



His Excellency the President of Ukraine
Viktor Yanukovich

Administration of the President of Ukraine
11 Bankova St.
01220, Kyiv, Ukraine

25 February 2010

Dear President Yanukovich,

ARTICLE 19 and International Media Support (IMS), international freedom of expression organisations, would like to congratulate you on taking office as President of Ukraine. We wish you success in the implementation of your mandate.

Our organisations have been working with freedom of expression and freedom of media in Ukraine for several years. Hence, we take this opportunity to draw your attention to several concerns related to these issues in Ukraine that warrant your urgent response. We urge you to facilitate the adoption of relevant legal and policy reforms addressing these concerns of freedom of expression and media.

- Introduction of public service broadcasting: Independent and diverse public service broadcasting plays a crucial role in a democratic society, enabling the free flow of information and ideas and providing a public platform for a wide range of voices and opinions. Discussions about the need for public service broadcasting have been ongoing in Ukraine for more than a decade and ARTICLE 19 and International Media Support have supported and commented on initial legal drafts on this subject. However, despite several legal initiatives and expressions of political will, the law on public service broadcasting has not been adopted and the transition from state-owned to public broadcaster has yet to begin. We urge you to take immediate and concrete steps to ensure that such a reform is adopted as soon as possible and is in compliance with European and international standards.
- Freedom of information: Ukraine has no 'access to information' system in place in relation to its public bodies. Article 19 and International Media Support have been assisting local civil society organisations since 2008 in developing a draft access to information legislation and we welcome the fact that the draft law on access to public information was passed at the first reading in the Verkhovna Rada in June 2009. It is our hope that the draft law will be finalised and adopted soon with your full support and endorsement.
- Privatisation of print media: Ukrainian media has achieved more independence in recent years. Nonetheless, while most of the national media in Ukraine are

privately owned, local media outlets remain financially supported and/or officially owned by local governments. Although this may address the resource problems of local media, it is a concern that the financial involvement of the state may influence the editorial independence of these media outlets. A clear separation between ownership and editorial governance is of critical importance to freedom of expression. Thus a comprehensive state policy and relevant legal framework are needed to ensure privatisation of state-owned media. We urge you to prioritise such a reform.

- Transparency of media ownership: The need for transparency in media ownership is a vital component to ensuring freedom of media in Ukraine. Ownership of the leading broadcasters remains obscure due to complicated corporate ownership structures and registration of some of media owners in offshore areas. Mystery around ownership of the media, especially of some of the major broadcasting channels, raises questions about the control of various political and economic interests over mainstream media in Ukraine. This affects quality, impartiality and the variety of news. Publicly accessible and fully disclosed data about the identity of media owners would help alert citizens of the potential conflict of interests at play in specific cases. Transparent data would further prevent the holders of political and economic power from abusing media for the promotion of their own interests.

Ukraine has an international obligation to address the above issues by introducing relevant legislation and seeing to its implementation. Under the International Covenant on Civil and Political Rights to which Ukraine is party, the Government is obligated to adopt legislative or other measures necessary to give effect to the rights recognised by the Covenant, including the right to freedom of expression. This entails that governments must not interfere with rights, but must take positive steps to ensure that rights, including that of freedom of expression, are respected. In effect, the Ukrainian Government is obligated to create an environment in which diverse, independent media can flourish, thereby honouring the public's right to information.

We call upon Your Excellency to take all necessary steps to ensure that genuine progress is made in the development and adoption of legal and policy reforms which secure freedom on expression and the media. ARTICLE 19 and International Media Support would like to offer you our full support and expertise in the future development of freedom of speech and freedom of media in Ukraine.

Yours truly

Dr Agnès Callamard

Executive Director,
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