



MEDIA REFORM

PROPOSALS PREPARED BY THE RPR EXPERT GROUP

LEAD EXPERTS



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ISSUES TO BE RESOLVED BY THE REFORM

Many years of stagnation and conservation of the Ukrainian media space formed on the basis of an archaic system of state-controlled broadcasting, state and municipal media, and largely monopolized oligarchic business sector of traditional TV, radio and the press have clearly demonstrated the need for a series of reforms during the Revolution of Dignity. Back in 2003, Ukraine made a commitment to replace state-controlled broadcasting with public broadcasting with political, financial, and editorial independence, to conduct «de-statization» of state-owned and municipal printed press, and to implement effective mechanisms of disclosing the information about the actual owners of the media. However, all the attempts to implement the reform have either failed at the legislative level, or have not even been discussed at the parliamentary sessions.

The media reform launched in 2014 allowed to adopt a new Law «On Public Television and Radio Broadcasting» (later amended), the Law «On the Reform of State-Owned and Municipal Media», and the amendments to several laws introducing transparency of media ownership. In addition, a non-democratic institution — the National Expert Commission on the Protection of Public Morality — has finally been liquidated.

The adopted laws have to be properly implemented, in particular, at the level of subordinate regulations. Thus, within the implementation of the public broadcasting

reform, the drafts of by-laws regulating public broadcasting are being prepared. Due to the sabotage on the part of the SE «Ukrainian Television Studio Films Ukrtelevision», the law on public broadcasting was amended to change the procedure of merger of this company. In the course of implementation of the laws on de-statization of press and transparency of media ownership, unexpected issues have arisen. Further amendments shall be introduced to tackle them.

Implementation of these reforms has also demonstrated the need to prepare and adopt a law on audiovisual services, which should replace the outdated law on television and radio broadcasting (2006), as well as the need to review and partly repeal the legislation regulating the printed media. The laws, developed over 10 years ago and outdated even back then, hamper the development of new forms of signal transmission and provision of additional services such as video-on-demand, IPTV, OTT and others. Excessive regulation of the press does not yield any tangible benefits, while a number of requirements for media registration (for example, an obligation to specify the scope of distribution, program objectives, and the expected publication frequency) reflect neither quantitative nor qualitative market conditions.

The role of media during the election campaign should also be reinforced by introducing debate programs, cutting down on the amount of political advertising, and increasing safety of media and journalists. The latter involves restoring the mechanisms of preventing pressure on the media through lawsuits with excessive amounts of «compensation» for moral damages for the criticism of public figures in media.



GOAL I

PUBLIC BROADCASTING INDEPENDENT OF STATE AGENCIES ESTABLISHED

- 1** Prepare statutory documents of PJSC «National Public Broadcasting Company of Ukraine» (NSTU).
Decision-making authority: Cabinet of Ministers, State Committee for Television and Radio Broadcasting.
- 2** Establish and launch an independent public broadcaster.
Decision-making authority: Cabinet of Ministers, central executive body determined by the Cabinet of Ministers of Ukraine.
- 3** Introduce effective mechanisms and an appropriate level of financial security of public broadcasting, in particular, through ensuring that the National Public Broadcasting Company of Ukraine is financed out of the state budget in the amount established by law.
Decision-making authority: Verkhovna Rada, Cabinet of Ministers, Ministry of Finance.
- 4** Reinforce guarantees of independence of the public broadcaster through improving legal regulation of its activities as a follow-up of the reorganization of the National Television and Radio Broadcasting Company of Ukraine.
Decision-making authority: Verkhovna Rada.



GOAL II

STATE-OWNED AND MUNICIPAL PRINTED MEDIA REFORMED INTO INDEPENDENT PERIODICALS

- 1** Finish de-statization of periodicals involved in the first stage of the reform.
Decision-making authority: Cabinet of Ministers, State Committee for Television and Radio Broadcasting, printed media founders.
- 2** Improve legal regulation of the process of de-statization of press as to the funding of the reformed periodicals, their organizational and legal form, etc.
Decision-making authority: Verkhovna Rada.
- 3** Ensure timely implementation of the second stage of the reform – de-statization of all the remaining state-owned and municipal periodicals.
Decision-making authority: State Committee for Television and Radio Broadcasting, printed media founders.



GOAL III

EUROPEAN STANDARDS IN THE FIELD OF AUDIOVISUAL MEDIA SERVICES INTRODUCED

- 1** Formalize legislatively the European standards of audiovisual services regulation: the transparent rules of broadcast licensing, a notification system for off-the-air broadcasting and services, the procedure of implementing cutting-edge technologies, etc.
Decision-making authority: Verkhovna Rada.
- 2** Improve the grounds and the mechanism of bringing media to responsibility for violating the requirements of media law or license.
Decision-making authority: Verkhovna Rada, National Council of Ukraine for Television and Radio Broadcasting.
- 3** Introduce a competitive procedure of staffing the National Council of Ukraine for Television and Radio Broadcasting.
Decision-making authority: Verkhovna Rada.
- 4** Perform public control over the implementation of over-the-air digital broadcasting.
- 5** Promote development of non-commercial broadcasting to exercise the information rights of communities and different ethnic and social groups.



GOAL IV

DURING THE ELECTION CAMPAIGN, CITIZENS PROVIDED WITH OBJECTIVE AND IMPARTIAL INFORMATION

1

Improve the legislation on election coverage in media: provide the right to free debate, change the role of media as a subject, not just a campaigning platform, etc.

Decision-making authority: [Verkhovna Rada](#).

2

Prohibit or severely restrict election campaigning (political advertising) on television and radio.

Decision-making authority: [Verkhovna Rada](#).

3

Provide effective mechanisms for fighting unethical campaigning.

Decision-making authority: [Verkhovna Rada](#).



GOAL V

STRENGTHENED GUARANTEES OF MEDIA INDEPENDENCE AND PROTECTION OF HUMAN RIGHTS IN THE INFORMATION SECTOR

1

Harmonize the legislative provisions on exercising the right of reply to and refuting of the false information published in media.

Decision-making authority: [Verkhovna Rada](#).

2

Limit the period for filing claims for moral damages in defamatory cases.

Decision-making authority: [Verkhovna Rada](#).

3

Increase the rates/amount of court fee in cases against media to 10% of the claim amount.

Decision-making authority: [Verkhovna Rada](#).

4

Abolish the legislative provisions on the influence of the state agencies on media, in particular, the Law "On the Procedure of Covering the Activity of the State Agencies and Local Self-Government Bodies in Ukraine by Media" and the Law "On State Support of Media and Social Security of Journalists."

Decision-making authority: [Verkhovna Rada](#).

5

Reinforce the legal mechanisms of access to public information through expanding the supervisory powers of the Ombudsman and specifying the provisions of the laws defining public information and its types.

Decision-making authority: [Verkhovna Rada](#).

6

Improve regulation of social advertising in order to prevent placement of political or commercial advertising under its guise.

Decision-making authority: [Verkhovna Rada](#).

7

Formalize legislatively the effective mechanisms to prevent hate speech in media.

Decision-making authority: [Verkhovna Rada](#).



GOAL VI

TRANSPARENT AND OPEN INFORMATION ABOUT THE MEDIA OWNERS

1

Ensure regular publication of information about the owners and ultimate beneficiaries of the television and radio broadcasters.

Decision-making authority: [National Council of Ukraine for Television and Radio Broadcasting](#).

2

Formalize legislatively transparency of media financing and de-offshorization of media property.

Decision-making authority: [Verkhovna Rada](#).

3

Eliminate legal gaps allowing to conceal media property.

Decision-making authority: [Verkhovna Rada](#).

The Reanimation Package of Reforms is the largest coalition of leading non-governmental organizations and experts from all over Ukraine who have pooled their efforts to facilitate and implement reforms.

THE RPR FUNCTIONS AS A COORDINATION CENTER FOR



72 NON-GOVERNMENTAL ORGANIZATIONS



23 EXPERT GROUPS

WHICH DEVELOP, PROMOTE, AND CONTROL IMPLEMENTATION OF THE REFORMS.
THE NUMBER OF COALITION MEMBERS IS CONSTANTLY GROWING.

Our strategic task is to consolidate public efforts, turn the public into a subject of policy-making, promote and control implementation of the reforms, as well as organize public awareness campaigns regarding these transformations for the Ukrainian society and the international community.




WE ARE WORKING

TO MAKE UKRAINE A STATE

- ✓ WITH FAIR JUSTICE AND ECONOMIC AND POLITICAL COMPETITION;
- ✓ WITHOUT OPPORTUNITIES FOR CORRUPTION AND ABUSE OF POWER;
- ✓ WHERE EVERY CITIZEN KNOWS THEIR RIGHTS AND CAN EXERCISE THEM;
- ✓ WHERE THE AUTHORITIES, THE POLITICAL PARTIES, THE MEDIA, AND THE NON-GOVERNMENTAL ORGANIZATIONS ARE EFFECTIVE AND ACCOUNTABLE TO THE PUBLIC.

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