

# Media and digital rights

## Regulation in Ukraine

DSLU monthly digest on media and digital rights regulation in Ukraine provides an overview of the proposed and adopted legislation in the spheres of freedom of expression, media regulation, privacy and data protection, Internet regulation in general, and the activities of the National Broadcasting Council in the area of Media Law implementation.

### Events and Highlights

On 8 November, **the martial law was extended for another 90 days. It will now last till 14 February 2024.** In practice, this extends the applicability of specific additional restrictions, such as the aggression-related exceptions under the Law on Media.

Moreover, Verkhovna Rada of Ukraine adopted **new State Budget of Ukraine for 2024** on 9 November, and the President signed it on 28 November. In terms of expenditures, 228.88 million UAH (roughly 5.76 million EUR) was allocated to the National Broadcasting Council, while 1.85 billion UAH (around 46.6 million EUR) was allocated for the support of the National Public Broadcasting Company of Ukraine. Additionally, 198.3 million UAH (almost 5 million EUR) was allocated for the “Rada” channel. The production, broadcasting and support of the international broadcasting (FreeDom and Ukrinform) system received 1.51 billion UAH (38.05 million EUR). The provisions **guaranteeing adequate funding of the media regulator in the Law on Media were suspended for 2024**, similar to what had happened in 2023. **The budget allocated for the public service broadcaster** falls significantly (almost three times) short of the guaranteed amount of 0,2% of yearly state budget expenditures but **roughly corresponds to the pre-full-scale invasion figures, themselves short of 500 million UAH.** This can be explained by the exponential rise of the military budget to cope with the ongoing Russian aggression.

During the AI Safety Summit in early November, Ukraine, together with 28 other states, signed the international Declaration on AI Safety, the so-called **Bletchley Declaration**, which aims at minimisation and prevention

of the harmful risks that may be posed by the usage of AI tools through the cooperation of states at multiple levels.

## Freedom of Expression and Media Regulation

The Cabinet of Ministers submitted [Draft Law #10288](#) to the Parliament on 24 November 2023. Therein, the government suggests amending certain Ukrainian laws to fulfil [the Venice Commission recommendations](#) to protect the rights of national minorities, which is one of [the 7 EU candidacy criteria](#). Content-wise, the draft amends the Law on Media and suggests establishing new language quotas for audiovisual media. It suggests introducing **30% quotas of Ukrainian language for broadcasters broadcasting in the national minorities and indigenous languages irrespective of their territorial category**. The quota applies to the weekly volume of TV broadcasting and the weekly volume of programs broadcasted by radio broadcasters. The quota will not apply to broadcasters broadcasting in Russian for the duration of the martial law and 5 years after its cessation, while the quota for news programs remains unchanged. The draft has already drawn criticism for **providing an overbroad potential for opening the possibilities for nationwide media to broadcast freely in the minority languages** after the aggression's cessation. Currently, the draft is being processed by the Parliamentary Committee on Human Rights, Deoccupation and Reintegration of the Temporary Occupied Territories, National Minorities and Inter-Ethnic Relations.

Elaborating on the topic of linguistic legislation, in November, [Draft Law #9432 on the Use of English Language in Ukraine](#) was adopted in the first reading on 22 November without the provisions which sparked controversy, namely an obligatory requirement to run English-language movies in cinemas in English with Ukrainian subtitles and exclude programs in English from the general volume of programs to count the Ukrainian language quotas on TV; it is now **being prepared for the second reading**. [Draft Law #9610](#) amending the Law on National Minorities (Communities) of Ukraine and prescribing the possibility of broadcasting advertising in minority languages other than Russian if such advertisement in non-Ukrainian does not exceed the volume and font size of the Ukrainian ad was finally **signed by the President on 6 November**.

Two drafts submitted in November aimed at enhancing the transparency of the parliamentary committees' hearings. [Draft Law #10263](#) suggests mandatory broadcasting of all the committees' hearings on Verkhovna Rada's website

during martial law, except for those where national security or other confidential issues are discussed. **Draft Law #10268** supplements the previous one by amending the Law on Verkhovna Rada of Ukraine's Committees. Both drafts are currently reviewed by the Parliamentary Committee on the Rules of Verkhovna Rada, MP Ethics and Parliament's Management.

The Cabinet of Ministers also finally decided to close the procedural loophole in the Code of Ukraine on Administrative Offenses (CUAO) regarding the cases involving the use of St George's ribbon. **Draft Law #10196** finally proposes that the cases under the respective CUAO provision should be heard before the courts. At the same time, the National Police will be empowered to issue protocols on the matter. Currently, the competencies under this provision are not established in CUAO. The Parliamentary Committee on Law Enforcement Activities processes the draft.

As to the other initiatives analysed previously, no legislative steps from Parliament were observed. **Draft Law #10141**, which suggests amending the Law on Media and requires the production and broadcasting of a "social product", is still being processed by the Parliamentary Committee on Humanitarian and Information Policy. No steps were taken towards **Draft Law #10107**, which obliges the "Rada" channel to broadcast the recordings of plenary seatings solely online during martial law. **Draft Order #10156**, aimed at improving the transparency of the Parliament, did not undergo any legislative steps.

Concerning the amendments to the Criminal Code, both **Draft Law #10136** and **Draft Law #10136-1**, which redefine the term "collaborationism" to strengthen national security interests without eliminating double jeopardy, are still in the initial review stage by the Parliamentary Committee on Law Enforcement Activities. The same applies to **Draft Law #9547**, supplementing the CUAO with a new provision establishing administrative liability for public performance, display or demonstration in trade, dining, or service places of prohibited video clips, music, or other works of art, **Draft Law #9519**, aimed at strengthening the liability for publishing the movements of the Armed Forces of Ukraine and their supplies from international partners during the martial law, and two pornography-related drafts (**#9623 and 9623-1**).

## Privacy and Data Protection

Concerning drafts analysed in the previous editions of [the digest](#), there was no legislative progress regarding **Draft Law #10190**, which amends the Criminal Code and suggests criminalising “electronic communication fraud”. Moreover, MPs took no steps towards the porn-related draft laws analysed in the previous digests, namely **Draft Laws #9623** and **#9623-1**. **Draft Law #9396**, which excludes prosecutorial discretion in temporary access to sensitive personal data, also remains in the initial review stage.

## Internet Regulation

**Draft Law #9463**, which attempted to legalise website blocking by sanction orders, was **dismissed by the Parliament on 22 November**. Since the draft entailed [many harmful consequences on the online sphere](#) and the freedom of expression, **the initiative’s rejection constitutes a positive step in the current legislative process**.

Moreover, **Draft Law #10101**, which authorised the monitoring of the Internet for the identification and blocking of websites and mobile applications that provide access to online gambling without the appropriate license, was recommended for adoption in the first reading by the Parliamentary Committee on Finance, Tax and Customs Policy. It is currently awaiting its submission to the Parliament for voting.

## National Broadcasting Council

On 9 November, NBC [registered](#) 22 foreign linear media (most notably - Animal Planet and Discovery Channel) and expanded the [List of aggressor-state non-linear audiovisual media services](#) with 16 media services (among them are HD REZKA, KINOGO, Kinotochka ). This set of the List’s expansion **predominantly covered websites engaged in piracy** and violation of copyright.

On 23 November, **NBC approved the [Strategy of Activities for 2024-2026](#)**. The strategy defines the vision, mission and values of the media regulator, describes the current state of media regulation, outlines the main challenges for the media, and forms strategic goals for the next 3 years. NBC prioritised support to the national media ecosystem through financial means and by adopting the role of the mediator between media and state authorities

and the international work on challenging the current paradigm of freedom of expression on various fora.

The NBC also continued its involvement in **creating co-regulatory bodies in three spheres**, described in the [October digest](#). In this regard, in December, the regulator [plans](#) to coordinate and mediate **the creation of the working groups of three media co-regulatory bodies**: during October and November, NBC obtained 120 applications of media subjects for participation in working groups (58 in the audiovisual sphere, 47 in the sphere of audial media, and 17 in the sphere of online media).

**Digital Security Lab Ukraine** is a non-government organisation aiming to create a human-rights-centered digital environment in Ukraine. We work toward achieving this goal by providing digital security support for high-risk Ukrainian human rights and media organisations and by contributing to policy development in the field of human rights on the Internet through conducting legal monitoring, research and analysis, advocacy, and awareness-raising campaigns.

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