivirian was delivered to one of the Yerevan police departments with abrasions and bruises on his face, and then taken by the ambulance to the hospital. The next day, upon the complaint issued by one of the officers escorting Kivirian to the police station, the law enforcement body initiated a criminal case against the journalist for use of violence against a public officer. Argishti Kivirian, in turn, filed a cross-complaint for forcible detention. The Special Investigative Service, having investigated the incident — despite photo and video materials published in the media demonstrating signs of beating on Argishti Kivirian — concluded the use of violence by the police against the journalist was not confirmed, and brought a charge

against the journalist not only under Article 316 («Violence against a representative of the authorities»), but but also under Article 333 («False denunciation») of the Armenian Criminal Code.

On September 5th, two civic activists were assaulted by half a dozen men while coming back home. The first is Suren Saghatelian, Board member of Transparency International Anti-Corruption Center (TIACC), and the second is Haykak Arshamian, also a member of TIACC and project coordinator at the Yerevan Press Club, both actively involved in protests against RA President Serzh Sargsyan, who expressed Armenia's intention to join the Customs Union. The perpetrators, as in many other cases, have not been found, and, unfortunately, law enforcement bodies are usually inactive in solving such crimes.

The police quite often fail to follow the laws and other internal regulations, while also detained citizens or journalists. On July 15th, 2013 the Administrative Court of Armenia delivered an unprecedented judgment in a litigation of nearly two years between the Board Chairman of the «Asparez» Journalists' Club Levon Barseghian and law

enforcement bodies. On September 21st, 2011 two organizers of a protest against foreign elements in the military parade on the 20th anniversary of Armenia's independence, Levon Barseghian and sculptor Arno Kur (Sasha Galechian), were detained in the center of Yerevan. The detainees were taken to Kentron Police Department and released three hours later after the parade was over. The same evening, Levon Barseghian and Arno Kur issued a statement that their arrest was forcible and illegal, as well as that they were not allowed to call a lawyer. The authors of the statement stressed that the police had violated their constitutional rights to freedom of movement, freedom of assembly and freedom of expression, and stated their intention to go to court. On December 9th, 2011 the claim of Levon Barseghian vs Kentron Police Department of Yerevan was filed with the Administrative Court.

On July 15th, 2013 the Administrative Court upheld Levon Barseghian's claim admitting that «his right to freedom of expression, freedom of speech, freedom of assembly, freedom of movement, personal liberties and security were violated» by law enforcement bodies. The Court also qualified the actions of Kentron Police Department as unlawful and ordered to reimburse the plaintiff the state fee for appeal to the court. This judgment was not appealed by the police and entered into force. Levon Barseghian says it was the video footage of the incident captured by the Armenian Service of Radio Liberty and Epress.am that become decisive evidence in the case.

As for the present moment, there is only one judgment condemning unlawful police actions. Meanwhile, journalists involved in protests or covering them continue to be detained.

Access to information. In general, the current Law «On Freedom of Information» safeguards the right of journalists to obtain information. However, in reality, the media

encounters various obstacles from time to time: insufficient answers to the requested information; delayed answers; unreasonable fee for the information. A number of legal proceedings, initiated in 2013, referred to the violation of the Law «On Freedom of Information» by state bodies and government agencies. The respondents in these cases are, among others, the National Assembly and the National Security Service of Armenia.

Another serious problem in Armenia is the lack of politicians' willingness to debate and have live discussions that might ensure a versatile, competitive exchange of ideas on the country's future development.

Censorship and self-censorship. Censorship is prohibited by the Constitution of Armenia, but there is evidence of hidden censorship. Implicit censorship may be evident in abuses committed by the regulatory and supervisory bodies. For example, the National Commission on Television and Radio had refused to license «A1+» TV channel during 2002–2010.

There are also self-censorship and internal censorship cases in Armenia. Thus, according to journalists who were involved in a survey by the Committee to Protect Freedom of Expression in 2010, the majority of media outlets have certain boundaries between «yes» or «no» content, which are most evident in television.

State monopoly. The political situation in Armenia should be viewed through the prism of the national elections of 2012–2013. On the eve of the 2012 parliamentary elections (voting was held on May 6th), certain events took place to ease political tension in the country and to lay the ground for improvements. In particular, the leadership of the country released political prisoners and activists who had been kept in custody since post-election clashes of 2008, and by mid-2011 largely restored the freedom of assembly, which had been abridged by



The civil movement «I Will Only Pay 100 Dram»

the Armenian authorities since 2003–2004. It should be noted that the improvement of the political situation, as well as some positive changes in elections of 2012–2013 favored the launch of the EU's programme Eastern Partnership and other initiatives of European institutions in Armenia.

Despite some progress noted by international observers, 2012–2013 elections exposed a number of chronic problems in Armenia. These are as follows: direct links between government and businesses, monopolized economy preventing the formation of the middle class and free manifestation of political preferences. And no precedents of power change through elections, depriving real opposition of resources, rejecting the tradition of political competition are just the consequences of the above-mentioned problems.

Economic environment. The economy in Armenia still feels the effects of the recession which started with the global crisis of 2008–2009. Although the situation has stabilized in Armenian economy, in general, it may be described as prone to stagnation. The GDP growth in 2013 was 3.2%, according to the World Bank, largely due to the sale of raw materials which caused disastrous consequences to the country's ecology. The level of poverty is rather high — about 34% of the population. Another serious problem is a

dramatic economic gap between the capital and the regions. High unemployment leads to significant migration, especially from the regions of the country.

Broadcasting

Despite a decline of the political importance of the television in recent years (due to the increased role of the internet), updating the broadcasting laws remains a priority of the media community. To ensure effective development of the television in the digital era the country needs to establish clear-cut procedures and create a competent strategy. Although the concept of digitization has been discussed by the Armenian society since 2006, no one saw a serious document to: first, rationale the standards; second, provide cost estimates and solutions for creation of the national digital broadcast network; third, provide prognosis of the long-term expenditures of the broadcasters; and fourth, offer a model for a social package.

In general, during 2012–2013 elections all TV channels provided both the government and the opposition with equal access to airtime, and this had been well regarded by the international observers. However, some TV channels, including the public broadcaster, did not always adequately cover certain events. For example, the First Channel of the Public Television of Armenia, «ArmNews» and «Shant», sparked controversy by ignoring the protest against the public transport price hike. On July 31st, 2013 members of the civil movement «I Will Only Pay 100 Dram», while protesting against the bus fare hike, hindered the work of the abovementioned channels. Later, the movement issued a statement explaining their acts as a spontaneous boycott against individual journalists and broadcasters who arrived at the scene as late as on the tenth day of protests, and even then only because it was attended by Vazgen Manukian, the

Chairman of the Public Council at the RA President.

Meanwhile, the journalistic community initiated discussions to create an alternative satellite public TV in Armenia.

On October 10th, 2013 the Concept of true public broadcaster was presented at a gathering of about sixty members of the media, journalists' organizations and media experts. The Concept aims to create a «satellite non-profit public-by-nature TV company independent from political forces and the government».

Internet and New Media

The increased popularity and availability of the internet led to a boom of news websites. By the end of 2013, according to www.circle.am, 232 online resources were registered as «news and information websites», which is quite a lot for a small country like Armenia. However, some websites provide no information about themselves at all — no data about founders, address or telephone number, having unidentified authors or information sources.

Armenia saw just two cases of prosecution for social media/blogging activities, and in one of them the plaintiff subsequently withdrew the claim. In 2013, no cases of prosecution for social media/blogging activities were recorded in the country.

Conclusions

In general, freedom of speech in Armenia saw no significant changes in 2013. The media have not seen any particular achievements or losses.

Certainly, a positive trend is a further decline in the number of defamation lawsuits, as well as more court decisions in favor of the media.

The ruling of the Armenian Court of Cassation on the dispute between Margarita Khachatryan, Chairwoman of «Zinvor» (Soldier) Association of NGOs, and «Hraparak» daily founder deserves particular attention. Margarita Khachatryan had contested a piece about her visit to one of the military units. The piece was published in «Hraparak» on April 21st, 2011. The head of «Zinvor» demanded refutation, damage for libel and insult in the amount of two million AMD (about 3600 EUR) and court costs. Later on, Margarita Khachatryan dropped the financial claims towards «Hraparak» founder, only demanding refutation. On July 30th, 2012, court of general jurisdiction dismissed the lawsuit. Margarita Khachatryan appealed this ruling. On November 23rd, 2012, the Civil Court of Appeals annulled the ruling of court of general jurisdiction, ordered «Hraparak» to publish a refutation, and made its founder to pay the court costs for Margarita Khachatryan in the amount of 14,000 AMD (about 25 EUR). On December 21st, 2012, the founder of Hraparak contested the ruling of the second court at the Court of Cassation. On July 4, the Court of Cassation decided against the ruling of the Civil Court of Appeals, thus withholding the July 30, 2012 decision of the court of general jurisdiction, which had dismissed the suit in the first place.

The dismissal of two defamation lawsuits of businessman Khachik Khachatryan against «Zhoghovurd» newspaper is also noteworthy. On October 14th, the court of general jurisdiction rejected the claim of the businessman and owner of «X-Group» holding Khachik Khachatryan, as well as the claim of his Yerevan Poultry firm against the founder of «Zhoghovurd» and the newspaper's correspondent Sona

Grigorian. The plaintiffs contested the article «Famous Oligarch Fined for Selling Expired Eggs» («Zhoghovurd», December 11th, 2012) demanding a refutation and compensation of damage caused by libel and insult equal to three million AMD (approx. 5,400 EUR). The lawsuit was rejected on the grounds that libel and insult were not proven in the course of trial.

On December 13th, the same court issued a ruling on another lawsuit of Khachik Khachatrian against «Zhoghovurd» daily and correspondent Sona Grigorian. The matter of the dispute was the article titled ««Zhoghovurd» Daily Demands Public Apology from Khachik Khachatrian» («Zhoghovurd», December 22nd, 2012). The businessman demanded the respondents to refute the information, which he claimed discredited his honor, dignity and business reputation, as well as to pay him compensation equal to 3.2 million AMD (approx 5,760 EUR) of which three million AMD for damage caused by libel and insult, and 200,000 AMD for attorney's fees. The court rejected this lawsuit as lacking grounds.

The positive change in the legislation was amending the Law «On Copyright and Related Rights» (see above), to establish the terms of copying the content of print/online media, in full or in part, by other print/online media.

As a long-term achievement we would note the above-mentioned decision of the Constitutional Court of Armenia of November 5th, 2013, which proposes to systemize all aspects of moral damages.

As far as negative trends go, the treatment of journalists by police during civil protests (detention of journalists and the use of violence against them) can be

mentioned. A negative aspect was also the passivity of investigative bodies to detect the perpetrators of violence against journalists. Furthermore, in some cases, the investigators took illegal actions against media professionals such as attempts to make them disclose sources and tighten the accusation.

In order to achieve significant improvements in the freedom of expression in Armenia, and to solve long-term problems in this area experts suggest the following actions to be taken:

- abandonment of any type of control (except for legal regulation) over the media and journalists, not only on paper but also in practice;
- elimination of oligarchy in the economy, changes in GDP structure;
- evolutionary reduction of professional media in the country, for example, through the creation of networks and holdings. Transparency in media ownership is also important. Today this requirement is enshrined in the law, but it is a pure formality applied to TV broadcasters only;
- having a more efficient and independent public regulator, the National Commission on Television and Radio, so as to ensure an open and fair licensing; provide more frequencies to broadcasters after full digitalization of TV; exercise control over the fulfillment of the license and antitrust requirements by the broadcasters;
- having a truly independent Public Television station, which today does not meet the needs of most citizens.

AZERBAIJAN

Policy

Azerbaijan's Constitution provides basic principles for the media, safeguards the freedom of speech and thought, and the right to free exchange of information in the country. Complementary to the Constitution, the mass media is governed by laws on Television and Radio Broadcasting, on Public Broadcasting, on Mass Media, on Access to Information, and by a number of other regulations. Most of these laws, before being presented to the Parliament of Azerbaijan, had been examined by the relevant European institutions to make sure they were in line with the applicable international standards. However, the amendments introduced to these laws within the past five years aroused serious criticism from local experts and international organizations.

The law on Television and Radio Broadcasting states that broadcasters shall operate on the basis of creative and professional independence. The broadcasting is licensed by the National Council for Television and Radio (NCTR) and the license is granted for a six year period. In case of violation of the license terms or other legal requirements, the court may suspend the license for a period of up to seven days. The license may also be revoked by the court if the broadcasting company submits false information to obtain the right to broadcast;

fails to start broadcasting within six months after being licensed; supports public instigations for violent overthrow of the government, promotes statements against the integrity and security of the country, incites national, racial and religious hatred, supports riots and acts of terrorism.

According to the Law on Public Broadcasting, the Public Broadcasting Company (ITV) enjoys the status of an independent legal entity. The public broadcaster is provided with perpetual license on a tax-free basis. It is funded from the state budget, and may also have other sources of funding such as subscription fees, sponsorship, donations, advertising revenue and income from selling its own products. Previously, ITV was scheduled to switch to a self-funding system after 2011, based on subscription fees, but in late 2009, this provision was amended to make the public broadcaster financially dependent on the state budget and, therefore, on the parliament and government.

The Law on Mass Media guarantees media freedom and prohibits government censorship. The freedom of the media may only be restricted in case of public emergency. In all other cases, obstruction of media activity is prohibited except for the

cases when there is a relevant decision of the court. According to Azerbaijan's legislation, all violations of freedom of information are prohibited. The term «abuse» indicates «the use of mass media with the aim to disclose state secrets; to violently overthrow the constitutional order or infringe the integrity of the state; to propagate war, violence and atrocity, ethnic, racial and social hostility or intolerance; to make use of a «trusted source» to spread rumors, lies or news humiliating the honor and dignity of a person, as well as pornographic and slanderous materials; or to commit other illegal acts». The activity of any media outlet may be temporarily suspended or terminated by the court if a serious offense is found. In addition, the law establishes journalists' responsibility for the abuse of media or of their own journalistic rights. Specifically, the law provides that any media representative or editor's office which distributes or discloses restricted information, or publishes information without referencing to its original source (except under the circumstances permitted by law), or breached the privacy of citizens, or continues to produce and distribute media products in violation of the court decision, shall bear civil, administrative, criminal and other responsibility. The last restrictive legislation on the media was introduced in 2010 to establish that: «Except for criminal investigation purposes, any surveillance of a person, taking his/her video or photography, recording his/her voice without this person's consent or against his/her will by media or any other person... shall constitute grounds for prosecution of the perpetrator thereof in the manner as prescribed by the law».

Azerbaijan has no specific regulation governing the activities of online media. However, the article «General» of the Law on Mass Media states the internet is considered a type of media. Therefore, all legislation establishing the rights and liabilities of the media shall be applied to the internet.

The Law on Access to Information ensures that everyone has the right to obtain information from any public authority; municipality; individual or legal entity which is fully or partially owned by the state or established in partnership with the state and performs public functions; as well as any legal entities which enjoy dominant position in the market of commodities and services or enjoy natural monopoly. According to the law, the response to a request for information must be given within seven days, and in urgent cases, within 24 hours. Any government agency may refuse to respond only if: it does not possess the requested information; the requested information is classified under the law; it is impossible to identify the subject-matter of the request; the requester is not authorized to ask for information or has failed to identify himself. The law highlights the information may be categorized as «classified» and «unclassified». Classified information may be of two types: state secret (Top Secret and Secret) and confidential (private information for official, professional, commercial, judicial or investigative use only). Since June 2012, information about the founders (incorporators) of legal entities and their share in the authorized capital is considered «commercial secret» that greatly complicates journalists' investigations into corruption cases.

The law of Azerbaijan provides that law enforcement in the media field is monitored by the Information Commissioner. However, this legal requirement has not been put into practice. And it was only in June 2011 that the Parliament amended the relevant legislation to abandon the institution of the Information Commissioner and reassign his responsibilities to the Human Rights Ombudsman. However, the Ombudsman has not yet started to fulfill these responsibilities.

According to the Criminal Code of Azerbaijan, defamation in the media is a

criminally punishable offense. On May 14th, 2013 the Criminal Code was amended to extend the criminal liability for defamation to online resources. This provoked sharp criticism from the civil society in Azerbaijan and international organizations demanding to decriminalize defamation. A week later, on May 22nd, 2013, the head of the political department of the Presidential Administration, Ali Hasanov, said the government had prepared a separate draft law on protection against defamation and sent it to the experts of the Venice Commission of the Council of Europe. On August 31st, the Parliament promised to adopt this law before the end of 2013; such promise has been awaited by the civil society and international organizations for four years.

Nevertheless, on October 25th, legislators reported that the draft law on defamation would not be debated during the following Parliament session, as «there is a difference in opinions between the Venice Commission and the Azerbaijani experts which delays the adoption of the law». The Venice Commission of the Council of Europe concluded that the draft law «is not in line with the relevant principles of the European Court of Human Rights, conflicts with case law and the country's commitments in this area». «The document was drafted in complete isolation from the local legislation and is not intended to decriminalize defamation,» the press release of the Venice Commission stated. On November 5th, Ali Hasanov commented on the conclusion of the Commission to stress once again that decriminalization of defamation is regarded by the government as an untimely decision: «Some experts of the Venice Commission regarded this document as a comprehensive law aimed to solve all existing problems. But the idea of the Law on Defamation is slightly different. Its enforcement may take a long time. The improvement of journalists' professionalism takes time as well. And we need society to be prepared for the

implementation of this law. That's what the difference in our approaches is».

International organizations continue to insist on improving media law. At the press briefing after the meeting of the Council on Cooperation between Azerbaijan and the EU (December 9th, 2013, Brussels) the EU Commissioner for Enlargement and European Neighborhood Policy Štefan Füle said «...the essential element of our relations is respect for fundamental freedoms. We call on Azerbaijan to respect its international commitments in this regard. There is still a lot to be done in areas such as freedom of the media, freedom of assembly, freedom of association...» On the same day, the head of the OSCE Office in Baku Koray Targay said «We still expect Azerbaijan to adopt the law on defamation and we continue to cooperate with the country in preparation of this law ...As far as the freedom of information is concerned, there are still many things to be done... Our goal is to bring Azerbaijan's legislation in line with the international standards».

Azerbaijani authorities immediately responded to these appeals. On December 11th, the first deputy chairman of the Milli Majlis Ziyafet Askerov said the Parliament was going to consider a separate law on protection of the honor and dignity of the President of Azerbaijan in the near future. He emphasized that the law was drafted under his personal supervision and added «The Criminal Code in force has a special provision that protects the honor and dignity of the President and it is effectively applied. This law, however, is of particular importance for us, as it aims to protect the head of the state from insults of the media».

Practice

The previous Chapter looked into the main shortcomings of Azerbaijan's legislation

in the field of freedom of expression and the media. The research conducted within this project from March to December 2013 revealed some serious problems with law enforcement as well. There were cases of journalists not allowed access to official information, media workers physically intimidated, reporters assaulted and blackmailed. Throughout 2013, Azerbaijan has seen many arrests of journalists, youth activists and representatives of online media. Even though the charges against journalists and bloggers were not directly associated with their professional activity, many people believe that it is the government which is behind all of this. Over a hundred Azerbaijani NGOs, in a letter to the Vilnius summit of the Council of Europe, stated that the government was trying to intimidate critical journalists and to establish self-censorship in the media.

Physical assaults, threats, arrests and intimidation of journalists. In July — December 2013, one could see a reduced number of physical assaults on journalists, threats against media workers, or their illegal arrests. However, the government still has not taken enough steps to investigate the cases and to punish the perpetrators. That is why many people are almost sure the government itself is involved in these cases, especially because some public officials quite often find themselves in such conflicts.

On June 24th, 2013, the family of Elmar Huseynov, chief editor of Monitor magazine, who was murdered eight years ago, once again accused the investigation of passivity. On November 19th, two years after the murder of prominent journalist Rafiq Tagi, the Media Rights Protection Institute (the MRPI) issued a statement on this occasion. The MRPI expressed its indignation that the investigation was conducted formally and the crime had remained unsolved. The statement criticizes Azerbaijani authorities because none of the crimes against journalists in the country have been



Policeman beats Rasim Aliyev, a representative of the Institute for Liberty and Security of Reporters, because he dared to cover policeman's dispute with protesters on Fountain Square. June 4, 2013.

disclosed, which threatens the freedom of expression and aims to intimidate critical elements of society.

The country could also see many cases of assaults and arrests of journalists while carrying out their duties.

Some journalists were threatened, psychologically intimidated and called in for police questioning. There were cases of spying on journalists and tapping into their phone conversations. In April, ANS reporters, who were videotaping a protest of rayon residents, were attacked by an official of one of Baku's executive administrations. Ministry of Transport inspectors have beaten two correspondents of Azadliq newspaper who were trying to inquire about the ill-treatment of taxi drivers by the agency representatives. In June, Baku police violently attacked the workers of the Institute of Liberty and Safety of Journalists and ANS channel crew who covered a rally in support of mass protests in Turkey. Journalists have been through difficult days before and after the presidential elections. On October 5th, unknown assailants beat more than 10 journalists at a meeting of the opposition candidate from National Council of Democratic Forces with his voters in Sabirabad. Many people

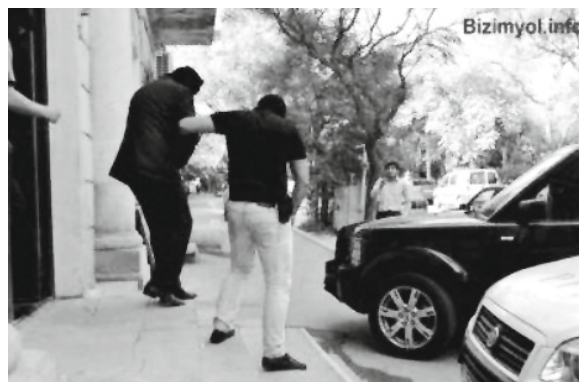
were injured, and a correspondent of Radio Azadliq had his camera broken. On October 12th, the police attacked journalists after the opposition rally. A journalist from Naftaichi.az website suffered serious injuries and was hospitalized to have his face stitched.

Only one of all of these cases was punished: a policeman who attacked an ANS TV journalist at the Turkish Embassy was brought to administrative responsibility.

Striking evidence of intimidation and psychological pressure on journalists may be visible in the denigration campaign held by government and pro-government media in July-August 2013 against Azadliq reporter Khadija Ismayilova, who published revelatory articles about corruption in the highest echelons of power. A video showing the reporter in an intimate situation was posted on YouTube, after being filmed with a hidden camera in her apartment. The person who put the camera in her apartment remains unknown, so the journalist was forced to conduct her own investigation to clarify allegations of public authorities' involvement in the «operation». Another reporter of Azerbaijani Radio Azadliq (Nakhchivan) Yafez Akremoglu was blackmailed. According to the journalist, he was threatened and asked to stop writing critical articles from the Autonomous Republic.

Prosecutions of journalists. In Azerbaijan, courts are used as an instrument of pressure against journalists and the media. In many cases, these cases are initiated by the government or big businesses. A selective approach according to individual media outlets when making judgments is also common in the country. However, it should be noted that there were no cases of confidentiality infringement by the courts of Azerbaijan.

On December 18th, 2013, the Committee to Protect Journalists published a list



Parviz Gashimly, chief editor at Moderator.az and journalist at «Bizim Yol» newspaper, arrested by the Ministry of National Security, was taken to and from a court hearing in handcuffs and a black bag on his head. Court of Appeals, Nov. 28, 2013

of countries where journalists were imprisoned. Azerbaijan was in the top ten. At the end of 2013, nine journalists and three bloggers were being kept in the country's prisons. Among them are the journalist Tofiq Yaqublu from Yeni Müsavat newspaper, blogger İlkin Rustamzade, the chief editor of Moderator.az website Parviz Gashimly and Facebook activist Abdul Abilov, now pending the final judgment.

Nota Bene chief editor, who was arrested on July 31st, 2013, has been sentenced to four years in prison for hooliganism. Blogger Rashad Ramazanov, who was arrested on May 9th, 2013 right after posting extremely harsh statements against the government on social media, was sentenced to nine years' imprisonment for illegal possession and distribution of drugs.

In 2013, the trials against the chief editor of Khural daily Avaz Zeynally and the chief editor of Tolyshi Sado Hilal Mamedov, who were arrested during 2011-2012, were completed. The former was sentenced to 12 years' imprisonment on charges of extortion and Hilal Mamedov was sentenced to five years for treason, drug trafficking and inciting ethnic hatred.

Defamation lawsuits initiated mainly by officials and big businesses often end with

heavy fines for newspapers and journalists, as compensation for moral damages. It is the opposition media which usually appears before the court. For example, a fine of 30,000 EUR was imposed on Azadliq newspaper in 2013, following a defamation lawsuit filed by Baku Metro Head Tagi Ahmadov. Another 32,000 EUR fine is owed by the newspaper to the head of Bina Shopping Center Kabira Mammadova, for insulting her honor and dignity. Unsurprisingly, Azadliq was unable to pay the fine at once, so, the court froze the newspaper's bank account, which caused the publication to suspend its activity. The newspaper has managed to recover due to the support (including financial aid) of international organizations.

Access to information. Both media and journalists have faced some difficulties in accessing official information. Even though a few government agencies, as a rule, provide complete and timely responses to the requests for information, the majority of public institutions ignore most of the journalists' requests.

The problems with access to official information are not limited to unlawful denials of requests by executive authorities. Journalists' right to access information is violated not only by courts, but also by the legislator itself. Thus, in 2013, the country saw six cases when journalists were not allowed to witness trial hearings despite that all of them were open to public. On November 5th, 2013, for example, Baku journalists were not allowed access to the preliminary hearing on Ismayilli events by the judge of Sheki District Court. Moreover, the judge ruled to seize the video camera given to lawyers by the reporters outside the courtroom. At the end of the last year, the Parliament's press service announced that henceforth journalists will not be allowed with any recorders into the session hall, including smartphones. A few days earlier, a video appeared online, which clearly shows

some MPs voting with their colleagues E-cards. The Parliament's investigation revealed that the video was made with a smartphone by one of the journalists.

In 2013, there have been frequent cases of foreign journalists not allowed into Azerbaijan or expelled from the country. In March, American journalist David Farley published an article in The New York Times writing that he, as a foreign journalist, encountered big problems with getting a visa to visit the capital of Azerbaijan. In April, the Russian Embassy in Azerbaijan sent a protest note to the Foreign Ministry of Azerbaijan with regard to an incident with a Russian journalist — editor-in-chief of Dagestan weekly *NastoyascheeVremya* (Real Time). The journalist was arrested at Baku International Airport and deported from the country. In October, some German media outlets claimed their correspondents were denied visas to visit Baku and cover the presidential election.

It is noteworthy that, during the presidential election, some government agencies, including the Central Electoral Commission and political parties were open to cooperate with local media. The ruling party, while on TV debate, talked about the need to expand access to information and promised to establish stiff penalties for those who violate the relevant laws. The Ombudsman of Azerbaijan on Human Rights Elmira Süleymanova, for the first time ever, openly demanded the Cabinet of Ministers to accelerate the creation of an appeal mechanism to consider the cases of unlawful denials of information requests. Elmira Süleymanova stressed that for three years she has been asking the government to provide her with necessary funding and staff to be able to fulfill her responsibilities as the Commissioner for the Media.

Censorship and self-censorship. Censorship in Azerbaijan was officially abolished in 1998 and the country has

no public authorities responsible for censorship. In 2013, the country (except for the Nakhchivan Autonomous Republic) saw no bans on publications, refusals to print or distribute media for ideological reasons, nor did it see any circulations shut down. On November 22nd, 2013, Yeni Müsavat said its newspapers sent to Nakhchivan were seized, not delivered to subscribers and banned from being sold in kiosks, as directed by the Chairman of the Supreme Council of the Autonomous Republic.

Certain topics such as criticism of the president's family and the army are taboo in government, pro-government media and on public TV and radio. During the election campaign, the Central Election Commission (CEC) tried to ban some topics for foreign radio stations. In particular, the Commission warned the Azerbaijani office of Radio Azadliq, the Azerbaijani office of Radio Free Europe/Radio Liberty (RFERL) not to release a series of interviews with candidates for the presidency, as the Radio was not duly registered with the CEC. The warning was not been obeyed: referring to the Electoral Code of Azerbaijan and international standards Azadliq Radio rejected the CEC's requirement.

One of the most negative factors restricting freedom of media is excessive self-censorship in the majority of Azerbaijani media. Proof of this negative trend can be seen in the refusal of all public and private TV channels, without exception, to cover the election campaign. Experts can't say if it was the free will of the TV channels' leaderships to refuse fulfilling their professional duties and to turn down 4 million EUR incomes from advertising. There are many factors which contributed to the increased self-censorship among journalists: political (harsh penalties, including those for defamation, as prescribed by the law), economic (risks of losing advertisers or being excluded from public financial support programs), judicial

(unreasonably high fines). Administrative resources are often used for this purpose either. The atmosphere of fear among journalists is created through frequent threats, calls for questioning to the police, wiretapping and seizure of computers from editor's offices. For example, on December 4th, 2013, a correspondent from Azadliq was given a warning by the police about potentially being held responsible for his critical articles. In this context, the Media Rights Protection Institute emphasized that some social media activists have repeatedly been subjected to this kind of threat by the authorities. «The authorities invest a lot of effort to tighten their control over internet users, being unable to restrict their access to social media,» the Institute stated. On September 17th, the National Security Ministry confiscated the computers of Moderator.az despite that the crime the website director was accused of had nothing to do with his professional activity. On November 1st, the Ministry of Taxes seized the manuscripts and computers of Qanun publishing house for violating tax law (as officially stated).

State monopoly and economic environment. The government uses different methods to control most of the media and major publishing capacities. Even though the country had seen no state monopoly in print distribution before 2013, the so-called «self-sufficient» Gasid Company, which is majority-owned by the state, dominated the market. However, by the end of the last year, many private distributors were forced to suspend their activity, as a result of authorities' decisions.

The opposition in Azerbaijan has no access to government media. The ownership of mass media (owners, their share in the authorized capital, sources of income etc.) is not transparent in the country, which makes it difficult to enforce antitrust laws, and to balance the concentration of media among different political groups.



Third picket by Azadliq newspaper's employees in front of Gasid Company, which is the largest one in the printed product dissemination. Company's obligations to the state newspaper reached 55 thousand euros and media outlet facing the threat of bankruptcy demands its money thereof. July 20, 2013.

The current economic environment is so that independent media is virtually unable to sustain itself without external financial support. The advertising market is controlled by the government, so the government agencies and public services advertise only in government and pro-government media and the big business are forced to do the same. There is a selective approach concerning media outlets in solving their financial problems and creating favorable conditions for their activities. The government uses public support programs to control and subjugate independent media. In addition, heavy court fines pose serious economic threats to the media.

In 2013, the major struggle between government and independent press was

for the dominance in print distribution. Yet another economic crisis in the media was caused by the delay in payments by the government-owned company Gasid. In that circumstance, the independent publications were on the brink of bankruptcy as they depended on the income from newspaper sales. By mid-year, Gasid's debt before Azadliq had reached 56 million EUR. Later on, authorities began to obstruct other forms of newspaper distribution. On October 15th, they banned the sale of opposition publications in the subway. In mid-November, the sale of print media in the subway was banned altogether under the pretext of «cleaning up metro stations», which led to the closure of newspaper distributing companies. As a result, newspaper circulation fell nearly by 20 percent. The biggest socio-political

newspapers Yeni Müsavat and Azadliq were forced to suspend their activity and to seek support from the public. The money collected from a one-day subscription campaign and readers' donations allowed them to resume publishing two days later. Another way of obstructing independent publications is the authorities' decision to restrict street sale of newspapers. The police detained «illegal» distributors, whilst the local authorities confiscated their newspaper stands and counters. There is also information that Baku mayor's office is preparing a decree to ban street sale of newspapers starting with 2014, as it «hinders municipal improvement and sullies the face of the city». «If this happens — the Association of Newspapers said — publications would immediately lose another third of their circulation».

Broadcasting

Although the telecommunication systems have been rapidly developing in Azerbaijan the major problem in this area is the high level of governmental control over all broadcasting channels.

The Public Television in Azerbaijan is a mere formality. Its programs are no different from the programs of commercial channels, with too much focus on ads. In April 2013, anew chairman was elected for the Public Television of Azerbaijan. Several media organizations in the country immediately claimed numerous violations during the elections. According to the law, it is the independent Council on Public Broadcasting which is to conduct the elections of the ITV chairman, but, in fact, the whole process was controlled by the National Broadcasting Council. It was yet another example of how broadcasting regulatory bodies are used to strengthen political control over the media.

Low level of pluralism, a handful of analytical programs, lack of relevant debates and biased coverage of political events are the distinctive features of Azerbaijani TV today. In particular, it surfaces during major political campaigns. Specifically, we can recall that during the presidential campaign in Azerbaijan nine national and 14 regional TV channels dedicated zero airtime to the opposition candidate, except for his speech in the free political advertisements on public TV as specified by law.

There is no private radio in the regions. Even though since 2002 the National Broadcasting Council has been obliged to annually release the list of available frequencies for broadcasting in Azerbaijan, the Council has never published this information in the media. Experts believe that the suggested concept of transition to digital television is likely to create additional restrictions to the freedom of information, rather than improve it. The poor segment of the population, who cannot afford new TV sets is discouraged with the high price for decoders to be installed on older sets to receive digital signal.

Internet and New Media

Internet resources and online journalism are progressing rapidly in the country. The audience of online popular newspapers and magazines is at least 7–10 times bigger than that of their print versions. In 2013, dozens of new news websites, internet TV stations and radio appeared in Azerbaijan. According to data provided by the Ministry of Communications and Information Technology, as of December 2013, about 70% of the population uses the internet, 50% of these are connected to broadband internet, and Facebook users exceed 1.25 million people.

The laws and regulations of the country do not pose a serious threat to the freedom of internet. However, some government officials, MPs in particular, quite often call to toughen the laws in this area and to create a state agency to control the internet. In 2013, there were many cases of bloggers and critical internet users who were harassed, punished with administrative sanctions, and even imprisoned. As we have mentioned before, three famous bloggers were arrested on charges of illegal possession of drugs and hooliganism last year. In August, the country had the first victim of new amendments to the Criminal Code introduced by the Parliament in May 2013, which established criminal responsibility for online defamation. The court sentenced Astara resident Mikail Talybov to one year of community works and a fine of 20% of his salary for defamation of Access Bank on Facebook. However, on November 25th, the Court of Appeal overturned this verdict and ordered a re-trial.

There is no monopoly on internet services, but public companies dominate the market. There were several cases of blocked access to websites and online media, though no evidence to prove the government's involvement exists. Last year, due to long-term cyber-attacks on Azadliq newspaper and Minval.az opposition website, the media outlets had to work intermittently and the latter was even forced to suspend its work for two days. In addition, Azadliq TV and radio broadcasts and Azerbaijan Saat TV program had their satellite signals jammed from time to time. In December 2013 only cyber-attacks were reported by popular media outlets such as Mediaforum.az, Moderator.az, Gunxabar.az and Azadliq radio.

High prices for internet services create serious obstacles for some segments of the population to be connected to the internet. However, prices tended that the prices tended to decline in recent years.

Conclusions

Freedom of media and freedom of expression in Azerbaijan encountered additional problems in 2013. Unfortunately, the media legislation has «assumed» some new restrictions: the country found itself among the countries with the greatest number of journalists in jail, the brutal interference of the authorities caused serious failures in the distribution of print media, which brought independent newspapers on the brink of bankruptcy.

In 2013, the major legislative initiatives in this area focused on decriminalization of defamation. Regrettably, Azerbaijani authorities ignored numerous requests from established international organizations to decriminalize defamation in the media; furthermore, they extended this criminal provision to cover the internet. Apart from this, at the end of the year, authorities announced their intention to bring before Parliament a separate law on protection of the honor and dignity of the President. Deterioration in the media legislation was reflected in experts' assessment in the last quarterly ENP East Media Freedom Index. Azerbaijan retained its previous (4th) place in this rating, though the country's score dropped from 120 in the first half of 2013, to 114 at the end of the year.

According to the same survey (first half), when it came to law enforcement and compliance with international standards in mass media, Azerbaijan got 2 points on a 7-point rating scale. By the end of the year, the rating slightly grew (3). This is due to the reduced number of physical attacks on journalists compared to the previous period (according to the MRPI, cases of physical pressure on journalists totaled 56 points in 2013, and 47 points in the first half of the year). However, all other media ratings remained unchanged. The key factors affecting the freedom of press in Azerbaijan,

according to the experts, are as follows: increased psychological pressure on mass-media and continued prosecution of critical journalists (frequent cases of imprisonment and imposing heavy fines for defamation). There is increasingly significant evidence of excessive self-censorship among journalists and lack of transparency in the media. The low level of pluralism is caused by the lack of access of opposition representatives to the public media. The advertising market is controlled and the system of print media distribution is monopolized, which makes independent media greatly dependent on the financial support of the Government or other political sources.

The lack of political independence of the country's television and radio stations, according to some experts, is the main obstacle on the road to the development of broadcast media and improvement of its quality. All three ENP Media Freedom Indexes assessed the level of political independence of Azerbaijani broadcasters with 4 out of 30 points.

Freedom House human rights organization, in its report for 2013, defined the internet in Azerbaijan as partly free. According to Freedom House, the major setbacks of the internet in the country lay not in its technical capacities, but in persecution of online journalists, including arrests of web-activists, cyber-attacks on critical websites, availability of users' correspondence to the special services — which is sometimes used to bring charges

against citizens. The results of the said surveys are very similar to the findings of our research: the protection of internet user rights scored extremely low (2 points out of 30 in this category).

It should be emphasized that in the existing conditions the Azerbaijani media are insufficient to cover major political campaigns in the country according to professional and international standards. In October 2013, Azerbaijan held its regular presidential elections. During the campaign, media outlets have failed to fulfill their duties and give members of society an impartial, unbiased and comprehensive coverage of the election campaign and the elections themselves. This is partly due to certain limitations specified in the Election Code. Thus, the state-controlled media and television focused their attention on the candidate of the ruling party, whilst minor opposition publications and websites promoted «their own candidate» and conditionally «independent» media preferred to just «stay out of trouble.» Therefore, in 2013, we once again witnessed how politically dependent the leading Azerbaijani media are and how they split into rival ideological camps, which bears evidence to the above problems concerning the freedom of media. Yet another example of this was awarding President Ilham Aliyev with a «Friend of Journalists» award by a group of editors at the end of 2013, while another other group kept criticizing him for restricting media freedom in the country.

BELARUS

Policy

The Constitution of the Republic of Belarus proclaims the freedom of expression, acquisition, accumulation and dissemination of information, while also prohibiting censorship. However, legislative acts (primarily, the Law on Mass Media), related laws as well as the enforcement thereof severely restrict these freedoms. Even though Belarus has ratified the International Convention on Civil and Political Rights, the state does not respect the ICCPR admissible restrictions on freedom of expression. Since the Republic of Belarus is not a member of the Council of Europe, it does not recognize the jurisdiction of the European Court of Human Rights and is not guided by its best practices in the field of freedom of expression.

The Law on Mass Media came into force five years ago to provide for:

- licensing procedure;
- use of accreditation to limit journalists' access to information;
- discrimination of freelance journalists;

- possibility of closing down any media outlet if the Ministry of Information files a relevant claim, regardless of the severity of violations.

Mass media outlets are registered by the Ministry of Information of Belarus (this provision is not applicable for online media, yet). During 2010–2012 the Ministry has issued 105 denials for registration of media outlets. In 2013, the situation had not improved. After being registered, broadcast outlets must obtain an additional authorization for broadcasting (since 2014 — a license). The procedure of licensing is not transparent, any license or permission may easily be revoked. In 2011, the Ministry of Information revoked the broadcasting license of one of the most popular FM-stations Autoradio.



The FM-station Autoradio's license was revoked and it stopped broadcasting on January 12, 2011. In the photo — Yuri Bazan, an editor-in-chief. Photo.ByMedia.net

Therefore, there are no fully independent broadcasters in Belarus. Partially independent broadcasters are the foreign European Radio for Belarus, Radio Ratsiya, Radio Liberty and Belsat TV channel, whose broadcasts are prepared mainly by Belarusian journalists for Belarusians. Out of the said media, only European Radio for Belarus and Radio Liberty have a legal status in the country. Journalists of Radio Ratsiya and Belsat are not accredited to work in Belarus. All foreign journalists, including Belarusian nationals working for foreign media are required to obtain accreditation under Belarusian legislation. As a result, they are under constant pressure from the police, prosecutors and the KGB.

The laws on state secrets, on civil service, the criminal law, the law on administrative offenses, and others create additional barriers when it comes to access to information.

The Law on State Secrets does not provide an exhaustive list of information which is restricted. More than 60 government agencies and organizations, including the Ministry of Information, Ministry of Culture, Ministry of Education, as well as six regional executive committees, Minsk City Executive Committee, five public corporations, Belcoopsouz, the Commissioner for Religious and Ethnic Affairs, National Television and Radio Company have the right to classify information as state secret.

The Criminal Code and the Code of Administrative Offences include 10 articles referring to defamation, with seven of them included in the Criminal Code. Articles 367 and 368 of the Criminal Code provide for increased liability for defamation or insult against the president of the Republic of Belarus. These articles are applied extensively in practice.

There is no law on access to information in the country. Instead of adopting the forward-leading bill on access to government information, which had previously been posted on the website of the Belarusian Parliament, authorities amended the existing law on information, computerization and protection of information in late 2013.

The internet remains the least regulated source of information in Belarus. However, there is a non-transparent procedure which allows restricting access to any dissenting internet resource (website black-listing) for public sector organizations (in a country with dominant state-owned property), educational and cultural institutions such as libraries, schools, universities, etc. Moreover, it is quite often that people who post information about protests or criticize government officials online are brought to justice.

At the end of 2013, the deputy Information Minister said that they were drafting amendments to the Law on Mass Media in order to expand its provisions (including revocation of registration) to «the most popular and influential online resources». This statement caused a backlash among journalists and the online community.

International organizations and institutions have repeatedly urged the Republic of Belarus to bring its media legislation in line with democratic standards. The legal acts adopted in Belarus in 2013 bear no evidence of democratic improvements in Belarusian media, though. Quite the opposite: they show the government's desire to tighten control over the freedom of expression to cover the internet and book-publishing sector (the new law on publishing in the Republic of Belarus came into force in July 2013, imposing mandatory registration of book publishers, their headquarters and booksellers at the Information Ministry).

Practice

The law enforcement practice in the media field remains extremely inefficient in safeguarding the freedom of expression in Belarus.

The freedom of speech is restricted by:

- prosecution of journalists, bloggers, online activists and other media outlets;
- detention of journalists by law enforcement agencies;
- restriction of journalists' access to information and obstruction of their professional activity;
- economic discrimination of independent media.

A high-profile case of the prosecution of Grodno journalist Andrei Pochobut, Belarus correspondent for the Polish *Gazeta Wyborcza* (started in 2011 and lasted until the autumn of 2013), is a good illustration of the current state of freedom of expression in Belarus.

After the presidential elections in 2010, Andrei Pochobut was accused of slandering the president of Belarus, Alexander Lukashenko, and sentenced to three years in prison, with a suspension of the sentence for two years. One year later, in the summer of 2012, he was again charged with defamation of the president, for critical articles he posted online. The officials in Minsk, pressured by the international community, were forced to drop the second criminal lawsuit against Pochobut «for lack of evidence» in March 2013. In the autumn of 2013, his 2011 conviction was quashed. Even though the prosecution of Pochobut was dismissed, we must note that all legal proceedings against the reporter were instituted without any reason and had a prominent political pretext.



The trial of Andrei Pochobut, Grodno, June 28, 2011. Photo. ByMedia.net

In just the last 10 years, at least nine people have been convicted for defaming or insulting the president of Belarus.

Not only journalists are pressured in the country, but also editorial teams. The editor-in-chief of *Arche Pachatak*, Valeriy Bulgakov, was forced to leave the country following threats of criminal prosecution. He found shelter abroad after his magazine underwent an enhanced due diligence on the part of financial authorities which blocked the company's accounts. At the same time, Bulgakov was accused of extremism by the public broadcaster. The government was sharply criticized by OSCE and other international organizations, and asked to dismiss the persecution of *Arche Pachatak* in April 2013.

However, in the same month, Belarusian courts found evidence of extremism in a series of photos. At the request of Grodno KGB office, the «Belarus — 2011 Press Photo» album was declared extremist by Oshmiany District Court. The album was released based on the results of the Belarusian Press Photographers Contest judged by the International Expert Jury. The photos of the finalists were published in Belarusian periodicals and promoted by Associated Press and Reuters news agencies.



The «Belarus-2011 Press Photo» album: all soldiers are obliged to watch evening news in Belarus. At 9 pm all conscripts have to watch informational program «Panorama», broadcasted on the public TV channel. This element of the ideological education of soldiers used to be a norm in the Soviet Union and was saved by the Belarussian army, which considers itself as a successor of the Soviet Armed Forces' traditions. Belarus, Minsk region, Borisov, 60th regiment of communication, August 6, 2010.

Oshmiany District Court found the photos extremist, and ordered that they be destroyed immediately. Following this decision, one of the leading private Belarusian publishing houses Logvinou was deprived of its publishing license. The publishing houses filed an appeal against this decision, which was dismissed by the Supreme Economic Court in November 2013.

Another serious threat to Belarusian journalists is police arrests, including those with the use of violence and based on false testimony of policemen. Throughout 2013 the arrests were common not only during opposition rallies, but also when journalists worked on politically neutral subjects. Thus, journalist Alexander Silich was detained in June 2013 while filming for a material covering a mass pig-plague.

According to the estimates of the Belarusian Association of Journalists, the country saw 45 arrests of journalists who were fulfilling their professional duties. Four cases ended with administrative arrests lasting three to 15 days. All arrests and assaults on journalists in Belarus are approved by the government and carried out by the security service and the police.

Silich's arrest shows the government is determined to obstruct journalists' access to important information by all means. Accreditation of journalists may be regarded as a mechanism to restrict access to information. Many public authorities such as the presidential administration, parliament, government and even the Ministry of Sport have introduced mandatory accreditation for journalists. Non-accredited journalists have little to no

access to information about government activities. Foreign media reporters (including Belarusian citizens) must be accredited by the Ministry of Foreign Affairs of Belarus not only to have access to government information, but also to be able to perform their journalistic activities in the country (notwithstanding that Article 19 of the International Covenant on Civil and Political Rights, ratified by the Republic of Belarus, provides freedom to everyone to seek, receive and distribute information and ideas of all kinds, regardless of frontiers). Reporters who cooperate with foreign media outlets without the MFA accreditation are traced by the security service, and then warned by prosecutors of the impropriety of such actions and possible retaliations.

Nevertheless, it is quite frequent that even accredited journalists receive warnings from prosecutors. In May 2013, the Minsk Prosecutor's Office issued an official warning to the accredited correspondent of the Belarusian office of Radio Liberty Aleh Hruzdilovich regarding «the inadmissibility of discrediting the Republic of Belarus» in his journalistic investigation. The reporter wrote about the security measures in the Minsk subway after the April 2011 explosion. Prosecutors accused the journalist of deliberately spreading biased information aimed at discrediting the Republic of Belarus.

Such governmental control over the media makes journalists extremely careful while choosing and presenting their reports. Independent media is forced to resort to self-censorship, keeping in mind killings of the cameraman Dmitry Zavadsky and journalist Veronika Cherkasova — the true causes and perpetrators of which are still unknown.

Censorship in the state-controlled media is exercised through editors who are appointed by the Presidential

Administration or the Ministry of Information. Self-censorship in private media is exercised through economic pressure on the editorial board. Economic discrimination against independent media is a common practice in Belarus. The government controls circulation of print media through the state-owned enterprises Belposhta and Belsoyuzpechat, which dominate the newspaper (both subscription and retail) distribution market. Access to the state circulation system is much more expensive for independent media outlets than for government ones. Moreover, Belposhta and Belsoyuzpechat quite often refuse to distribute independent publications. About half of the independent socio-political print media (no more than thirty of them left in the country according to the Belarusian Association of Journalists) faced this problem.

Advertisers are advised not to place ads in independent media. State-owned enterprises are unofficially banned to advertise in independent publications. In addition, the state-controlled media enjoy vast administrative preferences and direct budget support. They are generously subsidized from the state budget on non-competitive basis. Some of them are exempted from VAT and income tax. In 2013 the state-controlled media alone received government support amounting to about 60 million EUR.

In these circumstances, it is not surprising that Sovetskaya Belorussiya (the Presidential Administration newspaper) had a daily circulation which exceeds the weekly total of all independent political newspapers in Belarus.

However, the opinion polls show that despite the fact that state-controlled media are much more accessible to the reader/viewer/listener than independent ones the latter enjoy a higher trust from the audience.

Broadcasting

For the reporting period, the largest public newspaper in Belarus has printed a program schedule for 54 channels legally broadcast in the country both via terrestrial and cable networks. Belarus has the necessary technical capacity to increase this number of channels. According to a governmental source, the country is going to switch to digital television by mid-2015.

Nowadays, digital signals cover 95.6 percent of the inhabited territory of the country. However, the first multiplex comprises only eight broadcasts in total, whilst the second and third promise to have more channels. Unfortunately, there are no criteria for the accession of new channels in to the multiplex. Authorities only suggest that access to the second and third multiplexes is likely to be subscription-based rather than free.

Will independent and foreign broadcasters with uncensored content be allowed slots in the multiplexes? This is a rhetorical question in a country with an authoritarian regime and oligopoly of most profitable businesses.

According to marketing sources, the size of the TV advertising market in Belarus was estimated at 36 million EUR in 2013 (about 100 times smaller than in Russia). Former socialist European countries (such as the Czech Republic and Hungary) with a comparable population have several times larger TV advertising markets than Belarus. The size of online advertising market, according to the same source, amounted to about \$10 million last year.

New TV channels encounter great difficulties in competing with existing public channels and Belarusian regional «mutations» of Russian TV channels, especially with such a narrow advertising market.

The strict governmental control over media registration makes this market virtually closed for new TV initiatives which were not previously approved by the state's ideological institutions. Mere declaration of loyalty to the government is not enough to get such approval. The issue of control over mass media in Belarus by public authorities and special services is much more complicated than it first seems.

Suffice it to recall the way in which Belarus-Russia trade wars were covered on public TV—any critical content against Belarusian authorities broadcast on Russian TV rebroadcasts was removed off the air immediately. Some newscasts in Belarus were interrupted with 4–5 minute commercial breaks instead of showing the critical content.

But there is more to come. The president intends to introduce new licensing rules for TV and radio broadcasters in 2014. This is evident from the Presidential Decree No. 456 (dated October 7th, 2013), which amends previously issued decrees on the media. From now on, only foreign TV and radio rebroadcasts without alteration or modification will not require any licensing. However, even in this case, rebroadcasting companies will be required to obtain the official permission from Belarusian authorities for foreign media rebroadcasting. Those responsible for TV and radio broadcasting will also have to take certifying exams in the manner established by the Ministry of Information of Belarus.

Other TV and radio restrictions are prohibition of broadcasting «against the interests of the Republic of Belarus,» as well as broadcasting «information banned or restricted by law».

The incredible number of institutional restrictions on information in Belarus makes it possible for public authorities to raise a claim against any broadcaster in the

country — and consequently — to revoke its broadcasting license. Of course, «in a manner prescribed by law».

Without fundamental changes to the socio-political situation in the country, the only alternative to Belarusian TV might be international channels with foreign sponsorship. The lack of free access to terrestrial and cable airwaves in the country can be balanced only by satellite TV or live streaming of such TV channels. Of course, live broadcasting may at any time be shut down by authorities using fairly simple techniques. For instance, they may «black list» a broadcaster and all state-controlled internet service providers will be required to block the access to this channel for all public organizations, educational and cultural institutions. Satellite TV is more difficult to block, though.

However, any such TV project requires high investments if no local advertising is involved. This is best evidenced by a one Belarusian-language satellite TV broadcaster uncontrolled by the authorities in Minsk — Belsat, which broadcasts from Warsaw via Astra 4A satellite. Around 90% of the annual budget of the company (about \$5.5 million) is covered by the Ministry of Foreign Affairs of Poland and the rest — through other EU member states sponsorship.

The attitude of Belarusian authorities is that, within six years of broadcasting, Belsat was denied opening a local news office three times by the Belarusian Foreign Ministry, and almost all journalists and cameramen of the TV channel have received regular warnings from prosecutors for cooperation with non-accredited foreign media. After the presidential elections, in December 2010, the informal Minsk headquarters of the TV channel was seized and destroyed by the KGB.

Today, it seems unreasonable to make any prognosis on media development in Belarus without considering the country's

political system and the governmental policy's direction. In mid-January 2014, the president of Belarus highlighted the necessity to create «a party of power» in the country. This initiative is unlikely to coexist with an intention to liberalize the national media system. To sum up: a more dynamic development of television in Belarus and more free access of national and external actors to the media market are possible only if large-scale political and legal transformations in the government take place — rather, if the current form of government undergoes radical democratic changes.

Internet and New Media

According to the Ministry of Communications of Belarus, the number of internet subscribers in Belarus amounted to 8.4 million in 2013. However, according to the independent gemius Audience, there are 4.9 million internet users in Belarus, or 56% of the country's population. The difference in figures can be easily explained: the Ministry of Communications counts the number of internet connections, i.e. if one person is connected to the internet at home, but also at the office and on his/her mobile phone, he/she is counted three times.

At the same time, around 2.3 million users (gemius Audience) visit news portals in Belarus. The rest of the users spend their time on social networks and browse the web for useful information. According to Google Trends, the most popular word searches in Belarus are «Download» (or «free download»), «Odnoklassniki», «Games,» «VKontakte,» «Weather forecast,» «Translator,» «Movies» and «Pictures.» Online media have become one of the most popular news sources in the country, second only to television.

Independent websites are dominant in the Belarusian online news segment and have a lot more unique visitors than the governmental ones. However, the independent online media faces the challenge of traffic monetization. The advertising market in Belarus, including in online media, is still a work in progress. Moreover, many advertisers and agencies try to avoid cooperation with independent media fearing the reprimands from the government.

Nowadays, internet audiences are not ready to pay for online content as they have access to a huge number of free sources. According to Yuri Zisser, the owner of the country's most visited web portal TUT.BY, because of the lack of experience in the advertising market in Belarus, virtually all online media needs subsidies and external support.

The low profitability of the independent online media leads to a human resources problem. The absolute majority of newsrooms are understaffed. Freelance journalism is considered a high-risk job in Belarus, with a lack of benefits package and heavy overloads. The increasing information flow makes editors from understaffed newsrooms overwork greatly by doing the job for two or even three employees. As a consequence, they often suffer chronic fatigue and overstrain.

Nevertheless, independent online media offer plenty of quality content to make them much more popular with the audience than state-controlled online media.

Still, independent online media outlets have great difficulties in getting access to official information. Some of them are not officially registered, which causes problems when asking governmental agencies for information, as well as when it comes to accreditation for public press conferences and other events. Furthermore, according to the Belarusian legislation, governmental

agencies have one month to analyze and respond to a media request — such a long time is completely unacceptable for online media.

Public authorities seek to complicate as much as possible not only the work of independent media, but also of bloggers. In July 2013 last year, playwright Andrei Karelin was fined for 7 million rubles (about 600 EUR) by Minsk Frunze District Court for leaving a comment on a Belarusian website. This happened after Karelin left two negative comments against the Belarusian police on TUT.BY portal and the police initiated an administrative lawsuit against him for offending an official. On August 26th, the playwright resigned from the Minsk New Drama Theatre where he led the Literature and Drama Department. According to him, he was forced to do so after his theater director was contacted by the General Directorate of Ideological Activity of the Minsk City Executive Committee.

On August 9th last year, the author of ByNet movies «The Chronicles of the Plant» and «The Chronicles of the District», Ruslan Mirzoyev, was sentenced to seven days in prison. The official cause of the arrest is use of cursing (under Article 17.1 of the Administrative Code of Belarus, «hooliganism») in his movie «The Chronicles of the District» (about the ins and outs of his district, interviewing a drug addict, a prostitute and other characters). Meanwhile, the state-controlled ONT TV channel reported «the prosecutors make no secret that it wasn't the cursing which become the main cause for punishment». One of the prosecutors explained that Mirzoyev was accused for «misinforming the public about the social problems in the country». Subsequently, the blogger was prosecuted for an offense in no way associated with the media, namely Article 415 of the Criminal Code «evasion from punishment.» On December 13th, Mirzoyev was sentenced to one year in prison.

On August 8th, it was reported that some users of Pruzhany.net might be prosecuted for libel. The presiding judge of Pruzany region (Brest Voblast) Vladimir Savchuk was displeased with comments to an article posted on a website, so he appealed to the prosecutor's office asking them to investigate the users' activity online. Savchuk believes that some of the comments contained «slandorous accusations concerning a particularly serious crime» committed by one of the judges. The comments were posted on Pruzhany.net to an article titled «Judgment on the Death of a Teenager in Pruzany». Many commentators were outraged by the decision of the court which acquitted the accused.

Another criminal case associated with web posts may be heard in Svetlahorsk (Gomel Voblast). One of local bloggers and public activist Gennadiy Zhulego posted a video of the house of Svetlahorsk's Executive Committee chairman on social media. The chairman's wife appealed to the police demanding to bring Zhulego to justice. She believes the blogger trashed the honor and dignity of her family with the video, and that the information in the clip has libelous nature. On August 17th, police searched Zhulego's apartment and seized his computer. Officers said the issue of the blogger's liability would be debated after examining the computer.

On November 20th, the apartment of the editor-in-chief of Vrogacheve.ru (Rogachev, Gomel Voblast) news portal Denis Dashkevich was searched by Investigative Committee agents who seized two computers and a modem. Dashkevich said the search was conducted as part of a criminal investigation concerning the insult against a public official. The criminal proceedings have been initiated at the request of the deputy chairman of the Korolchuk Executive Committee. The publication of a piece about a representative of the «local hierarchy» served as grounds for the criminal proceedings.

On November 29th, a news agency journalist (anonymous) paid a 20 million rubles (over 1,500 EUR) fine for insulting a judge online, as reported by Belarusian Komsomolskaya Pravda website. The journalist used indecent words to comment on an article about a court judgment, which served as reason for a criminal case under Article 391 of the Criminal Code — «Insult against Judge or People's Assessor».

In addition to the pressure on bloggers and internet users, authorities are trying to tighten internet regulation. In late November 2013, deputy Information Minister Dmitry Shedko suggested «to introduce a number of amendments to the law on mass media to extend its provisions to the most popular and influential online resources, to make them accountable before the law for the distribution of any information». A work group comprising members of relevant agencies was created for this purpose.

Such measures show that not only the media, but also public authorities consider the internet the most promising channel for spreading objective information in Belarus. Therefore, apart from online media outlets, many independent newspapers, radio and TV stations which broadcast from abroad started to focus on their web platforms.

Conclusions

Belarus is still characterized by one of the most repressive media-landscapes in Europe, being the most troubled state among the Eastern Partnership countries as regards of media freedom (the measurement was carried out prior to events in Ukraine, late 2013 — early 2014, accompanied by massive violations of journalists' rights). This fact is supported by ratings of the freedom of expression and media, provided by various international organizations, as well as the

Eastern Partnership Media Freedom Indexes, arranged for within the framework of the «ENP East Media Freedom Watch» project (<http://mediafreedomwatch.org/ru/about-project/>).

Belarusian authorities maintain tight control over traditional media, using undemocratic media-related legislation and even tighter practices of its enforcement. As a consequence the television and radio broadcasting in the country is totally controlled by the state. To a certain extent the role of independent broadcasters is played by external television and radio broadcasting companies. Nevertheless majority of them do not have a legal status within the territory of Belarus, while Belarusian journalists cooperating with such TV and radio broadcasting companies are subject to increasing pressure from prosecutors' and law enforcement agencies. Few independent printed media suffer from legal and economic discrimination. At the same time state-run media get non-competitive financing from republican and local budgets and enjoy administrative preferences.

Articles of the Criminal Code on defamation and insult, anti-extremist legislation and other legislative acts are used to restrict freedom of expression. There are common cases of militia's

detaining journalists, preventing them from performing their professional duties and applying administrative measures (fines, arrests).

Having established tight control over traditional media, the authorities are trying to spread it to Internet, remaining the Belarus' least restricted segment of media landscape, as well as to publishing and books distribution activities.

The following changes of situation in the media sphere of Belarus are currently urgent:

- bring Belarusian legislation related to expression of opinion and practices of its enforcement in compliance with Constitution and the international legal obligations of the Republic of Belarus;
- eliminate improvised prohibition of spreading independent media by retail and subscription by state-run enterprises-monopolists, as well as weed out other forms of economic and legal discrimination of independent mass media;
- terminate unjustified detentions of journalists and interference with their professional duties.

GEORGIA

Policy

Georgia has all the necessary constitutional and legislative guarantees for the freedom of speech and the media. There are no laws in conflict with the basic principles of freedom of the media.

The activity of television and radio is regulated by the National Communications Commission, which is, in turn, guided by the laws on broadcasting, on electronic communications, on licenses and permits, on independent national regulatory authorities, on advertising, on consumer rights protection, on protection of minors from harmful exposure, on control of business activity, on copyright and related rights, on occupied territories, on control of industrial activity, as well as the Labour Code, the Code of Conduct for Broadcasters and the General Administrative Code.

Press activity is governed by the Civil Code, the Administrative Code and the Civil Procedure Code, as well as the laws on advertising, on protection of consumer rights, on protection of copyright and related rights.

There are no laws to govern online media in Georgia.

In 2013, the law on broadcasting was amended to regulate the Board of Trustees'

composition, to increase transparency of broadcasters budgeting, to introduce the principles of «must carry/must offer» (cable operators are obligated to transmit the signal of all licensed broadcasters) and to permit photo, video and audio recording in courtrooms. It also regulates the status of the state television Adjara TV, which became a public broadcaster. In July — August 2013, the Georgian government adopted the regulation to ensure the implementation of the Open Government Plan. The Labour Code of Georgia was amended as well to improve the working conditions of employees. The new legislation introduced harsher qualification requirements for the members of the National Communications Commission.

As far as freedom of expression is concerned, the Georgian legislation complies with the relevant international standards, but there is some room for improvement.

Defamation is not a criminal offence in Georgia, though some experts suggest introducing reasonable fines that could be imposed on the media.

Executive bodies have not issued any decrees restricting the freedom of the media and the freedom of access to information,

although sometimes officials called to impose such restrictions.

The media legislation has improved considerably since the 2012 parliamentary elections. Concerns rose over the bill to prohibit infringement of religious feelings, which was submitted to Parliament in the fall of 2013. Fortunately, the bill was blocked by MPs.

It should be noted that in September 2013 the Ministry of Justice of Georgia, in cooperation with the civil society, developed a set of proposals to improve legislation on the freedom of information. Experts believe there are no problems with the legislation in the area, but the poor law enforcement system.

Practice

Many experts share the view that the freedom of the media in Georgia has improved significantly during 2013. For example, apart from the improvements in the legislation the advertising market became freer, and one of the leading private Georgian broadcasters Imedi was returned to its rightful owners. The government became more media-friendly and its pressure on the media lessened. There are powerful independent media outlets in the country, which are free from government control and perceived as opposition channels.

Physical assaults, threats, arrests and intimidation of journalists. No journalists were exposed to physical attacks, arrests or threatening in connection to their professional activities in 2013. In May 2013, a video recording was released to discredit a popular blogger. As a consequence, the Deputy Minister of Interior was dismissed, but no real investigation or punishment followed the incident.

Prosecutions of journalists. Forms of pressure on the media such as legal prosecution,

fines, arrests, etc. have not been common in Georgia, at least not in the past two years.

Access to information. Georgian media outlets rarely have difficulties in accessing official information. However, there is a selective approach to providing public information to the media. It is thought that it is the fault of the press services of government bodies — some of them provide information in due manner, some do not respond to the requests at all, or respond untimely and incompletely. Access to information is also restricted through the mechanism of accreditation.

Censorship and self-censorship. Censorship is quite uncommon in Georgian media. Moderators sometimes remove critical comments, questions etc. from official Facebook pages. There were rare cases of burning erotic literature at the insistence of the clergy and other religious associations. No cases of confiscation of media circulation have been recorded.

However, self-censorship is widely spread in almost all types of media. Certain experts claim there are also taboo topics for the media.

A lack of investigative journalism remains problematic. In most cases, journalists publish generally known and publicly available information rather than their own investigative materials.

State monopoly. Most media experts admit there is some state monopoly in the media. Georgia has private monopolies on publishing capacities and print press distribution. The country has abandoned its antitrust service since 2005. The government has determined the strategy of antitrust regulation and the Ministry of Economy was tasked to prepare the relevant legislation.

Georgian opposition enjoys free access to the Georgian Public Broadcaster. However, transparency of media ownership is assessed

to be relatively low. In most cases, society knows only the owner of a media, but the sources of investment remain obscure.

Economic environment. Fines imposed on media outlets by the Georgian regulators or courts were adequate in nature and did not pose any threat to media activities.

Politics no longer plays a significant role in advertising money distribution, but the advertising market is still not completely free and very small. The authorities place their ads mainly in pro-government media. The single state media support program (the president's program to support non-governmental sector and the media) is sometimes used for the purpose of protectionism. In the past, according to certain experts, financial amnesty (i.e. debt relief) was granted to broadcasters that were allowed by authorities to accumulate debts. The last amnesty was granted in October 2012.

Most Georgian media experts claim the existence of a selective approach to the media. In 2013, the media community saw no cases of pressure on media owners from authorities to force them to quit their rights to or to transfer their property to other people. Nevertheless, there were cases of verbal pressure from the new authorities on Rustavi-2 TV and from former authorities on TV 3.

The rights of journalists. The new Labour Code improved the status of journalists to some extent, but many still sign onerous contracts and their labor rights remain unprotected. Concerns rose over the dismissal of 34 journalists from Adjara TV in April 2013, 50 journalists from TV GDS in December 2013, and similar cases.

Broadcasting

Television remains the main source of information for Georgian citizens. According

to research by the National Democratic Institute (NDI), TV is preferred by 93% of citizens.

Georgian Public Broadcaster. The Georgian Public Broadcaster (GPB) was established in 2005. Some media experts believe that the GPB does not meet all relevant requirements or exists just formally.

In May 2013, Parliament adopted the law on broadcasting, which was considered extremely important for the independence of the public broadcaster. It changed the procedure for appointing the Board of Trustees and improved financial transparency of the company. In addition, the law creates the Adjara Public Broadcaster and introduces the principle of «must carry».

Changes in the GPB's Board of Trustees were planned to be implemented in 2014. However, despite the fact that the new law became effective, the parliamentary majority failed to present its nominees, disrupting the creation of the Board of Trustees. In December 2013, the members of the Board's contest committee stated that political forces are artificially delaying the process to retain control over GPB. As of January 2014, only four out of nine candidates were approved for the Board of Trustees. The Speaker of the Parliament, Davit Usupashvili, stated those authorized to nominate members of the Board had not violated the law, and candidates continued to be selected.

At the present moment, the company is run by the former Board of Trustees. As a result, the uncertainties arisen in spring 2013 continued. At that time, the Board illegally fired the GPB's CEO Giorgi Baratashvili, who was reinstated in his position after winning the lawsuit, but was dismissed again in August last year. The broadcaster has a multimillion-dollar debt.

The acting Director General of the Public Broadcaster, Tamaz Tkemaladze, refused to resume talk-shows hosted by two prominent



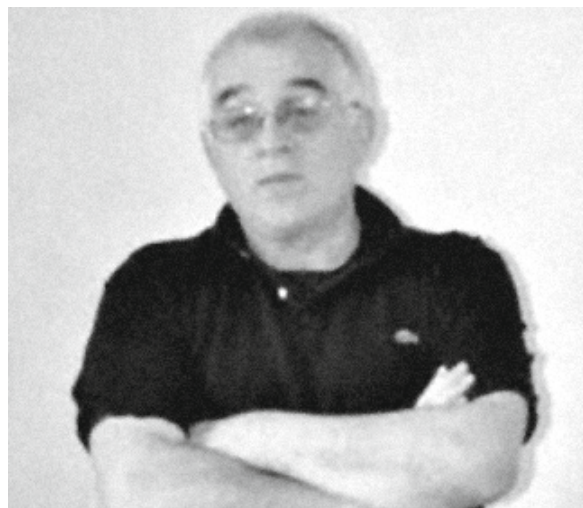
Giorgi Baratashvili, former Director General of the Public Broadcaster of Georgia

journalists (due to their biased position, as he explained) without offering any alternative for the election campaign, after the start of the new season, in September 2013.

Meanwhile the Supreme Council of the Autonomous Republic of Adjara decided to nominate for the Board of Trustees of Adjara GPB candidates representing the ruling majority (Georgian Dream — Adjara). The decision was appealed by some members of the Supreme Council of Adjara A.R. and the Georgian Parliament representatives of the ruling party Georgian Dream, as well as by certain NGOs. The OSCE Representative for the Freedom of the Media Dunja Mijatović also expressed concern about this situation.

Commercial television. In 2013, commercial TV in Georgia remained as polarized as it was before the 2012 parliamentary elections. However, the pluralism of opinions on TV cannot be taken for granted. The most popular channel, Rustavi-2, is still controlled by the opposition United National Movement. Channel 9, owned by the family of the former Prime Minister Bidzina Ivanishvili, was shut down by the owner before the presidential election in 2013. On the one hand, this was perceived as a positive step, but on the other hand a few hundred media employees lost their jobs.

The improvement of broadcasting self-regulation remains a topical issue nowadays.



Tamaz Tkemaladze, acting Director General of the Public Broadcaster of Georgia

By law, all viewers' complaints against commercial broadcasters should be settled through this mechanism. Most broadcasters are reluctant to consider the complaints, and even when they accept the claims for consideration they rarely satisfy them.

Digital broadcasting. Georgia plans to switch to digital broadcasting after 2015. A special organization was created for this purpose, composed of the government officials, media experts and NGOs.

The concept of digital television was made public at the beginning of 2014 and was highly appreciated by experts. The state budget for 2014 allocates more than 8 million Euros to finance the transition to digital broadcasting.

Internet and New Media

According to the survey of the National Democratic Institute for September 2013, every fifth (20%) Georgian uses internet for getting information. Almost 80% of them get the news through Facebook.

In general, experts believe that there are no legal restrictions to the freedom of the internet in the country. In addition, there is no state monopoly on internet services and no cases of arrests, assaults, punishments or harassment of bloggers and active users were recorded. Rare cases involved network access problems.

However, prices for internet services are quite high and represent a serious obstacle for some segments of the population who want access to the network, especially in rural areas.

Conclusions

Georgia has made substantial progress in media freedom during March-December 2013, although there were some negative aspects as well.

The Parliament of Georgia has made some positive steps to ensure the highest standards of the freedom of the media: the law on broadcasting was amended to regulate the GPB's Board of Trustees composition, increase the financial transparency of broadcasters, and determine the status of Adjara TV, transforming it into a public broadcaster. The opposition has free access to the public broadcaster. At the same time, many experts stressed the need to reform the public broadcaster, which does not meet all relevant requirements. Despite the fact that the new legislation on the GPB's Board of Trustees came into effect, the parliamentary majority has not proposed its candidates yet, which disrupts the approval of the Board. Adjara public broadcaster encountered the same problems: in October 2013 the Supreme Council of the Autonomous Republic of Adjara approved the Board of Trustees composed of the candidates from the ruling majority, drawing criticism from civil society, the opposition and even some representatives of the parliamentary majority.

Media access to official information in Georgia is quite good. The Government

has adopted regulations to ensure the implementation of the Open Government Plan. The research of the Institute for Development of Freedom of Information (IDFI) of September 2013 confirmed improvements when it comes to access to public information. The Georgian Ministry of Justice, in cooperation with the civil sector, has developed proposals to improve legislation on the freedom of information.

However, a selective approach to journalists' access to the public information exists in the country. Some news services provide the information untimely or incompletely. The accreditation mechanism is sometimes used to restrict the access to information.

There have been no cases of journalists called in for questioning to the police recently. Self-censorship is quite common in all types of media. There are still taboo topics for the media as well.

We should also mention certain positive changes which took place in April — December 2013. In particular, Parliament introduced the principles of «must carry/must offer,» renewed the permission to audio and video recording in courtrooms. Ex-Prime Minister Bidzina Ivanishvili shut down his Channel 9 before the presidential election.

Media experts highly appreciated the increased transparency of media ownership. However, they note that, as a rule, only the owners are known to society, whilst the investors remain in the shadows. Although the government has developed a strategy for antitrust regulation, Georgia still has no antitrust service in place.

An agency was established to handle the switchover to digital broadcasting and the state budget for 2014 allocates 8.33 million Euros for this purpose. In early 2014, the Concept of the Digital Broadcasting was released to public.

MOLDOVA

Policy

Moldova has all the necessary constitutional and legislative instruments to safeguard the freedom of speech and the freedom of the mass media, and it has no legislation unreasonably restricting the media. The Law on Freedom of Expression adopted in 2010 provides additional safeguards thereof to change the defamation procedure and to set forth that a person who considers himself/herself defamed may file a preliminary claim to the defamer and/or the disseminating legal entity requesting refutation of the defamatory statement, right to reply, payment of damages, and so on. Nevertheless, most experts believe that the legal framework governing the mass media still requires further amendment and more precise wordings to avoid ambiguous interpretation and to ensure adequate application of laws. At the same time, the legislation on broadcasting still needs harmonization with the European standards.

When the Law on Access to Information was adopted in 2000 it was considered one of the most forward-looking acts in this area in the Eastern Europe, and it still complies with the relevant international standards. However, almost 14 years later, it requires amendments aiming at increasing and improving journalists'

access to information of public interest. Besides, the legal restrictions of the access to information need to be defined and explained in a thorough manner, while some excessive and unjustified data privacy provisions in laws and regulations (for example, «trade secrets» or «tax secrets») should be eliminated.

Moldova decriminalized defamation back in 2004, and now defamation claims are examined under Article 16 of the Civil Code (on protection of honor, dignity and business reputation), which provides, among other, that the compensation of moral damages should be reasonable and should be determined by the court with due consideration of certain circumstances, such as the nature of the information, its social impact, proportionality of the claimed damage and the extent of harm to the reputation, as well as the publication of a refutation before the court decision is issued. Some experts believe that the lack of specific limits for «reasonable compensation» may lead to abuses against mass media and could discourage open debates on topics of public interest.

In March 2013, the Criminal Code was amended with two articles on deliberate obstruction of media activities or intimidation

for criticizing, and censorship, according to which such acts are now punishable by fines, with or without deprivation of the right to hold a public office for a period of 2 to 5 years. Respectively, the use of physical violence or threat to use violence, as well as damage of equipment or recordings are subject to criminal prosecution, while senior managers of public media cannot unreasonably distort any journalistic contents or restrict the spread of information.

Print media does not require licensing under the Moldovan legislation, and any duly registered legal entity having publishing as part of its business activities (either sole or primary) is allowed to publish newspapers and magazines. In 2013, the Law on Privatization of Public Periodicals was enacted to introduce mandatory registration of public periodicals by the Ministry of Justice. Internet TV is not and has never been subject to state licensing before, whilst TV stations rebroadcasting through cable must have an agreement with the producer of programs to be rebroadcast and must obtain a license for rebroadcasting issued by the national regulator (Broadcasting Coordinating Council, BCC) on a non-competitive basis.

Throughout 2013, the executive bodies have not issued any decrees restricting the freedom of media and the freedom of access to information; however, some officials spoke in favor of re-criminalizing defamation in media. Such proposals were put forward by the leader of the Liberal Party Mihai Ghimpu in April, and the President of the Supreme Court of Justice Mihai Poalelungi in September.

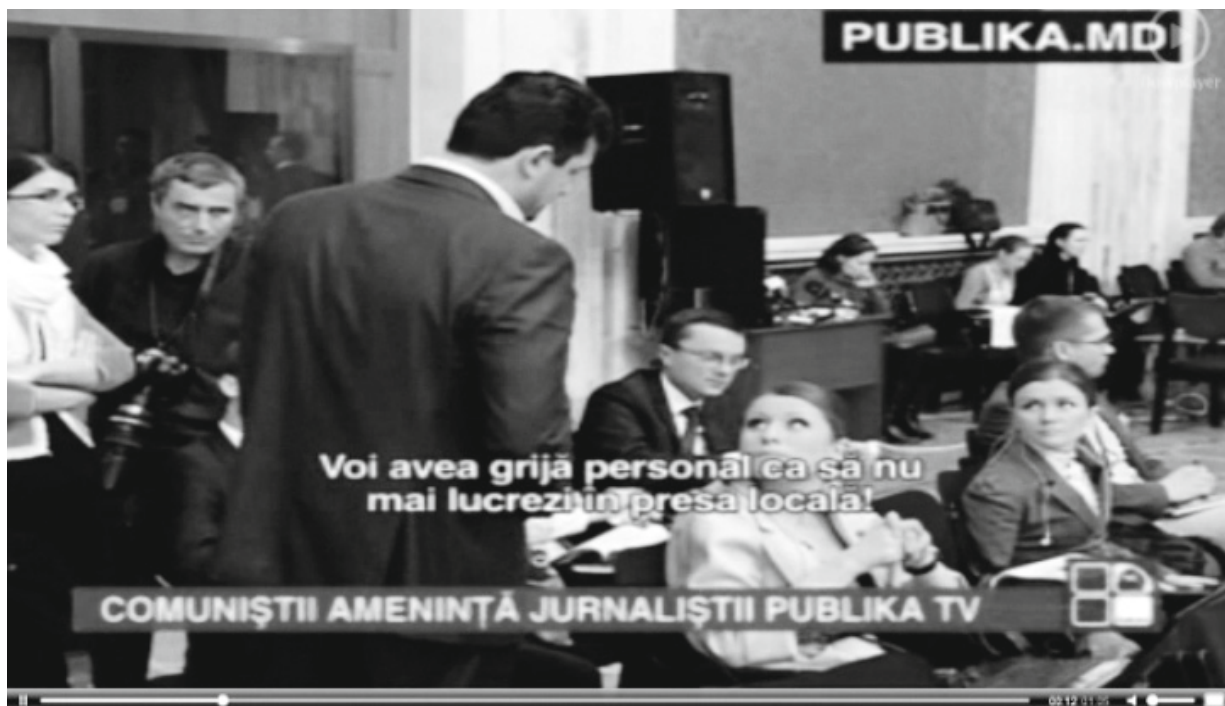
Both cases received immediate response from the civil society and some public figures, strongly condemning the proposals and urging to abandon them. Subsequently, the authors of the proposals stated they did not intend to initiate these changes, and that their statements were misconstrued.



In early April 2013 Mihai Ghimpu, head of the Liberal Party, accused the local broadcaster ProTV Chisinau of defamation and threatened it (“turn you into dust”) after the TV station aired a report featuring a claim made by the Association to Prevent Corruption on Liberal Party’s alleged corruption.

Practice

Moldova has not seen any cases of journalists’ murders in connection with their professional activities yet. Moreover, after the early parliamentary elections in July 2009, there were no known cases of kidnappings, assaults, arrests, surveillance, wiretapping or apprehension of journalists while in their official duties. Thus, these forms of pressure ceased to be factors restricting the freedom of the media in our country. At the same time, in 2013 we could see several attempts to pressure and intimidate journalists from politicians and other public officials. At the beginning of the year, a young businessman was accidentally shot while on hunting in Padurea Domneasca natural reserve in company with the Prosecutor General Valeriu Zubco and other prosecutors, judges and governmental officials. The young man’s subsequent death raised political tensions in the society, and some politicians unsatisfied with the media coverage of the accident started intimidating journalists. Specifically, the Chairman of the Liberal Party (PL), former Speaker of Parliament and former Acting President of Moldova Mihai Ghimpu threatened to close Jurnal



“I will personally make sure that you don’t work in the local media anymore!” In November Communist MP Iurie Muntean threatened a reporter of Publika TV with ban from the profession. The MP motivated his behavior with Publika TV’s broadcasting of defamatory information on him and called the TV station «a media brothel».

TV channel, accused Adevarul Moldova journalists of corruption, and intimidated journalists from PRO TV Chisinau channel. The recurrent assaults on the press by PL leader urged media NGOs to issue a statement on the impropriety of such conduct in a democratic society demanding to publicly apologize for the assaults on the mass media and to refrain from accusatory rhetoric against journalists in future. Earlier, other government and opposition public officials have made similar attempts to pressure and intimidate journalists, including the Chairman of the Democratic Party, former Speaker of Parliament and former Acting President Marian Lupu, the Chairman of the Communist Party and former President of Moldova Vladimir Voronin and other public figures.

On 21 November 2013, during the Moldovan Parliament session, the Communist MP Iurie Muntean expressed his discontent with the way a journalist from Publika TV channel reported on his behavior during the

sessions, and threatened to «make sure that she’d never be in the mass media again.»

This incident had a great resonance in civil society and was regarded as intimidation for criticism and deliberate obstruction of journalistic activity, and also a violation of the right to freedom of expression and of media freedom. The TV channel replied by filing a complaint to the Public Prosecutor’s Office and declaring a temporary moratorium on coverage of the Communist Party.

Some journalists complained of unjustified summoning by law enforcement agencies, including the Public Prosecutor’s Office and the National Anti-Corruption Center (cases of Ziarul de Garda newspaper¹ and Deschide.

¹ In April 2013 the Prosecutor’s Office of Chisinau asked one of the journalists of Ziarul de Garda investigating illegal trade of ammunitions from the depot of the National Army to disclose the sources of information. Later, in August 2013 the newspaper published a statement on National Anti-Corruption Center’s request to disclose information on the reporting team covering an investigation of corruption at the forestry authority, as well as hand over the unedited footage of the interview.

md Internet portal) claiming they feel psychological pressured because of that. In turn, the public authorities assured that the callings were a part of enquiries initiated after publication of articles about alleged wrongdoings. The National Anti-Corruption Center and some district prosecutor's offices complained about the reluctance of the mass media to cooperate in order to expose and punish those involved in the alleged acts of corruption referred to by the media.

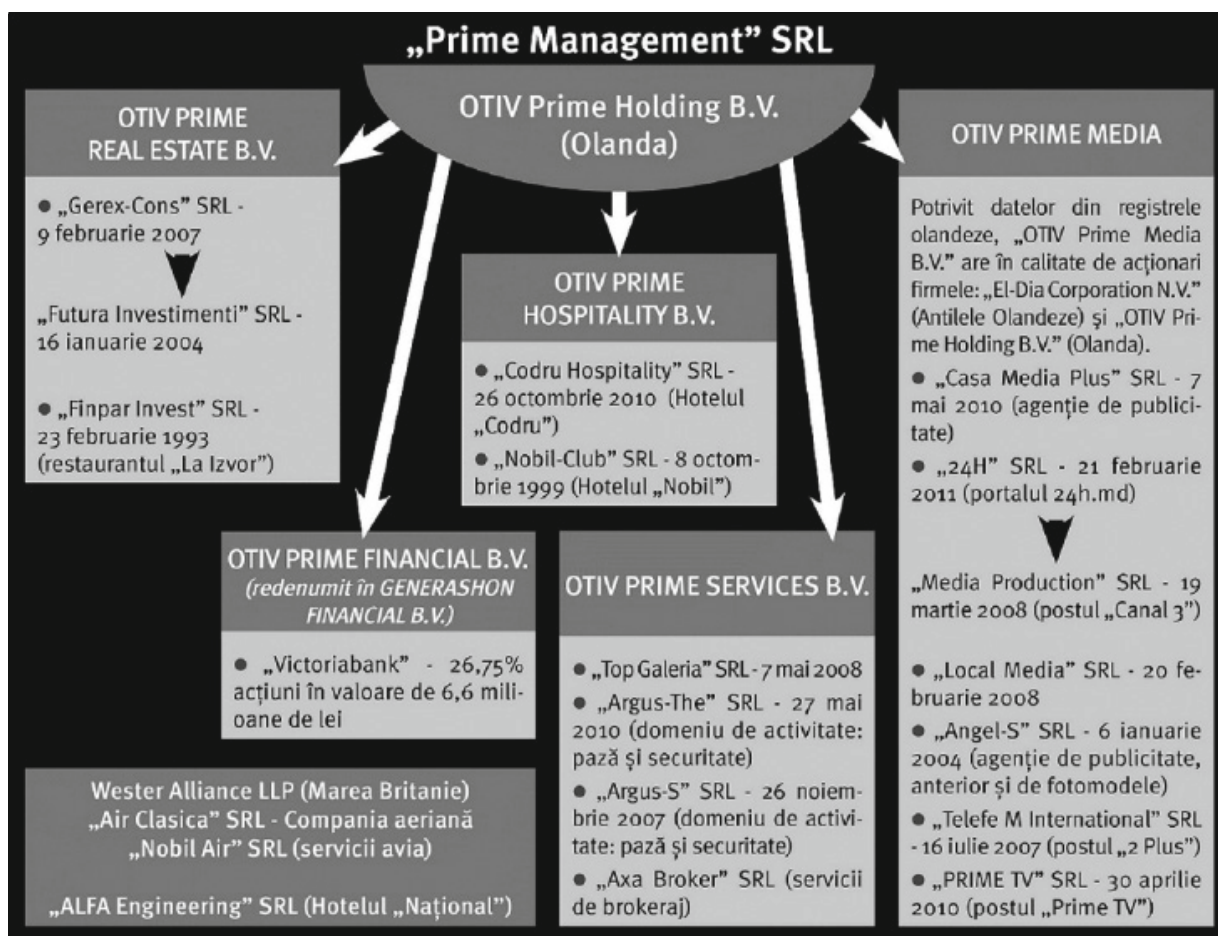
Prosecution of editors and journalists in connection with their professional activities, in particular because of revelatory articles or investigative journalism, are relatively common in Moldova. Thus, over the past few years the mass media faced a number of civil cases on defamation where the plaintiffs claimed huge compensations of «moral damage.» In some cases, these expressly unreasonable and unjustified amounts were even approved by courts, though afterwards reversed or significantly reduced by the Court of Appeals or the Supreme Court of Justice. An example is Ziarul de Garda newspaper, which was obliged by the court to pay EUR 30 thousand fine for an allegedly defamatory material about two prosecutors arrested earlier for bribery (later on, the Chisinau Court of Appeals quashed that verdict). After Adevarul Moldova newspaper had published its investigation on some bank loans granted to the Chairman of the Chisinau Court of Appeals Ion Plesca on unreasonably favorable terms, the newspaper faced two simultaneous claims from the privately-owned banks Moldindconbank and Victoriabank, each demanding EUR 12 000 compensation. In early 2014, the Balti Court of Appeals dismissed one claim, while the other case is still under consideration.

According to the Law on Freedom of Expression (Article 13), mass media have the right to keep secret their sources of information or whatever facts that may lead to disclosure of sources, and is not bound

to disclose a source in a civil case or in a case of contravention. At the same time, prosecutors and courts may oblige the media to disclose their source of information in criminal proceedings provided that the following conditions are met cumulatively: a) in case of particularly serious or extremely serious crime; b) disclosure of the source of information is absolutely essential for the criminal prosecution; c) all other attempts to trace the source of information were unsuccessful. This provision protects journalists and mass media from coercion to reveal confidential sources, whilst lawyers often invoke this article in the cases when journalists are forced to reveal their sources.

Even though access to information has improved slightly in recent years, the media and journalists still face difficulties in getting access to official information and other information of public interest. The State Registration Chamber and Cadastral Office databases are not publicly available and are not always free, and editors have to spend plenty of money to obtain the necessary information, for instance in journalistic investigations of complex money laundering schemes. Press services of official bodies have become more professional in recent days, but it is still frequent that journalists cannot get full and prompt responses to their requests.

Except for the Transnistrian region, after 2009 no foreign journalists were denied entry to Moldova, nor were expelled from the country, while the accreditation mechanism was never used to restrict access to information. However, the newly elected members of the Gagauz National Assembly (Gagauzia is an autonomous region in the South of Moldova) introduced new rules for media accreditation at the end of 2012, according to which Internet portals must submit a copy of their license to get accreditation. However, as the Moldovan legislation has no provisions on Internet



In August the newspaper Ziarul National published an article titled «Plahotniuc’s empire» tracking the schemes connecting a number of offshore companies and businesses owned by politician and businessman Vladimir Plahotniuc. Some of the media institutions mentioned by journalists were the TV stations Prime TV, 2 Plus and Canal 3, as well as the advertising agency Casa Media Plus.

media licensing, the newly adopted rules may be perceived as an attempt to limit free access of some journalists to the local Assembly sessions. Despite the requests of national and regional NGOs to exclude this provision from the draft Rules of Accreditation of Mass Media, the Rules were adopted unchanged.

In recent years Moldova has seen no documented facts of «external» censorship, such as ban on publication, refusal to print or distribute a publication; nevertheless many journalists and experts admit that some «internal» censorship may exist, i.e. removal of objectionable articles or TV shows from broadcasting by senior editors under real or

fictitious pretext. The highly competitive media market is greatly influenced by politicians who own some of the private media. Experts argue that self-censorship is common enough in the media where journalists are paid big salaries in exchange for loyalty to the political party of their owner, as well as to the owner’s business interests. It also contributes to manipulation of the public opinion through media during political crises. The opposition has free access to public media, despite opposition parties’ occasional claims to the contrary. When analyzed, most of those allegations tend to be insubstantial, as the opposition uses them to increase its electorate (see Section 3. Broadcasting).

Moldovan legislation does not provide any essential safeguards for the transparency of media ownership. Therefore, the identity of most owners of TV channels and the structure of ownership remain obscure, or the society is given a dummy owner. Quite often the final beneficiary of a media institution can be guessed by the so-called «editorial policy.» Current legislation on media ownership uses the term «founder» instead of «owner» and, usually even if the name of legal person is known, it is highly unlikely that it will point to the real owner of the media, which may (and does) lead to market monopoly and unfair competition. Under internal and external pressure the government agreed to initiate relevant amendments to the legislation. Thus, in June 2013 a group of MPs from the ruling coalition's Liberal Democrat Party (PLDM) registered a draft law aimed at increasing media ownership transparency. The draft law amending the Broadcasting Code (BC) was previously developed by civil society organizations and provided for mandatory declaration of owners of TV channels and radio stations and indication of the ultimate beneficiary, i.e. the natural person who benefits from business activity of the media. The draft law was presented to the public for preliminary examination, but was not brought up for discussion in 2013. The media community and independent media experts explained this by the fact that the largest television channels in the country are owned by influential members of the parliament.

Nevertheless, experts believe that in the context of the EU Association Agreement efforts it is likely that the draft law will be resumed in 2014. Another hindrance to transparency lies in the frequently obscure income sources of mass media. Analysts believe that the small size of the Moldovan advertising market and, correspondingly, the insufficient revenues from advertising cannot ensure the sustainability of media outlets, therefore many of them, especially

TV channels requiring high expenditures, are artificially supported by their owners in order to be used for political purposes or to put pressure on the government and/or business competitors. Besides, there are no sufficient measures against market concentration, which is a growing threat to media pluralism in Moldova.

There is no state monopoly on printing facilities and distribution of printed materials in Moldova, though publishers are unhappy to distribute newspapers and magazines through the state-owned enterprise Posta Moldovei (the only press distributor outside the capital and big cities) and the formerly state-owned and presently private enterprise Moldpresa. Over the past two years, publishers have repeatedly complained of the market power abuses by these enterprises, as well as of unfair pricing and distribution contracts, but the issue still remains unsolved.

Some media market players have also expressed their discontent with advertising distribution. Thus, for the past four years, many publishers and broadcasters have complained about the unfair and unjustified distribution of advertising and implicitly cash flow on the media market.

Specifically, a number of journalists and media experts reported the existence of a cartel agreement between some advertising agencies and the only people-meter rating agency TV MR MLD, licensed by AGB Nielsen Media Research and allegedly tied with a certain media group (consisting of TV channels Prime, Publika, 2Plus, Canal 3, MuzTV and radio stations Publika FM, Maestro FM, Muz FM) purportedly owned by the businessman Vladimir Plahotniuc, Vice Chairman of the Democratic Party. In this respect, the government has even pledged to adopt a new law on advertising, however without any effective progress, even as the competition on the market is not fair.

Broadcasting

Moldova has about a hundred national, regional and local broadcasters. Most TV channels and a half of the radio stations, besides their own content, rebroadcast foreign channels, primarily from Russia and Romania. The existing regulation stipulates that every TV broadcaster must include at least 30% of its own media product in the broadcast content.

The majority of broadcasters provide generalist content, but there are some niche stations: one news TV, one kids TV, a few music channels, as well as several radio stations targeted for women, or with sports and religious content.

In general, broadcasters comply with journalistic standards, as proven by the continuous monitoring conducted by the Broadcasting Coordinating Council (BCC) during the past four years. However, there are some exceptions. For instance, in December, the BCC issued a public warning to Accent TV for biased coverage and lack of pluralism. Accent TV started broadcasting in summer and is the only channel in the country having an MP from the Party of Communists (PCRM) as an author and host of the TV show «The Third Microphone» (Communists use the third microphone for speeches in Parliament). Accent TV is a «successor» of the pro-Communist channel NIT that was closed by the BCC in 2012 on grounds of violation of the principle of pluralism.

There is an Association of Regional Televisions — as of September last year it produces joint daily live broadcasts, including two 30-minute long local newscasts in Romanian and Russian languages.

Moldova also has one national public television station (Teleradio-Moldova) and one regional public television station (Teleradio-Gagauzia). With support from

European experts both broadcasters have developed and adopted corporate strategies for several years ahead with the ultimate goal to create public service broadcasters according to all international standards.

The Electronic Press Association (APEL) is a media NGO that has been monitoring reforms on Teleradio-Moldova for the last three years. Its experts have concluded that after eight years of Communist ruling the major achievement of the national public broadcaster consisted in a content that redeemed its public character and that the programs, including newscasts, refocused on the citizen rather than the government.

The external monitoring of Teleradio-Moldova during the election campaigns of 2010 (early parliamentary elections) and 2011 (local elections) has confirmed the above-mentioned findings.

It is worth noting that by the end of the 2013 spring-summer Parliamentary session the opposition Party of Communists pledged to undertake a «Velvet Revolution» in autumn. In late September 2013, as part of this «Revolution», a number of PCRM members, including prominent ones, picketed the national public television alleging that the opposition's access to airtime is restricted, without proving their allegations though. Conversely, the television has proved they repeatedly invited Communists to participate in TV shows, but the latter repeatedly turned down the invitations. Many analysts and representatives of the media community assessed the behavior of PCRM as a political PR trick. Another remarkable fact is that on December 11, during the parliamentary procedure of vote of no confidence to the Government (the third one in 2013) initiated by the Communist Party the Prime Minister openly invited the PCRM leader to a public debate of the country's foreign policy on the public television. Subsequently, the public TV hastened to officially invite both politicians to a weekly talk show, although

the talk show was later called off because of the Communist leader's refusal to come. Media experts stressed that the invitation to such TV shows should originate from the broadcaster itself rather than the Prime Minister, regardless of his/her political views. Subsequently, this instance of behaviour of the public TV was interpreted as a sign of an insufficiently independent institution and was deemed as inadequate for a public broadcaster that has exclusive rights to determine its own editorial policy.

APEL also emphasized the slow pace of reforms, despite the more or less obvious successes in the implementation of the reform strategy. While the insufficient budget is one of the causes (for example, the budget for 2014 was reduced by 12 million lei, equivalent to EUR650,000 comparing to the budget for 2013), poor management of the company is also in question.

The lack of funds threatens to affect the transition of the public company to digital broadcasting, which is scheduled for 2015. Some independent analysts tend to believe that the budget deficit is kept artificially high to make Teleradio-Moldova less competitive than other channels, which are owned by influential politicians from the ruling coalition. These opinions are supported by some indirect arguments, such as the fact that in November 2013, unexpectedly, the Democratic Party from the ruling coalition announced they intended to request additional funds for the public broadcaster to resume its international broadcasting.

In the reporting period, albeit with certain delay, Teleradio-Moldova started to implement the new pay system aimed at increasing the output of high-quality media products. The previous pay system of the company focused on the quantity rather than the quality of their services.

Teleradio-Moldova is supervised by the Supervisory Board. According to the national

legislation it must be an independent body; however its members are still appointed by political criteria. Media experts note that this leads to tense relationship between the Supervisory Board and the management of the broadcaster. The mandates of six out of nine members of the Supervisory Board expired in early December 2013 — twice the usual number of vacancies, as the Parliament had failed to approve three new members in due time, thus breaching the principle of cyclic rotation of one third of the Board members. In December last year, the BCC selected 12 candidates for the six vacant seats (as provided by law) and submitted them for consideration to the parliamentary commission for media. Among those candidates many are representatives of the parties in power and the media community fears that the Parliament is very likely to take another politically motivated decision when appointing the new members of the Board.

As far as the second public broadcaster is concerned, the regional company Teleradio-Gagauzia has undergone minimal changes for the better. The pro-democratic change in power has not resulted in vivid improvements in the region since 2010. It took very long for local authorities to appoint the members of the Supervisory Board of the regional public broadcaster, which shortly thereafter became nonfunctional. The regional government retains enough leverage over the local media, including Teleradio-Gagauzia, as evidenced by the behavior of the public broadcaster and other 3 private TV channels operating in the autonomy during the elections of the local parliament in 2012. The region has seen a strong confrontation between the executive and legislative authorities that split the regional media respectively. Private media enjoy a higher degree of independence, but remain very vulnerable due to the lack of funds.

The corporate strategy of Teleradio-Gagauzia envisages transition to a funding

system based on a fixed percentage from the annual budget of the region. But as the autonomy has shown little progress in reforms, the strategy remains mostly on paper. In the autumn of 2013, new members were appointed to the local Supervisory Board that was to elect the new management of the regional public broadcaster. Two out of the three new managers are prominent party activists (the Director of the TV station is former chair of the local parliament). Therefore, the majority of journalists feel skeptical about progress of the regional public television on a short term.

In November 2013, the Media Program of the Soros Foundation-Moldova started the first study of «external» media pluralism. The research, which is to be completed early in 2014, will determine the level of pluralism in Moldova's two most popular types of media — television and online news portals. Both media will be assessed according to several criteria including type of ownership, identity of owners, coverage, target audience, editorial policy and so on. It is expected that the investigation will encounter some difficulties when identifying the owners of televisions, as the current law requires broadcasters to declare only their founders (see Section 2.Practice). The other draft law (registered by Liberal Democrats) that was to make it compulsory for TV channels to show the duration of commercials or teleshopping blocks was also stalled in the Parliament, same as the draft Law increasing transparency of media ownership.

On July 1, 2013, the amendments to the Broadcasting Code prohibiting cable operators to broadcast advertising on rebroadcast channels came into effect. Moreover, operators are required to «close» the existing advertising and teleshopping on rebroadcast channels. Thus, cable operators that relay TV broadcasts on telecommunications networks may include

only foreign channels containing no advertising in their program services.

The Law protecting children from harmful information entered into force almost simultaneously with the above-mentioned amendments. The new law imposed additional restrictions on televisions for images containing violence, drugs, alcohol and tobacco on screen, as well as fear-inducing scenes that promote aggressive behavior, sexual harassment and so on. The public opinion and journalists shared their consent on the existing necessity of «purifying» television.

During the reporting period, only news channel Publika TV has undergone noticeable changes. In October, the channel changed its administration and undertook a process of rebranding by closing seven opinion shows. Later on, the press reported that many authors of the closed programs intended to continue their activity on Prime TV and Canal 3, which are also said to be owned by politician and businessman Vladimir Plahotniuk. The changes in Publika TV's program schedule coincided with other staff changes between this channel and Prime TV. Also, in November 2013, a journalist from Publika TV was publicly offended in the Parliament by one of the leading members of the Party of Communists (see Section 2. Practice). Consequently, media NGOs strongly condemned the MP's behavior, while the TV channel itself refused to cover PCRM's activities in news reports until they receive public apologies. To the date, PCRM have not yet apologized.

Internet and New Media

Internet journalism is relatively recent on the Moldovan media market (having appeared after the year 2000), but quickly

progressed to compete with conventional media. The Internet first entered the list of most used sources of information in 2009, ranking 4th after television, radio and newspapers. Later, all the opinion polls, which are held at least twice a year, have shown that the Internet became one of the most frequently used information sources and is now second only to television. Thus, the Internet has first outrun newspapers, and then radio. Presently, the country has a well-developed network infrastructure with the majority of users accessing the Internet via broadband connection (with an average data transfer rate of up to 31 Mbps). This explains Moldova's ranking 17th in the Net Index world rankings². The country has a free market of Internet services with reasonable prices compared to European average.

Most media have their own websites. In the past few years online-only news portals have emerged, succeeding in winning a rather high number of visitors in a relatively short time. Over time, Internet media outlets started hiring professional journalists in their editorial staffs. Today, an important share of the media product offered by these Internet outlets consists of their own content, which is very often fully or partially replicated by other websites and news aggregators in violation of any copyright or ethics of journalism. The content itself became more diverse, while information is offered in text, photo, audio, and video formats, frequently completed with infographics. Some portals provide live streaming of important events, while some produce their own shows. In July, a new project Angry Business TV was launched, providing online interviews on doing business in the country.

Numerous bloggers appeared in Moldova, especially after 2009, partly driven by the increasing influence of the virtual space and in particular by the new possibilities of sharing information and the opportunities

² For details, see <http://www.netindex.com/download/2,82/Republic-of%20Moldova/>

for civic participation through social networks, which enabled people to come together at the time and thus to cause the change of the government.

Presently, there are no laws restricting freedom of the Internet, nor any specific regulators of the Internet in the country. The only legally regulated areas are e-commerce, copyright, and a few others.

Neither the regulatory, nor the self regulatory framework on media contains clear definition of the notion of «online journalism.» The social and professional status of bloggers is also not clearly defined yet, even though they have long become an influential power in the country. In 2013, at least three bloggers publicly stated that they had received anonymous threats related to their blogging activities.

Increasingly often mass media relies on posts and opinions published by bloggers, while over time, some government officials and political leaders (including party leaders) have also started blogging. At the same time, in the course of a yet insufficiently studied trend, some popular bloggers got to promote more or less openly the interests of certain political or economic entities. Many experts agree that despite the existing bias of bloggers, this phenomenon is indicative of the politicians' acknowledgement of the growing influence thereof.

The year 2013 saw two specific developments on the online market. In late August, the first news portal Unimedia.md and women's online magazine Pentru ea.md signed a merger agreement. Thus, the news web-site with an audience of over 350 thousand unique monthly visitors implemented a distinct module to host the latest articles of the partner website. The two outlets also developed a common advertising strategy. Another event worth mentioning is the Government's first online monthly magazine launched by authorities

at the end of November, on the day of the EU summit in Vilnius.

The audit of online audience of Moldovan website is carried out by the Bureau of Audit of Circulations and Internet (BATI) in cooperation with the Moldovan office of Gemius. According to BATI/Gemius estimation for September 2013, the number of unique visitors of the top seven news portals varies from 533.502 (Protv.md) to 103.653 (Kommersant.md).

In early October 2013, one of the initiatives of the Prosecutor General's Office aiming at compelling Internet providers to block user access to certain websites stirred up the country's online community. The Prosecutor's Office argued that the initiative was aimed at combating the increasing number of cyber crimes, but failed to provide specific criteria for the websites subject to being blocked. The initiative caused negative response of national providers, mobile Internet operators, news portals, as well as other media, which required removing the Prosecutor General's initiative from government's agenda. The initiative was withdrawn shortly thereafter, while the Cabinet of Ministers assured the interested parties that they would reexamine the initiative only after extensive consultation with the civil society have taken place. However, experts have little doubts about the government's interest in regulating the Internet again, and therefore suggest that self-regulatory instruments and bodies should be created, such as communities of Internet service providers, users or bloggers; charters; councils; ombudsmen and so forth.

Conclusions

The mass media legal framework in Moldova encompasses most necessary safeguards of the freedom of speech and the freedom of the press, but its enforcement and improvement have been often obstructed by certain subjective factors of political origin. The existing situation suggests that reforms in the media are relatively fragile in Moldova. The country needs to consolidate the achieved results and to carry on sustainable reforms to meet European standards.

During the reporting period, Moldova has seen no fundamental changes in the state of media freedom. The government remained more or less neutral to the media and refrained from interfering openly in their activities; nor did they help media (through legal reforms or economic policies). The single most important draft law on transparency of media ownership is still at the stage of a legislative initiative. The Program of Transition to Digital Television was not adopted in 2013 either. The national public broadcaster has adhered to its formal editorial policy, but needs to speed up the reforms.

Online journalism has been developing dynamically throughout 2013 thanks to the existing freedom of Internet. The only attempt of the government to regulate the Internet has received adequate response, but for the Internet to retain its freedom the Web community should take active steps to create its own self-regulatory bodies.

UKRAINE

Policy

The right to freedom of thought and speech, to freely express views and beliefs, as well as the right to freely collect, store, use, and disseminate information by oral, written, or any other means at one's own discretion are enshrined in Article 34 of the Constitution of Ukraine. These rights may be restricted by law in order to achieve a legitimate purpose clearly defined by such laws. In general, this constitutional guarantee complies with European standards. However, a democratic society does not restrict in any way the freedom of expression, not even depending on necessity. Apart from this, Article 15 of the Constitution prohibits censorship in Ukraine, and Article 50 guarantees the right to free access and dissemination of information about the environment, the quality of foods and consumer goods.

Ukraine ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and adopted a special law on implementation of the decisions and best practices of the European Court of Human Rights. The law stipulates that courts must apply the Convention and the best practices of the European Court as a source of law. In addition, the ministries and other central executive authorities are obligated to systematically monitor the administrative practices to ensure their

compliance with the Convention and the practices of the Court. This law thereby strengthens the Constitutional guarantees for freedom of expression, allowing direct application of both the European Convention for Protection of Human Rights and Fundamental Freedoms and the European Court practices.

The basic laws governing the freedom of speech and media in Ukraine are: on information, on access to public information, on television and radio, on the national broadcasting council of Ukraine, on telecommunications, on print media in Ukraine, on information agencies, on state support for mass media and social protection of journalists, on media coverage of the activities of public administration and local self-governance bodies, on publishing, on advertising and others. Apart from this, some aspects of the media and journalism are regulated by the Civil Code of Ukraine, the Commercial Code of Ukraine, the Code of Administrative Offences, the Criminal Code, and laws on copyright and related rights, on protection of personal data, electoral laws, etc.

It should be noted that the new Law on Information and the Law on Access to Public Information incorporate the best European standards in the area.

At the same time, the provisions of said laws are not sufficiently harmonized with the Law on Protection of Personal Data. That is why journalists' access to information about MPs and other public officials, as well as about their family incomes and expenses, is often restricted.

Since 2001, Ukraine has decriminalized libel and insult, despite the fact that in 2013 certain pro-government politicians urged to re-introduce these offenses in the legislation. Defamation claims are examined under civil proceedings in Ukraine. The compensation in defamation lawsuits is established at the court's sole discretion.

Print media in Ukraine is not subject to licensing, but it is subject to mandatory registration in order to publish and distribute newspapers and magazines. This procedure does not fully comply with European standards, but poses no serious obstacles to freedom of speech in Ukraine.

Any broadcasting in Ukraine, including cable, is subject to licensing. However, paragraph 7, Article 23 of the law on television and radio provides that cable broadcasting license is issued on a non-competition basis. No license is required for internet broadcasting under the legislation of Ukraine. Moreover, in 2013 the Verkhovna Rada registered bill no. 2575a to prohibit licensing of internet services.

The Law on Protection of Personal Data was amended in 2013 to align it with European standards, but failed to be harmonized with the Law on Access to Public Information. In addition, Parliament adopted amendments to certain laws on transparency of media ownership. Unfortunately, we must admit that this law could not solve the problem of lack of transparency in media ownership in Ukraine. The bill does not make it possible to trace the chain of people controlling a media outlet and to find the real owner. It does not provide effective mechanisms to eradicate

monopoly in the media, and gives no grounds to develop healthy competition between media outlets. Accordingly, this law cannot be regarded as meeting European standards.

In 2013 there were many legislative initiatives registered in the Parliament of Ukraine, some of them aimed to contribute to the freedom of speech, others — to severely restrict the freedom of expression, especially on the internet.

To summarize, we may say that, although Ukraine has the necessary safeguards for the right to freedom of expression, the mechanism of their implementation prescribed by the laws and regulations is not in full compliance with international standards. In addition, 2013 had seen some negative tendencies to restrict freedom of speech.

Practice

Ukrainian authorities — which faced economic and political crisis in 2013, caused by their inconsistent European integration policy, and subsequently followed by mass public discontent in 2013 — proved their intolerance to the media and its critical content. This entailed their understanding of the consistent media campaign publicizing the benefits of European integration as one of the main causes of the mass protests against the government's decision to postpone signing the EU Association Agreement, which in turn has led to the Euromaidan.

Ukraine's media legislation is one of the most advanced in the former Soviet countries in terms of quantity and quality. However, the legal framework is not enforced to its full extent. While one of Ukraine's international commitments is to ensure opinion pluralism, political leaders perceive independent media and critical journalism as a potential threat.

Ukraine's signing of the EU Association Agreement implied that in 2013, Ukraine was expected to adopt three important laws concerning mass media. Specifically, these were the laws on media ownership transparency, on privatization/«destatization» of state-owned print media and on public broadcasting. In addition, Ukraine is one of the few countries in Europe that has no public broadcaster, while allowing for state and community media ownership. Overall, the latter form of print media represents about 20 percent of all periodicals in Ukraine.

The only legislative progress was achieved in the area of media ownership due to the law no 409-VII amending a number of laws with a view to improve the transparency of media ownership, providing media consumers with access to information that would enable them to form objective opinions on the media content consumed.

Thus, the law provides that the application for state registration of print media should contain specific information about the individual or legal entity that sponsored the founder/co-founders, or the owner/co-owners of a print media, as well as the legal entity through which founders or owners/co-owners exercises their control over the media outlet. Under the law, «control» means direct or intermediated ownership of shares (stocks) accounting for 50 percent or more of the votes in the higher management body of the founding/co-founding legal entity of the print media. Hence, this law amends the laws of on print media in Ukraine, on information agencies, on the national broadcasting council of Ukraine, and on television and radio. The law also stipulates that the close relatives of individuals acting either as founders or co-owners of a media outlet shall be considered «intermediaries» that also control the media.

On the other hand, law 409-VII prohibits non-residents to act as founders, co-

founders or owners of broadcasters, which is contrary to the norm in most European countries that have no restrictions on non-residents' share in the authorized capital of a media outlet. Ukraine, as a member of WTO, should remove any restrictions on foreign investments in order to liberalize the market and create a competitive environment.

There were multiple attempts to obstruct the professional activity of journalists in 2013, with pro-government politicians trying to revise the law on access to public information, and continuing to promote the re-criminalization of defamation. Thus, the draft law no. 3301 was registered in Parliament, amending the law on access to public information with a view to narrow the scope of citizens' right to request information: the draft law prohibits officials to communicate with citizens without prior request for information, denies the applicants the right to make photos, photocopies and digital copies of the requested public documents. The draft law also allows officials to ignore the requests for information not accompanied by the author's name, postal address and signature. In particular, under the draft law any information on an individual would be regarded as confidential, and may be disclosed only with the consent, as well as in the manner and on conditions agreed upon by the individual, or otherwise if expressly stipulated by law.

This tendency originates in 2012, when sanctions for violation of personal data processing entered into effect, and most importantly, when criminal liability for invasion of privacy was toughened. The legal framework favored authorities' attempts to «punish» journalists for investigating hard-hitting cases. For instance, following the complaint filed by First Deputy Prime Minister of Crimea Pavel Burlakov, the police opened a criminal investigation into the disclosure

of confidential information by the Crimea-based newspaper *Argumenty Nedeli* publication, whose journalists published an article about Burlakov's residency in Komsomolsk (near Simferopol).

At the same time, draft law no. 0947 improving the enforcement of the law on access to public information has stalled in Parliament, even though previously passed by the legislators during the first reading.

Also, in 2013 there were new attempts to ensure legislative control over the internet, as the media coverage of Euromaidan events argued in favor of online media as the only means of information opposing propaganda.

In general, 2013 showed the consequences of Ukraine's non-complying with international legal commitments, which were aimed to improve the country's media environment.

The Institute of Mass Information carrying out continuous monitoring of the work conditions of journalists through its project Barometer of the Freedom of Speech recorded 139 cases of attack and threats against journalists in 2013.

One of the first in this series was an attack of group of young sports fans (further referred to as «titushki» by the name of one of the group's members) against journalists Olga Snitsarchuk and Vlad Sodel, who covered of the May 18th protest. The incident has revealed a number of serious problems in the law enforcement system, as the attack was witnessed by police officers, whom the reporters repeatedly asked for help. The case received widespread publicity because of policemen's lack of adequate reaction during the incident, as well as the slow progress of the investigation. Following the massive protests of media professionals, the perpetrators were sentenced to three years' probation and compensated the reporters for moral and material damage.



Photojournalist Aleksandr Zakletskiy was one of the journalists severely beaten by police officers while covering a clash between authorities and protesters near the presidential administration on December 1, 2013.

Massive beatings committed by special forces Berkut, violent attacks, arrests and criminal cases (49 people) against journalists peaked in December last year, when media representatives were covering the rallies in support of the European integration. Both Ukrainian and foreign journalists became victims of those attacks. Most of the assaults were registered against press photographers and video operators recording misconducts of police officers. Press cards and vests failed to provide protection from the part of special forces and instead seemed to act as an additional irritating factor. Journalists were forced to abandon identification documents that made them live targets.

In December, journalist and Euromaidan activist Tetiana Chornovol was brutally beaten. She was known for her investigations



Journalist and Euromaidan activist Tetiana Chornovol was brutally beaten on December 25, 2013.

into the corruption schemes of the former Ukrainian authorities. The attack took place the second day after she shot a documentary about the mansions of the Minister of Interior Vitalii Zakharchenko and the Prosecutor General Viktor Pshonka, close allies of former President Viktor Yanukovich in law enforcement and prosecution authorities. The attackers' actions were qualified as hooliganism, despite the severe injuries inflicted on Chornovol. The incident testified that police, prosecutors, courts and other state bodies remained loyal to those who obstructed the work of the media.

Lawsuits remained an effective tool to shut down media outlets through excessive compensations.

In 2013, there were a few cases where officials filed lawsuits against journalists and demanded excessive compensations for moral damage. The lawsuit filed by the Chief

of Dneprovskii District Police Department of Kherson Vladimir Martynenko, claiming moral damage of EUR 100 000 from the editor of the online publication Khersonskaya Pravda, Taras Buzaka. On November 19th, 2012 the media outlet published an article titled «Yesterday's Shooting at the Corner of Chornomorskaya and Perekopskaya» and reported on police officers allegedly shooting a lawbreaker during an attempted arrest.

Nevertheless, this dispute ended amicably, as Martynenko withdrew his claim, and the outlet accepted the policeman's request for refutation of certain information. However, lawsuits have not constituted a widely used tool to influence journalists because of the subsequent wide public reaction, whereas intimidation and pressure have been preferred as more subtle mechanisms.

The law on access to public information adopted in 2011 was viewed as a great achievement of the civil society and the journalistic community, although its enforcement was less successful. Despite the law being relatively effective in Ukraine, there are still obstacles on the way to full access to information about the government's activities. The organizations which monitor the implementation of the law (Center for Policy Analysis and Research, Media Law Institute, Regional Press Development Institute, Office of the Commissioner for Human Rights, etc.) have listed the following as the most problematic types of requests for information: public procurement procedures, income statements of MPs and civil servants, disbursement of budget funds and administration of public property, qualifying some public information as classified, and lack of public access to urban plans.

In turn, government officials (Denis Ivanenko, head of the Main Department for Access to Public Information of the Presidential Administration) emphasized that, in their view, the law on access to public information was quite effective in

helping journalists produce high-quality reports. Thus, every fourth reply of the authorities to requests for information by media served as grounds for journalistic news stories. However, journalists and social activists claimed there was a «glass ceiling» concerning information about property and land plots owned by high-ranking officials.

Paragraph 3, Article 15 of the Constitution of Ukraine contains just three words: «Censorship is prohibited». Unfortunately, reality shows that most Ukrainian media outlets cannot benefit from this constitutional provision. The main reason for this is the lack of sustainability of Ukrainian media, which offer their owners a tool of exercising influence.

During the last year, many popular media outlets were brought under the control of the so-called «family» of president Yanukovich. One of the leading Ukrainian media outlets — Ukrainian Media Holding (UMH) — was sold to Sergiy Kurchenko, a close ally of president Yanukovich. The deal had a dramatic impact on the editorial policy of popular and influential social and political weeklies such as Forbes Ukraine and Korrespondent formerly appreciated for unbiased, high-quality analytical content, including investigation articles on pro-government party members. Shortly after the Media Holding was transferred to the new owner, cases of censorship in these publications were being reported, such as bans on certain topics and people, especially on politicians representing the ruling party. Mass layoffs of those who disagreed with the new editorial policy followed. Former Forbes Ukraine journalists published a list of «forbidden topics» that confirmed Ukrainian authorities' intolerance of criticism, as well as the intention of the new UMH leadership to resort to all means in order protect the party in power in UMH-controlled media. It also confirmed the opinion shared by the media community that the media holding was acquired for political motives.

In late 2013, many journalists resigned from TV news programs (mainly on the state-owned broadcaster Pervyi Natsionalnyi, TRC Ukraina) in disagreement with the editorial line strictly limiting the topics shown on TV and prohibiting coverage of the mass protests in the country.

The excessive dependence of the media policy on its owners creates conditions for self-censorship. Self-censorship has extended equally to all types of media including television, radio and print. It is not the fear of reprisals (as it was until 2005) that promotes self-censorship within newspapers and magazines, but the financial dependence on their owners. There is an unspoken rule that no journalist will ever publish any news story which could, in any way, harm the interests (primarily financial) of the owner. And, on the other hand, journalists are strongly encouraged to prepare articles to damage the competitors of the owner (without limitation to media competitors only).

In general, the main guarantee against censorship could be the establishment of public service broadcasting and denationalization of state-owned newspapers.

Ukraine has a proactive journalistic community called Stop Censorship, created in May 2010 by the journalists from TSN news program (1+1 TV channel), who plead for no censorship on TV. Later the community was joined by the journalists from Vikna news program (STB TV channel) and some other media outlets. The community, along with other professional media organizations, aims to create the necessary socio-political environment to ban interference in the professional activities of journalists.

Ukrainian legislation contains specific provisions to fight monopoly in the media. Thus, Article 10 providing guarantees against monopoly in print outlets «of the Law on Print Media sets a ban on any monopoly in this field. Therefore, an

individual or legal entity may establish or control no more than 5% of all publications. Article 7 of the Law on Television and Radio was symbolically named Antitrust Restrictions. According to this article, no broadcaster or its subsidiaries have the right to own more than two TV channels and three radio channels in the country. The same restrictions are applied to founder's rights for natural and legal persons. Communications companies, which operate broadcast networks, are not allowed to found or own any broadcasting companies. The legislative provisions regulating monopoly in the media are rather specific and strict, but have been easily circumvented in practice so far.

There are about one thousand state-owned and municipal newspapers registered in Ukraine. The state also owns National Television, the National Radio (both with national coverage), 27 regional TV and radio stations, and several other broadcasters. The authorities exercise full control over the personnel and editorial policy of all these broadcasters.

However, the authorities intend to denationalize print media owned by the state or local authorities. And, although in accordance with Article 42 of the Constitution of Ukraine authorities should ensure protection of the competition, state and community-owned media still enjoy numerous advantages. According to Article 6 of the Law on Governmental Support for Mass Media and Social Protection of Journalists, state and community-owned media are funded directly from the public budget, and enjoy indirect benefits and advantages that create conditions for unfair competition in the market of print press, and strengthens editors' dependency on state bodies and local governments, as well the officials thereof. These publications have not shown any interest so far in assessing the needs of the audience or the quality of their content, while their journalists enjoy

all the benefits of civil servants, including the same pension standards.

Privatization would reduce the quantity and improve the quality of local publications; however the law on denationalization of print media has been postponed by the Parliament for several years.

In fact, subscription to periodicals is monopolized by the state-owned enterprise Ukrposhta, which owns the network of mailboxes throughout the country. Although there are more than 100 agencies providing subscription to periodicals, they deliver only an insignificant amount of the print press. Last year, Ukrposhta has increased the delivery fee by 45 percent.

Thus, by enjoying direct subsidies from the state budget, while also generating income from advertising and sales, the state and community-owned media undermine the public's trust in Ukrainian media.

As the freedom of press is highly dependent on the financial conditions of the media, in Ukraine no influential media can be regarded as a self-sustainable business. All of them, in one way or another serve as a tool — a tongue or a shield — for their owners, and their purpose is not to generate profit, but to form a favorable public opinion about the owner. The most dangerous thing for the independent media in Ukraine is not the judicial or administrative sanctions, nor physical threats or intimidations of journalists, but the lack of financial independence and the inability to survive without external support. Any civilized country has two main sources of funding the media: advertising and direct sales of media products (subscription to or sale of newspapers and magazines, subscription to a TV channel or special TV and radio fee). In Ukraine, the income from sales and advertising cannot even cover the full cost of the media products. In 2013, for the first

time ever, the top four television groups reported they were running at a loss: the cost of the content amounted to EUR 360 million, whilst the market volume was no more than EUR 320 million. According to these companies' representatives, the television market is undervalued.

Most investors see the media business as something secondary to their main business. Advertising sales are regarded by the vast majority of Ukrainian media owners not as means to make profit, but to influence public opinion, so the commercial airtime is mainly sold at dumping prices.

Consequently, unsustainable media are beneficial to their owners, who find it is easier to manage the staff when their salaries depend on the owner's contributions rather than audience ratings or advertising. Ultimately, it is the financial vulnerability of the media that contributes to the wide popularity of the indirect or so-called «hidden» advertising. In these circumstances, lots of critical pieces in the media should not be interpreted as manifestations of freedom of speech, but as custom content ordered by the owner or a sponsor, intended to destroy business and/or political rivals. Thus, the interests of the public are pushed aside.

The phenomenon of hidden advertising became so extensive and so common lately that attempts to combat it are considered futile. Advertisers and consumers continue to be cheated on circulation and ratings, so in 2013 the country witnessed a scandal over viewership ratings which led to changes in audience measuring, as the agency Nielsen replaced GfK Ukraine.

Ukrainian and international media organizations share the same conclusions: it is for the first time since the country's independence that the working conditions for journalists have become so dangerous and inadequate.

Broadcasting

While it is often the political events that change the media environment in Ukraine, this tendency was particularly evident in 2013. Oligarchs, who supported the authorities in power, monopolized the media space of the country to impact the editorial policy of their media outlets. Independent media, as well as journalistic standards have slowly disappeared under the weight of the pro-government information field.

Changes on the market of media ownership

The media market has undergone substantial changes in 2013. Several major players have changed their owners, and new media outlets emerged. As time has shown, it was a unidirectional game in favor of the authorities.

Inter Media Group. The year 2013 started with a big change in the ownership of the country's top-rated channel Inter. On February 1st, the owner of KH Media Limited Valeriy Khoroshkovskiy signed an agreement to sell all of his shares in Inter Media Group Limited to Dmytro Firtash's GDF Media Limited. Inter Media Group was assessed at EUR 1.8 billion. On February 7th, the media reported that Serhiy Liovochkin (at the time head of Yanukovych's Presidential Administration) had become a partner of Dmytro Firtash to own a 20% stake as well. The management of the channel was changed accordingly. Hanna Bezliudna was appointed director of the Business Development team at Inter Media Group, Yehor Benkendorf became chairman of Inter Management Board, and Yevgeny Kiselyov became the director of the News Production team at National Information Systems.

UMH Group. On June 21st, another big deal was announced: Boris Lozhkin signed the contract to sell his UMH Group to LLC

VETEK, owned by young oligarch Sergiy Kurchenko. The media reported that this young businessman was backed by Sergiy Arbuzov and Oleksandr Klymenko, close friends of Viktor Yanukovych's son.

UMH Group is a huge media holding to include magazines such as Korrespondent, Forbes Ukraine, newspapers Komsomolskaya Pravda in Ukraine, Argumenty i Fakty, Internet websites www.forbes.ua, www.korrespondent.net, www.i.ua, www.bigmir.net, www.football.ua; radio stations Retro FM, Nashe Radio, Europa Plus, Avtoradio and many others.

Focus weekly, belonging to the holding, and its webpage were transferred to another entity—Vertex United (according to media reports, owned by Boris Kaufman and Oleksandr Hranovskyi).

Multimedia Invest Group. A new media holding appeared in 2013 to show rapid growth. In early 2013, Ihor Huzhva (former editor-in-chief of the Russian weekly Moscow News and the Ukrainian weekly Segodnya) returned to Ukraine to announce the launch of another newspaper. Soon he chaired a big media holding and, according to him, he is the owner of the company, which includes Vesti daily (partly distributed free of charge), www.vesti.ua news portal and Vesti Reporter weekly. He also announced the launch of radio Vesti FM (based on Radio 24) and the channel Vesti TV (based on UBR satellite channel and several regional digital terrestrial channels).

The real owners of this holding are unknown. The media suggested several versions: the first is the holding belongs to former Vice-PM Sergiy Arbuzov, the second rumors it is owned by pro-Russian politician and former head of the Presidential Administration of Leonid Kuchma Victor Medvedchuk, and the third that it belongs to Russian businesses. However, Ihor Huzhva insisted he was the sole owner of the media group.

Other changes. A scandal arose over the TVi channel's ownership change in April 2013. Some members of the staff left the channel in protest.

Another channel called 112 Ukraine started broadcasting on November 26th, 2013. This channel is associated with the names of former Interior Minister Vitaliy Zakharchenko and Deputy Prime Minister Sergiy Arbuzov. But 112 Ukraine's CEO Andrii Podschipkov denied this and claims he owns the channel personally.

Editorial policy of the media after changes in ownership

The change of owners of all media (except TVi channel) tightened the editorial policy and increased pressure on journalists.

Thus, the new management of Inter TV dismissed the Public Council established with the consent of the former owner Valeriy Khoroshkovskyi and composed of public figures and media experts (the Council acted under the Memorandum of Cooperation with the International Fund Vozrozhdenie), and claimed they have no need for any external control or «censorship». It is worth noting that independent monitoring carried out during this period (from December 2012 to mid- February 2013) showed a positive trend for Inter TV channel, which complied with the highest journalistic standards and ensured balanced access of different political forces to airtime. The channel has kept this positive run only for a while. On April 8th, the Public Council announced the suspension of cooperation with Inter and stressed there had been negative changes in editorial policy. Namely, Hanna Bezulyk's talk show Spravedlyvist (Justice) was replaced with Shuster Live, a talk show considered biased in terms of topics and people invited to the show. As the Public Council emphasized, the important political subjects have been substituted with less controversial issues. Another talk show called Big Politics, hosted

by Yevgeny Kiselyov, also disappeared from the air.

Soon, the newscasts presented by Inter started to show negative dynamics as well regarding other journalistic standards. The violations of journalistic standards and manipulations peaked at the end of the year, when the mass protests started to unfold. However, at the end of November, the channel made a breakthrough in showing the real nature of the violent dispersal of peaceful demonstration and the assaults against students and youngsters in the Independence Square. This might be influenced by one of the owners of the channel, Sergiy Liovochkin, who disagreed with the violent dispersal of the Maidan and expressed his intention to resign from the Presidential Administration (the resignation was not accepted immediately). However, Inter regressed back to manipulations, juggling the facts and glossing over important topics.

As a consequence, at the end of last year, on December 26th, the team of Sergiy Liovochkin—consisting of the director of National Information Systems Nazim Bedirov, Executive Director Lavrenti Malazoniya and Ihor Shuvalov, left the channel. Anton Nikitin was appointed director of NIS.

Changes in the UMH Group, acquired by Sergiy Kurchenko, have also been far from positive. On June 21st, Forbes.ua editor-in-chief Vladimir Fedorin announced plans to resign in October, two months ahead of his contract's expiration date. He believed that the buyer «will pursue one of three goals: either to silence the journalists before the presidential election, or to clean his own reputation, or to use the publication to address issues that have nothing to do with the media business». On November 15th, a number of journalists and editors announced their resignation in disapproval of the new leadership's (Mikhail Kotov was named editor-in-chief) intention to change the editorial policy of the publication.

Similar tendencies were visible in another one of the holding's magazines, Korrespondent. On November 18th, Vitaliy Sych declared his intention to leave the office after many years of leading the editorial staff. A few days later, Julia McCuffey, editor-in-chief of the website, said she was quitting. More than 20 employees have resigned afterwards from the publication and the website.

The editorial policy of the said publications has also changed negatively. A vivid example: the first day after the violent dispersal of a peaceful demonstration on the night of November 30th and the brutal assaults against protesters, mostly students, Forbes.ua ignored the event, while Korrespondent.net openly manipulated the facts, focusing on police victims and ignoring those among the protesters.

Black PR against independent journalists and public figures

As the independent media went under the control of pro-government groups, a massive campaign was launched to discredit independent journalists and public media organizations, apparently fueled by the government's worry that they might pose a threat bigger than the parliamentary opposition due to their independent investigations and criticism of the government.

Firstly, people were misled by the fake edition of Ukrainska Pravda newspaper. Secondly, a clone of Ukrainska Pravda website called Ukrainska Kryvda appeared online. The anonymous editor of the fake publication promised to post files on every journalist and every media outlet. The first portion of damaging information concerned hryvnia exchange rate fluctuations: the fake site published a list of journalists who allegedly received Russian money for posting information about the collapse of the hryvnia. The allegations remained

unproven. Ukrainska Pravda representatives suggested that Sergiy Arbuzov's public relations team stood behind the fake, while other media outlets had other versions.

The propaganda campaign against non-governmental organizations and independent journalists increased significantly in autumn 2013 and the media environment might have seen yet another scandal if Maidan had not developed.

The Maidan

Throughout the year people witnessed the increasing split between pro-government and pro-opposition (or anti-government) media outlets. Accordingly, the media presented two distinct perspectives on the current events. At the beginning of last year, the split was exemplified by two media projects: «Ukraine and the World 2013. Global agenda» (a joint project of Rinat Akhmetov's Segodnya Daily and The New York Times) and «The World in 2013. Ukrainian Edition» (a joint project of Ukrayinskyi Tyzhden and The Economist). The projects provided two different views on Ukraine for the upcoming year: the first one described the achievements of Viktor Yanukovich's government, the stability of the country and its Eurasian perspectives, while the second criticized Yanukovich's government for devastating the country's economy, deepening corruption, etc. and proposed the European integration as the only option for Ukraine (for detailed analysis of these projects, please see: «D. Dutsik Segodnya vs Ukrainskyi Tyzhden» at: <http://osvita.mediasapiens.ua/material/15524>).

The mass protests in favor of the European integration that started in November, and which were followed by rallies against the use of violence and illegal acts of the government in power ultimately scattered journalists between opposite sides of the barricades—some due to their own beliefs, others because of the beliefs of their employers.

The media outlets controlled by the so-called «Family» (a small group of oligarchs, close allies to Viktor Yanukovich's son) went from criticizing the actions of the protesters to openly manipulating the facts. We have already mentioned the manipulations done by Korrespondent.net above, but the same is valid for other media institutions as well. «A rehearsal of war in Ukraine. The situation is out of the control of opposition leaders. Provocateurs and extremists stormed the Presidential Administration» — read the article about December 1st mass demonstration published by Vesti daily newspaper, owned by Ihor Huzhva. In fact, the newspaper shifted the emphasis from the event to the protesters' confrontation on Bankova Street. The events were accompanied by comments of the pro-Russian political analyst Vladimir Kornilov, which further inflame the situation. (More examples can be found in the article: S. Yeremenko «Delicate manipulations of certain Ukrainian media in the heat of the protest» at: <http://osvita.mediasapiens.ua/material/25536>).

In those days, the TV audience was also provided with completely different pictures on the two most watched TV channels in Ukraine, Inter and 1+1. An ordinary TV news monitoring by the NGO Telekritika (daily monitoring during the protests can be found in the section Monitor at www.osvita.mediasapiens.ua) showed that 1+1's coverage of the events in the country was less biased than others, and the channel tried not just to inform society about the events, but also to analyze them. Inter demonstrated the worst compliance with journalistic standards by depicting the demonstrators as radicals and by trying to justify the government's actions. The state-owned First National channel was the only one that, in some respects, surpassed Inter in terms of bias. The TV stations belonging to Victor Pinchuk (STB, Novyi Channel and ICTV) and Renat Akhmetov's Ukraina channel oscillated between the Maidan and the government, as they could not avoid covering the protest, but at the same time tried to compromise with the

government, which ensued in a tendency to avoid criticizing the power, and often glossed important topics that might have irritated authorities. Channel 5 openly supported the protesters and the opposition.

Positive trends. The events which unfolded rapidly in the country in November 2013 pushed forward the launch of new media projects, mainly online TVs. Hromadske.tv, Hromadske radio, Spilnobachennia, Espresso.TV appeared during that time. Live streaming became common, providing people with streaming chance to observe the live events taking place in Kyiv and enabling them to draw their own conclusions. This was an important breakthrough, as part of the national TV channels manipulated facts and events during the Euromaidan. These projects have proven as promising and quite capable to further influence the information space in Ukraine. Even though they are unlikely to replace public broadcasting in the country, their experience may be considered in the future creation of such outlets.

Internet and New Media

According to the data provided by Kyiv Institute of Sociology (KIIS), 49.8 percent of the adult population in Ukraine has access to the Internet as of Sept 2013. Internet access expands from big cities to smaller cities and towns. The market for online advertising grows with an annual rate of 20 to 30 percent and in 2013 was estimated at about EUR 180 million. The segment of tablets on the market is rapidly growing — 784 000 tablets were imported to Ukraine during the first three quarters of 2013. The growth of tablets sales in the 3rd quarter of 2013 constituted 233 percent compared to the same period in 2012.

The market of Internet providers in Ukraine is diverse and competitive since it

has been constantly developing since the late 90s. An average monthly subscription fee for broadband Internet access amounts to EUR 9-11, one of the cheapest in the world. The cost of the Internet in Ukraine contributes to the service's accessibility to new customers and favors market expansion. A Ukrainian Cyrillic domain zone .YKP for websites was registered in 2013, extending the range of domain names for local business and media.

However, government interference with the activities of companies is among the most disturbing factors of the industry development. In 2013 the government took actions to control online payments and the distribution of content online by using the controversial method of searching the premises of companies and seizing network servers. In 2013 the law enforcement agencies targeted the following entities: the IT-company GlobalLogics, the Russian social network VK.com, the online payments company WebMoney, the Internet-provider Volya, and the file exchange service company FS.com. On Dec 9, 2013, the government used the same method against their political opponents: police invaded into the headquarters of opposition political party Batkivchyna and seized the servers.

Freedom of the speech in the Ukrainian Internet was influenced by the launch of three online TV projects. Spilno.TV was launched in May 2013 as an online television funded through crowdsourcing. In June 2013, a group of 15 journalists previously retired from TVi channel announced the launch of Hromadske.TV, which began streaming five months later. Finally, Espresso.TV was launched in November 2013. The emergence of three independent online televisions had a positive impact on the editorial policies of conventional TV channels, whose broadcasting was traditionally viewed as biased, unethical and pro-governmental. The launch of the new media also indicated that Internet technologies are relatively well

developed in Ukraine and that there is a public demand for online streaming.

On the other hand, in 2013 the market forces had a negative impact on the freedom of speech. One of the biggest media-holding UMH, owned by Boris Lozhkin has been sold to businessman Sergiy Kurchenko, a close ally of Yanukovich. The deal had a dramatic impact on the work of the influential online news resources Korrespondent.net, Forbes.ua, and Bigmir.net. Most editors and journalists have left the portals because of pressure and censorship from the part of the new owner. The quality of news dropped as a consequence and news websites such as Korrespondent.net have become a tool for pro-government propaganda.

Legislative initiatives targeting Internet

In 2013 the legislative initiatives in the field of the Internet mainly aimed to restrain freedom of speech online. The key initiatives are the following:

Draft law no 2208a amending the Law on Protection of Public Morality» as of 10.06.2013 — initiated by pro-government MP Volodymyr Oliynyk, the draft law provides to strengthen the control over the dissemination of information in the Internet. In particular, the bill proposes to oblige Internet providers to deny access to websites promoting ethnic hatred, violence, or violations of civil rights and liberties. In fact, the legislation would allow law-enforcement agencies to shut any site without prior notice, based on any request coming either from citizens or the government. Currently the bill is being examined in parliamentary committees.

Draft law no 2576 on Amendments to the Tax Code of Ukraine in order to support national cinematography» as of 19.03.2013 — the initiative suggests to support national cinema industry by introducing a tax on the Internet. Telecom operators and

Internet providers would be charged with a 2 percent tax fee on their gross income. The consequences would be eventually supported by consumers, as the average Internet fee would increase significantly. Currently the draft law is also being examined in the parliamentary committees.

New challenges for independent media in Ukraine

In 2013 attacks against independent online news websites acquired new dimensions. In summer 2013 the users of Ukrainska Pravda (pravda.com.ua) have been misled by two fake websites almost identical to Ukrainska Pravda. The first one, Ukrainska Kryvda (<http://www.kryvda.com/>) had stolen the visual appearance of Ukrainska Pravda and published biased anti-opposition articles. By launching Ukrainska Kryvda, its unknown founders violated copyright laws, registered their site from Russia and located their hosting in Australia, thereby protecting the identity of site's founders. The second fake site stole the brand «Ukrainska Pravda» and registered a domain name similar to the original one (www.pravda.com.ua) — <http://ukrpravda.ua/>. The phenomenon of fake sites attested an ever sophisticated trend of discrediting independent journalism in Ukraine.

Security and Cyber attacks against news websites

In 2013 the journalism community has been widely exposed to cyber attacks, ranging from restricting users' access to web resources to journalists' emails and files being hacked. In October 2014, the executive director of Institute of Mass Information (IMI) Oksana Romanyuk's email was hacked and private correspondence was leaked publicly. According to IMI report on the freedom of speech in Ukraine, 49 cyber attacks against journalists have been undertaken in 2013.

The anti-government protests that have sparked in Ukraine in late November 2013

ГОЛОВНА ПРО НАС

[RSS](#) [Facebook](#) [Twitter](#)

УКРАЇНСЬКА КРИВДА

Середа, 12 лютого 2014, 2:27

Заснована простими людьми у 2013 році

Знайти

ГОЛОВНА ПРО НАС НОВИНИ СТАТТІ ФОТО ВІДЕО ГЕРОЇ ДАЙ ДЖИНСУ ЛЯП ДЖИНСБУК

ГОЛОСУВАННЯ **ДУСОЄ НА ЗМІ**
Третьяков всплыл в «Фокусе» и «зализал» сам себя



Порошенко украл у Яценюка секретные пиар-технологии



«Холонок и падуи» Яневский: от цензора до «грантоеда»



ТСН учится фейковать у Мостовой. Пока тренируется на «убитых»



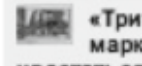
Драки Майдана: за ночлег, колбасу и «против хачей»
11.02.2014

У нас, понимаешь, революция! Мирный протест достигает своего мирного пика! Что значит «ничего не добились»? Это как «ни хрена не делаете, только город засираете»? Позвольте, отчитаться! Итак, вчера в рамках

ФОТО



Коменданты не тонут! Новый фильм Катеринчука



«Тритушки» выпустили марку: больше хвастаться нечем?

+ [Усі фото](#)

ГОЛОСУВАННЯ

Новым поводом для следующего Вече станет:

- Похищение пианино с Майдана
- Новая Конституция в картинках от «тритушек»
- Установка глянцовой палатки

УКРАИНСКАЯ ПРАВДА

НОВОСТИ

ПУБЛИКАЦИИ

БЛОГИ

О САЙТЕ

МВД сообщает об избивении "мирными протестующими" еще трех граждан



Солдатские матери разрушили сатанинские кресты "евромайдана" (фоторепортаж)



Пятно свастики на «евромайдане» (фоторепортаж)



В Донецке создано движение по борьбе с



Покупая «Рошен», вы спонсируете насилие



МВД продемонстрировало кадры, опровергающие

ПОСЛЕДНИЕ НОВОСТИ

 RSS

23:49 Украинские писатели наконец придумали, как стать известными миру - они «жертвы репрессий»

20:30 Кличко неуклюже уклоняется от дебатов с президентом

19:50 Крымская редакция "Нового региона" уволилась в полном составе

19:20 «Свобода» признала, что занимается похищением милиционеров

17:58 Суд отклонил жалобу Тимошенко на отказ колонии изменить ей условия

had a great impact on the freedom of speech in the Internet. The protests have originated from users' online activities and have been fueled by online discussions and dissemination of information through Twitter, Facebook and news websites. Consequently, social networks and news websites became targets of anonymous cyber attacks. The tactic of silencing the voices of journalists and civic activists through distributed denial-of-service (DDoS) attacks has been widely used since December 2013 till February 2014.

On December 2, the website of *Ukrainska Pravda* was subject to a DDoS attack, the first one since the beginning of protests. On December 13, *Cityband.com.ua*, a resource that had published a map of protests in Kyiv, was shut down. The notice on its front page read: «Our site is under DDoS attack. We had to close hosting. Sorry, friends. But we have created a more informative map on Yandex — *Cityband Euromaidan*.»

On December 14, the journalists of *Liga.net* wrote on the website's Facebook official page: «We are currently under a very strong DDoS attack. Our technicians are working the whole night through.»

The website *www.yanukovich.info* that publishes findings on corruption schemes of President Yanukovich's family has been shut down by DDoS attacks for a couple of days in the mid-December 2013.

Other online news resources covering Ukrainian protests, such as *Glavcom.ua*, *Censor.net*, and *RadioSvoboda.org* have been attacked by unknown hackers.

Conclusions

Social media and the Internet play an important role in the everyday life of 20 millions of Ukrainians, including informing on various aspects of the country's political and social life. The

Internet helps citizens create and explore tools of democratic governance and civil society. The Internet is also seen as a last island of freedom of speech in Ukraine, where traditional media are mainly controlled by pro-government oligarchs. It is therefore unsurprisingly that Yanukovich government targeted Internet providers and online media. Dozens of DDoS attacks against independent online news resources as the protests unfolded indirectly indicated the government's engagement behind the attacks. At the same time, freedom of speech has been strengthened by the launch of three online TV stations, thus expanding the variety of independent voices covering Ukraine's political life.

Recommendations:

1. Professional standards of journalism remain one of the main issues for the majority of Ukrainian media owned by oligarchs, including online news sites. Thus, the discussion on journalism standards, accompanied by educational workshops and training should be a priority for the media community in Ukraine;
2. Journalists should improve their knowledge of the opportunities provided by the Internet and social media in order to use them in their everyday work;
3. Journalists' solidarity and defense of their rights through trade unions should be strengthened to develop the tradition of independent media in Ukraine;
4. Journalists should also pay special attention to the challenges of digital era and become proficient in cyber security to protect themselves and their media products;
5. Journalists and media activists should be encouraged to create media start-ups to diversify and increase competition on the media market.

Conclusions

Progression of events in Ukraine in 2013 clearly demonstrates the instruments, which may be used by an undemocratic rule for instituting total control over the mass media. Such instruments include, for instance, buying up of media-assets by those in power with an aim of their further usage for political expediency; goal-seeking atrocity and hostility towards journalists on the side of country's law enforcement bodies. At the same time, an organized resistance of Ukrainian media world to the pressure of authorities, its carrying out of a professional duty despite severe environment has become one of the most important factors, predetermining the whole course of developments in Ukraine over the past year.

Revolutionary changes in the country, leading to a fall of the authoritarian regime of Viktor Yanukovich at the cost of unprecedented violence and harassment against journalist and even their murders, give a chance of improving the situation with the media freedom. Altogether Ukraine has a legislative framework of an adequate quality, allowing mass media carry out its functions efficiently. Nevertheless, the issues of improving access to public information, foundation of public broadcasting service, reducing state involvement in mass media and enhancement of television and radio broadcasting services are currently of vital importance. Moreover, legislative insights are already in place to various extents within every sphere mentioned. Obviously, subsequent legal reforms of media sphere

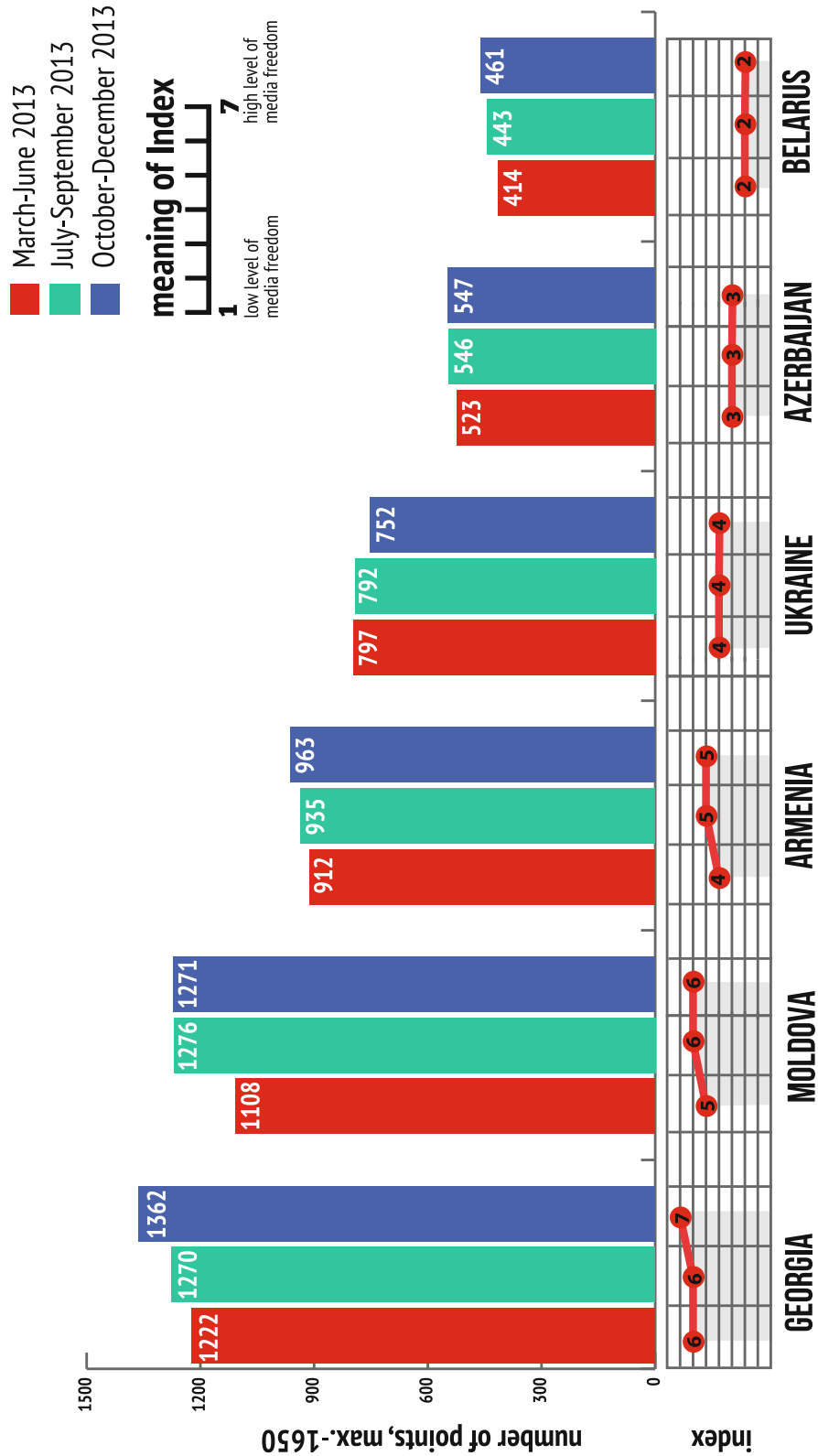
will depend upon political will, pressure of civil society (which has fundamentally strengthened its positions and influence over the recent few months) and overall situation in the country.

The revolution has drastically changed the picture, offered by Ukrainian television channels — the latter were granted an opportunity of working freely with the First National (*Ukrainian: Pershyi Natsionalnyi*) state-run television channel being no exception. Nevertheless it is fair to assume that the problem of influencing the content of owners or (in case of state-run TV) authorities will still be relevant, since underlying causes of television problems, dependence on the owner's position in the first place, are still there. The first test in this respect will be coverage by television (as well as other media) of the forthcoming presidential campaign — the pre-term election is set for May 25. In this regard the issue of paid journalism not marked as advertisements continues to be relevant. The media economic conditions have not improved what makes media organizations resort to doubtful types of occupational earnings.

Internet in Ukraine has dramatically illustrated its power and influence during mass protests in November 2013 — February 2014 and stands a good chance of exploitation of its success, since there are no factors constraining it in Ukraine. It is evident that the new government is unlikely to adopt the «best» practices of its predecessors as regards of controlling Internet to any extent.



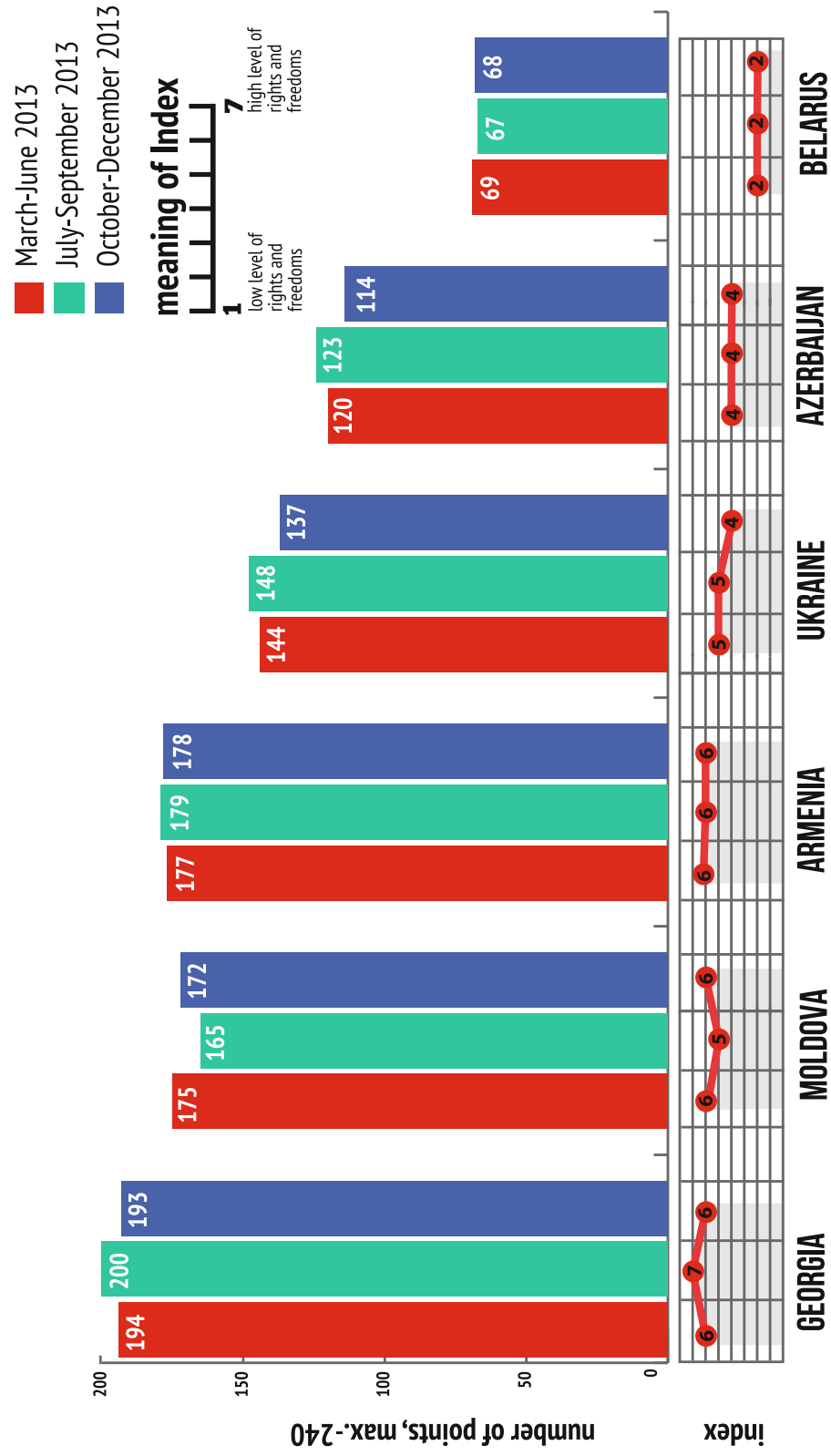
EASTERN PARTNERSHIP MEDIA FREEDOM INDEX





POLICY

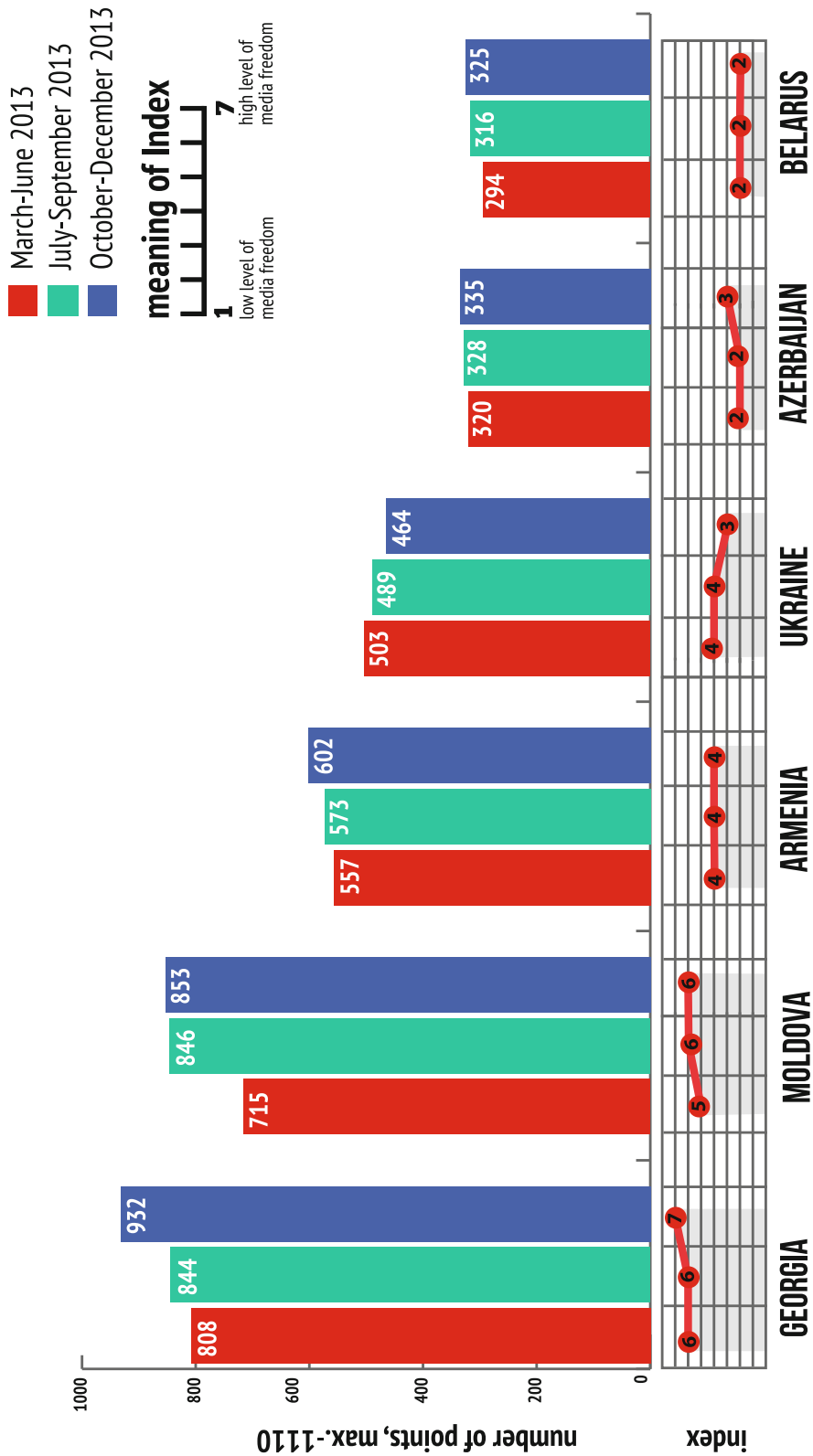
(Defines the level of rights and freedoms for the Media/journalists granted by the constitution and laws of the country, their conformity to international norms and standards, presence of official censorship, etc.)





PRACTICE

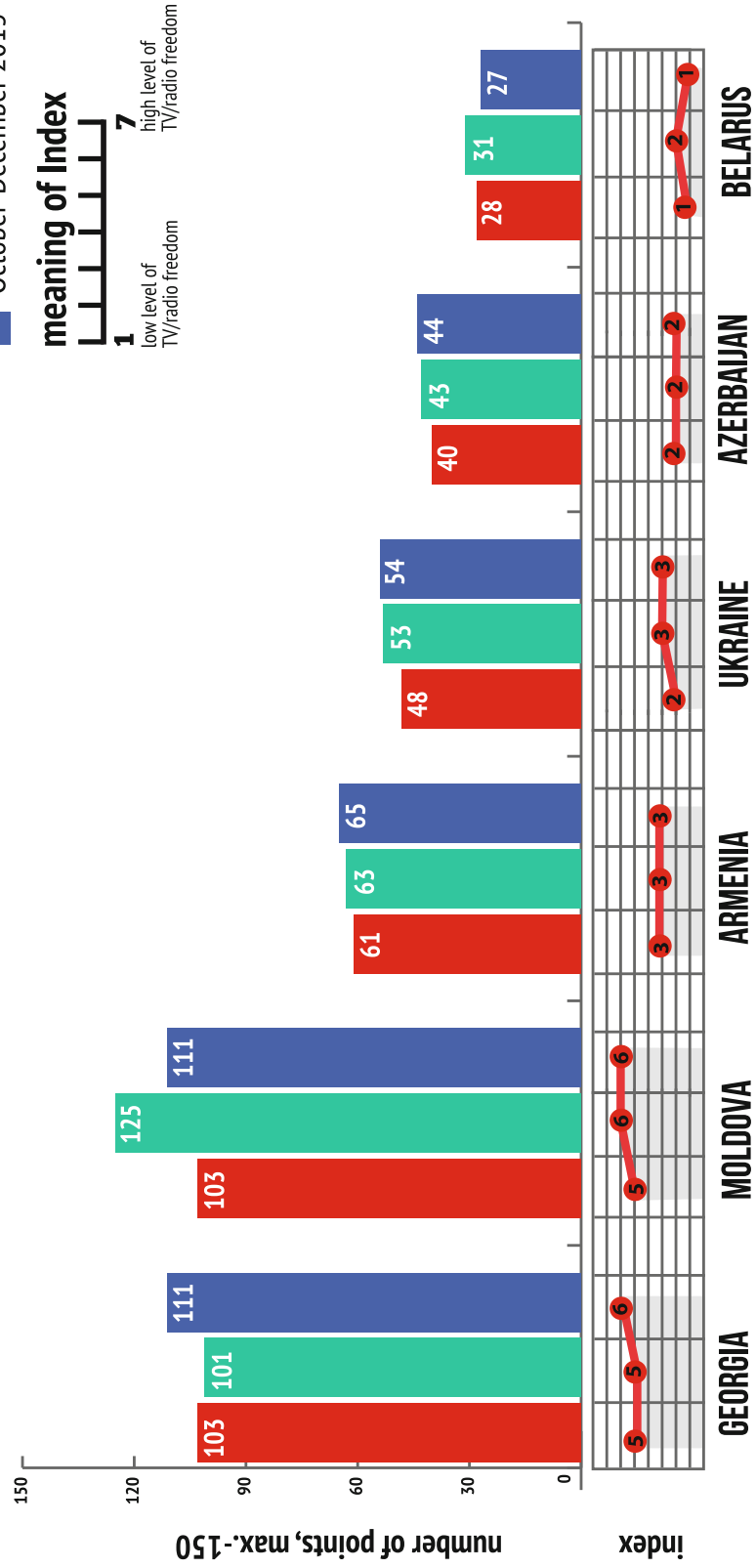
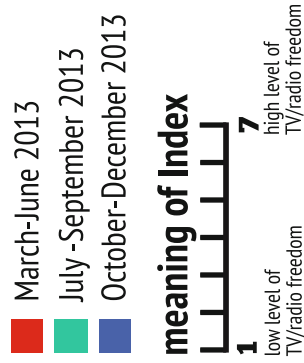
(Defines the actual state of rights and freedoms enjoyed by the Media/Journalists, as well as authorities' reaction in cases of illicit restrictions thereof. The section consists of 6 parts: assaults, threats, arrests; prosecution; access to information; censorship and self-censorship; monopoly; economic conditions)

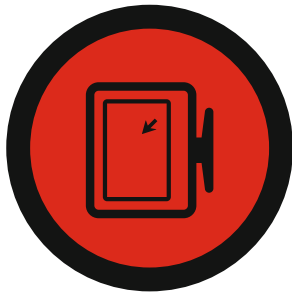




BROADCASTING

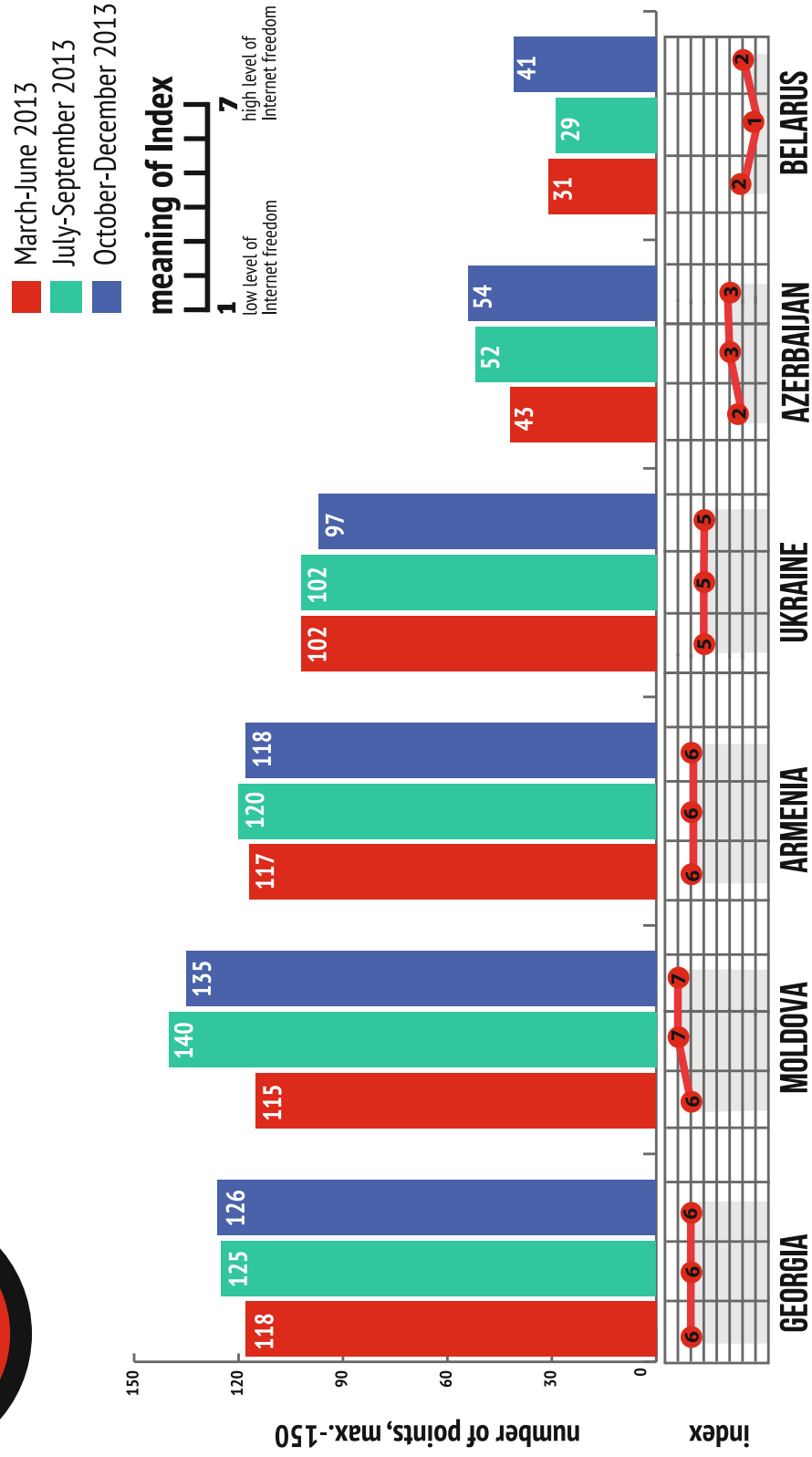
(Defines the level of freedom in broadcasting, access to airtime, etc.)





INTERNET AND NEW MEDIA

(Defines the level of Internet freedom, access to Internet, etc.)



Managing editor — Nataliya Sad

Editors — Anatoliy Martsynovskyi and Andriy Kulakov

Editors of English version — Ioana Burtea and Cristina Leva

Translation — Vladyslav Yurechko

Proofreader — Nataliya Pivovar

Infographics — Yaryna Mykhaylyshyn

Internews Ukraine

15 Ryz'ka Street, 04112 Kyiv, Ukraine
tel/fax: +38 044 458 44 40
www.internews.ua

www.mediafreedomwatch.org



: EaPMediaFreedomWatch



: @mediafreewatch



This publication has been produced with the assistance of the European Union. The content of this publication is the sole responsibility of its authors and can in no way be taken to reflect the views of the European Union.

The European Union is made up of 28 Member States who have decided to gradually link together their know-how, resources and destinies. Together, during a period of enlargement of 50 years, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievement and its values with countries and peoples beyond its borders.

