

UKRAINE



MEDIA SUSTAINABILITY INDEX 2018

Tracking Development
of Sustainable
Independent Media
Around the World



UKRAINE

AT A GLANCE

GENERAL

- **General population:** 44,033,874 (July 2017 est. CIA World Factbook)
- **Capital city:** Kyiv
- **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% (CIA World Factbook, 2001 est.)
- **Religions (% of population):** Orthodox (includes Ukrainian Autocephalous Orthodox (UAOC), Ukrainian Orthodox - Kyiv Patriarchate (UOC-KP), Ukrainian Orthodox - Moscow Patriarchate (UOC-MP)), Ukrainian Greek Catholic, Roman Catholic, Protestant, Muslim, Jewish. Note: Ukraine's population is overwhelmingly Christian; the vast majority—up to two-thirds—identify themselves as Orthodox, but many do not specify a particular branch; the UOC-KP and the UOC-MP each represent

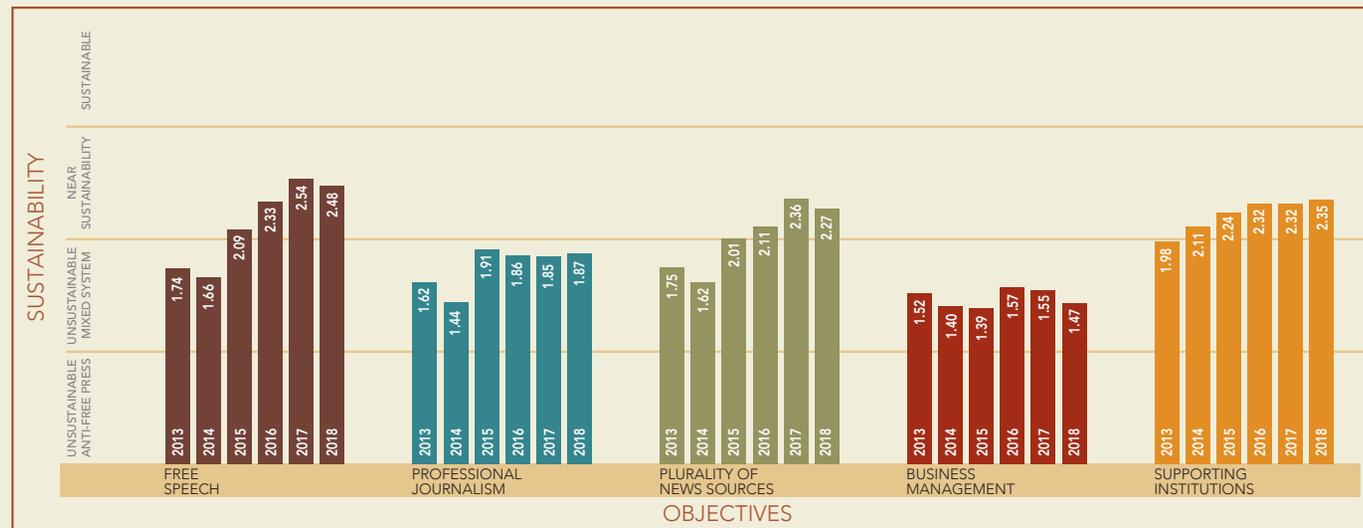
less than a quarter of the country's population, the Ukrainian Greek Catholic Church accounts for 8-10%, and the UAOC accounts for 1-2%; Muslim and Jewish adherents each compose less than 1% of the total population (CIA World Factbook, 2013 est.)

- **Languages (% of population):** Armenian Ukrainian (official) 67.5%, Russian (regional language) 29.6%, ther (includes small Crimean Tatar-, Moldovan/Romanian-, and Hungarian-speaking minorities) 2.9% (CIA World Factbook, 2001 est.)
- **GNI (2016 - Atlas):** \$93.27 billion (World Bank Development Indicators, 2016)
- **GNI per capita (2016 - PPP):** \$2,310 (World Bank Development Indicators, 2016)
- **Literacy rate:** 99.8% (male 99.8%, female 99.7%) (CIA World Factbook, 2015 est.)
- **President or top authority:** President Petro Poroshenko (since June 7, 2014)

MEDIA-SPECIFIC

- **Number of active media outlets:** Print: 3349 subscription titles: 2292 newspapers and 1057 magazines (Ukrposhta data, catalogue for 2018) plus roughly a thousand more periodicals in retail only, the same ratio between newspapers (68%) and magazines (one third) (by UAMB expert estimate); Television: 30 national television broadcasters, 72 regional television broadcasters, and 120 satellite television channels; Radio: 16 national radio channels, 39 regional radio, and 7 satellite radio stations (National Council of Television and Radio Broadcasting of Ukraine, 2017)
- **Newspaper circulation statistics:** The top three daily newspapers: (all private) *Fakty i Kommentarii* (638.91), *Segodnya* (578.88), *Vesti* (463.16). (Cover, TNS audience research MMI Ukraine 2017)
- **Broadcast ratings:** Top television (all private): Kanal Ukraina, 1+1, Inter, STB, ICTV, Novyi Kanal (all private, ITC (Nielsen, 2016); Top network radio (all private): Hit FM, Pyatnytsya, Shanson, Lux FM, Russkoe radio Ukraina, (Kantar TNS Ukraine 2017)
- **News agencies:** Interfax (private), UNIAN (private), Ukrainski Novyny (private), LigaBiznesInform (private), RBC-Ukraine (private), RIA Novosti Ukraine (private), UNIA Ukrinform (state-owned)
- **Annual advertising revenue in media sector:** Television: \$259 million; Print: \$48 million; Radio: \$17 million, Internet: \$153 million (2017 est., All-Ukrainian Advertising Coalition)
- **Internet usage:** 23 million users (2016 est., CIA World Factbook)

MEDIA SUSTAINABILITY INDEX: UKRAINE



SCORE KEY

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.

OVERALL
SCORE
2.08

There is little change from last year's study in Ukraine's MSI score this year, with the levels of professionalism and media management remaining in the Unsustainable range. Panelists observed a deterioration of professional standards and ethical observance, noting the continued profusion of *jeansa* (commissioned stories and hidden advertising conferred on political or business interests for pay), widespread self-censorship, and increasing use of social media as a primary (and sometimes sole) source.

The tug of war between free speech protections and national security concerns remains a fixture of the Ukrainian media landscape, as the armed conflict in Donbass and the Russian occupation of Crimea enter their fifth year. With pro-Russia and Kremlin-controlled media pumping out propaganda and fake news, Kyiv ratcheted up its information war by blocking Russian social networks and online services. The public has grudgingly accepted such moves with an understanding of the threat posed by Russian media manipulation. However, the MSI panelists warned that government-imposed restrictions on freedom of speech also pose a significant risk to the Ukrainian society, and they called for more open debate and communication with the public regarding such measures.

There was little change in the frequency of violations of journalists' rights in 2017, but panelists expressed alarm with the systematic indifference to such abuses, which are criminalized but rarely prosecuted and produce nominal punishments even when adjudicated. Perpetrators, either private citizens or official organs, operate with impunity, as the government and judiciary have established no precedents that would effectively deter violence and threats directed against reporters for doing their jobs.

The most vigorous prosecution has political overtones,

with one of the country's most visible anticorruption activists, facing jail time for punching a blogger of dubious reputation whom he accused of routine harassment. The government appears to be using other means to take aim at journalists and activists who investigate corruption by enacting legislation that requires them to file electronic declarations of their own income and assets. Panelists anticipate threats to journalists to increase and access to information to shrink in the run-up to the 2019 presidential and parliamentary elections.

There was tenuous optimism about the new national public broadcasting service, which launched in January 2017. However, private media's prospects for editorial or financial independence remain slim. Ownership at the national level—especially in the dominant medium of television—is concentrated among a handful of oligarchs less interested in profitability than in using their media properties for political ends. Privatization of municipally owned newspapers is going slowly, and they remain subject to government interference. The twice-delayed switchover to digital TV is in the hands of a monopoly provider. Despite 30 percent growth in the advertising market and relative stability in the national economy after years of tumult, panelists see little chance for improvement in the media economy, thus continuing a decline in journalistic quality and low public trust in media relative to other institutions.

**OBJECTIVE 1:
FREEDOM OF
SPEECH**

2.48

Freedom of speech is protected by the Ukrainian constitution and well-developed laws, but is routinely violated via intimidation of journalists, denial of access to information, and obstruction of professional activities, said a director of a regional television station. The chairman of a Ukrainian publishers association, said legal protections are not properly enforced, and violations are not properly investigated because of widespread corruption in the judiciary, law enforcement, and state offices. The score in this objective declined slightly from last year.

In May, on the recommendation of the National Security and Defense Council (NSDC), President Petro Poroshenko issued a decree blocking Ukrainians' access to the widely used Russian social networks Odnoklassniki and VKontakte, the Yandex search engine, and the e-mail provider Mail.ru. As part of the sanctions regime for Russia's annexation of Crimea and military action in eastern Ukraine, the government also banned major Russian TV outlets and barred 13 Russian journalists from entering the country. The moves were viewed by the public as fair and were accepted by NATO and the European Union (EU) as valid national security measures, but an editor of a digital media outlet, noted the precedent they set for unilateral government restriction of speech. While numerous international human rights and media freedom organizations¹ protested the restrictions, the response to this

¹ Concerns were expressed by organizations including Human Rights Watch, Reporters Without Borders, the Committee to Protect Journalists (CPJ), the European Federation of Journalists (EFJ), and the Council of Europe.

decree from the Ukrainian media and tech community was mixed. Thirty-one of 40 experts surveyed by the Democratic Initiatives Foundation following the decree agreed with the move. Supporters said the sites were instruments of Russia's "hybrid war" against Ukraine and banning them would both benefit Ukraine's information security and hinder Russia's tech economy. Among 200 experts from the media, human rights, and IT sectors polled by Internews in October, 48.3 percent had a very or somewhat positive view of the ban; 40.2 percent viewed it negatively. Fifty-six percent of respondents considered it a strategically sound decision. Notably, two months after Poroshenko imposed the ban, ruling-party lawmakers introduced bills to broaden the definition of "technological terrorism" and permit blocking or restricting access to websites on those grounds on the authority of a prosecutor or NSDC investigator.

One panelist, coordinator of a free speech monitoring project, said they has seen an uptick in violations by the Security Service of Ukraine (SBU) and a dearth of evidence or explanation when it detains bloggers or deports foreign journalists. In August 2017, security forces denied entry to two Spanish journalists and expelled two Russian TV reporters. In May, Ukraine barred Ashot Dzhazoyan, secretary of the Russian Union of Journalists, over his visits to Crimea and deported Igor Shuvalov, the Russian deputy director of a company that produces news for the Ukrainian TV channel Inter.

In the Anti-Terrorist Operation (ATO) zone—as the occupied Donetsk and Luhansk regions are officially known—a blogger and correspondent for the Radio Free Europe/Radio Liberty (RFE/EL) service "Donbass. Reali," was detained by combatants in June 2017. A blogger from Luhansk, who was taken into custody in November 2016 and sentenced in August 2017 to 14 years in prison, was freed in December as part of a prisoner exchange

between Ukraine and the Russia-backed separatists. In Crimea, a journalist accused of separatism, was given a two-and-a-half-year suspended sentence and banned from public activities for three years.

The National Council of Television and Radio Broadcasting of Ukraine, the eight members of which are split between presidential and parliamentary appointees, must license Ukrainian broadcasters. Print media are only required to register with the Ministry of Justice; online media have no registration requirements.

One panelist, a lawyer working with a pro-democracy NGO, said the election of National Council members is neither apolitical nor transparent—for example, there is no regulation of the procedure and criteria for seating the president's nominations—and that broadcasters face excessive licensing requirements. Another panelist, director of a regional radio and television company, agreed, noting that matters—such as how often children's, cultural, scientific, and other specialized programming channels air—is subject to council oversight. Both panelists agreed that licensing decisions are themselves politicized, with channels connected to Poroshenko receiving prompt and favorable decisions. The only advantage of the current National Council, a panelist said, is that they do not take bribes.

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.

One panelist recommended that Ukraine’s law on broadcasting services, now in the draft stage, limit licensing to over-the-air outlets. The current draft does not go quite that far. It would limit licensing to terrestrial stations and digital Internet Protocol television (IPTV) and Over the Top (OTT) channels. Other outlets would simply be required to register, with video-sharing services such as YouTube and Vimeo subject only to marking requirements, such as notifying users of content that may be harmful to children. Ukraine must harmonize its laws with EU’s Audiovisual Media Services Directive by September 2019.

Ukraine has twice missed deadlines for switching off analog broadcasting: June 2015 and June 2017. The turnoff is now set to be completed in 2018 or 2019. Panelists cited numerous problems with the digitization process and with Zeonbud, the designated monopoly national provider for digital broadcasting. Zeonbud’s license mandates that the company’s service cover 95 percent of the population, but one panelist said there is still no precise measurement of coverage, delaying the analog switch off. Some districts entirely lack technical facilities for coverage. As a result, broadcasters have now been paying double fees—for both analog and digital transmission—for six years.

A panelist, editor of a national news website, said there are no distinctions in business taxation that discriminate against media; indeed, the industry enjoys some privileges, such as a value-added tax (VAT) exemption on print media subscription sales. From 2018, television channels will benefit from a five-year exemption from VAT and customs duties for original productions as part of legislation aimed at benefiting Ukrainian film production and distribution.

Ukraine has strong legislative protections for journalists. Articles of the Criminal Code enacted in 2015 specifically criminalized violence and threats against journalists, their families, or their property arising from their professional activities. However, another panelist said the laws are underapplied.

According to a national media monitor, 276 press freedom violations occurred in unoccupied parts of Ukraine in 2017, compared to 264 cases in 2016 and 310 in 2015. Three cases were registered in Donbass and 16 in Crimea, bringing the total to 293 cases. The leading violations were obstructing journalists from their professional activities (89 cases, compared to 108 in 2016), restricting access to information (41 cases, compared to 30 in 2016), and threats (37 cases, compared to 43 in 2016). There were 29 reported physical attacks—the same number as in 2016—and 15 incidents of cyberattack, damage to property, political pressure, and lawsuits against media. Private citizens were implicated in 151 cases, local governments in 50, and law enforcement bodies in 33; it was the third straight year in which violations by citizens outnumbered those of government and law enforcement entities.

However, few such cases make it to court, one panelist said. In the first half of 2017, there were 149 registered cases of crimes against media workers, but only 14 such cases were adjudicated, with some of them dating to previous years, according to figures. Another panelist cited one small victory: an individual was sentenced to three years in prison by a Vinnytsya court for striking a journalist recording a video about police traffic-stop procedures; such cases, they said, typically end up being settled or result in fines of around UAH 850 (\$30).

Another panelist, chairman of a journalistic organization, offered up similarly grim findings. There has yet to be a prosecution for any of the 271 instances of physical aggression against journalists recorded during the November 2013–February 2014 Euromaidan protests, and the murder of Pavel Sheremet, whose car was blown up in Kyiv in July 2016, remains unsolved. In 2017, a union of journalists partnered with the Regional Press Development Institute (RPDI) and other media and human rights groups to launch the Index of Physical Security of Journalists in Ukraine. It documented 80 incidents of physical aggression against journalists in the first 10 months of the year. Victims complain about the lack of effective and prompt investigations. A panelist noted that less than 10 percent of cases are ever brought to court, and sentences for perpetrators are not proportional to the crimes committed. International watchdogs such as CPJ, EFJ, the International Federation of Journalists, and the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of Speech have noted the impunity effectively granted to transgressors against journalists.

Journalists with an investigative project of RFE/EL's Ukrainian service, reported multiple incidents of intimidation by security and private forces in 2017. Pro-Russian oligarch Viktor Medvedchuk's bodyguards reportedly harassed a media crew at Kyiv's Zhulyany airport in November. "The increase in criminal responsibility for crimes against journalists has not led to a decrease in such crimes, because impunity makes perpetrators even more shameless," said one panelist, a media lawyer who has provided legal aid to journalists that have been victims of violence.

Against this backdrop of official indifference, panel members viewed with suspicion the prosecution the director of an anti-corruption NGO over his June 2017 altercation with a video blogger and an assistant to a lawmaker from the populist Radical Party. In January 2018, the charges against the activist were changed from bodily injury to a person to attack against a journalist. Media support groups questioned whether the incident related to professional journalism activity and called for equally vigorous investigations of numerous other alleged crimes against media workers.

In May, on the recommendation of the National Security and Defense Council (NSDC), President Petro Poroshenko issued a decree blocking Ukrainians' access to the widely used Russian social networks Odnoklassniki and VKontakte, the Yandex search engine, and the e-mail provider Mail.ru.

Media outlets' editorial independence is protected by law but shaky in practice. Media owners and financial backers routinely interfere with editorial policy, and municipal governments essentially view local outlets as their mouthpieces, said a panelist, former editor at a regional TV and radio network. Monitoring by a pro-democracy institute in Kyiv showed the highest volumes of jeansa and government press releases are in municipal media, said the institute's director.

The new National Public Broadcasting Company of Ukraine (UA:PBC), uniting 31 TV and radio channels, was established on January 19, 2017. The new entity is off to a transparent start, with documentation about its board and national management team accessible on its website. There is a plan to set up an independent endowment for UA:PBC's development. Throughout the company's structure, including at the regional level, administrative and production functions are divided, separating editorial decisions from management. An appointed editorial board is working on editorial guidelines, which it is scheduled to make public in early 2018.

Panelists said the reorganization of public broadcasting must be accompanied by proper funding for the reform to be a success. Formed from existing national TV and radio companies, UA:PBC inherited an inflated staff structure and has been tasked with reducing its workforce from 7,000 to 4,087 by April 2018. According to the trade union representing its employees, UA:PBC can fire only 3 percent of staff per year, but that agreement—made between the union and the State Committee for Television and Radio, which oversees UA:PBC—may not be legally binding. The public broadcaster is also modernizing its predecessors' outdated pay structure; beginning in April, base salaries will be doubled, and employees will be eligible for performance bonuses of 10 percent to 80 percent of their base pay.

The government allocated UAH 1.3 billion (\$45.6 million) for the public broadcaster in 2017 but spent only UAH 1.1 billion (\$38.3 million). The budget for 2018 is just UAH 776.6 million (\$27.4 million)—half the amount obligated by Ukraine's public broadcasting law, which mandates directing 0.2 percent of the previous year's state expenditure

to the company.² One panelist said the allocation is a measure of government dissatisfaction with UA:PBC's policy of editorial independence. It is the only entity under the umbrella of the State Committee on Television and Radio Broadcasting that will see its funding cut in 2018.

The law on community broadcasting has not been adopted, and the current draft provides that local governments fund community outlets and does not protect editorial independence. One panelist said that, in two years with the a public broadcasting affiliate, local government did not pressure them, but it did sometimes withhold information. They said that at the regional level, the way the chief editor responds to government attempts at influence often dictates editorial independence.

Libel was excluded from the criminal law in 2001. Defamation is a matter of civil law; both the plaintiff and the defendant are obligated to prove whether disseminated information is true or false.

Court treatment of defamation has been more or less stable for several years, save for some inflation in the money amount of claims, a panelist said, with more exceeding UAH 100,000 (about \$3,500). There is no progressive scale for court fees proportional to the size of the damage claim, and judges as a rule do not endorse large damage awards. However, judicial practice in defamation cases lacks clarity.

There is no legal provision holding Internet service providers and hosting services responsible for website content. The author and the site owner

are liable for publication of false or defamatory content; any plaintiff must fully identify them to bring a claim—a process that can be complicated because of a lack of transparency in online media.

The law provides for free access to public information, and in some ways, practice has caught up with the legal provisions. Ukraine can be proud of the numerous and huge public data sets developed in recent years, available online and in machine-readable format, covering areas such as company registrations, real estate, court decisions, e-procurements, and state treasury transactions.

“The increase in criminal responsibility for crimes against journalists has not led to a decrease in such crimes, because impunity makes perpetrators even more shameless,” said a media lawyer.

There are mechanisms for appealing rejections, although court fees starting at UAH 3,000 (\$105) can be a deterrent. NGOs have established a coalition that is lobbying for reducing the fee.

Accountability for illegal denials of access to public information was added to the Criminal Code in 2016. A milestone of sorts was reached in October 2017 with the first sentencing of an official for this offense. A district court in the Zakarpattya region held a village chairman criminally responsible for withholding public information. The assessed fine of UAH 3,200 (\$113) was cancelled by amnesty, but the official was ordered to pay UAH 8,000 (\$282) in court costs. Despite the legal advance, one panelist anticipated greater difficulty in access to information as the next national election approaches.

Access is not equally enforced for all media, a panelist said. Law enforcement bodies prioritize requests for comment from TV channels over those of online media. Accreditation rules for certain events, especially those involving government officials, are used to regulate access, with bloggers especially facing difficulty getting admittance. The government restricts journalists' travel in the ATO zone, said one panelist.

Entry into the profession is free, and there is no licensing. Some panelists said the lack of barriers opens the door to individuals and organizations with ulterior motives and a questionable commitment to ethical standards, even with active self-regulation by independent journalism ethics groups. Press cards are easy to obtain or falsify, and a broad range of actors use them, from agents of the National Anti-Corruption Bureau of Ukraine to activists from radical groups.

“We are getting lots of pseudojournalists who are hard to fight with and prove that they are not professional journalists,” said a panelist. They cited an information outlet started in the fall of 2017 that offers press cards for a fee (an initial UAH 500 [\$18] plus UAH 1,200 [\$42] a year). The ease of obtaining credentials encourages individuals, on their own or through commissions, to bait targeted public figures under the guise of reporting. Civil Society actors have publicly condemned such activities as discrediting the profession. One panelist said that monitoring groups are increasingly careful in their monitoring of violations against media to confirm that the cases involve legitimate journalists.

² European Broadcasting Union, “EBU Calls on Ukrainian Government to Ensure Proper Funding for UA:PBC,” European Broadcasting Union. September 29, 2017. <https://www.ebu.ch/news/2017/09/ebu-calls-on-ukrainian-government-to-ensure-proper-funding-for-uapbc>.

OBJECTIVE 2: PROFESSIONAL JOURNALISM

1.87

Panel members characterized professional standards as low and getting lower, and the score for this objective remains mired in the “unsustainable, mixed system” range. A key factor for this is political influence exerted by owners and local governments, which continues to influence coverage. Most outlets, especially online newsrooms, are strapped for resources and are constantly in a stringent saving mode. Wages are low, encouraging corruption. Heavy workloads give reporters little time to verify sources and separate fact from fiction, and lead to high turnover. Sensationalism rather than reliability is the rule.

In racing to report, journalists are relying more on social media as a source of news and often do not verify what they find there. Exemplifying this approach, media in Lviv falsely reported a typhus outbreak in the region, citing Facebook as a source, one panelist said; reporters did not even call health authorities to check the story.

Media monitoring by three organizations showed a lack of balance, depth, and distinguishing of fact from opinion in coverage by key national TV channels and publications, as well as in regional media. There are also vast quantities of jeansa. One organization found that some outlets are most prone to violate professional standards in news coverage, largely to their owners’ active engagement in politics. UA:First and its regional affiliates rate higher; The organization identified no manipulation, political influence, or jeansa in their coverage—but UA:First

has a significantly lower audience than the other national outlets.

National news and information programs commonly feature assertions by politicians and officials going unchallenged, praise for individual government officials but a generally negative attitude toward government actions, and overnight shifts of editorial policy regarding certain individuals and issues. Additional research in Donbass found that channels there, although under Ukrainian control, downplay or ignore Russian military aggression in the eastern regions.

Independent media heavily criticized the most popular channels, singling out 1+1 for sensational, tabloid-style reporting, such as disclosing personal data on Donbass separatist leaders’ children living in other parts of Ukraine, publicizing details of the personal lives of victims of an explosion that rocked central Kyiv in August, and naming and showing victimized children. Inter, meanwhile, heavily features pro-Russian messaging, and Ukraina blatantly promotes its oligarch owner with hundreds of stories about him in evening prime time.

In monitoring of 10 online outlets and 5 print publications, a monitoring group noted high levels of jeansa benefiting political and government entities, primarily the Opposition Bloc (20 percent of political jeansa), the Radical Party (12 percent), the Ternopil and Zhytomyr regional administrations (11 percent and 8 percent, respectively), and Viktor Medvedchuk (7 percent).

A poll of 102 journalists found that 78 percent of them are troubled by the amount of jeansa, 52 percent admitted that their publication accepts jeansa, and 27 percent said media cannot survive financially without it.

A media monitoring group reviewed some 4,500 articles from 64 local publications in 8 regions (Donetsk, Luhansk, Kharkiv, Chernivtsi, Odessa, Dnipropetrovsk, Zhytomyr, and Lviv). One panelist summed up the findings: “If a citizen buys a local newspaper, he’ll hardly learn about his community, how to protect his rights, what changed in the local hospital or neighboring street. But he will definitely read what some official said at some ceremony or [that the official] donated money that he previously stole.” The panelist said regional media provide insufficient coverage of government actions and reforms, and little about the war, veterans, or internally displaced persons.

According to research, commissioned stories are most prevalent in Odessa, Luhansk, and Dnipropetrovsk outlets, notably from the People’s Front, Bat’kivschyna, and Freedom parties. Media in Lviv are generally of higher quality, with less jeansa and more analytical stories and interviews. A panelist, editor of a regional investigative reporting group, said most regional online media are of low quality, with outlets often set up by politicians who hire a couple of journalists and frequently repost material directly from Facebook pages.

Another panelist said media owners—who disdain such standards in favor of sensationalism that produces higher ratings—erode journalists’ commitment to ethical standards by weak self-regulation. The main self-regulatory body, was long ineffective, they said, and only recently has begun to regain respect in the industry. In 2016, with support from OSCE, a journalism ethics body renewed its statutory documents and elected new leadership, with a widely respected journalist becoming chairman.

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).

In 2017, the ethics body joined the Ethical Journalism Network, an international NGO that promotes high standards in media, and during the year, it handled 24 complaints on issues such as media reports that did not sufficiently distinguish between fact and opinions and unbiased coverage of court hearings.

IMC also responds to ethics complaints and makes recommendations on media regulations to authorities and industry stakeholders. The National Council has sought IMC's input in weighing allegations of fake news and other ethical lapses. One panelist said newsrooms rarely have internal ethics codes; Another added that guidelines are communicated in oral form, if at all. Common areas

of noncompliance include journalists receiving indirect benefits from entities they cover, such as travel and receptions, and failure to distinguish for readers between editorial and advertising content. Another panelist said plagiarism is also a problem, especially in online media.

Self-censorship comes in many forms. One panelist said it often serves wealthy media owners. They noted that 1+1, owned by billionaire oligarch Ihor Kolomoyskiy, largely ignored the nationalization of PrivatBank, Ukraine's biggest lender, which he also owns. Another channel was similarly quiet regarding a fatal August 2017 car accident involving its owner. Another panelist added that self-censorship is more acute in the regions where journalists risk losing their jobs if they run afoul of local authorities and have a far narrower choice of employment alternatives than peers in Kyiv.

One panelist said the position of an outlet's owner determines how practically all issues are covered. There is no outright suppression of covering socially important issues, they said, but there is insufficient reporting on the war in the east and almost none on Crimea. Anyone who attempts to report from the annexed region would become known to Russian authorities and thus endangered. Unwritten rules govern reporting on the occupied areas, a panelist noted. Media try not to give a platform to separatist leaders and conceal information viewed as potentially harmful to Ukrainian troops or military operations. Journalists reporting on corruption in the defense sector are expected to consider the national interest in pursuing stories.

One panelist said journalists' salaries have not grown proportional to increasing workloads, which is a source of stress in the field. Panelists associated pay disparities less with the threat of inducement to corruption than with drain of talent, both within

and away from the industry. Good journalists in the regions gravitate to higher paying jobs in the capital or to more lucrative jobs in public relations or communications (for example, public relations departments of state governments, politicians, and companies), said two panelists. There is greater competition within regions as well, as UA:PBC's move to equalize pay across its affiliates nationwide makes it attractive for staff at relatively low-paying private outlets. (Another panelist said the opposite is true at the national level, with big commercial broadcasters offering better pay than UA:First.)

There is also movement to opportunities outside media that call for similar skill sets. Another panelist, chief editor of an independent media outlet, said anticorruption and watchdog organizations with stable grant funding are able to lure top investigative reporters for projects involving government monitoring and data-driven research.

"If a citizen buys a local newspaper, he'll hardly learn about his community, how to protect his rights, what changed in the local hospital or neighboring street. But he will definitely read what some official said at some ceremony or [that the official] donated money that he previously stole."

One panelist said there is a balance between news and entertainment programs, but other panelists see the scales tipping toward entertainment and infotainment. Another panelist added that while the number of news-focused channels increased to 10 with the launch in 2017 of Prymoi by Kyiv politician Volodymyr Makeyenko, informational and analytical content are gradually

decreasing on mainstream channels, and another panelist noted that most news stations have very low viewership.

Panelists generally agreed that technologies for newsgathering and distribution are becoming cheaper and lowering barriers to quality coverage, but regional outlets face higher hurdles in accessing those benefits. For one panelist, who heads a regional broadcaster, “television equipment is rather expensive and is modernizing so quickly that we do not always manage to catch up with technical progress.” The national public broadcaster is also poorly equipped because of years of underfunding by the state.

Panel members said media economics does not allow for much quality beat reporting and other specialized coverage, and there was only slight progress in this area in 2017. With low pay and heavy workloads, most journalists have neither time nor incentive to develop niche expertise. For small outlets with limited staffs, maintaining a specialized reporter is too expensive, said one panelist. Economic journalism is in crisis, the director of a national fact-checking outfit expressed in an interview. Outside of the major media business sections, there is little in the way of economic coverage; panelists noted just a handful of outlets and niche publications devoted to agriculture, accounting, transport, and other industries. Also speaking on record, the head of a digital media outlet said that business journalism has been retrenching since 2009, with only flashes of new activity like the 2011 launch of Forbes Ukraine, which was shuttered in early 2017. Despite these discouraging developments, there are a few promising developments. A platform for blogging on business, started up in late 2017 with some 300 contributors, and online broadcaster launched a business show with a very professional reporter (but a relatively small audience).

A bright spot is investigative reporting, which has boomed in recent years because of grants from international donors and greater interest in investigations at the largest TV channels. Again, the fruits are primarily national; one panelist said only a tiny fraction of stories produced by regional media involve investigative work. A well-regarded reporting project ended its weekly television program, produced by an online broadcaster and aired on UA:First and numerous regional channels, at the end of a three-year period of support from the Canadian government. It plans to move into investigative documentaries.

OBJECTIVE 3: PLURALITY OF NEWS

2.27

Panel members said news sources are numerous and diversified but getting reliable and objective information takes work. “There is general plurality, and different media stand for different viewpoints,” said a panelist, “All types of media operate, with the television being the most popular.” However, consumers’ access to diverse news and views is hampered by insufficient Internet penetration and the absence of Ukrainian news sources in the occupied territories, the panelist said, adding, “Media outlets lack pluralism internally.” That has a major effect because, as another panelist noted, media literacy is lacking, and people tend to get most of their news from a single, often politically affiliated, source with which they are familiar.

Outside of occupied Crimea, where the flow of information is strictly controlled by Russian authorities, Ukrainians’ access to domestic media

is not restricted, and they freely consume foreign media, except for the Russian TV channels and social networks banned in May 2017 by presidential decree. However, since virtual private network (VPN) use is not restricted, Russian outlets are still accessible for many.

Income level is generally not a factor in citizens’ access to online media, cable networks, or analog or digital broadcasting, and location is a more salient factor affecting access. There is a digital gap between big cities with plenty of media and technical facilities, and rural areas where quality and quantity of services is limited, a panelist said. Even in the countryside near the capital, people have issues with the Internet. Not all regional media have mobile applications, although many actively use social networks. Rural inhabitants have fewer media choices and rely more on terrestrial television and, often, district or municipal newspapers, which are quite influential in villages. Digital television reach has not been reliably measured, but according to a panelist it reaches 60 percent to 80 percent of the population, short of the 95 percent mandated by sole provider Zeonbud’s license. Another panelist said the state has not yet provided set-top boxes for all socially insecure people, putting some at risk of restricted access to on-air broadcasting.

New transmitters were built in Chongar in southern Ukraine and Bakhmutivka in the east in 2017 to provide Ukrainian TV and radio stations to the occupied territories. However, half of Kherson Province in the south does not receive Ukrainian broadcasting; it had been covered by a tower in Krasnoperekopsk in Crimea, which now transmits Russian channels. Russia is also maintaining analog television, available in parts of Ukraine bordering Crimea.

Television overwhelmingly remains Ukraine’s medium of choice for news, but its popularity is slipping, according to the annual media

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.
- ▶ Broadcast ratings, circulation figures, and Internet statistics are reliable.

consumption survey conducted in May and June 2017 for USAID's Ukraine Media (U-Media) program.³ Seventy-seven percent of respondents report watching TV for news, which is down from 82 percent in 2016. Trust in TV news declined from 58 percent to 54 percent for national channels and from 52 percent to 46 percent for regional outlets. Fifty-four percent of people used news websites, 48 percent social networks, 27 percent radio, and 24 percent the print press.

³ USAID and Internews, *Media Consumption in Ukraine 2017*, USAID/Internews. September 2017. https://www.internews.org/sites/default/files/2017-09/USAID_UMedia_AnnualMediaConsumptionSurvey_2017_FULL_eng.pdf.

The 45 percent figure for social media use was down seven percentage points from 2016, but Facebook registered major gains at the expense of Russian social networks VKontakte and Odnoklassniki, which lost significant chunks of their audience (although not all, as they are still accessible in Ukraine via VPN). Facebook is now the country's most popular social network, used by 43 percent of Ukrainians (up from 37 percent in 2016), compared to 37 percent for VKontakte (down from 49 percent) and 26 percent for Odnoklassniki (down from 40 percent, according to the U-Media poll).

Public broadcasters operate with a high degree of independence and, for the most part, effectively serve the public interest, a panelist said, especially UA:First and the three national public radio stations established with the launch of UA:PBC in 2017. However, one panelist said there is a substantial difference between public broadcasting at the national level and in the regions in providing reliable, objective, and diverse news. Other panelists said UA:PBC's two dozen regional affiliates are progressing unevenly, with some demonstrating resistance to reform. The branches are still early in the process, with new management in some regions hired in December 2017, and there are vacancies still to be filled in many areas. The UA logo will be granted to affiliates based on a three-month period of monitoring for quality and standards; so far, it has been bestowed upon the Sumy, Crimea, and Donbass channels. Regional public radio stations are to redesign their programming by March 2019.

Outside of the public system, state and municipal media still largely serve the interests of politicians and officials. Municipal outlets produce complimentary content about local government and avoid critical coverage, said one panelist. Another panelist agreed that state-dependent media largely ignore opposition figures and people critical of the government.

Privatization of state and municipal print media, with expected completion by the end of 2018, is progressing slowly. Only 148 of 716 outlets (21 percent) were in private hands by the end of 2017. According a media business association, 143 more publications are in process of destatization. One panelist said local governments are using the period of putative reform as a lever to cement their influence—attempting to install new and sympathetic editors in chief, for example, or threatening to take publications' properties. Five newspapers in the Zaporizhia region reported such tactics. Municipal media reported that they often receive undisguised directives on coverage from local officials.

“There is general plurality, and different media stand for different viewpoints,” said a panelist, “All types of media operate, with the television being the most popular.”

Many of the publications slated for privatization lack the funding and the skills for editorial and financial self-management, and 64 percent do not maintain websites, said one panelist, and expert on law and the media. Civil society organizations have proposed legislation to improve procedures for fair state support of media—for example, extending and simplifying state funding for some outlets so they can continue publishing if they miss the privatization deadline, or ensuring that government bodies do not use advertising contracts to reward loyal media.

There are numerous national news agencies, the largest being state-owned Ukrinform. Generally, they are editorially independent, well-regarded, and widely used by national media, but most regional

and local media cannot afford subscriptions. While state run, Ukrinform was found by media monitoring to be balanced and of high quality, and it provides considerable content online for free. Most regional and local outlets cannot afford to use them, but national media subscribe. Only the largest national TV channels can afford to use the services of foreign news services, said a panelist.

Private media generally produce their own news content, although there is some aggregation and outright theft. Panelists said regional media do a fair job providing in-depth coverage of local issues. One panelist said more than half of the content in regional newspapers monitored is original, but 60 percent of stories on regional news websites are reposted from other media, and 17 percent do not identify the source.

“But Ukrainian media have a gender imbalance, men prevail in comments, and sexual minorities are silenced.”

There is no legal requirement for online media to disclose ownership, and information in print media registration documents is usually limited and opaque. Since 2016, broadcasters have been legally required to disclose ownership and regularly update that information with the National Council, which makes the data available on its website. However, not all outlets submit their information by the annual March 31 deadline, and many have complicated ownership structures, making it difficult to unravel who truly funds and controls a given channel. Experts say some disclosures identify only nominal owners and mask the true beneficiaries. There is relatively little public interest in the matter; in the U-Media survey, 36 percent of respondents said it is

important to know who owns major media.

According to studies by Reporters Without Borders, national TV stations remain highly politicized. Of the 11 that were monitored, 10 are directly or indirectly connected with political figures. Ownership and potential influence is very concentrated: four oligarchs—Akhmetov, Kolomoyskyi, Viktor Pinchuk, and Dmytro Firtash—control channels that command more than 75 percent of the television audience. Ukraine lacks enforceable regulations to guard against monopolization of media and cross-sector concentration of ownership or to promote financial transparency in media or the advertising market.

There were a handful of ownership changes in 2017. Kolomoyskyi reduced his shares in 1+1 because of nationalization of PrivatBank, but remains informally in charge of the channel. Arseniy Yatsenyuk, a former prime minister, and Inna Avakova, wife of the current interior minister, acquired a combined 70 percent stake in Espresso TV but sold their interest by the end of the year. Svitlana Pluzhnikova, the widow of Inter founder Igor Pluzhnikov, seized co-ownership of the channel. In the summer, the Tonis channel became Prymoi under the new ownership of Makeyenko, former deputy head of the Party of Regions.

Owners of the large TV channels, who are also political players, shape overall media coverage of socially important issues, said one panelist. Oligarch-controlled channels eschew objectivity, especially when the news relates to an owner's conflict with the president or other politicians.

Gender and ethnic issues have little currency among the general audience and do not get much mainstream media attention, said a panelist. In strongly religious, socially conservative parts of western Ukraine such as Ternopil, many people consider coverage of LGBTQ issues inappropriate, a panelist said.

The panelist noted that the new transmitter in Kherson restored broadcasting of Tatar channels and radio stations into Crimea, and other pockets of ethnic and religious minorities are served by outlets in their communities. “But Ukrainian media have a gender imbalance, men prevail in comments, and sexual minorities are silenced,” added the panelist. Monitoring of national TV, print, and online outlets found that women are central figures in 27 percent of stories and are cited as experts in 19 percent.

One panelist said there is a lack of explanatory journalism on issues such as housing and health; these topics are touched on but usually in a superficial manner. For regional media, the news agenda has changed little in five years—coverage of the ATO zone, veterans, and displaced persons is almost nonexistent, said one panelist. At the national level, coverage of the conflict in the east derives largely from official statements and lacks human stories, according to National Council monitoring of 10 news channels, and the Crimea occupation gets an average of 2.2 percent of airtime.

OBJECTIVE 4: BUSINESS MANAGEMENT

1.43

There are no profitable television channels in Ukraine, a panelist asserted, adding, “Media outlets are not businesses, but a tool of influence for their owners, including their electoral interests.”

One panelist that said traditional media receive income from many and various sources: advertising, sponsorship, below-the-line services such as marketing support, and, for broadcasters, production of films and programs for sale. These sources do not influence editorial policy. Large advertisers, such as alcohol and pharmaceutical companies, prefer national media; property developers, private medical centers and hospitals, construction and renovation firms, and home appliance retailers are major advertisers in local media. Two specialized agencies, work with regional media, but these outlets are increasingly selling space or airtime directly to advertisers, bypassing the agencies. Many media make money with jeans. However, ownership remains the primary source of funding for many if not most outlets, according to a panelist. This dependence, rather than audience needs or a commitment to quality, shapes editorial direction and angles of coverage.

Municipal media, which are in the process of destatization, have not yet managed to free themselves from pressure by the local councils and regional state administrations that cofounded them. A positive example a municipal radio station in the Vinnytsya region, which became self-sustainable—and more compliant with professional standards—after the local government cut off its funding in a dispute over editorial policy.

Operationally, the media business suffers from a lack of quality management education, said a panelist. A panelist added that the only source of professional education for media managers is German broadcaster Deutsche Welle’s DW Akademie, a short-term program organized by the Independent Association of Broadcasters (IAB). There are no academic or training programs focused on editing.

One panelist, a former government official who now works with a media support NGO as a strategic-communications expert, said the market has yet to recover fully from the hryvnia’s massive decline against the dollar since the 2008–2009 crisis. Even though the TV ad market is growing by 30 percent a year, it still has not reached the dollar equivalent of a decade ago.

That weakened market is increasingly in the grip of the key oligarch-owned channels that dominate the Television Industry Committee (TIC)—a trade association of broadcasters and media agencies that, among other things, contracts with Nielsen and the Communication Alliance for audience measurement. TIC sets an artificially high price of UAH 1 million to be part of the ratings process, which is out of reach of most TV companies. Eighty percent of Ukrainian media’s ad revenue comes through a dozen international agencies, but channels lacking in audience data and the currency of the ad market cannot compete for their business, a panelist said. In 2018, some channels of the TIC may become more sustainable by reducing production costs and increasing revenue but that will come at the expense of other players, they concluded.

The head of strategic development for a large Ukrainian broadcasting group—told a media outlet that commercial channels have been unprofitable since 2009, although some are close to breaking even.

Ukrainian broadcasters receive just five percent of cable providers’ income and need to diversify their revenue streams, the panelist said. One new income source is satellite signal coding, which will require customers to pay a fee to decode the signals of major channels currently provided for free. The four major TV groups reached an agreement in November 2017 on a coding protocol set to take effect in May 2018. One panelist said the reduction of 32 free on-air channels to 12 to 15 may be a solution for sustaining them through the available advertising market.

The CEO of an ad sales company predicts 35 percent media inflation in 2018. With the country’s modest economic rebound, demand among advertisers is rising, explained the CEO in an interview. Channels are quickly selling out airtime

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.

and after several years of keeping ad rates flat to let clients stabilize their businesses, they are now raising prices and negotiating big contracts. Even with the price increases, said a panelist, TV advertising is considerably cheaper per thousand viewers than online video ads.

Online media have virtually no chance to achieve profitability, let alone sustainability, panel members said. One panelist noted that the largest advertisers use Google AdSense for online placement; this generates little revenue for the sites themselves, and only those with the largest audiences have good prospects to survive. Another panelist said that ad revenue is unlikely to ever be sufficient to sustain digital media. Paywalls are not a solution either, they said, because most online content in Ukraine is not good enough to get people to pay for it.

Regional advertising declined substantially in 2008 and has yet to recover, according to one panelist. Regional channels lack the market research to demonstrate to advertisers that they have significant local viewership. Attempts to set up an advertising sales agency to serve regional channels collectively failed long ago. One panelist said local oligarchs in Volyn set up and maintain news websites, and even a TV channel, but these do not rely on the market; owners divert money from their other businesses to maintain media that support their political interests.

Local media are self-sustaining to a certain extent, but only because they pay low salaries and invest little in technical resources, said one panelist. Municipal and other media that survive on public money take it for granted, they added. They have little incentive to invest in improving quality and building their audience, and won't do so until they must compete for advertisers and readers.

Media in embattled eastern Ukraine are just surviving, noted a panelist. There is next to no advertising market, the best employees leave for

Kyiv, and ex-Party of Regions politicians who want to keep media outlets under their thumbs lead districts.

According to the advertising coalition the 2017 media advertising market, including television, radio, print, and digital, totaled UAH 13.51 billion (\$485.1 million), an increase of about 30 percent from 2016. It projected 26.5 percent growth this year. The estimates do not include political advertising and VAT. The television advertising market grew by 20 percent to UAH 7.33 billion (\$263.2 million), and projects 26 percent growth in 2018. Channels are sold out of advertising time months in advance, as brands rush back into the medium, according to the coalition. TV sponsorship revenue also grew rapidly because of high inflation and an influx of sponsors from the 2017 Eurovision Song Contest, which was held in Kyiv.

Online media have virtually no chance to achieve profitability, let alone sustainability, panel members said.

Data indicates that print outlets' advertising revenues amounted to UAH 1.36 billion (\$48.8 million), up to 18 percent from 2016. The forecast is for similar growth in 2018. Publications are benefiting from advertisers' interest in multiplatform campaigns—combining broadcasting with print and digital—and from the return of print-friendly sectors such as cosmetics and construction that slashed ads with the downturn.

Radio advertising increased by 20 percent to UAH 480 million (\$17.2 million), according to AUAC. Of this figure, UAH 348 million (\$12.3 million) went to national radio, UAH 47 million (\$1.7 million) to regional radio, and UAH 85 million (\$3 million) is sponsorship. Radio is expected to grow by 20 percent in 2018. Digital advertising grew by 38

percent to UAH 4.34 billion (\$155.8 million) and is predicted to grow by 30 percent in 2018, but, as panelists noted, most of those gains go to Google, Facebook, and other tech giants that serve ads to websites, not to the media themselves.

One panelist said the state does not subsidize or otherwise financially support private regional media. State and municipal media are undergoing privatization but remain reliant on government money, even as the deadline for privatization looms. Panelists said state support does not stimulate development of newsrooms, as subsidy levels rarely depend on an outlet's quality or size of audience. Another panelist noted that government allocations for official advertising are used to reward loyal media and are similarly unrelated to tangible factors such as circulation. In general, this money is drying up; for example, whereas the Kherson regional administration spent around UAH 5 million (\$180,000) annually on advertising a decade ago, it now spends about UAH 1 million (\$36,000).

Regional media generally cannot afford market research, although one panelist said some do their own surveys or focus groups. The services of professional research firms such as GfK or Nielsen are within reach only of large national media companies.

Nielsen and the Communication Alliance, under the auspices of TIC, do regular measurement of the national television audience. As noted earlier, participation is prohibitively expensive for regional and specialty channels. Only TIC members have access to raw audience data. The association sells interpretations of the data to smaller national channels; it postponed changes that would have further limited the data offer to niche channels, which have sought equal access to audience analysis. There have been attempts to redress the data imbalance. IAB, with donor funding, led efforts to unite regional broadcasters and measure their

ratings, said a panelist. Another panelist advised regional broadcasters to join forces and hire a less-expensive research company to track their viewership regularly. They said advertisers might be happy to shift business from the more expensive and ad-saturated mainstream channels, but only if regional outlets can provide reliable audience numbers. In a move to provide more reliable data on digital TV viewership and improve regulation and promotion of these technologies, the National Council reached an agreement in October 2017 with Big Data UA, a new company specializing in measuring audiences for IPTV and OTT services, to supply ratings information on these platforms.

There is no audit bureau to verify print publications' self-reported circulation figures, which are considered unreliable. A data company is contracted to measure radio audiences. Several entities monitor website audiences but use different, noncomparable methods, so there is no unified measurement.

OBJECTIVE 5: SUPPORTING INSTITUTIONS

2.35

Ukraine has a well-developed network of media trade associations, unions, and supportive NGOs. Key trade groups include TIC (which unites the largest TV groups), IRC (radio), IAB (regional broadcasters), the Association of Rights Holders and Providers, UAMB (major publishers), and AIRPU (private regional publishers). In online media, the Ukrainian Internet Association connects Internet advertisers and the Internet Association of Ukraine represents providers.

One panelist said that the trade associations lobby strongly on behalf of business interests and

usually get their way in a manner that, they said, sometimes varies from societal interests—for example, opposing legislative efforts to make media ownership more transparent or to more closely regulate broadcasting. Associations also provide legal support, hotlines, digests of industry news, and training opportunities for members.

Some outlets that long found themselves outside the scope of existing trade groups are forming their own. In January 2018, eight niche channels established the Ukrainian Television Association. Other channels, including UA:First, are expected to join soon. The mission of the association is to establish fair and transparent market rules for audience measurement, advertising sales, and distribution of programming.

In August 2016, 53 municipal newspapers from 16 regions that are subject to destatization established the National Association of Ukrainian Media, which provides consulting on legal issues and represents them in dealing with Ukrposhta, the national postal service. There are also local media associations serving municipal newspapers in the Chernigiv, Kharkiv, and Sumy regions.

There are two main labor organizations in media. They have been active in supporting public broadcasting workers who have been, or will be, laid off because of the system's reform. However, one panelist said, one lost legitimacy following the dubious dismissal of its then chairman in mid-2016. The panelist also questioned whether all of the 19,000 members are journalists and called for an audit of its rolls.

The unions drew criticism from other panelists. One panelist said they have seen little indication of union activity, and another similarly said the union "has not provided any reports on activities and expenses per our request."

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.
- ▶ Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- ▶ Sources of newsprint NGOs support free speech and independent media.
- ▶ Quality journalism degree programs that provide substantial practical experience exist.
- ▶ Printing facilities are in private hands, apolitical, and unrestricted.
- ▶ Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.
- ▶ Information and communication technology infrastructure sufficiently meets the needs of media and citizens.

Another panelist, working in management of a regional union, said it has been rejuvenated since the election of a new national chairman in April 2017. However, another panelist described union affiliates as out of touch and said there is little reason for young journalists to become members.

The chairman said that in 2017, the state made a direct attempt to take over the union nominating an official from the Poroshenko administration as a chairman candidate and using SBU to disseminate disparaging information about him on the eve of the election congress. He said ruling-party politicians, unhappy with the union's

criticism of the government's failure to uphold journalists' rights, sought to discredit the union for participating in dialogues with the Russian Union of Journalists, under the auspices of OSCE, in an effort to liberate journalists detained in occupied Donbass.

Media support NGOs protect free speech, provide legal consultation and training programs, and communicate with law enforcement bodies about the lack of enforcement in crimes against media members. Some panelists said this donor-funded network is more effective than the unions and other formal institutions. "Their training workshops replace journalism education, and I can't imagine how we would safely conduct investigations without lawyers financed by these NGOs," said one panelist. Another panelist pointed out national NGOs as effective advocates for media. There are also local media NGOs, such as press clubs, but they serve primarily as platforms for communication, press conferences, and roundtables, and do not provide much training or legal support.

There are many university-level journalism programs—too many, according to one panelist, who said the glut degrades professionalism in the field by spreading talent too thin. More than 40 academic entities serve about 2,800 students per year, and another panelist said mostly unqualified teachers who have never written for a publication or spent a day in a newsroom staff themselves. The panelist called for the Ministry of Education to be more selective in issuing relevant licenses to facilities educating journalists. Another panelist said journalism schools lack opportunities for practical training, such as a student newspaper or radio station. A limited number of students can avail themselves of short-term internships and exchange programs abroad. Media are not eager to hire graduates of domestic journalism schools, as they lack practical experience and specialization.

Short-term courses are available courtesy of donor money. One panelist said workshops for journalists invariably revolve around a handful of trendy topics, such as EU integration, decentralization, gender, or internally displaced persons (IDPs). Training opportunities for media employees other than reporters are virtually nonexistent, a panelist noted. The panelist did compliment the IAB-organized DW Akademie for journalists and managers, which offers monthly three-day workshops and practical weekly exercises in between. Another panelist praised IREX's Ukraine Media Partnership Program, which facilitates exchange programs between US and Ukrainian newsrooms, and the four summer media schools of Interlink Academy.

Some panelists said this donor-funded network is more effective than the unions and other formal institutions. "Their training workshops replace journalism education, and I can't imagine how we would safely conduct investigations without lawyers financed by these NGOs."

There are a growing number of programs focusing on broad coverage areas. For the past three years, the Kyiv Court of Appeal has conducted the School of Court Journalism for students at four universities. In September 2017, the Kyiv School of Economics and Vox Ukraine established the Center for Economic Journalism, mixing online and live courses, research, and discussions. In the fall, DW Akademie held a 12-day school of economic journalism.

The market for printing facilities is fully demonopolized and apolitical. A panelist said firms selling television equipment are characterized by high prices and limited selection. However, on the

distribution side, Ukrposhta remains a monopoly and regularly raises tariffs for distribution of media, delays payments, and offers disadvantageous contracts to media. Print outlets and their trade groups engage in a process of negotiation to curb postal rate increases and secure better service. Ukrposhta regularly claims losses on press delivery and tries to shed these services.

Two monopolies control broadcasting transmission: state-owned Concern RRT (Concern of Radio Broadcasting, Radio Connection, and Television) for the analog signal and private Zeonbud for digital. This creates a burden for broadcasters, who have no alternative but to pay high, nontransparent fees to both. Ukraine is overdue to fully switch to digital television, but has not for two reasons, which are, according to one panelist, the war and Zeonbud, which for years has been tied up in legal, regulatory, and legislative battles over its monopoly status and handling of certain channels. One panelist said the large question of the future role of RRT Concern remains unsolved; transforming it into a second digital provider has been discussed but not concretely pursued.

Ownership groups for 1+1 and Inter opposed turning off analog in 2017 as scheduled, saying that as many as 170 more transmitters were needed to provide full coverage. They said the T2 signal in western Ukraine reached only 50 to 60 percent of the population. The National Council now proposes turning off analog broadcasting in one pilot region in March 2018 and completing the switchover in phases by mid-2019, when Zeonbud is supposed to expand the first multiplex of eight channels to an additional 47 cities.

Panelists said the telecommunications infrastructure continues to develop gradually. Three apolitical operators dominate the mobile market:

Vodafone Ukraine, Kyivstar, and Lifecell. Digital gaps arising from incomplete 3G coverage and ineffective distribution of frequencies among 3G operators is only now being corrected, one panelist said. The 4G and 5G networks are slated to start operating in the first half of 2018.

Internet penetration at the end of 2017 amounted to 63 percent of Ukrainians over the age of 15, according to Factum Group research. There was an urban-rural gap with 52 percent of rural inhabitants using the Internet and 73 percent in cities with populations above 100,000 using it. Online advertising consultancy Gemius's June 2017 survey pegged nationwide Internet use at 22 million people. Nineteen million surf using PCs or notebooks, 2.6 million with tablets, and 10 million with mobile phones. Speedtest's Global Index ranks Ukraine 109th out of 122 countries in mobile Internet speed: 8.46 Mbit/s during downloads and 2.39 Mbit/s for upload. Ukraine rates much better in broadband speed: 39th place at 34.2 Mbit/s download and 33.64 Mbit/s upload.

The panel discussion was convened on November 27, 2017.