

Supplementary Human Dimension Meeting on promotion of freedom of expression: rights, responsibilities and OSCE commitments, Vienna, 3-4 July 2014*Statement of International Partnership for Human Rights¹*

The epicenter of violations against the freedom of expression in Ukraine have shifted rapidly over the last several months. Aggression against journalists and impairment of press activities in Kiev spiked sharply during the Maidan protests. The number of violations against individuals grew with the subsequent annexation of Crimea and attempts to silence opposition and minority voices became more systematic in that region. Violent aggression against members of the media has increased alarmingly in the eastern regions of Donetsk and Lugansk where, in addition to abductions of journalists and regular acts of violence, separatist leaders are attempting to engineer a media system that supports their political ideology and aspirations.

Several positive measures have been adopted at the state level to ensure more substantive press freedoms in the wake of the EuroMaidan protests. These include a new law passed by the interim government in April in an attempt to ensure media independence and pluralism. The law assures that “all state-run television and radio companies... shall be transformed into joint entities under control of civil society” in an attempt to ensure that public interests come before those of commercial and political actors.² Another measure passed in March 2014 amends Ukraine’s legislation to strengthen mechanisms ensuring access to public information.³

Despite these positive measures, abuses of the freedom of expression have taken place throughout the country in recent weeks and violations are not confined to the regions of Crimea, Donetsk and Lugansk.⁴ Although these areas have seen the most prominent rise in violations of this fundamental right, obstructions of press freedom have been documented in all but four of the nation’s oblasts by actors across the political spectrum.⁵

Violations against Journalists

The Institute of Mass Information (IMI), a Ukrainian NGO that monitors developments of media freedom in Ukraine, has been documenting instances of aggression and violence against journalists and other media personnel and has noted a stark increase in both frequency and severity of attacks

¹ International Partnership for Human Rights is currently carrying out a monitoring and advocacy project in Ukraine in collaboration with the Civic Solidarity Platform.

² OSCE. 14 May 2014. “OSCE Representative welcomes new Ukrainian public service broadcasting law as way to improve media pluralism.” <http://www.osce.org/fom/118565>

³ OSCE. 28 March 2014. “OSCE media freedom representative lauds changes to Ukrainian law to enforce effective access to information.” <http://www.osce.org/node/116921>

⁴ Media Watch Network. 16 June 2014. “Ukraine: violations of freedom of speech were registered almost throughout the whole country.” <http://imi.org.ua/en/analytics/44699-ukraine-violations-of-freedom-of-speech-were-registered-almost-throughout-the-whole-country.html>

⁵ Ibid.

since the beginning of the unrest in November 2013. Since January 2014, IMI has documented 236 cases of assault, 91 instances of impediment to journalistic activities, 85 cases of censorship and, most gravely, the deaths of four members of the media.⁶ In the period between March 1st and June 10th, IMI has documented 87 cases of beatings and attacks against journalists and 46 cases of abduction and kidnapping.⁷

In the eastern regions of Donetsk and Lugansk, violations against members of the media include abductions, threats of violence, physical assaults, destruction of property, individual persecution resulting in forced displacement and homicide. Abductions and aggression have also been registered in Crimea, along with increasing censorship of Ukrainian channels and news sources.

In addition to physical violence and personal human rights violations, journalists have experienced various impediments to their work including being blocked from attending and reporting on various public hearings and administrative sessions, censorship of particular newscasts, inability to receive appropriate accreditation to attend Ministry hearings (Crimea), prohibition of photography at electoral commissions, etc. Such violations have not been limited exclusively to the occupied and separatists regions.⁸

Engineering of Media Space

According to the Institute of Mass Information, between March 1st and June 10th, 88 cases of censorship and the disconnection of Ukrainian channels have occurred in the occupied territories of Crimea, Donetsk and Lugansk. During this period there were also 43 cases of attacks against offices of local media outlets.⁹

In Crimea on June 29th, Seyitislyam Kyshveyev, the director of the Crimean Tatar programs on the State-owned television and radio channels “Krym” was removed from his position under the pretext that he had been in violation of the labor code for not providing verbatim translation into Russian. The Chief Editor, Ganiev Shevket, was also dismissed earlier in the week. Kyshveyev points out that the situation “resembles the repressions of the 1930s with staff persecuted for having their own views” and believes that “places are being freed up for those more loyal to the new occupation regime.”¹⁰

In Donetsk, as of June 27th, the press service of the self-proclaimed Donetsk People’s Republic announced that all media publications must re-register with the DPR’s “Information Ministry”

⁶ <http://imi.org.ua/en/>

⁷ Institute of Mass Information. 13 June 2014. “Summary for violation of journalists’ rights and freedom of speech since Russian aggression started.” <http://imi.org.ua/en/analytics/44673-summary-for-violation-of-journalists-rights-and-freedom-of-speech-since-russian-aggression-started-imi-infographics.html>

⁸ Media Watch Network. 16 June 2014. “Ukraine: violations of freedom of speech were registered almost throughout the whole country.” <http://imi.org.ua/en/analytics/44699-ukraine-violations-of-freedom-of-speech-were-registered-almost-throughout-the-whole-country.html>

⁹ Institute of Mass Information. 13 June 2014. “Summary for violation of journalists’ rights and freedom of speech since Russian aggression started.” <http://imi.org.ua/en/analytics/44673-summary-for-violation-of-journalists-rights-and-freedom-of-speech-since-russian-aggression-started-imi-infographics.html>

¹⁰ Kharkiv Human Rights Protection Group. 29 June 2014. “Director of Crimean Tatar programmes on TRC Krym dismissed.” <http://khhpg.org/index.php?id=1403989992>

within the following ten days. Media engineering has been particularly prominent in the Donetsk region where militants have seized television broadcasting towers and have pressured local providers to replace Ukrainian broadcasting channels with Russian ones. Due to such pressure, on June 26th, the television channel ICTV and municipal Channel 12 were replaced by Russian broadcasts. Similarly, several newspapers have been forced to suspend publication after direct threats from DPR supporters and militants in the Lugansk region.¹¹ Such actions continue to foment suspicion of attempts by the Russian government to engage in an information war in Ukraine.¹² There is at least one instance of Ukrainian authorities prohibiting the broadcast of Russian channels, although such action is limited in scope and there have not been reports of violence or threats.¹³

A report conducted by representatives of Human Rights Centre “Memorial”, in collaboration with International Partnership for Human Rights, documents several instances of media repression in the Donetsk including the confiscation of advance editions of the newspaper “Province”, preventing its publication. The newspaper was subsequently forced to amend its editorial policies and to publish an apology for views previously expressed. The headquarters of several media outlets in the region have been stormed and ransacked by militants, including the offices of the “Province” and “Gornyak” newspapers and the headquarters of the “TRK Donbass” and “Union” television broadcasting services. The private home of the editor-in-chief of the “Ostrov” newspaper was also attacked.¹⁴

Such attacks and the destruction of broadcasting stations continues to occur. During the week of June 13-20, militants destroyed the energy supply to a TV tower by blowing up a transformer substation and a group of 6-8 armed men seized the office of the TV and radio company “Donbass”.¹⁵ Correspondingly, the offices of Ukrainian Channel 5, Channel 24 and “Novyi Kanal” were closed down in Crimea. Several cyber-attacks against have also been noted by the Institute for Mass Information such as those carried out against the news websites Mukachevo.net and ZakarpattiaOnline.¹⁶

In addition to the attempts to engineer the media space by restricting the freedom of expression and obstructing media activities and capabilities, political propaganda is being used to manipulate public opinion, particularly in the regions currently controlled by separatists. Russian media sources

¹¹ Kharkiv Human Rights Protection Group. 29 June 2014. “Kremlin-backed militants continue intense pressure on journalists.” <http://khp.org/index.php?id=1403986889>

¹² Interfax Ukraine. 27 June 2014. <http://interfax.com.ua/news/general/211240.html>

¹³ Institute of Mass Information. 25 June 2014. “National TV and Radio Broadcasting Council asks operators to stop broadcasting some Russian TV channels”. <http://imi.org.ua/en/news/44823-national-tv-and-radio-broadcasting-council-asks-operators-to-stop-broadcasting-some-russian-tv-channels.html>

¹⁴ Civic Solidarity Platform with IPHR and Human Rights Centre “Memorial”. May 2014. “The Bankrupt Referendum: Findings of a monitoring mission to the Donetsk region of Ukraine.” Available at: <http://www.civicsolidarity.org/article/963/separatists-eastern-ukraine-grossly-violate-human-rights>

¹⁵ Media Watch Network. 23 June 2014. “Ukraine: Donetsk and Luhansk Oblast take the lead in violations of freedom of press.” <http://imi.org.ua/en/analytics/44794-ukraine-donetsk-and-luhansk-oblast-take-the-lead-in-violations-of-freedom-of-press.html>

¹⁶ Media Watch Network. 16 June 2014. “Ukraine: violations of freedom of speech were registered almost throughout the whole country.” <http://imi.org.ua/en/analytics/44699-ukraine-violations-of-freedom-of-speech-were-registered-almost-throughout-the-whole-country.html>

disseminated in these regions frequently employ misleading, extreme and often aggressive language to portray the motivations and intentions of the Ukrainian authorities, the wider Ukrainian public and the West¹⁷. In combination with the censorship of opposing viewpoints and news sources, the excessive rhetoric can be seen as a contributing factor to the violence that has broken out in recent months.

Recommendations to the Ukrainian government and the self-proclaimed authorities in Donetsk, Lugansk and Crimea regions:

- Heed the recommendations of the OSCE Representative on Freedom of the Media and ensure the impartial and thorough investigations of any and all attacks against journalists and other members of the media.
- Refrain from adopting and bringing into force new legislation that does not meet the requirements of international human rights law with regard to the protection of freedom of expression and the media.
- Put in place concrete mechanisms to enforce guarantees for the prohibition of censorship and the operating freedom of media laid down by law, in consultation and cooperation with the OSCE Media Representative and civil society, and promote the growth of private, independent media in practice.
- Ensure that media outlets can gain registration in a simple, quick and non-bureaucratic procedure, and that they cannot be suspended or closed down without evidence of serious violations. Limit the use of such penalties to exceptional cases and as a last resort after media outlets have been given an adequate opportunity to rectify the situation.
- Publicly condemn acts of intimidation and harassment against journalists and other outspoken individuals, as well as their families, and ensure that such cases are promptly and thoroughly investigated and that all responsible are held accountable.
- Ensure that no journalists or other individuals are criminally charged and convicted in retaliation for their internationally protected right to freedom of expression.

Recommendations to OSCE institutions and community of OSCE participating States:

- In reaction to the rapidly shrinking space for freedom of expression in Russia and its resultant impact on the media atmosphere in Ukraine's occupied regions, the OSCE Chairmanship should press for ministerial decisions relating to the freedom of expression for consideration by the Ministerial Council.
- In order to protect the rights and support the work of human rights defenders in their efforts to ensure freedom of expression in Ukraine, the Chairmanship should submit a draft decision for consideration by the Ministerial Council to strengthen institutional mechanisms relating the work of human rights defenders and should support projects to promote the security of those at risk in OSCE countries, covering both physical and psychological aspects of security, as well as the creation of conditions for the safe conduct of human rights work at the local level. This should include support for initiatives of regional civil society work on the freedom of expression.

¹⁷ http://ec.europa.eu/commission_2010-2014/fule/headlines/news/2014/04/20140416_en.htm

- The OSCE participating States should further strengthen their capacity – individually and jointly – for rapid response in cases when human rights defenders and members of the media are urgently in need of assistance.
- Use bilateral and multilateral contacts, high-level meetings, public statements and other means to prominently and consistently raise issues of concern regarding legislation and practices negatively affecting freedom of expression and the media in individual OSCE countries, as well as to defend victims of repression.
- Support and cooperate with the office of the OSCE Media Representative in its mandate of helping participating States to abide by their commitments to freedom of expression and free media. Set a good example for other OSCE states by implementing relevant recommendations and best practices identified by this Representative.
- As appropriate, apply the new EU guidelines on promoting freedom of expression online and offline in third countries, in particular through the activities of diplomatic representations.
- The ODIHR, OSCE Chairmanships and other OSCE institutions should continue to engage in close cooperation with civil society on issues related to freedom of expression and other fundamental rights and maintain the good practice of holding civil society consultations such as the current ones and those held in the context of developing the new ODIHR guidelines mentioned above.