

2013 HDIM - Delegation of Ukraine

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**Freedom of Expression and the Media in Ukraine – Open Dialogue Program as a good practice example for the OSCE area**

In recent years Ukraine has achieved substantial progress in strengthening freedom and independence of the media, freedom of expression and access to information.

Appropriate legal framework in this field has been significantly improved and is being implemented.

The Law on Access to Public Information, adopted in 2011, was ranked by the international NGO's as one of the top 10 laws of the kind in the world. With this law in place, the citizens of Ukraine have been successfully exercising their right to receive from the state executive institutions within five days term requested information or an official document on any issue of their concern.

The entry into force in November 2012 of the new Criminal Procedure Code has strengthened the freedom of expression in Ukraine. This legal document introduced many positive innovations, to name just a few:

- journalists cannot be questioned as witnesses in the court proceedings with regard to information obtained from their confidential sources. The right of journalists to protect their sources of information is now guaranteed;
- journalists are granted the priority right to attend and record court hearings;
- appeals to law-enforcement authorities regarding interference in or obstruction of journalists' activities according to article 171 of the Criminal Code is automatically registered in the Unified National Register of Pre-Trial Investigations, and investigation procedure follows immediately.

The establishment of a modern democratic society in Ukraine requires from the law-enforcement bodies and prosecutors to take quick and adequate measures in response to the facts of violation of media freedom and rights of journalists.

On July 1<sup>st</sup>, 2013 the President of Ukraine signed an instruction "On Ensuring Observance of Legislation on Freedom of Speech and Preventing Interference in Professional Activity of Journalists".

Under the document, Minister of the Interior must ensure prompt response to violations of laws on freedom of speech and protection of journalists. Prosecutor General must strengthen monitoring over the observance of the given laws. Heads of the respective agencies must on a monthly basis inform the President on the state of implementation of the tasking.

Therefore all complains and requests regarding investigation of media freedom violations as well as relevant criminal proceedings are under strict and permanent control of the Interior Ministry and the Prosecutor General of Ukraine.

Ukraine's consistent efforts with respect to protection of freedom of expression and freedom of the media are high on the agenda of Ukraine-EU dialogue. Ukraine is strongly committed to ensure continued progress in this field on the way towards signing of an Association Agreement with the European Union.

### **Open Dialogue Initiative**

A unique platform for monitoring the observance of the rights of journalists, solution of urgent media problems, and ensuring effective prosecution of any forms of violence against journalists was established in July 2011 at the initiative of the Press Office of the Presidential Administration of Ukraine.

Entitled as Open Dialogue Program, it became an excellent mechanism of effective and result-oriented cooperation on media related issues between the respective state institutions, media experts and NGOs.

On July 6, 2011, the Interagency Working Group on Analysis of Compliance with Legislation on Freedom of Speech and Protection of Journalists (*hereinafter referred to as the Working Group*) was formed in the framework of the Open Dialogue Program.

The Working Group through its Committee of Prompt Response keeps under strict control all the facts of violations of journalists' rights, gives recommendations to the media representatives on how to protect their rights and freedoms, cooperates closely with law-enforcement bodies so as to ensure proper investigation of crimes against journalists, conducts trainings and seminars on media related issues.

The Working Group has developed excellent cooperation with international organizations, including the OSCE Representative on Freedom of the Media and OSCE Projects Coordinator in Ukraine.

Among the recent successful events organized by the Working Group with the support of the OSCE Projects Coordinator in Ukraine was **International Training Workshop on the Safety of Journalists**, which was held in Kyiv on September 18th, 2013.

This workshop provided national and international experts with an opportunity to share their best experiences regarding protection of journalists. The event was attended by journalists, representatives of NGOs and media organizations as well as the Ministry of the Interior, the State Security Service, the Ministry of Emergency as well as the Ministry of Foreign Affairs of Ukraine.

Recommendations on the safety of journalists that have been elaborated during the workshop will be published in the form of **Special Guidelines for the Media**.

In February 2013, the Expert Council on bringing Ukrainian legislation to European standards in media sphere was established in the framework of the Open Dialogue Program.

The Council consists of lawyers, media experts, public figures and representatives of the state executive institutions. The Council together with the Open Dialogue Interagency Working Group has so far examined and suggested amendments to over 20 legal acts.

Successful completion of the work over **draft law on reformation of state and municipal printed media** became the first large-scale project of the Open Dialogue Program and the Expert Council. On March 21, 2013, the President of Ukraine instructed the Cabinet of Ministers to accelerate the legislative process in order to submit the approved draft law to consideration of the Parliament as soon as possible. The President stressed the importance to take into account the opinion of journalists and trade unions regarding this draft law, which provides for more transparency and improved regulations of the media ownership issues.

As a result of successful cooperation between state institutions, civil society and media representatives, a consolidated draft law was prepared and on September 20th, 2013, it passed the first reading in the Parliament of Ukraine.

The Ukrainian delegation believes that the activity of the Interagency Working Group under the Open Dialogue Program can be seen as good practice example in the OSCE area.