

# 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 27 August, **within Ukraine's European integration**, the Cabinet of Ministers [announced](#) **the formation of an interdepartmental working group and negotiation groups**. These groups will ensure Ukraine's accession process to the EU and the adaptation of Ukrainian legislation to EU law, including Chapter X on information society and media. The personal squad of these groups will be designated later.

In collaboration with media experts and the Ministry of Digital Transformation of Ukraine, a set of **recommendations for the responsible use of AI in advertising and marketing** [was presented](#) on 7 August. The recommendations, developed for local creatives and small businesses, advise on how to use AI without misleading consumers or violating advertising laws. Among the main suggestions are controlling the data shared with AI, labelling the AI-generated content, and avoiding delegating all ad creation to AI.

## **Freedom of Expression and Media Regulation**

There were neither new draft laws nor any legislative steps taken regarding the previously submitted initiatives described in [earlier editions of digests](#) this month, 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, the decriminalisation of pornography, and the prevention of disclosure of certain information in the texts of court decisions. Verkhovna Rada did not adopt any of the three drafts, which were voted for in the first reading in [July](#), thus postponing their adoption in the second reading for autumn.

## **Privacy and Data Protection**

There were no new initiatives or progress on other drafts analysed in previous digests in [July](#). These include the drafts on [a unified system of public security video monitoring](#), [personal data protection](#), [porn-related draft laws](#), the [exclusion of prosecutorial discretion](#) in temporary access to sensitive personal data, and the [criminalisation of electronic communication fraud](#). [Draft Law #11228-1](#) on counterintelligence activities, analysed in [May](#), still awaits the second reading by the Parliamentary Committee on Law Enforcement Activities.

## **Internet Regulation**

**Draft Law #11492 on Amendments to the Law of Ukraine “On Sanctions” Regarding the Prohibition of the Use of Software Products and Access to Electronic Information Resources** was registered in August. The draft **aims to eliminate the legislative lacuna by introducing two kinds of sanctions**, among which is the prohibition of access to electronic information resources on the Internet (web pages, websites, other web resources), electronic communication networks, electronic communication systems, information systems, information and communication systems. Although the draft partially solves the existing problem by providing the legal basis for website blocking via sanctions, it still needs to address the issues of proportionality and necessity, leaving the mechanism of sanctions imposition open to interpretation. The draft is currently being **processed by the Parliamentary Committee of National Security, Defence and Intelligence**.

The Parliamentary Committees on Humanitarian and Information Policy has continued its work on **Draft Law #11115 on Regulation of Information-Sharing Platforms That Disseminate Mass Information** (analysed in the [March digest](#)). Despite the ensuing debate somewhat negating the platform regulation impact and Digital Services Act alignment and concentrating on national security concerns, the Committee has decided to develop a new version of the draft law in line with the EU legislation on online platforms, which **must be registered by the end of September 2024**.

No legislative steps were 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.

## **National Broadcasting Council**

On 8 August, NBC **expanded the [List of Persons Threatening National Security](#)** by including three media persons who conducted anti-Ukrainian propaganda activities and justified the aggressor state's war policy, including Vladimir Solovyov. Within its licensing routine, NBC [has registered](#) 20 online media, including Kyiv Post and Ukraïner.

On that very same day, the regulator approved the [Draft Regulation on the functioning of the e-cabinet](#) for public comments. This indicates the beginning of the cabinet's functioning in the near future, which will simplify the relationship between the media and NBC.

On 14 August, the **[Model Policy of Gender Equality in Media Content](#) was presented** by NGO representatives and media experts who contributed to its development. The media regulator endorsed the document, which tackles the issue of gender stereotypes in the media and outlines tools for achieving gender balance.

On 29 August, NBC [approved](#) the implementation of the Twinning project "Reforming Audiovisual Media Regulation in Ukraine in line with EU standards and international best practices," which will commence in November 2024. The project's purpose is to strengthen NBC's institutional capacity to effectively regulate media activity and ensure media independence under EU standards.

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**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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