



**Supplementary Human Dimension Meeting on promotion of freedom of expression: rights, responsibilities and OSCE commitments, Vienna, 3-4 July 2014**

***Statement of International Partnership for Human Rights<sup>1</sup>***

International Partnership for Human Rights (IPHR) is seriously concerned about the current state of free speech in Ukraine. We would like to use this opportunity to highlight major concerns and make recommendations on this issue.

The epicenter of violations against the freedom of expression in Ukraine has shifted rapidly over the last several months. Aggression against journalists and impairment of press activities in Kiev spiked sharply during the Maidan protests. The number of violations against individuals grew with the subsequent annexation of Crimea and attempts to silence opposition and minority voices became more systematic in that region. Violent aggression against members of the media has increased alarmingly in the eastern regions of Donetsk and Lugansk where, in addition to abductions of journalists and regular acts of violence, separatist leaders are attempting to engineer a media system that supports their political ideology and aspirations.

Several positive measures have been adopted at the state level to ensure more substantive press freedoms in the wake of the EuroMaidan protests. These include a new law passed by the interim government in April in an attempt to ensure media independence and pluralism. The law assures that “all state-run television and radio companies... shall be transformed into joint entities under control of civil society” in an attempt to ensure that public interests come before those of commercial and political actors.<sup>2</sup> Another measure passed in March 2014 amends Ukraine’s legislation to strengthen mechanisms ensuring access to public information.<sup>3</sup>

Despite these positive measures, abuses of the freedom of expression have taken place throughout the country in recent weeks and violations are not confined to the regions of Crimea, Donetsk and Lugansk.<sup>4</sup> Although these areas have seen the most prominent rise in violations of this fundamental right, obstructions of press freedom have been documented in all but four of the nation’s oblasts by actors across the political spectrum.<sup>5</sup>

**Violations against Journalists**

The Institute of Mass Information (IMI), a Ukrainian NGO that monitors developments of media freedom in Ukraine, has been documenting instances of aggression and violence against journalists and other media personnel and has noted a stark increase in both frequency and severity of attacks since the beginning of the unrest in November 2013. Since January 2014, IMI has documented 236 cases of assault, 91 instances of impediment to journalistic activities, 85 cases of censorship and, most gravely, the deaths of four members of the media.<sup>6</sup> In the period between March 1<sup>st</sup> and June

10<sup>th</sup>, IMI has documented 87 cases of beatings and attacks against journalists and 46 cases of abduction and kidnapping.<sup>7</sup>

In the eastern regions of Donetsk and Lugansk, violations against members of the media include abductions, threats of violence, physical assaults, destruction of property, individual persecution resulting in forced displacement and homicide. Abductions and aggression have also been registered in Crimea, along with increasing censorship of Ukrainian channels and news sources.

In addition to physical violence and personal human rights violations, journalists have experienced various impediments to their work including being blocked from attending and reporting on various public hearings and administrative sessions, censorship of particular newscasts, inability to receive appropriate accreditation to attend Ministry hearings (Crimea), prohibition of photography at electoral commissions, etc. Such violations have not been limited exclusively to the occupied and separatists regions.<sup>8</sup>

### **Engineering of Media Space**

According to the Institute of Mass Information, between March 1<sup>st</sup> and June 10<sup>th</sup>, 88 cases of censorship and the disconnection of Ukrainian channels have occurred in the occupied territories of Crimea, Donetsk and Lugansk. During this period there were also 43 cases of attacks against offices of local media outlets.<sup>9</sup>

In Crimea on June 29<sup>th</sup>, Seyitislyam Kyshveyev, the director of the Crimean Tatar programs on the State-owned television and radio channels “Krym” was removed from his position under the pretext that he had been in violation of the labor code for not providing verbatim translation into Russian. The Chief Editor, Ganiev Shevket, was also dismissed earlier in the week. Kyshveyev points out that the situation “resembles the repressions of the 1930s with staff persecuted for having their own views” and believes that “places are being freed up for those more loyal to the new occupation regime.”<sup>10</sup>

In Donetsk, as of June 27<sup>th</sup>, the press service of the self-proclaimed Donetsk People’s Republic announced that all media publications must re-register with the DPR’s “Information Ministry” within the following ten days. Media engineering has been particularly prominent in the Donetsk region where militants have seized television broadcasting towers and have pressured local providers to replace Ukrainian broadcasting channels with Russian ones. Due to such pressure, on June 26<sup>th</sup>, the television channel ICTV and municipal Channel 12 were replaced by Russian broadcasts. Similarly, several newspapers have been forced to suspend publication after direct threats from DPR supporters and militants in the Lugansk region.<sup>11</sup> Such actions continue to foment suspicion of attempts by the Russian government to engage in an information war in Ukraine.<sup>12</sup> There is at least one instance of Ukrainian authorities prohibiting the broadcast of Russian channels, although such action is limited in scope and there have not been reports of violence or threats.<sup>13</sup>

A report conducted by representatives of Human Rights Centre “Memorial”, in collaboration with International Partnership for Human Rights, documents several instances of media repression in the Donetsk including the confiscation of advance editions of the newspaper “Province”, preventing its

publication. The newspaper was subsequently forced to amend its editorial policies and to publish an apology for view previous expressed. The headquarters of several media outlets in the region have been stormed and ransacked by militants, including the offices of the “Province” and “Gornyak” newspapers and the headquarters of the “TRK Donbass” and “Union” television broadcasting services. The private home of the editor-in-chief of the “Ostrov” newspaper was also attacked.<sup>14</sup>

Such attacks and the destruction of broadcasting stations continues to occur. During the week of June 13-20, militants destroyed the energy supply to a TV tower by blowing up a transformer substation and a group of 6-8 armed men seized the office of the TV and radio company “Donbass”.<sup>15</sup> Correspondingly, the offices of Ukrainian Channel 5, Channel 24 and “Novyi Kanal” were closed down in Crimea. Several cyber-attacks against have also been noted by the Institute for Mass Information such as those carried out against the news websites Mukachevo.net and ZakarpattiaOnline.<sup>16</sup>

In addition to the attempts to engineer the media space by restricting the freedom of expression and obstructing media activities and capabilities, political propaganda is being used to manipulate public opinion, particularly in the regions currently controlled by separatists. The OSCE Representative on the Freedom of the Media has raised concern about cases where the media has been used to disseminate propaganda in Ukraine, noting that this in combination with the overall deterioration of media freedom has contributed to the escalation of the conflict.<sup>17</sup>

## **Recommendations**

### **Recommendations to the Ukrainian government and the self-proclaimed authorities in Donetsk, Lugansk and Crimea regions:**

- Heed the recommendations of the OSCE Representative on Freedom of the Media issued in response to recent developments concerning freedom of expression and the media in Ukraine.
- Publicly condemn impediments of the work of journalists, as well as intimidation and violence against journalists.
- Ensure the impartial and thorough investigations of any and all attacks against journalists and other members of the media, including abductions and killings, and bring the perpetrators to justice.
- As called for the OSCE Representative on Freedom of the Media, stop manipulating media and ensure media plurality and free media as an antidote to propaganda.<sup>18</sup>
- Ensure effective implementation of the new legislation aimed at guaranteeing media independence and pluralism, as well as access to information.

### **Recommendations to OSCE institutions and community of OSCE participating States:**

- In reaction to the rapidly shrinking space for freedom of expression in Ukraine and other parts of the OSCE region, address this issue as a priority at this year’s Ministerial Council meeting.
- Use bilateral and multilateral contacts, high-level meetings, public statements and other means to prominently and consistently raise issues of concern regarding legislation and practices negatively affecting freedom of expression and the media in individual OSCE countries, as well as to defend victims of repression.

- Support and cooperate with the office of the OSCE Media Representative in its mandate of helping participating States to abide by their commitments to freedom of expression and free media. Set a good example for other OSCE states by implementing relevant recommendations and best practices identified by this Representative.
- As appropriate, apply the new EU guidelines on promoting freedom of expression online and offline in third countries, in particular through the activities of diplomatic representations.
- Support the efforts of civil society to monitor and promote freedom of expression and the media in Ukraine, as well as other parts of the OSCE region and continue to consult closely with civil society on such issues, including by holding civil society consultations devoted to issues of particular concern.

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<sup>1</sup> International Partnership for Human Rights is currently carrying out a monitoring and advocacy project in Ukraine in collaboration with the Civic Solidarity Platform.

<sup>2</sup> OSCE. 14 May 2014. "OSCE Representative welcomes new Ukrainian public service broadcasting law as way to improve media pluralism." <http://www.osce.org/fom/118565>

<sup>3</sup> OSCE. 28 March 2014. "OSCE media freedom representative lauds changes to Ukrainian law to enforce effective access to information." <http://www.osce.org/node/116921>

<sup>4</sup> Media Watch Network. 16 June 2014. "Ukraine: violations of freedom of speech were registered almost throughout the whole country." <http://imi.org.ua/en/analytics/44699-ukraine-violations-of-freedom-of-speech-were-registered-almost-throughout-the-whole-country.html>

<sup>5</sup> Ibid.

<sup>6</sup> <http://imi.org.ua/en/>

<sup>7</sup> Institute of Mass Information. 13 June 2014. "Summary for violation of journalists' rights and freedom of speech since Russian aggression started." <http://imi.org.ua/en/analytics/44673-summary-for-violation-of-journalists-rights-and-freedom-of-speech-since-russian-aggression-started-imi-infographics.html>

<sup>8</sup> Media Watch Network. 16 June 2014. "Ukraine: violations of freedom of speech were registered almost throughout the whole country." <http://imi.org.ua/en/analytics/44699-ukraine-violations-of-freedom-of-speech-were-registered-almost-throughout-the-whole-country.html>

<sup>9</sup> Institute of Mass Information. 13 June 2014. "Summary for violation of journalists' rights and freedom of speech since Russian aggression started." <http://imi.org.ua/en/analytics/44673-summary-for-violation-of-journalists-rights-and-freedom-of-speech-since-russian-aggression-started-imi-infographics.html>

<sup>10</sup> Kharkiv Human Rights Protection Group. 29 June 2014. "Director of Crimean Tatar programmes on TRC Krym dismissed." <http://khpg.org/index.php?id=1403989992>

<sup>11</sup> Kharkiv Human Rights Protection Group. 29 June 2014. "Kremlin-backed militants continue intense pressure on journalists." <http://khpg.org/index.php?id=1403986889>

<sup>12</sup> Interfax Ukraine. 27 June 2014. <http://interfax.com.ua/news/general/211240.html>

<sup>13</sup> Institute of Mass Information. 25 June 2014. "National TV and Radio Broadcasting Council asks operators to stop broadcasting some Russian TV channels". <http://imi.org.ua/en/news/44823-national-tv-and-radio-broadcasting-council-asks-operators-to-stop-broadcasting-some-russian-tv-channels.html>

<sup>14</sup> Civic Solidarity Platform with IPHR and Human Rights Centre "Memorial". May 2014. "The Bankrupt Referendum: Findings of a monitoring mission to the Donetsk region of Ukraine." Available at: <http://www.civicsolidarity.org/article/963/separatists-eastern-ukraine-grossly-violate-human-rights>

<sup>15</sup> Media Watch Network. 23 June 2014. "Ukraine: Donetsk and Luhansk Oblast take the lead in violations of freedom of press." <http://imi.org.ua/en/analytics/44794-ukraine-donetsk-and-luhansk-oblast-take-the-lead-in-violations-of-freedom-of-press.html>

<sup>16</sup> Media Watch Network. 16 June 2014. "Ukraine: violations of freedom of speech were registered almost throughout the whole country." <http://imi.org.ua/en/analytics/44699-ukraine-violations-of-freedom-of-speech-were-registered-almost-throughout-the-whole-country.html>

<sup>17</sup> Report by the OSCE Representative on the Freedom of the Media, "Media Freedom under Siege in Ukraine," May 2014, <http://www.osce.org/fom/118990?download=true>

<sup>18</sup> Communique by OSCE Representative on Freedom of the Media on propaganda in times of conflict, 15 April 2014, <http://www.osce.org/fom/117701>