

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 May, **the martial law was extended for another 90 days. It will now last till 12 August 2024.** In practice, this extends the applicability of specific additional restrictions, such as [the aggression-related exceptions under the Law on Media](#).

On 17 May, the **Council of Europe officially adopted the Framework Convention on artificial intelligence and human rights, democracy, and the rule of law**, making it open for signature by the Member States. International organisations, however, [have](#) concerns regarding the finalised text of the Convention, among which are its inapplicability to the private sector, national security matters, and the general vagueness of certain provisions.

On 21 May, **Suspilne de facto quit the United Marathon** after rumours that other marathon participants excluded it from prime time slots [emerged last month](#). This move is seen by many as a positive, providing the public service broadcaster with an opportunity to expand its content and capitalise on the trust it gained as a verifiable source of information during the full-scale invasion.

On 24 May, **Oleksii Matsuka resigned from his role as the general director of the state information agency “Ukrinform”**. Although he was appointed only six months prior, his early resignation is related to the scandal involving the **Office of the President of Ukraine allegedly exerting control over Ukrinform**. According to the journalists, Matsuka’s work

was marked by constant pressure on staff and editorial bias, including the provision of recommendations on what topics to cover and which speakers to interview. The issues of censorship were exposed at the meeting of media representatives with G7 ambassadors, and after some time amidst growing evidence of degrading quality of the “Ukrinform”’s content, Matsuka stepped down and was replaced with Serhiy Cherevatyi, who previously worked for the military.

Freedom of Expression and Media Regulation

On 8 May, the Head of Verkhovna Rada of Ukraine signed the Order on journalists’ organisation of work during martial law. From now on, **journalists from the media registered under the Law on Media are allowed to cover the Ukrainian Parliament’s work directly on its premises**. While the amount of accredited journalists is not limited, **no more than 30 media professionals are allowed to attend one plenary hearing at the same time**. They will be allowed into Verkhovna Rada on a rotation basis. Necessary conditions have been created for media representatives, including a place for briefings, recording interviews, and broadcasting meetings on the 3rd floor of the Rada building. Journalists are, however, prohibited from live streaming, leaving the territory of the press centre and the shelter (in cases of air raid alarms), and can only publish materials one hour after all the sessions and press briefings are over. While this is an improvement, **this measure only partially answered the journalists’ demands** and balanced them with national security interests.

Draft Law #7033-d on the prevention of disclosure of certain information in the texts of court decisions was adopted in the first reading on 23 May. Its provisions restrict the publication of certain categories of court decisions, citing national security reasons as a main concern. For instance, the judgments in cases involving calls for the overthrow of the constitutional order, propaganda for war, justification of aggression, etc., will only be published in the Registry of Court Decisions one year after the cessation of martial law. As such, **this requirement falls short of the guarantees of publicity of the judicial process**. It also **disproportionately restricts researchers’ access to certain decisions on the state of freedom of expression**, thus undermining their capacity to perform their role as a public watchdog. **The MPs have time until 6 June to submit their amendments** to the heavily criticised draft for the consideration of the Parliamentary Committee on Legal Policy.

Although no drafts touching upon freedom of expression were registered in May, certain legislative steps were taken towards the drafts analysed in previous digests. **Draft Law #11153**, analysed in [April](#) and aimed to amend the rules on insurance of journalists' work trips to the emergency areas, was **recommended for adoption in the first reading** by the Parliamentary Committee on the Freedom of Expression. **Draft Law #6401** on transparency enhancement of local self-governance, analysed in [February](#), was finally signed by the President **and entered into force on 15 May**.

No legislative steps were taken regarding the previously submitted initiatives described in [earlier editions of digests](#), which include proposals to enhance the Parliament's transparency, numerous amendments to the speech-related offences in the Code of Ukraine on Administrative Offences and Criminal Code of Ukraine, and the decriminalisation of pornography.

Privacy and Data Protection

Draft Law #11228 and **Draft Law #11228-1** were submitted to the Parliament, suggesting measures to **counter the intelligence and subversion of foreign states' special forces**. Being analogical in content, drafts impose the counterintelligence authorities with additional powers (such as creation and access to the information systems and databases) that the latter did not initially possess. Both drafts **contain vague provisions and inconsistencies with other laws, thus needing additional review** from the Parliamentary Committee on Law Enforcement Activities, which processes the documents.

On the previously registered drafts, **Draft Law #10190**, which suggests criminalising "electronic communication fraud" and was analysed in detail in [October](#), was adopted in the first reading on 22 May. Now, the MPs are **allowed to submit amendments until 5 June**. They will be further reviewed by the Parliamentary Committee on Law Enforcement Activities.

No progress on other drafts analysed in previous digests was indicated in May. They include the drafts on [a unified system of public security video monitoring](#), [personal data protection](#), [porn-related draft laws](#), and [Draft Law #9396](#), which excludes prosecutorial discretion in temporary access to sensitive personal data.

Internet Regulation

There were no legislative steps taken regarding the previously submitted initiatives, namely [Draft Law #10101](#), which permits the monitoring of the Internet to block unlicensed online gambling websites and mobile applications and [Draft Law #11115](#), analysed in detail [in the March digest](#), which aims to regulate the information-sharing platforms.

National Broadcasting Council

Most NBC activities in May were related to [registration and licensing](#). The most notable online media registered during the period were [TSN](#), [UNIAN](#), [Livyi Bereh \(Lb.ua\)](#), and [Raion.in.ua](#). One more on-demand audiovisual media service - [ukrainske.tv](#) - also fulfilled its registration requirements.

On 24 May, NBC [announced the application process for the media subjects to join the working group on the creation of a co-regulatory body in the field of print media](#). In this regard, the task of the working group is to hold the general meeting and develop the statute of the co-regulatory body. The applications may be submitted within 30 days from the day the decision was announced, namely, until 24 June. This is the fourth of the five co-regulatory bodies which shall be established under the Law on Media.

Lastly, on 23 May, the Antimonopoly Committee of Ukraine published [the draft instruction on establishing the market limits in the sphere of media](#) for public consultation. It shall be adopted by the Committee after such consultations are over, and the NBC shall approve it. The document's implementation will help enforce the Law on Media provisions on media pluralism and demonopolization of the 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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