

MEDIA SUSTAINABILITY INDEX

2008

**The Development
of Sustainable
Independent Media
in Europe and Eurasia**



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The Development of Sustainable Independent Media in Europe and Eurasia

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UKRAINE

In Ukraine's ongoing political instability—embodied by confrontation between branches of power and major political forces and surprise parliamentary elections in September 2007—the media were a commodity in the fight for power and influence. Previous achievements in free speech and media independence now appear fragile and unprotected: strong legal and institutional protections to make these gains irreversible have not been yet established.

Panelists were rather critical about the media situation in 2007, pointing out many requirements for progress that unfortunately have not been achieved in the media sphere. The government is still interested in control over media, lacks understanding of independent media's role in society, and generally does not support it. It pays lip-service to transparency and openness, taking formal yet ineffective measures.

Summarizing the year 2007, Victoria Syumar, director of the Institute of Mass Information, stated in *Ukrainska Pravda*, "There used to be censorship by government; now it is censorship by money... Before, the censorship by the powerful was performed by the stick. Then those in power came to realize that the stick is too crude, and the journalists were starting to resist. So they started to exercise it with the carrot, as money is much more pleasant, and it is hard to refuse. But we should not forget: this is the same censorship."

Despite developed media legislation, access to public information is rather problematic, and judicial practice is dubious. Courts fail to apply European conventions, and sums awarded for civil damage claims are excessively high. Investigations on crimes against journalists are not completed. Broadcast licensing procedures are less transparent and politicized.

Again, there was a lack of political will to conduct the privatization of state media, a serious obstacle for media development and an injustice for taxpayers. Endless talks about public broadcasting did not result in any progress of its establishment.

Media wealth was increasing with continued growth of the advertising market and unexpected profits from elections. The past year saw the next stage of monopolization of the media market, as large players moved toward further consolidation. A serious imbalance in the division of advertising revenue between electronic and print media, as well as nationwide versus regional outlets, remains due to a lack of appropriate audience and circulation measurements.

As a result, panelists rated all five indicators lower than for the past two years, some even lower than 2004. Ukraine's overall score was 2.00, down 0.37. Objective 2, professional journalism, was the lowest-scoring objective, as it has been every year since 2001. The drop of 0.40 for Objective 2 was not the largest, however: Objective 4, business management, fell 0.68 points from last year.

UKRAINE AT A GLANCE

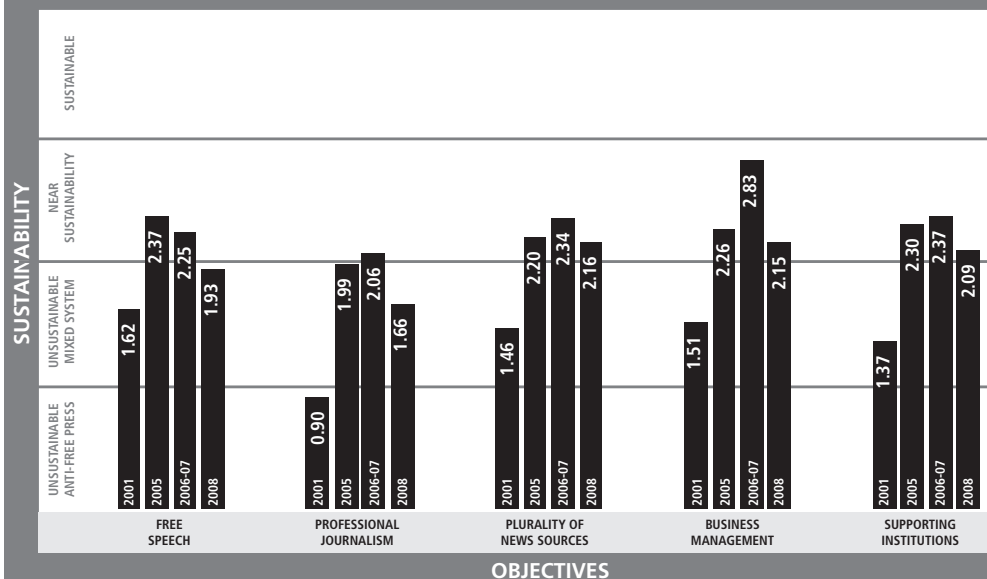
GENERAL

- > **Population:** 46,299,862 (July 2007 est., *CIA World Factbook*)
- > **Capital city:** Kiev
- > **Ethnic groups (% of population):** Ukrainian 77.8%, Russian 17.3%, Belarusian 0.6%, Moldovan 0.5%, Crimean Tatar 0.5%, Bulgarian 0.4%, Hungarian 0.3%, Romanian 0.3%, Polish 0.3%, Jewish 0.2%, other 1.8% (2001 census, *CIA World Factbook*)
- > **Religions (% of population):** Ukrainian Orthodox - Kyiv Patriarchate 19%, Orthodox (no particular jurisdiction) 16%, Ukrainian Orthodox - Moscow Patriarchate 9%, Ukrainian Greek Catholic 6%, Ukrainian Autocephalous Orthodox 1.7%, Protestant, Jewish, none 38% (2004 est., *CIA World Factbook*)
- > **Languages (% of population):** Ukrainian (official) 67%, Russian 24%, other 9% (includes small Romanian-, Polish-, and Hungarian-speaking minorities) (*CIA World Factbook*)
- > **GNI (2006-Atlas):** \$90.62 billion (World Bank Development Indicators, 2007)
- > **GNI per capita (2006-PPP):** \$7,520 (World Bank Development Indicators, 2007)
- > **Literacy rate:** 99.4% (male 99.7%, female 99.2%) (2001 census, *CIA World Factbook*)
- > **President or top authority:** President Viktor A. Yushchenko (since January 23, 2005)

MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 25,000 newspapers and magazines, 10 major daily newspapers; Radio: 621; Television stations: 744, most being local stations (comin.kmu.gov.ua) (State Committee on Television and Radio web-site)
- > **Newspaper circulation statistics:** top three: *Fakty i komentarii*, *Segodnya*, *Silski visti* (all private)
- > **Broadcast ratings:** top television: Inter, Studio 1+1, ICTV, STB, Novyi kanal, TRK Ukraina (all private); top radio: Hit FM, Russkoe radio, Nashe radio, Radio Shanson, Europa plus (all private) (PMP report 2007)
- > **News agencies:** Interfax, UNIAN (private), Ukrainski Novyny (private), Ligabiznesinform (private), DINAU-Ukrinform (state-owned)
- > **Annual advertising revenue in media sector:** television: \$547 million, print: \$230 million, radio: \$34 million, Internet: \$12 million (All-Ukrainian Advertising Coalition)
- > **Internet usage:** 5,545,000 (2006 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: UKRAINE



Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

OBJECTIVE 1: FREEDOM OF SPEECH

Ukraine Objective Score: 1.93

Ukraine still encounters certain problems with enforcement of its seemingly developed media legislation, especially when it comes to access to information. Sums in damage claims awarded against media increased. Licensing procedures became unclear and usually depend on political decisions. State and municipal media subsidized by the government do not have independent editorial policies and create unfair competition to private media. The overall rating of the objective decreased to 1.93, down from 2.25 in 2006-2007. Indicator scores were varied. Indicators 3, market entry, 8, media access to international news, and 9, free entry into the journalism profession, scored well above the average. However, panelists returned much lower scores for Indicators 2, broadcast licensing, 4, crimes against journalists, 5, preferential legal treatment for state or public media, and 7, access to information.

Ukraine has one of the most developed media law frameworks among the post-Soviet countries, harmonized with international provisions for many years. The law adopted in 2006 provides for application of European conventions and allows recognition of decisions by the European Court.

Still, serious problems of its enforcement remain, and state officials and businesses often ignore the law. According to Lyudmila Pankratova, vice president of the Media Lawyers Association, lately the number of court decisions imposing large awards in defamation cases has increased. "Damages up to \$10,000 are too much and lead to self-censorship among journalists. More middle-level officials sue journalists. One notorious suit for the unheard-of sum of UAH 46 million by the EDAPS consortium [printer of secure documents, such as passports] against the newspaper *Biznes*, filed in November 2007, itself is pressure on free speech," she said. Panelists also mentioned the lawsuit of Slavyansk's mayor against TV SAT-PLUS for about \$20,000.

Sergiy Tomilenko, chief editor of municipal newspaper *Nova Doba* in Cherkassy, added that the number of lawsuits against media filed by citizens is also increasing. However, the trend is not about exercising the right to protection but the desire to receive disproportionate sums for defamation.

On the other hand, Viktor Danylov, publisher and television owner from Rivne, said that after their remarkable victory in a lawsuit filed by the ex-governor of Chervonyi in 2005, judges in his region are afraid to deal with media; sometimes suits against media are rejected during pre-court hearings. "Sometimes journalists and editors lack enthusiasm to use

existing legal protections, expecting red tape and corruption in the judicial system," he added.

Kostyantyn Kvurt, executive director of Internews-Ukraine, believed that this is an issue of civilization and cultural nature: "The problem is that in Ukraine everything is done for the sake of political forces."

Licensing of broadcast media was evaluated worse than in the previous few years. With the adoption of new laws in 2005 there were many expectations of its improvement, but it actually became one of the most shadowy of state regulations. The criteria are unclear, and it is hard to understand what requirements must be provided to get a license. Practice shows that licensing is often granted for political reasons. It is easy to cancel licenses. In addition, there are publicly known examples of companies working without a license for years.

Danylov pointed to three "landmines" in Ukraine that could bury somebody's media business at once: spot checks for licensed software, audits by tax authorities, and broadcast licensing. Licenses are granted for five to 10 years depending on specific conditions. Television companies may automatically renew the license if they do not have any warnings. Licenses of television companies that received a certain number of warnings on license term violations can be automatically withdrawn. Despite this, some companies automatically received renewal while having warnings. There are also new provisions on Ukrainian production and Ukrainian language quotas that are hard to follow upon

LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

startup; any television channel may be cited for violating them, but enforcement is not equitable.

Market entry and commercial regulations for media businesses are the same as for other businesses. High levels of taxation across industries and many complications administering taxes still contribute to shadowy transactions in business. Print publishers enjoy a VAT (value-added tax) exemption for sales and subscriptions.

State-owned and municipal media receive subsidies from the state budgets and sometimes enjoy lower prices for using state-owned printers, transmitters, and other resources. Lacking real budget constraints, governmental media essentially engage in price dumping, a practice that severely hurts private media.

In spite of criminal penalties for interference with legal media activities, the journalists, in case of violation of their rights, can hardly get the guilty party punished. No crimes against journalists over the past several years have been completely investigated. Pankratova commented that formally the cases against those who prevent journalists from exercising their professional activities are filed, but they are not duly investigated, and courts do not pass sentences on them.

Reports on attacks, threats to journalists, and prevention of professional activities are regular, although there were no blatant, high-profile cases in the past year. According to Sergiy Guz, head of the Independent Media Trade Union, there was an increase of attacks on journalists (e.g., in Rivne oblast) and pressure on media (e.g., in Lviv oblast) with a lower level of investigation into journalists' complaints by the relevant authorities. Requests for information by independent media trade unions usually were addressed by formal replies containing little information from the law-enforcement agencies.

"Crimes against journalists gain broad resonance in media, but actually there are no completed investigations and prosecution of the guilty," said Danylov. "The impudent burglar of the OGO publishing house in Rivne in 2005, with theft of information, has not yet been discovered by the local law-enforcement bodies."

The legislation grants privileges to the state-owned media outlets both in ability to access information and financing. "In fact, private media, through paying taxes, finances its competition: state newspapers that receive budget subsidies," stressed Internews Network's print media advisor Oleg Khomenok.

In addition to substantial funding from the government budget, appointment and dismissal of government media's top managers is a political issue. Government journalists have

the status of civil servants and relevant increases in pension and salary, which, though not competitive with pay levels at the most successful private media in the biggest cities, can be a significant benefit at the regional level. Kvurt commented that state media, which receive about UAH 350 million to UAH 500 million per year in government appropriations, perform a purely social function: supporting the army of government employees.

For the most part, state and municipal media are editorially dependent, with rare exceptions. According to Guz, the pressure from local government bodies on the editorial policy of the state-controlled media increased in 2007, especially through financing and staffing.

"The issue of their privatization became overripe," said Tomilenko. "Now politicians and businesses are on tenterhooks waiting to snatch some of their property."

Since 2001, libel has exclusively been a civil issue, but the legislation in this area is not perfect and the court practice is worse. Despite European Court judgments and Ukrainian legal provisions, the court still may hand out damages for conclusions of an editorial nature made by journalists. Defendants have to prove that they had facts behind their published opinions. The court also must consider the factual basis for editorial opinions, which sometimes it ignores in favor of plaintiffs.

Government officials as plaintiffs receive preferential treatment. Moreover, there is a fee that must be paid to appeals courts equal to 50 percent of the fee paid by the plaintiff in the first instance. Plaintiffs' fees begin at 1 percent for claims less than UAH 1,700 to 10 percent for claims greater than UAH 170,000. Using the example above, the paper *Biznes* would have to come up with UAH 2.3 million just to appeal should it lose the case in the first court. This structure creates real problems for media already struggling to survive economically and leaves them vulnerable to harassment.

Governmental agencies have not become more open and transparent. Access to public information is still complicated and inefficient. There are direct refusals to comment, and official requests for information are usually met with formal and empty replies, even with the intervention of influential figures. Governmental agencies flirt with the media and the public, establishing communication departments and press services that produce positive presentations and hold meetings with the press rather than promptly providing useful, relevant information.

According to panelist Pankratova, legislation on access to information lags behind international standards. A new law on information access has not yet been adopted. Officials

neither understand nor fulfill the existing provisions, but journalists have become more active. Danylov, however, noted that although his journalists persistently and professionally gnaw out information from officials, they still fail to get it many times.

According to a survey by the independent media trade union, at the regional level there are substantial problems getting information, not only on actions of the law-enforcement bodies but also activities and regulations and ordinances adopted by the local government.

Olena Gerus, chief editor of *Salon Dona I Basa* from Donetsk, commented: "Provision of documents from local officials is connected with red tape and circumlocution. Official requests take several days and do not always lead to timely reception of necessary data. It is easier for journalists to use press releases than to dash against the bureaucratic rock, and this undermines the quality of journalism research. The provision of information depends of 'human feelings' of an official rather than on a legally guaranteed right. 'This is out of my competence' is rather often the answer of officials to requests for information. It would be much easier if documents were available on the Internet, but local bodies have made only the first steps to follow this practice."

Access to foreign news sources is not restricted. The only limit is the level of journalists' foreign-language proficiency.

"Entry to the profession is free; meanwhile, there are lots of pseudo-journalists, and the quality of their materials is awful," said Yevgen Rybka, content editor of *Dossier* at Ligabiznesinform.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

Ukraine Objective Score: 1.66

Guz emphasized a significant decrease in the quality of journalism in 2007, and this manifested itself in a score on par with those attained from 2001 to 2004. He said, "The censorship of *temniks* was substituted by the censorship of *jeansa*, paid-for materials. It was mostly evident during the parliamentary election campaign. Many regional newspapers published only paid-for materials and didn't provide their own elections coverage. News from news agencies, national television channels, radio, and newspapers at all levels are for sale."

At the end of 2007, a group of well-known journalists launched the initiative "We are not for sale!" Monitoring major television news, they rate and announce the most notorious cases of *jeansa*, naming clients as well as corrupt journalists.

Giving reasons for lower scores, MSI panelists cited an overwhelming level of *jeansa* in the media and the yellowing of the press, lack of professionalism, noncompliance with professional standards by a majority of journalists, and an increase of self-censorship. Overall, Ukraine was ranked at 1.66, down from 2.06 in 2006. Most indicators scored similarly to the average, although Indicator 7, modern facilities and equipment, was significantly ahead of the average. Indicators 3 and 5, self-censorship and pay levels for journalists, were the weakest.

Panelists agreed that due to free entry into the profession, low standards for journalism degree programs, and a lack of self-regulation among journalists, there are too many unprofessional journalists who do not comply with basic professional standards. Panelist Kvurt said that there is no critical mass of truly professional journalists in the industry. "A majority of journalists do not comply with the accepted standards. Big money is paid for violations of the standards, on politicians' orders," he emphasized. "Relevant standards are paid for by just a salary. Media do not serve the public's interests, as they gain money from business and government," he added.

Panelist Gerus noted: "There is a significant difference between publications in large and small cities, in the capital, and in the regions. For small regional publications, Internet access with sufficient volume and speed is an exception rather than a rule. Information search skills are insufficient. There is a tangible difference in approaches of the younger journalists (under 25–30 years old) and those who started to work in Soviet times. The 'old guard' tend to approach coverage analytically; meanwhile, they usually ignore conflicting opinions of all parties involved. The lion's share of news is

JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

PROFESSIONAL JOURNALISM INDICATORS:

- > Reporting is fair, objective, and well sourced.
- > Journalists follow recognized and accepted ethical standards.
- > Journalists and editors do not practice self-censorship.
- > Journalists cover key events and issues.
- > Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- > Entertainment programming does not eclipse news and information programming.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exists (investigative, economics/business, local, political).

just a description of press conferences, and, accordingly, it reflects the points of view expressed there." By comparison, panelists felt that younger journalists are free from "Soviet" traditions, more in tune with modern practices, and more willing to change and learn. However, there are stories of younger journalists working for "old-fashioned" newspapers who follow the practice of opinionated coverage.

"Journalists themselves demonstrate that they are not ready to comply with professional standards or to resist the attempts of pressure on editorial policy," said panelist Tomilenko.

The majority of Ukrainian press publications do not comply with ethical standards. Only a small group of regional and national media have implemented and use professional standards, but this is not the case for state, partisan, and corporate press. Panelist Danylov said that a lot depends on management: at his publication it is forbidden to print stories lacking different points of view, and ethical standards are obligatory; journalists cannot receive awards from the government, and they cannot accept various gifts.

"The issue of gifts to journalists has just started to be discussed in the journalism community, and journalists recognize that 'souvenirs' do not oblige them to cover this or that event in favor of a grantor," commented Gerus. She added, "However, not all media strictly limit the acceptable gift value. Therefore, each journalist makes his own decision as to accept, for instance, an iPod and how his 'gratitude' would influence the quality and accents in his material."

"Self-regulating journalists' organizations are not developed enough; therefore, there are no levers to influence unethical and unprofessional journalists," emphasized panelist Pankratova. "Ethical standards are developed, but, according to many journalists, there is no need to follow them."

Compliance with ethical standards decreased, and corruption among media managers and journalists has grown. Panelist Gennadiy Sergeev, director of TRC Chernivtsi, mentioned that he knows perfectly the pricelist used to gain access to almost all national channels. According to an interview by Deutsche Welle with Viktoria Syumar, an expert with the Institute of Mass Information, a two-minute news report costs about \$5,000 pre-recorded, while live airtime is \$50,000 to \$70,000 during an election campaign.

There were a few high-profile scandals connected with attempts to establish censorship in media. One example was the forced resignation—later retracted—of Ihor Slisarenko at Channel 5 television after he reported on the cost of education for the president's children. Another example was pressure on the editorial policy of *Gazeta 24* by its ownership (which includes a political-party leader) that resulted in the resignation of its editor-in-chief, Vitaliy Portnikov.

According to Khomenok, all media outlets practice self-censorship. There is a trend of expanding the untouchable topics from politics to business: journalists recognize that they cannot publish stories on the problems of large advertisers, as publishers are afraid to lose advertising money. Increases in advertising budgets increases influence on content according to the preferences of the advertiser. Judicial practice also favors self-censorship: guessing how a court might treat a potential case results in journalists' choosing to play it safe.

"Self-censorship among journalists and editors sometimes exceeds the scale of real dangers for them, but examples of Aleksandrov's and Gongadze's deaths speak for themselves," said Danylov. "However, we still have to weigh every word in stories on sensitive issues; otherwise we are in danger of pressure and lawsuits," he added. Legal restrictions on the media's ability to agitate for candidates caused a new type of self-censorship: many newspapers and television channels publish only paid-for materials or purely informative stories without any analysis, fearing prosecution.

Taking into account the high level of self-censorship and censorship, not all important issues are covered. Kvurt added other reasons for this: inaccessibility of information and poorly skilled journalists who are not able to write in-depth analytical stories. Experts also mentioned a further yellowing of press reports that favor topics like "a crocodile runs away from the zoo," instead of coverage of socially important topics.

Natalia Ligachova, chief editor of *Telekritika* magazine, criticized *jeansa* in her articles and drew attention to journalists being bribed to cover topics that they should cover for free. Public-relations workers have complained many times that it is impossible to get coverage of issues, even those that are essential to the public interest, without paying media outlets for the coverage. She mentioned the example that all media kept silent in October 2007 about a number of serious international assessments of the scale of corruption in Ukraine, which the reports said threaten its democratic and economic development as well as its national security.

Panelists were unanimous that corruption does not depend on the salary level of journalists. Corruption is so prevalent and well paying that no salary would be enough. The salaries in the media sphere have substantially grown but remain in shadow: the lesser part of the salary is received legally; the rest is paid in the envelope. According to Khomenok, publishers try to minimize taxation, but this practice also gives them additional control over the journalists and favors corruption.

Salaries of journalists in the regions are not competitive, and the best professionals are grabbed up by the Kyiv "vacuum cleaner, including public-relations firms and media relations

positions with business or government. In addition, media sponsored by the state or politicians sometimes establish unrealistically high salaries, which also increase inequality in the labor market. "The profession of journalism in the regions is rarely considered as prestigious and well paid, and therefore it rarely attracts prospective professionals who are able to become successful media managers," stated Danylov.

Generally, an optimal balance between news and entertainment is maintained. There are specialized news channels and radio stations. A deeper segmentation of the media continues. The high share of politically related news, information, analysis, and discussions is noticeable, and is inherent to the Ukrainian press. It became especially obvious after the Orange Revolution of 2004. Kvurt mentioned that the dominance of entertainment programs of Russian origin have a negative impact on the Ukrainian market. By crowding out programming from other countries, he felt that this hurts both the general education of the viewer and limits professional development of media professionals who are then not exposed to new ideas from other markets.

Technical facilities and equipment are available and affordable, but they are more expensive than in western countries. Media are better equipped technically than years before. According to panelist Rybka, the technical level of media is sufficient to produce standard products. Panelists noted that technical and practical assistance might focus on the establishment of public television.

Quality specialized reporting exists. Certain media segments have grown, and niche reporting has become more noticeable lately, especially on business and economics. Investigative journalism is rare, and the quality of investigations is usually low. According to Danylov, investigations are time-consuming. Further, the demand for them, the benefit to society, and commercial payoff are not obvious to top managers. However, the amount of investigative stories has gradually increased, and public interest in them has developed as well, a promising sign for further development of this genre.

OBJECTIVE 3: PLURALITY OF NEWS SOURCES

Ukraine Objective Score: 2.16

Plurality of news sources received the highest score among all the objectives but still registered a decline compared with 2006-2007: 2.16 down from 2.34. The situation with independent news agencies, in-house news production by private broadcasters, and representation of various social interests in the media was evaluated as positively as last year; these were the leading indicators with scores slightly more

than half a point higher than the average. However, panelists were much more critical about the lack of transparency in media ownership (Indicator 6) and bias at state-owned and municipal media (Indicator 3). These indicators were rated much lower than previously, and more than a point lower than the average. Citizens' access to domestic and foreign media, which is not restricted, was perhaps underrated by panelists as part of their overall critical mindset, although it still scored about half a point higher than the average.

News sources, including television channels with their own news programming, are numerous. However, due to the economic situation, the majority of citizens tend to consume information from a limited number of media. According to Danylov, many people in the provinces subscribe to just one newspaper and often select it based on price; in this regard state-controlled—and subsidized—newspapers enjoy a hefty advantage over their private counterparts. In distant villages, viewers are able to watch just a few television channels. The Internet is accessed primarily by citizens of large cities.

According to Internet World Stats, in 2007 the level of Internet penetration was 11.5 percent, with 5.28 million users. According to InMind research, 5.3 million Ukrainians use the Internet. The share of users in the towns of more than 50,000 inhabitants is about 30 percent. The largest percentage of users, 49 percent, is in Kyiv. People aged 20–34 make up about half of Internet users.

Citizens in larger cities have greater access to the media. Ability to use numerous sources of news may depend on geography: there are lots of satellite dishes in Chernivtsy oblast, even in small villages, where there is a problem of transmitting signals over the mountains. The situation can be different even within an oblast: in the central part of Rivne oblast, up to 50 cable channels are available but just few in the north. "Access of a citizen to objective information depends rather on his or her ability and desire to use and analyze information from different media," emphasized Gerus. "And the difficulties watching 5 kanal in eastern Ukraine like two years ago do not exist anymore. In the provinces, villages, and small towns, the situation is worse: there is limited or no access to cable television, numerous newspapers (particularly foreign titles), and the Internet."

Citizens' access to domestic or international media or the Internet is not restricted, although it does depend on people's interest, personal finances, and knowledge of languages. The availability of Russian publications and Russian television channels is significant. Western press is available but not widely represented due to language barriers, lack of demand, and cost.

The establishment of true public-service media still eludes Ukraine. Further, privatization of state-owned and municipal newspapers failed again this year due to a lack of political will, a new wave of political confrontation, and extraordinary elections. This stagnation was regarded by panelists as one of the most negative aspects of media development in the country.

“State and municipal media do not provide consumers with objective information on a broad range of events,” stated Danylov. “They are controlled by politicians who use them for their purposes, especially during election campaigns. This doesn’t contribute to balanced informing of local communities. These media are biased, prejudiced, rarely present alternative opinions, and prefer paid-for stories. The majority of their editors lack skills as well as will to work in market conditions; they are conservative, rely primarily on governmental support, and do not grow professionally,” he continued. They also neither cover topics ignored by commercial media nor promote cultural and educational issues.

A case highlighting the political influence over public broadcasting involved UT-1’s show *Toloka*. On March 20, a planned broadcast that included opposition leaders was canceled, and the president of UT-1, Vitaliy Dokalenko, stated that the program would be dropped in the future. The program’s moderator was accused of non-professionalism (falsification of interactive voting) and hidden advertising for the opposition. Dokalenko first said this was the correct action but later insisted on the renewal of the show after an internal investigation. The program was back on the air in two months with a new anchor. The media community treated this case as outright censorship, uncharacteristic of a true public-service broadcaster.

According to Tomilenko, media outlets founded by the government are hostages of the political situation in their district. New local deputies, usually lacking basic knowledge of media legislation, which on paper restricts interference by media owners and founders, start to reform editorial statutes for better control over municipal newspapers. Whoever governs locally, the ruling party or opposition, tries to influence editorial policy. On the other hand, he mentioned the example of Cherkassy oblast television, which has become a true democratic tribune open for all forces due to the personality of its top manager and his victory in a conflict with the local governor. Meanwhile, a colleague from western Ukraine mentioned local state television, staffed with about 280 employees, which broadcasts primarily old archives and primarily covers the activities of the local governor in news programs for four hours daily.

The major nationwide news agencies are Interfax-Ukraine, UNIAN, Ligabiznesinform, and Ukrainski Novyny—all

private—as well as state-owned DINAU-Ukrinform. They distribute news to all media in a nondiscriminatory fashion. Large media can afford to subscribe to national, and sometimes international, news agencies. Small media sometimes find that subscription to news agencies is not cost-effective when they can get most news for free from numerous news websites. For the most part, the sources are acknowledged.

Independent broadcast media produce their own news programs, and regional electronic media are sure to produce their own news in order to enhance their ratings.

There was no improvement of media ownership transparency, which is not provided for by the law. The draft law developed by the parliamentary Committee on Freedom of Speech and Information has not been adopted.

Kvurt mentioned that today more is known about ownership than three years ago thanks to the efforts of NGOs. Some panelists felt that experts rather than all citizens are aware of alleged owners. However, Gerus noted, “Names of media owners are not a secret; citizens know them and discuss whose newspaper *Segodnya* is and whose channel Inter TV is. They know that they can expect more sympathy to the Party of Regions than usual from TRC Ukraine and more “Orange” coverage from 5 kanal.”

Foreign investment in media, especially in electronic media, is not prevalent, as there is a 30 percent limit on foreign ownership, but it exists. Entry into this market, by local or foreign actors, is not easy; despite a healthy number of sources, competition is still insufficient to satisfy consumer needs.

MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

PLURALITY OF NEWS SOURCES INDICATORS:

- > A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- > Citizens’ access to domestic or international media is not restricted.
- > State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for print and broadcast media.
- > Independent broadcast media produce their own news programs.
- > Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- > A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

A few large media holding companies dominate the television market. U.A. Inter Media Group, whose shareholders are unknown, owns Inter channel (61 percent), Enter Film (90 percent), Enter Music (90 percent), channels K1 and K2, and Megasport. Central European Media Enterprises owns Studio 1+1, 1+1 International, Kino, and City. Viktor Pinchuk, son-in-law of ex-president Leonid Kuchma, owns Novyi, STB, and ICTV and is uniting them into one holding.

In January 2008, Agora Ukraine, a subsidiary of Polish Agora S.A. (*Gazeta Wyborcza*, *blox.pl*), announced the Ukrainian launch of the blog platform *Blox.com.ua* in four languages.

A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources. Major nationwide newspapers are published in Russian. Some publications produce two editions, in Ukrainian and Russian, while others mix two languages in one edition. Small-circulation publications serve national minority communities in their native languages: Crimean Tatar, Jewish, Bulgarian, Roma, Hungarian, etc.

OBJECTIVE 4: BUSINESS MANAGEMENT

Ukraine Objective Score: 2.15

The panel evaluated all indicators much lower this year, with the overall score for this objective falling from 2.93 in 2006-2007 to 2.15. Although mainstream media outlets operate as profit-generating businesses and increase their management professionalism, the panelists noted problems with distribution and subscription infrastructure, oligopoly in the media market, disproportion of advertising between electronic and print media, central advertising agencies ignoring regional media, and paid-for news coverage and shadowy schemes of cooperation with governmental agencies. All indicators received scores very close to the average, with one exception: Indicator 7, audience ratings and verified circulation figures, which finished about half a point behind the average.

Ukrainian media businesses have grown steadily with the increase of advertising and serious competition. The industry has world-class professionals who can share their experience with other countries. Mainstream media in Kyiv and the regions use business plans, apply skillful marketing techniques, and use professional practices in financial management, accounting, personnel management, and advertising sales. According to Pankratova, disparity in development of central and regional media remains. There are outliers using outdated practices, even in Kyiv. Further, the lack of independent market research covering the

regions contributes to this situation, as these outlets are not encouraged to operate professionally and incorporate such findings.

Despite the obvious disparity between national and regional, as well as broadcast and print media, the panelists admitted that those who want to make money and have adequate capabilities make significant profits. Danylov mentioned that annual advertising increased 70 percent at his regional television station. Across Ukraine, in-house television production, both for the outlets' own use and to sell to third parties (e.g., documentaries) also increased.

Successful regional publishers have diversified their businesses by running general-interest and various niche publications, distribution and delivery bureaus, printing presses, advertising agencies, and, sometimes, radio or television stations.

However, the market is still fragmented with numerous small and unprofessional players sponsored by the government and politicians who influence their editorial policy. On the other hand, the pressure of advertising money leads to domination of *jeansa* and censorship related to business interests in private media as well.

"Those journalists and media outlets which a few years ago would resist any governmental pressure for the sake of truth and objectivity, today often exchange their principles for advertising budgets of clients," stated Tomilenko. "Underdevelopment of commercially successful regional media leads to the fact that the media sector is extremely sensitive and ready to publish any paid-for information. A cynical and disrespectful attitude toward editorial independence is often a standard for influential politicians, businessmen, and officials," he added.

INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

BUSINESS MANAGEMENT INDICATORS:

- > Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- > Independent media do not receive government subsidies.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- > Broadcast ratings and circulation figures are reliably and independently produced.

In successful mainstream media, the share of advertising in total revenue corresponds to accepted standards and continues to grow. According to the All-Ukrainian Advertising Coalition, the media advertising market totaled \$1.159 billion, up 35 percent from 2006. Political advertising's share was \$88 million. Television advertising's market reached \$472 million, up 33 percent from 2006, including the share of regional television of just \$32 million. In addition, the television sponsorship market was estimated at \$75 million, up 12 percent from 2006. Press revenues increased by 30 percent, totaling \$230 million. The major portion (\$153.6 million.) went to magazines, with the rest to newspapers. The advertising market for regional press is estimated at \$38.5 million, with a more-than-average growth rate of 31 percent. Radio advertising grew to \$34 million, up 28 percent from 2006. Internet advertising grew by 100 percent to \$12 million.

Although no official government subsidies for private media exist, the panelists admitted that shadow schemes allow many private media to receive support from the government. Government agencies used to announce various competitions for their coverage and grant money to key media outlets. According to Tomilenko, there is a practice where local governments allocate funds in exchange for agreements to provide coverage. Such agreements usually lead to neutralization of critical media coverage. If a strong and stable private newspaper like *Vechirni Cherkassy*, with a circulation of 80,000, can print some critical stories about the governor on one page and put his public-relations stories on other pages according to such an agreement, weaker players in this case would simply refuse to publish critical stories.

A lack of reliable ratings and audience or circulation measurements is the biggest problem for media at the regional level. Available nationwide media measurements for the most part do not adequately account for regional media. Market leaders do their best to conduct market research on their own, using their own parameters. Some regional outlets pay for expensive professional surveys but are not happy that trade associations have not managed to launch syndicated research for members. Regional media lose in competition with national outlets and therefore develop their products without sufficient guidance.

According to Khomenok, market research is the regular practice for the majority of successful publications, but there is a problem of application of these results by national advertisers. There are several nationwide research companies doing media surveys, but only one of them, TNS Ukraine, has the media-planning software Galileo, developed in Russia. Large advertisers and agencies use Galileo to plan and

allocate advertising budgets, which ensures TNS Ukraine a monopoly on the media research market.

Gerus said: "Research of audience, its needs, and its preferences is one of the weakest aspects of the Ukrainian media sector. My newspaper, *Salon Dona I Basa*, can't afford an expensive in-depth survey of the readership and begrudges spending money for a superficial one. Doing surveys on our own is fraught with faulty approaches and considerable errors." In contrast, Tomilenko, chief editor of one of the model municipal newspapers, noted that he tries to follow readers' needs with low-cost methods and adjusts the products accordingly.

Danylov said that audience research does not adequately represent regional media, its relevance to regional audiences, and the trust locals place in it. He noted that this supports the unfair practice of advertising agencies not placing advertisements with local media, leading to domination of the advertising market by a few of the largest national channels. The Industrial Television Committee, established long ago, unites the largest 11 television channels, which now account for about 70 percent of audience share. It lobbies their interests and combines efforts in market research. The Radio Committee, established in December 2007 by the three largest radio holdings (Ukrainian Media Holding, TAVR Group, and Group M) and three network advertising agencies, aims at improving radio audience measurements and introducing digital radio broadcasting. The managing partner of the Radio Committee is the Independent Broadcasters Association.

Almost all Ukrainian press lie about circulation figures, and past attempts to establish a reliable audit bureau of circulation have failed. Advertising agencies do not seem to be interested in getting reliable circulation figures as well. Broadcast ratings, according to Kvurt, are produced independently but not reliably. The problem is that several major channels united in the Industrial Television Committee ordered the all-Ukrainian television ratings from Germany's GfK Group using people-meters. For all of Ukraine it is reliable and independent. However, sampling in the regional cities, some managers complain, inadequately reflects the situation with regional channels that are named in the category "other regional channels." Even the regional leaders do not receive adequate ratings, their managers feel. People-metering is very expensive and is not affordable by regional television companies. They complain it is a conspiracy between huge national television channels and marketing agencies. In this situation, without reliable data, regional television cannot attract advertising agencies that would bring larger advertisers.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

Ukraine Objective Score: 2.09

Panelists rated this objective at 2.09, down from 2.37 last year. Their criticisms centered on the failure of media associations and journalists' unions to lobby and advocate effectively on behalf of their members, lack of progress developing adequate journalism education, and distribution problems for the industry. Therefore, the indicators that cover these topics, Indicators 2, 4, and 7, scored the lowest of the group, with Indicator 4, academic journalism programs, the lowest at more than half a point below the average. On the high side, panelists rated the work of NGOs, Indicator 3, and access to printing facilities and newsprint, Indicator 6, well, as both achieved scores slightly more than half a point above the average.

Media associations were more active in previous years while implementing numerous donor-funded projects. The main drivers were the executive management of associations, which applied for projects and then asked the opinion of membership on whether the projects were priorities for them. Only in recent years have associations gone to their members to urge them to initiate activities. With numerous assemblies of members, and some management reassignments in 2007, the associations went through an internal process to reevaluate their role, functions, priorities, standards, etc. However, in some cases members could not come to a consensus on what they wanted. On the other hand, association members are rather critical about efficiency; even some MSI panelists claimed that associations did nothing in terms of lobbying and protecting their interests.

In general, no one is personally guilty of bad management; too often members fail to combine their efforts and articulate their interests. According to Tomilenko, "The professional community is not developed and sustainable. In resolving problems, media outlets usually rely on themselves rather than professional associations. Certain issues are taken care of by the National Union of Journalists, the Independent Media Trade Union, and associations of publishers and broadcasters."

The Ukrainian Association of Press Publishers (UAPP) and the Independent Association of Broadcasters experienced an evolutionary process of self-determination, reformation, and attempts to work on new strategies. In spite of member criticism, both associations shifted from the managerial initiatives of their executive bodies to the representation of the interests of their members. Legal consultations and training courses for the members remained key activities in 2007.

UAPP general director Oleksiy Pogorelov admitted that the general assembly of publishers was rather unmanageable in 2007. Two groups of interests have formed: those of the largest media holdings and those from smaller media. UAPP members tried to define their interests and strategy of development. Members failed to find consensus on many issues, and this mirrors the market development. The Association of Independent Regional Publishers of Ukraine also worked on its strategy with the help of foreign consultants and was rather inactive in 2007.

The two major journalists' organizations, the National Union of Journalists (NUJU) and the Independent Media Trade Union, often cannot adequately influence negative situations, especially regarding journalists' economic rights. Guz said that journalists are not able to counteract interference with editorial policy, illegal dismissals, half-legal or illegal employment, and salaries. Kateryna Myasnikova added that journalists lack an understanding of the need to unite their efforts. The personal benefit to each member in a mass organization is not obvious, and professional standards are not developed enough so that journalists feel the need to protect them together. However, Ukrainian journalists do unite from time to time in reaction to the most egregious infringements against journalism.

NUJU, traditionally the largest, is outdated and needs reforming. Tomilenko mentioned the example in Cherkassy oblast where the local division of the NUJU changed management and united efforts to protect journalists' rights, while in other regions, NUJU acts more as a club for pre-pensioner journalists who worked for decades in state-owned media.

SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of private media owners and provide member services.
- > Professional associations work to protect journalists' rights.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs that provide substantial practical experience exist.
- > Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- > Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

There are many national and regional media-support NGOs, such as the Institute of Mass Information, Media Reform Centre, Regional Press Development Institute, Journalism Initiative (Kharkiv), Information and Press Center in Simferopol, Association of Free Journalists in Crimea, etc. The Media Law Institute and Association of Media Lawyers deal with media legislation and the legal protection of media and journalists. Almost all of them rely on financial support from international donors.

Pankratova believes that the activities of media-support NGOs are still needed because media and associations are not well developed enough. Free-of-charge workshops on legal issues are in demand, as these issues are largely beyond available training programs. With the cut in donor-funded programs, journalists lost many training opportunities, but a greater concern is the lack of workshops for judges.

Myasnikova noticed a dangerous trend: the reduction of international donor programs has caused some NGOs to curtail their activities. There is a lack of governmental support and locally nurtured donors. Kvurt emphasized that the major problem is "a lack of articulated and understood state interest in the development of the third sector. If the state of Ukraine declares democratic values, it has to support them with cooperative programs and finance." But generally, according to Kvurt, Ukraine has a considerably better-developed third sector than any other post-Soviet country.

Journalism degree programs remain noticeably distant from the needs of the media market. Curricula are outdated, professors primarily do not have media backgrounds, and the industry does not appreciate the graduates' skills. According to Tomilenko, just a few academic programs in Ukraine implement the model of modern journalism education. One, the Kyiv-Mohyla Journalism School, annually graduates 20 master's degree holders. The market compensates its need for professionals through short-term seminars and training programs.

"Donetsk, a city with a million people, has two journalism departments. Both are 'young,' without traditions and experienced professors," said Gerus. "Links between universities and media are limited to the summer practice of students. Each year journalism departments produce a bunch of students who have only a slight idea of a journalist's job. Their theoretical knowledge originates from old handbooks; their general outlook is lower than required. Interest in news is substituted in their minds by the desire to write. Among the interns at our newspaper, almost all do not read newspapers and have a problem identifying important public figures, classifying the branches of government, knowing sources of information, and understanding newsworthy events and information important for the public."

A limited number of paid-for and free short-term training courses on various aspects of media operations are available. The number of those who can afford paid-for courses has risen. Broadcasters complain that not all topics are offered, such as courses on television advertising sales. Workshops are paid for primarily by employers, who often complain that they invest in personnel who then leave for better-paying jobs in the capital.

"Every quarter we budget a certain amount of money so that a couple of employees can be trained," said Danylov. "Some independent media conduct in-house training courses for future journalists. Graduates of such programs recognize that during 10 to 12 training days they learn more about the practical job of a journalist than during years of academic education."

Political issues do not constrain access to printing facilities. More and more private printing facilities are available, and their services have improved for the most part, although newsprint prices are higher than in Sweden or Finland. Due to a constant change of export rules and corruption at customs, newsprint is very expensive.

Print media distribution remains a real problem. Ukrposhta and Souyzdruk raised their already high tariffs and do not efficiently serve publishers. Private distribution networks are not developed but also dictate prices to the publishers. According to Danylov, it is hard to imagine a morning or evening newspaper in Ukraine. His daily *Rivnenska Gazeta* is delivered to villages once a week (three issues together, on Thursday). Running his own printing press, he can easily increase the number of pages depending on advertising volume, but Ukrposhta would refuse to distribute it or quote such a high price that it would become senseless. Danylov believes that the distribution system is a serious obstacle to the press and that trade associations have failed to solve the problem.

Supermarkets also have expensive entry requirements, including signing fees, rental of shelf space, per-product code fees, and percentage of sales fees, among other disincentives for publishers to break into that source of sales.

Broadcast transmitters are managed by the state-controlled RRT, which dictates high prices, media managers feel, but to date it has not been abused for political purposes. The announced introduction of digital television is also supposed to be implemented by the state.

According to Danylov, the distribution infrastructure in both print and broadcast can destroy somebody's business at once by an unexpected price increase. "We had an approved annual budget and signed agreement with the transmitting

facility, but on December 28 we got a notice on a price increase and all our plans were ruined. Or we sold one-year subscriptions, and then Ukrposhta in March again increased its tariffs," he said.

"The powers-that-be can control press distribution, for instance, through municipal decisions on allocating land for kiosks," commented Khomenok. "In Ternopil, representatives of one political force with a majority in the local council attempted to force out one newspaper from the newsstands by threatening to cancel the permission of press sales." The paper *Litsa Dniepropetrovsk* suffered at the hands of Ukrposhta after it wrote a story on a criminal investigation of that city's mayor. The post office first refused to deliver the paper and then delivered it to its offices and kiosks with a 10-hour delay after *Litsa* made an official request. The post office finally canceled the contract for "technical reasons" so that a new one could be signed with a different department. However, a rumored change in the paper's financing has put an end to these difficulties.

List of Panel Participants

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