

ANNUAL REPORT

 **MEDIA
LAW
INSTITUTE**

2015



Director of the Media Law Institute **Taras Shevchenko**

The year of 2015 was extremely intensive and brought about numerous changes. The lion's share of these changes were attained with the help of the powerful civil society that has improved its endurance of hardships and became stronger after the Maidan. I am convinced that it is owing to the fact that the public had its finger on the pulse of the Ukrainian authority and demanded real reforms that those changes were implemented in 2015.

I am proud that the team of the Media Law Institute has become part of the global changes in our country. With eleven years of experience in the public sector, we have been changing along with Ukraine, have never been afraid of the challenges and believed that we are doing the right thing. Adoption of the Law "On De-statization of Media", which launched the reform lobbied by the Media Law Institute for ten years, proved that one should never give up.

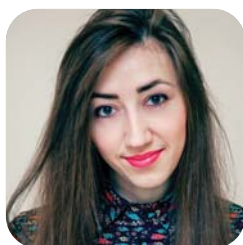
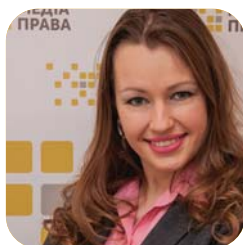
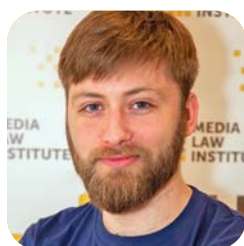
Reforms have become the agenda for the Ukrainian civil society. 2015 has demonstrated that advocacy campaigns are a pledge of success in any sphere, while public pressure is the best motivator both for the parliament voting for the laws, and for the government implementing the reforms. The Media Law Institute as one of the most powerful non-governmental organizations in Ukraine, with an expertise in media law, corruption counteraction, healthcare, management, advocacy, and communication, has focused largely on the implementation of reforms in different areas within the Reanimation Package of Reforms. Apart from expert activities, we have become a key organization in charge of institutional development of the RPR. In particular, we have initiated introduction of a new model of coalition management based on the best government practices.

Today, Ukrainians count of the civil society, the society which has been driving changes in Ukraine since the Maidan. Five years ago the officials of the Yanukovych regime argued that Ukrainians have no right of access to information, while today everyone can attend the meetings of the Verkhovna Rada or request access to information and documents. Provision of access to public information minimizes the risk of corruption at all levels and should destroy the stereotypes that it is only the select few who have the right to information.

2015 was a hugely successful year for our team and has, at the same time, brought us new challenges for the forthcoming fights. I am sure that combatting corruption and introduction of standards of fair practice and professionalism at all political levels will become a theme to consolidate the public in 2016.

WHO WE ARE







Civil society organisation "The Media Law Institute" is a think tank, set up in Ukraine 11 years ago pooling together lawyers and experts specializing in media policy and human rights protection, experts in public communication, advocacy, institutional development, and education. Above all, we appreciate impartiality, proactive position, transparency, and effectiveness.



OUR MISSION



THE MISSION OF THE MEDIA LAW INSTITUTE IS TO FACILITATE DEVELOPMENT OF ACTIVE CIVIL SOCIETY THROUGH

-  SUPPORT TO CIVIC INITIATIVES;
-  IMPARTIAL AND PROFESSIONAL MEDIA EXPERTISE;
-  DEVELOPMENT AND IMPLEMENTATION OF HIGH-QUALITY LEGISLATION ON INFORMATION;
-  EDUCATION;
-  LEGAL PROTECTION OF CIVIL AND JOURNALISTS' RIGHTS;
-  PROTECTION OF FREEDOM OF SPEECH AND FUNDAMENTAL HUMAN RIGHTS.

Implementing its mission, the Media Law Institute pools efforts with other civil society entities in the form of coalitions and movements, in particular, with the Reanimation Package of Reforms, CHESNO movement, Initiative 11, and coalition "Smoke-Free Ukraine." Experts of the Media Law Institute are also members of a number of public

councils in the governmental agencies of Ukraine. In 2015, the director of the organization was elected member of the Supervisory Council of the National Public Broadcaster of Ukraine and co-chairman of the Reanimation Package of Reforms Council.

KEY ACHIEVEMENTS IN 2015



The Parliament said 'yes' to the reform of state-owned and municipal press. On 24 November 2015, owing to the advocacy campaign of the Media Law Institute and its partners, the Verkhovna Rada adopted the Law "On Reforming State-Owned and Municipal Print Media".



Progress in the creation of public broadcasting. On 19 March 2015, a law that boosted establishment of the public broadcaster in Ukraine was adopted.



Information about the media owners was disclosed. On 3 September 2015, the Law "On Transparency of Media Ownership" was adopted. Its goal is to eliminate hidden influence on media.

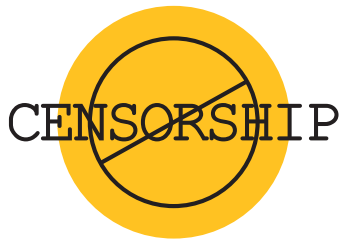


Reform of the system of management in the Reanimation Package of Reforms.

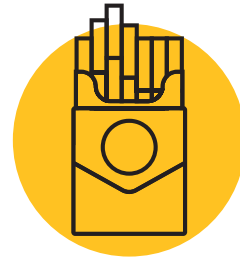
The Media Law Institute initiated the launch of an internal reform in the largest non-governmental platform in Ukraine and headed its institutional development.



Honest local councils. Within the CHESNO movement, the Media Law Institute provided methodological and legal support of the campaign "Honest Spring – Responsible Autumn", having analyzed the activity of deputies of 32 local councils.



Governmental censorship agency was dismissed. As a result of consolidated efforts of the civil society, legislative amendments and Government's resolution on liquidating the National Expert Commission on the Protection of Public Morality were adopted in 2015.



Ukraine withdrew "tobacco" dispute with Australia in WTO. In June 2015, a dispute of Ukraine against Australia concerning plain tobacco packaging, which has been lasting for three years with the financial assistance of British American Tobacco, was withdrawn.



A media self-regulation body was established in Ukraine. The Media Law Institute initiated establishment of the Independent Media Council that should become a reputable and impartial self-regulation body.



The Media Law Institute established an anticorruption school. In 2015, the Institute engaged activists in sixteen regions of Ukraine, having armed them with effective anticorruption instruments.



Development of the civil sector through education. In 2015, more than 300 lawyers, journalists, and public activists developed their expertise during the trainings and other educational events of the Media Law Institute.

20

15

PROGRESS IN THE CREATION OF PUBLIC SERVICE BROADCASTING

In 2015, critically important amendments to a number of Ukrainian laws were introduced, having launched the process of creation of public service broadcasting. The relevant draft law № 1357 was prepared and adopted owing to the consolidated efforts of the Media Law Institute with its partners from the civil society, MPs, representatives of governmental authorities, and media experts. The amendments to the Law of Ukraine "On Public Broadcasting in Ukraine" and other laws have created a practical mechanism of transforming the state-owned television and radio broadcasting companies into a single broadcaster, as well as significantly strengthened the guarantees of independence of the National Public Service Broadcaster of Ukraine.



Establishment of an independent Supervisory Council, formed out of the representatives of the public and the parliamentary factions, was another achievement of the year in the area of public broadcasting. Director of the Media Law Institute became one of the experts elected to the Council to represent the civil society.



Public broadcasting instead of the state one



An independent Supervisory Council as a management body



Public broadcasting to serve the interests of citizens, not the government



Gradual reduction of advertising quota on the public broadcaster



No advertising of tobacco and alcohol



STATE-OWNED AND MUNICIPAL MEDIA WILL BE REFORMED!

In 2015, the team of the Media Law Institute jointly with the Media Reform group of the Reanimation Package of Reforms managed to lobby adoption of the Law “On Reforming State-Owned and Municipal Printed Media.” Its goal is to stop wasting budget money on the publicity of central and local authorities, ensure fair competition in the press market, and boost development of printed media.

MPs voted for the draft law, supported by the public and the Committee on Freedom of Speech and Information Policy, after a long-lasting information and advocacy campaign of the Media Law Institute. A satirical newspaper “Radianskyy Meridian”, which largely consists of the scanned copies of articles published in the district newspapers, played a key role in this process. Vakhtang Kipiani, famous journalist and editor of the portal “Istorychna Pravda” (“Historical Truth”), was an editor of the “Soviet Meridian.” He has the largest collection of state-owned newspapers in the country.



1 January 2016

the first stage of reforming state-owned and municipal media starts

31 December 2018

the process of de-statization should be complete

More than **550** state-owned and municipal media should be reformed

On average **200-400** thousand UAH to be saved in local budgets

TRANSPARENT MEDIA



The Law "On Transparency of Media Ownership", which is an important step in combating the influence of big business and shadowing of the Ukrainian media sphere, was adopted on 3 September 2015, having become a major achievement in this area. The lawyers of the Media Law Institute have developed some of the most progressive standards established by the adopted law. In particular, obligating the TV companies to publish the structure of ownership on their websites and to report annually to the National Council, as well as refusing to grant broadcasting licenses for the failure to submit reports or for submission of false reports.

WHAT ARE THE CONSEQUENCES OF THE NEW LAW?



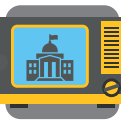
Ukrainians can now easily learn about the structure of ownership and find out who is the ultimate beneficiary of the broadcasting company.



Media are obliged to report about any changes in the ownership structure annually by 31 March to the National Council on Television and Radio Broadcasting.



The influence of residents of aggressor countries or invaders, as well as offshore zones has been terminated.



The governmental authorities can no longer set up their own media.



Media hiding the information about their owners shall pay fines in the amount of 5% of the license fee and will not be able to obtain a license.

EVERY YEAR BY 31 MARCH, TELEVISION AND RADIO BROADCASTERS SHALL SUBMIT A REPORT ON THE OWNERSHIP STRUCTURE TO THE NATIONAL COUNCIL ON TELEVISION AND RADIO BROADCASTING.

THE LAW CAME INTO FORCE ON 1 OCTOBER 2015.

MEDIA AND ELECTION

In 2015, the Media Law Institute has foregrounded the issue of restricting political advertising. Director of the organization Taras Shevchenko together with the lawyers Ihor Rozkladay and Vita Volodovska prepared a draft law that prohibits paid political campaigning on TV, radio, and outdoor advertising carriers. In cooperation with Oleh Bereziuk and Yehor Soboliev, MPs from the faction of the "Samopomich" political party, this draft law was registered at the Verkhovna Rada on 8 August 2015.



It is suggested to prohibit purchasing broadcast time on television and radio, as well as space on outdoor advertising carriers.



Restriction of paid advertising considerably reduces dependence of parties on the oligarchs



Ban of political advertising and campaigning in audio-visual media is a norm in Western Europe (France, Denmark, United Kingdom, Belgium, Ireland, Malta, Norway, Sweden, Switzerland, Portugal, etc).

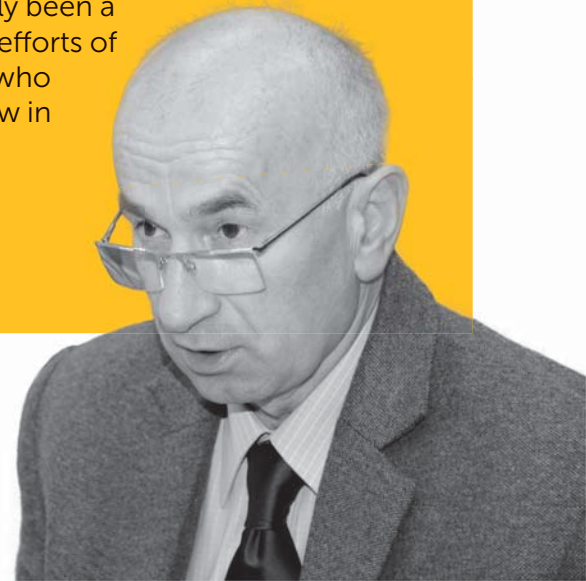
UKRAINE WITHOUT A "MORALITY COMMISSION"

10 February 2015 – a law that led to the liquidation of the NEC was adopted

27 May 2015 – the Government adopted the resolution on liquidating the "morality commission"

Liquidation of the NEC saved on average **4,5 million UAH** from the state budget per year

In 2015, Ukraine got rid of the National Expert Commission on the Protection of Public Morality which has actually been a censorship body. Pooled efforts of the civil society and MPs who lobbied a relevant draft law in the Parliament have contributed to this end.



REANIMATION PACKAGE OF REFORMS

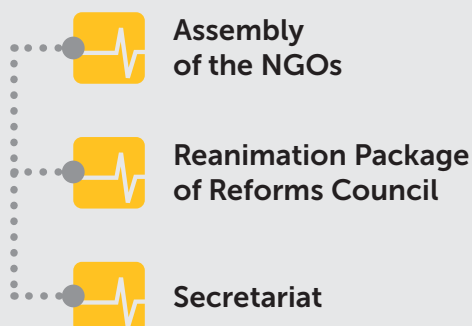


The Reanimation Package of Reforms (RPR) is the most successful civic coalition in Ukraine which unites leading non-governmental organizations and experts from all over Ukraine, and serves as a coordination center of the development and implementation of key reforms in Ukraine.

In the absence of a status of legal entity, financial and organizational support of the RPR is tackled by three leading NGOs – the Media Law Institute, Center UA, and the Ukrainian Independent Center for Political Research.

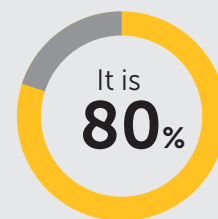
With ten years of experience in the civil society sector, the Media Law Institute has played a significant role in the development of the Reanimation Package of Reforms. The Institute initiated development of a strategy of this civic platform, introduced a system of public annual reports, prepared the rules and policies to systematize activities of the Reanimation Package of Reforms, and conducted external independent assessment. In 2015, an Institute consultant joined the RPR communications team to develop a PR-strategy for this civic platform.

STRUCTURE OF THE REANIMATION PACKAGE OF REFORMS



The budget of the Media Law Institute for the institutional and organizational support of the Reanimation Package of Reforms totaled

470 000 EUR.



of the total financial support of RPR in 2015

In 2015, the Media Law Institute initiated the reform of the RPR management system which has been implemented in several stages. After group discussions, the RPR Charter was adopted and introduced a three-tier management system with collegiate decision-making. The Assembly of the NGOs is the highest body of the RPR, while strategic management is tackled by the RPR Council co-chaired by Taras Shevchenko, director of the Media Law Institute.

THE REANIMATION PACKAGE OF REFORMS TODAY:




56 NGOS-MEMBERS



23 EXPERT GROUPS



350+ EXPERTS

In 2015 **55**  prepared, finalized, or advocated by the RPR experts were adopted.
LAWS

LEGISLATIVE SUPPORT WAS PROVIDED TO THE FOLLOWING ISSUES:

- ✓ activation of decentralization process
- ✓ competitive selection of governmental officials
- ✓ transparency of media ownership
- ✓ reform of state-owned and municipal media
- ✓ introduction of state financing of parties
- ✓ approximation of Ukrainian law to that of the EU to implement the Association Agreement
- ✓ reform of research and R&D activity
- ✓ formation of the natural gas market
- ✓ creation of opportunities for a large-scale energy modernization of buildings with the help of energy servicing companies

Over the year, groups and individual experts have prepared a number of analytical products, including analytical notes, policy analyses, and regulatory conclusions to the draft laws. One of them is "Reforms Under the Microscope" which informs about the achievements and challenges of the reforms in 15 areas.

In 2015, the Reanimation Package of Reforms organized more than 100 public and media events with organizational and financial assistance of the Media Law Institute.

Within the project "On the Road Towards Reforms", the Reanimation Package of Reforms experts visited 25 cities, having conducted public discussions with the participation of local authorities, public figures, and activists. They met students of 19 leading Ukrainian universities. The audience of 4,000 people was reached.

OPEN UNIVERSITY OF REFORMS





In 2015, the Media Law Institute provided organizational and financial assistance to the second enrolment to the Open University of Reforms – an educational initiative of the Reanimation Package of Reforms.

The Open University of Reforms is a center of professional training of young reformists established so that anyone willing and able to make reforms would have the necessary expertise and skills. Fifty participants of the second enrolment to the OUR learned about the mechanisms of functioning of the authorities and civil society, studied the experience of leading reformists – famous politicians and public figures, and developed the skills of communication with the public and the authority. Training public experts in the field of top-priority reforms, the Reanimation Package of Reforms contributes to the formation of an active, intellectual, conscientious youth – the future elite of Ukraine.



CHESNO MOVEMENT



CHESNO is a civil movement aimed at encouraging the public to cleanse the government from unworthy politicians. The Media Law Institute and Center UA NGOs are participants and coordinators of the CHESNO movement. Part of the movement since its establishment, the Institute provides methodological and legal support to it. Our lawyers also defend the rights of participants of CHESNO movement in court.

In 2015, CHESNO movement played a critically important role during the formation of new local councils. The project "Honest Spring – Responsible Autumn" implemented jointly with the coalition partners – NGO "Center UA", has cleansed the local councils of corrupt officials and non-attenders.



32
LOCAL COUNCILS
ANALYZED



667
NON-ATTENDERS AMONG
THE DEPUTIES OF PREVIOUS
CONVOCATIONS

ONLY
238

OF THEM WERE ELECTED
DEPUTIES AGAIN



A 'Button-pushing' remedy – draft law №1895 was adopted in the first reading on 17 June 2015. Halyna Chyzhyk and Tetiana Semiletko, lawyers of the Media Law Institute, co-authored the draft law that aims to encourage MPs' compliance with the Constitution and the Rules of Procedure as regards personal voting and to eradicate the phenomenon of 'button-pushing' in the Ukrainian parliament. The draft law proposes a number of sanctions for the 'button-pushers', in particular, deprivation of MP's right to participate in the plenary sessions and prohibition for an MP to occupy positions in parliamentary committees and join parliamentary delegations until the end of the current convocation of the Verkhovna Rada.

At the end of 2015, CHESNO movement presented an anticorruption online instrument – the Catalogue of Figurants of Anticorruption Investigations – which presents all the information about the schemes of corruption and the names of persons who were spotted in the journalist investigations of the leading media and anticorruption initiatives.

SAI CATALOGUE



100+

CORRUPTION
SCHEMES



300+

FIGURANTS OF ANTICORRUPTION
JOURNALIST INVESTIGATIONS

IN 2015, CHESNO PREPARED AND PUBLISHED MORE THAN 100 ANALYTICAL MATERIALS THAT WERE OF USE TO THE PUBLIC.



In July 2015, CHESNO movement and VoxUkraine launched a joint project Rada Report Challenge, having called on the law-makers to regularly report on their activity in the Verkhovna Rada and beyond. MPs can submit their reports, using an online instrument. More than 50 MPs reported on their activity on the website of Rada Report Challenge.

Halyna Chyzhyk, lawyer of the Media Law Institute, defended the reputation of CHESNO movement, having won a case against Volodymyr Karpiuk, mayor of Irpin city, owner of 67 apartments. The mayor and the party “Novi Oblychchia” (“New Faces”) filed a lawsuit in connection with the article “Novi Oblychchia – a Threat to Kyiv and Kyiv Region” published on the

website of the movement. The court did not satisfy a claim of Karpiuk and the party that demanded that this information be disproved. Thus, the Media Law Institute has proven that it is possible to criticize the authorities in media and that regional journalists should not be afraid to publish the information that someone in government might not like.

SMOKE FREE KYIV



In 2015, after three years of fighting, the Media Law Institute in cooperation with its partners in the coalition “Smoke-Free Ukraine” has finally suspended the dispute of Ukraine against Australia in the WTO regarding the Australian legislation on plain tobacco packaging. In 2012, Ukraine initiated the dispute in the WTO to benefit tobacco

manufacturers. Ukraine has been damaging its image in the international arena several years in a row, challenging the progressive legislation adopted in Australia which deprived tobacco companies of the opportunity to use tobacco packaging as a promotional tool. Under public pressure, the case was suspended.





One of our greatest achievements in the sphere of tobacco control was a ban on smoking in restaurants. The law of 2012, the adoption of which had been lobbied by the Media Law Institute and its partners for five years, liberated the Ukrainians from smoky rooms in cafes and restaurants. It has also resulted in that the citizens started to smoke less. However, populist steps of the post-Maidan government have issued new challenges to the tobacco fighters. The moratorium on inspections, introduced in 2014, had a negative impact on the right of

the Ukrainians to a smoke-free air. The Media Law Institute continually monitors the status of implementation of the law banning smoking in restaurants. After the moratorium was introduced, cafes, bars, restaurants started to break the law more and more often, offering their guests ashtrays, or sometimes even opening special rooms for smokers. They behaved in such an impudent manner, because the offenders could not have been inspected and punished with a fine by the State Inspection on Consumer Rights.



Owing to the systemic activity of the project "Smoke-Free Kyiv" in cooperation with the NGO "Zhyttia" ("Life"), as well as organizations working in the field of consumer protection, the moratorium on business inspections was not extended. Thus, the citizens restored the opportunity to file complaints against business entities, including restaurants, for violation of their rights.

LAB OF ACTIVE CITIZENS



is a large-scale educational anticorruption project of the Media Law Institute organized in partnership with the civil platform the Reanimation Package of Reforms for the self-conscious and active citizens anxious about good conscience of the authorities and ready to share their expertise with the public.



The project, which started in autumn 2015, covers 48 one-day trainings in 16 regions of Ukraine. The goal of the Lab is to teach activists from all over Ukraine to use effective anticorruption instruments, practical aspects of access to public information and journalist investigations of corruption schemes, as well as to inform them about the anticorruption laws.

48



ONE-DAY
ANTICORRUPTION
TRAININGS

16



REGIONS

500



ANTICORRUPTION
ACTIVISTS



NETWORK OF DEFENDERS OF THE RIGHT TO INFORMATION

The Network of defenders of the right to information has been successfully working in Ukraine for four years already. The Network unites lawyers, journalists, and public activists in the regions. In 2015, the fourth annual Forum of defenders of the right to information was organized to share the experience.

150

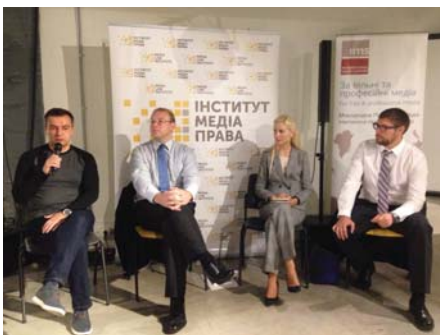


ACTIVISTS UNITED
IN THE ALL-UKRAINIAN NETWORK

60



ANALYTICAL NOTES ON ACCESS
TO INFORMATION DISTRIBUTED IN 2015



“OMBUDSMAN PLUS” PLATFORM

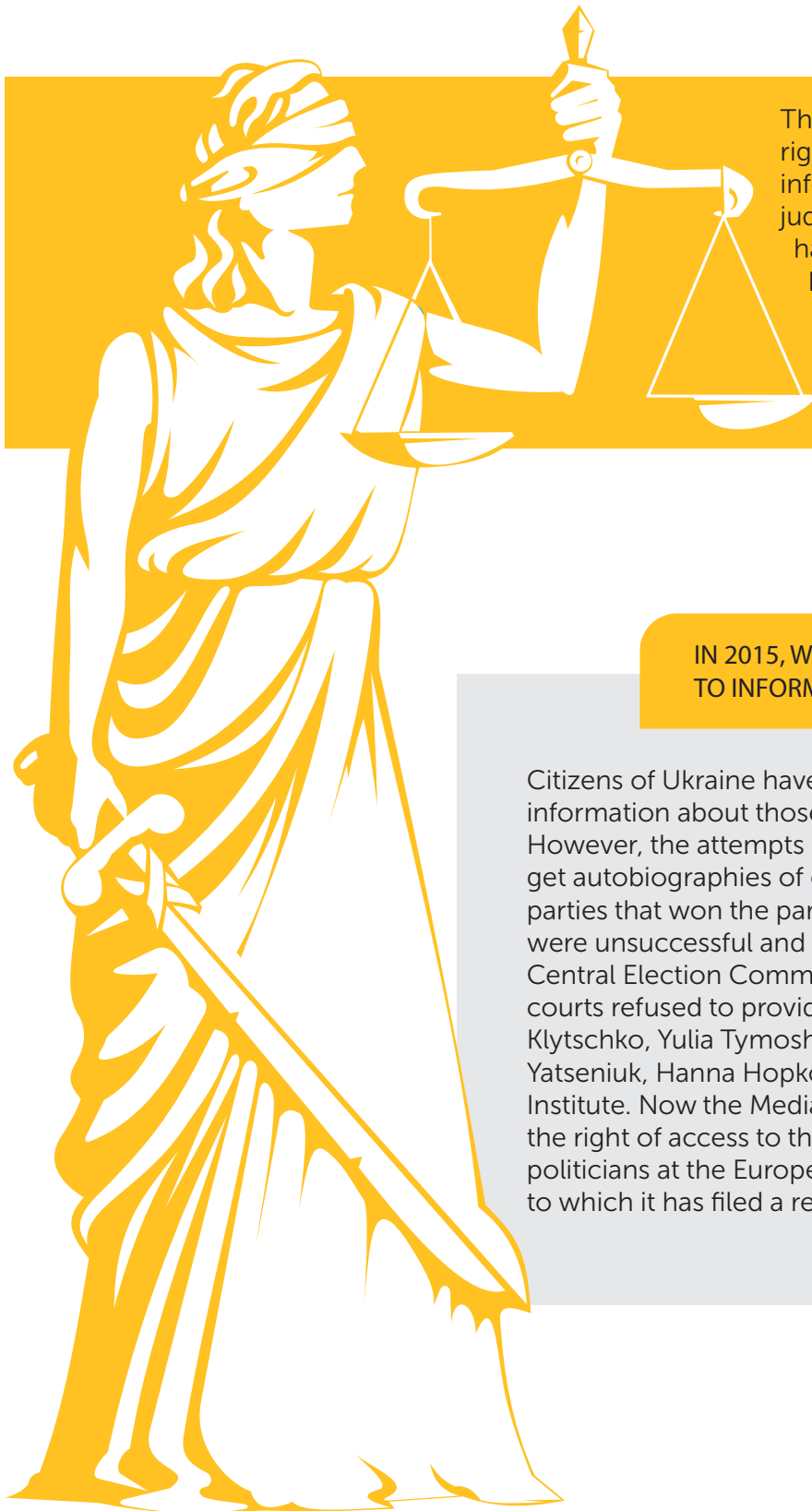
To ensure that the Law “On Access to Public Information” is implemented at the local level, the Media Law Institute jointly with the Ombudsman Office set up the platform “Ombudsman Plus” in 2015. Within this platform a network of monitors was established to inspect the status of implementation of the law at the local level. Monitors are working in all the regions of Ukraine.

INITIATIVE 11



In 2015, the Media Law Institute formed a coalition with NGOs “Center UA”, “Anticorruption Action Center”, “The All-Ukrainian League of Lawyers Against Corruption”, and Blueprint for Free Speech (Australia), and launched the advocacy campaign Initiative 11 aimed at adopting a Law “On Protection of Informants” in Ukraine. At the end of 2015, a concept of the relevant draft law was approved. The law should provide guarantees to the informants: any person disclosing the facts of corruption and information about socially dangerous acts or information of public interest.

DEFENDING THE RIGHT TO INFORMATION IN COURT



The Media Law Institute defends the rights of Ukrainians to access to information, providing them free judicial assistance. The organization has established and maintains the Fund to protect the right of access to information, which aims to ensure proper implementation of the Law "On Access to Public Information."

IN 2015, WE DEFENDED THE RIGHT OF ACCESS TO INFORMATION IN SIX LAWSUITS

Citizens of Ukraine have the right to receive information about those they have elected. However, the attempts of the Media Law Institute to get autobiographies of electoral lists leaders of six parties that won the parliamentary election in 2014 were unsuccessful and resulted in litigation. The Central Election Commission, as well as all the courts refused to provide autobiographies of Vitaliy Klytschko, Yulia Tymoshenko, Oleh Liashko, Arseniy Yatseniuk, Hanna Hopko, and Yuriy Boiko to the Institute. Now the Media Law Institute is defending the right of access to the information about politicians at the European Court of Human Rights, to which it has filed a relevant suit.



СХЕМИ

корупція в деталях

The Institute is a partner of the program “Schemes: Corruption in Details” and conducts pre-publication legal expertise of all issues.

In 2015, the lawyers of the Media Law Institute provided more than 200 free consultations on media law and access to information to the journalists and public activists.



11TH INTERNATIONAL MEDIA LAW SUMMER SCHOOL

In 2015, the Media Law Institute held the 11th annual International Media Law Summer School, which brought together media lawyers from Ukraine, Kazakhstan, Moldova, Georgia, Belarus, Russia, Kyrgyzstan, and Tajikistan.

Over three weeks of intensive training, the participants attended lectures and participated in workshops on media laws of Ukraine and CIS countries, as well as the practice of media regulation in Europe and the USA. In particular, much attention was devoted to analyzing the cases of the European Court of Human Rights, freedom of speech, defamation, copyright, hate speech, regulation of political advertising, e-competence of journalists, and a number of other topics.



3 WEEKS OF INTENSIVE TRAINING

19 LECTURERS

90 HOURS OF LECTURES AND WORKSHOPS

24 ALUMNI IN 2015

8 COUNTRIES

236 ALUMNI FOR 11 YEARS SINCE THE SCHOOL WAS ESTABLISHED



ONLINE COURSES OF THE MEDIA LAW INSTITUTE

FOR JOURNALISTS, EDITORS,
LAWYERS, AND ACTIVISTS
IN THE FOLLOWING AREAS:

Media law;

Access to public information;

Courts and media;

Copyright law.



IN 2015, MORE THAN
200 PEOPLE ENROLLED
FOR THE COURSES

TRAINING FOR UKRAINIAN LAWYERS AT THE EUROPEAN COURT OF HUMAN RIGHTS

The Media Law Institute organized a study tour for ten Ukrainian lawyers – graduates of the International Summer Media Law School to the European Court of Human Rights to improve their knowledge of the procedure of case

consideration at the European Court. An intensive training program was focused mainly on Article 10 of the European Convention on Human Rights on freedom of expression, with the lawyers competing in model courts and studying cases.

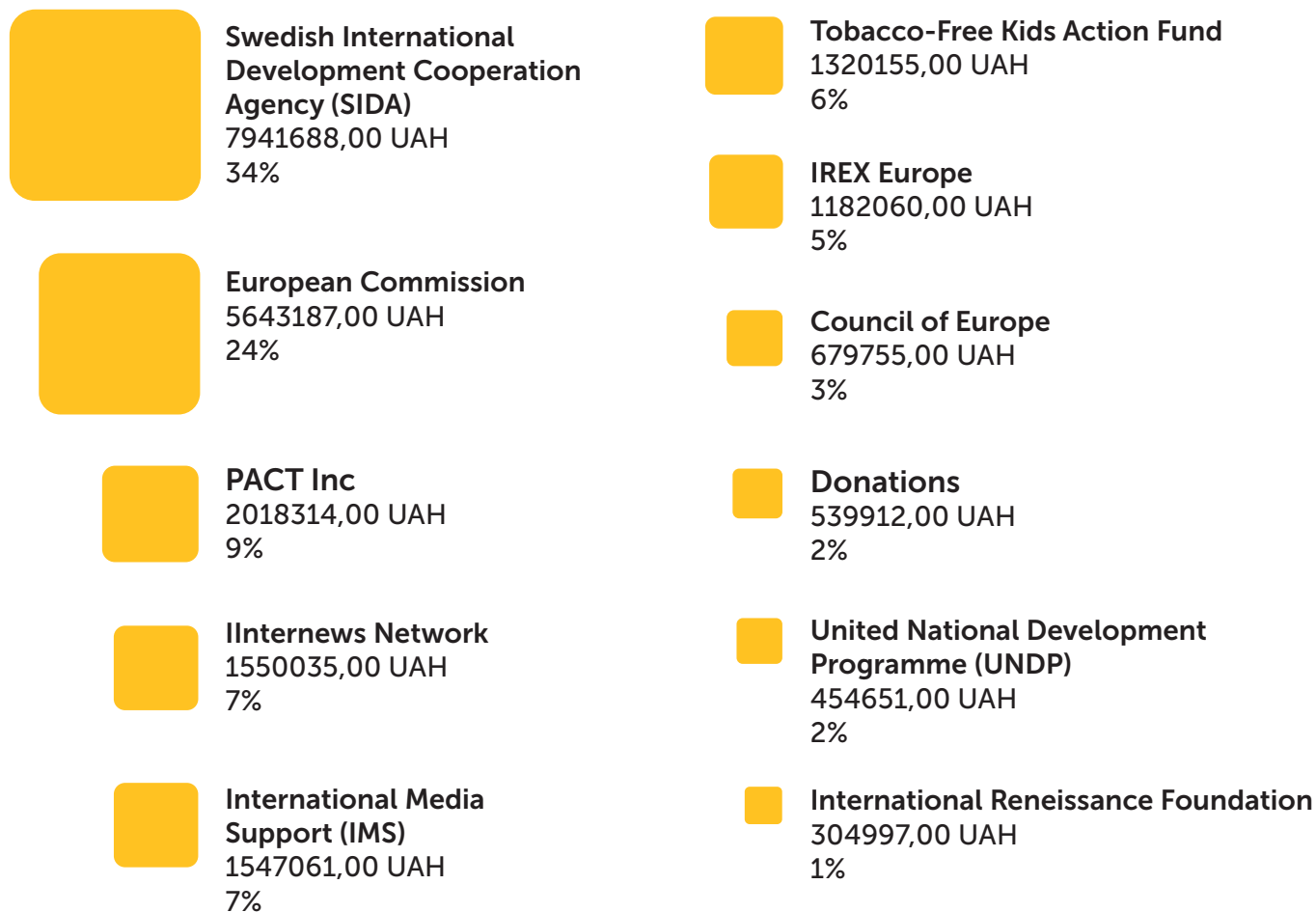
The participants of the program also attended the sitting of the Grand Chamber of the ECHR in Strasbourg in May 2015 and talked to the lawyers of the European Court of Human Rights and the judge representing Ukraine Hanna Yudkivska.



8TH STUDENT COMPETITION "MEDIA LAW MOOT COURT"

The Media Law Institute has trained the Ukrainian team of students from Kyiv-Mohyla Academy for the participation in the media law competition "Price Media Law Moot Court Competition" organized annually in Oxford. Ever since the program was established in 2008, Director of the Institute Taras Shevchenko was a judge at the competition, while for the past four years he has been training and accompanying the Ukrainian team.

REVENUE STRUCTURE IN 2015



Total revenue: **23 181 815 UAH**

OUR DONORS



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