

## *Ukraine*

*July-November 2016*

*Communicated by the National Council of Television and Radio Broadcasting of Ukraine*

### DEVELOPMENTS/INITIATIVES/NEW LEGISLATION IN MEMBER STATES RELATED TO THE WORK OF THE COUNCIL OF EUROPE IN THE FIELD OF FREEDOM OF EXPRESSION (MEDIA AND INTERNET)

<b>Initiative (law, campaign, major research, etc.) Title and description</b>	<b>Date</b>	<b>Comments (if necessary: changes introduced, new aspects, relevance, context)</b>
Draft law on the state support of the cinematography in Ukraine (No. 3081dД of 27 Nov 2015)	22 September 2016 – the Law was approved by the Parliament; 13 October 2016 – was forwarded to the President of Ukraine for signing	The Act is aimed at improving the mechanism for combatting piracy in the copyright area and (or) related rights, including in the Internet, illegal playback, scientific, literature and art works dissemination, software and databases, performances, audio- and video recordings, broadcast programmes, including their illegal duplication and dissemination on audio- and video cassettes, floppy disks, other storage media, financing of such activities or other intentional copyrights and related rights violations, if the above entailed substantial moral impairments or is such activities were aimed at income generation.
The Law on Amending the Law “On Television and Radio Broadcasting” (on improving the procedure of sanctions imposing by the National Council of Television and Radio Broadcasting of Ukraine) No. 1715-VIII	01 November 2016 – the Law was approved by the Parliament 25 November 2016 – the Law was signed by the President of Ukraine	The Law strengthens the powers of the Media Regulatory Authority in its enforcing powers exercising. The Acts provides for the amount of fines for violations of the legislation on television and radio broadcasting in the amounts of 25%, 10% and 5% out of the amount of licensing fee. The amounts of the fines are calculated based on the licensing fee charged to a licensee for a license issuance, without taking into account any conditions (for increasing/decreasing) that is valid for the moment of a fine imposition by the decision of the National Council. The national Council informs a licensee about a decision on imposing a sanction by publishing the relevant announcement on the approved decision on the official website of the National Council and sends a copy of the relevant decision to a licensee. The Act foresees the power of the National Council to appeal to the court related to revocation of a license of a programme services provider if the

		violations have not been remedied after the sanctions “warning sanction” and “fine imposition” have been imposed or if the resolution of the National Council have not been exercised timely.
The Law on Amending the Law of Ukraine “On Television and Radio Broadcasting” (on specifying conditions for dissemination of programmes of TV and radio organisations within must-carry service) (No. 1663)	06 October 2016. The Law is coming into force from 01 January 2017	The Law improves the issues related to must-carry service. In particular, the Media Regulator should approve and make public the List of must-carry programmes. It is foreseen that a provides must ensure that all its subscribers can receive must-carry programmes and that such programmes are included into all its programme packs. In order to disseminate must-carry programmes providers are not obliged to conclude agreements with the relevant TV and radio organisations.
The Law on Amending the Law of Ukraine “On Advertising” (on improving regulation of advertising services of folk-medicine (healing), services related to involvement of public funds, facilities construction, securities and radio stock exchanges) (No. 4924)	Draft law dated of 07 July 2016	It is proposed to amend the Law of Ukraine “On Advertising” related to simplification of the procedures for placement advertising of certain types of goods and services: <ul style="list-style-type: none"> <li>- advertising services of folk-medicine (healing) and persons providing it;</li> <li>- collective investment schemes advertising, except of advertising on radio;</li> <li>- advertising of goods and/or services of professional stock market traders, except of advertising on radio;</li> <li>- advertising of goods and/or services of self-regulated organisations of professional stock market traders, except of advertising on radio;</li> <li>- advertising of services of authorized credit-rating agencies, except of advertising on radio.</li> </ul>
International Conference of the Council of Europe “Safety of Journalists in Ukraine. Ending impunity” <i>(in the framework of the Project “Strengthening Freedom of Media and Establishing a Public Broadcasting System in Ukraine”)</i>	25.10.2016	Discussion of challenging issues related to respecting the rights of journalists in their professional activities, their safety. The current situation concerning their rights infringing was analysed. The measures taken by the law enforcement authorities to disclose the crimes committed against media workers were analysed. Special consideration was paid to the procedures of accreditation, providing access for journalists and ensuring their security in the territories of military actions. Definition of the term “journalist” in modern life and consideration concerning the media workers to be treated as journalists

<p>Improving the mechanism of self-regulation related to respecting minors' rights in the media</p>	<p>During 2016</p>	<p>It was the Regulator's initiative to establish the work group to work out and elaborate unified for all the media rules for minors' protection in case of their involvement into media programmes.</p> <p>As a result of this group's work the process of signing of a Joint Coordination Act by the Ukrainian media groups is on the final stage. The document covers issues of media coverage of the topics of child sexual abuse, which is necessary for activation of social forces to prevent cases of abuse against children, guaranteeing the rights of children and the inevitability of punishment for violations of children's rights. It is noted that the involvement into media production of a child, who has suffered from sexual violence, is possible only if his/her interests are protected. It is highlighted that such media production is possible only if there is no risk of secondary psychological impairments for the child based on the opinion of a psychologist, who, in addition, must accompany the whole process of media production and appropriate period after the shooting, and only in case if the methods preventing identification of a child are used.</p> <p>Elaboration of the draft Psychological recommendations for children protection within their involvement to media production is ongoing.</p>
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