

# 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 6 February, **the martial law was extended for another 90 days. It will now last till 13 May 2024.** In practice, this extends the applicability of specific additional restrictions, such as the aggression-related exceptions under the Law on Media.

On 15 February, the Ministry of Digital Transformation presented a set of recommendations on how to ensure human rights in the AI sphere for companies and state authorities. The latter are especially encouraged to work ethically with data by taking into account the general data protection rules and principles when developing AI-based systems.

## Freedom of Expression and Media Regulation

Although no legal initiatives were registered in February, certain legislative steps were taken towards the drafts registered in December. **Draft Law #10313**, amending certain laws of Ukraine on ensuring the rights of military and police service people to social security, **was adopted in the first reading**. Despite its rather unrelated topic, MPs approved a controversial provision preventing military personnel from sharing information on geospatial data, task details, and military forces involved in operations in the media and on the Internet during their duty. It is now being prepared for the second reading.

On 22 February, Verkhovna Rada of Ukraine **adopted Draft Law #6401, which aimed to enhance the transparency of local self-governance.**

Such transparency requires the regular publication or live broadcasts (after martial law's cessation) of video recordings of local councils' and their permanent commissions' sessions, mandatory disclosure of meeting agendas and voting results, as well as the storing of the archive records of the abovementioned 5 years. The draft is now awaiting the President's signature.

Verkhovna Rada of Ukraine did not proceed to the next stages of reviewing other drafts, described in the [previous digests](#), which include amendments to the speech-related offences in the Code of Ukraine on Administrative Offences and Criminal Code of Ukraine, decriminalisation of pornography, and the use of English in Ukraine.

## **Privacy and Data Protection**

The lone **[Draft Law #11031](#)** on a unified system of public security video monitoring was registered in February. The draft suggests establishing video surveillance over each public place (schools, streets, roads, parks etc.) to provide public security, prevent crimes and detect suspects or criminals. Noticeably, the draft contains **provisions harmful to data subjects and their privacy**, which include, among others, the excessive discretion of the state and local authorities in setting up the rules for their functioning, disproportionate data storage period (15 years), and the absence of proper legal safeguards. Although the draft is still in the initial stage of review, its **adoption may result in potential adverse effects in terms of mass surveillance** and the [conservation of the current legal regime of public security cameras' functioning](#).

No progress on drafts analysed in [previous digests](#) was indicated in February. They include the [draft on personal data protection](#), [porn-related draft laws](#), **[Draft Law #10190](#)**, which criminalises electronic communication fraud, as well as **[Draft Law #9396](#)**, which excludes prosecutorial discretion in temporary access to sensitive personal data.

## **Internet Regulation**

MPs did not submit new legal initiatives on Internet regulation to Verkhovna Rada in February. **[Draft Law #10101](#)**, analysed in the [October digest](#) and permitting the monitoring of the Internet to block unlicensed online gambling websites and mobile applications, stalled in Parliament.

## **National Broadcasting Council**

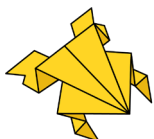
In February, NBC was mostly focused on the **registration of major Ukrainian online media under the new Law on Media**. In particular, an Internet radio station, “Happy Radio”, was included as the registered online media and two online cinemas (Volia and TV+) were registered as on-demand audiovisual media services.

On 1 February, the working group of audiovisual service providers held a meeting where the members expressed their concern about the conditional access granted to minors during the provision of audiovisual services. In this regard, it was proposed that a memorandum regarding the protection of minors during the provision of their services be signed.

On 22 February, **NBC approved the first Report on its activities in 2023**, prepared under the Law on Media. The report was published on the NBC website and sent to the Verkhovna Rada and the President of Ukraine. Among the interesting figures which can be extracted from the report are the near-universal switch of national TV and radio broadcasters to Ukrainian programming (more than 99% of airtime), 21 adopted implementing regulations, 15 decisions on the Law on Media’s violation, 1.3 mln UAH of imposed fines, 204 registered online media (including 8 Telegram-channels), and 3 created working groups on media co-regulatory bodies’ establishment.

**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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