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Ukraine: A Draft Law Fails to Fully Safeguard the Independence of National Broadcasters

ARTICLE 19 today releases a legal analysis of the proposed changes to the Ukrainian law ‘On Television and Radio Broadcasting’ (“Broadcasting Law”). The Ukrainian Parliament is expected to amend the law in the next few months.

The proposed amendment to the Broadcasting Law aims to enhance the independence of the national broadcasting companies. Drawing on recommendations by civil society organisations, the proposed changes are driven by the public interest to receive correct and reliable information.

“We welcome the effort to enhance the independence of national broadcasting companies in Ukraine,” says Dr Agnes Callamard, ARTICLE 19 Executive Director. “The state control of national radio and television not only hinders the free flow of information but also violates the right and duty of national broadcasters and journalists to seek, receive and impart information, as guaranteed by Article 19 of the ICCPR.”

ARTICLE 19’s analysis highlights a number of progressive provisions contained in the proposed amendment, in particular the public participation in the appointment process of the boards of national radio and television companies; the clear division of responsibilities between the boards and the heads of the national broadcasters; and enhanced public accountability of these bodies.

At the same time, there are still areas where the amendment should be improved to comply with international standards, in particular:

- The status of the national broadcasters should be clearly distinguished vis-à-vis the public broadcasters’ status
- The President should not have the power to appoint members to the boards of the national broadcasters
- Only candidates with relevant professional qualifications and experience should be eligible to become members of the boards of national broadcasters. The board members should be prevented from simultaneously holding positions incompatible with their functions. The conditions for dismissal of board members should be set out in the law
- The boards should be precluded from engaging in day-to-day oversight of the national broadcasters’ work. The boards, as opposed to the Cabinet of Ministers, should be vested with powers to adopt their working charters.

NOTES TO EDITORS:

- For more information: please contact Boyko Boev, Legal Officer, tel: +44 (0) 207 278 9292; email: boyko@article19.org
- The analysis is available in English at:
<http://www.article19.org/pdfs/analysis/memorandum-on-the-draft-law-amending-and-supplementing-the-law-of-ukraine-on.pdf>
- An English translation of the proposed amendment of the Ukrainian law ‘On Television and Radio Broadcasting’ is available at:
<http://www.article19.org/pdfs/laws/ukraine-draft-law-on-television-and-radio-broadcasting.pdf>
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.
- The legal analysis of the draft Law and the translations have been carried out within the framework of the “Ukraine – media policy and advocacy” project funded by International Media Support – Denmark