

# 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 9 December, Verkhovna Rada of Ukraine appointed **the new Chair of the Parliamentary Freedom of Expression Committee, Yaroslav Yurchyshyn**, representing the “Holos” faction. This appointment answered the civil society organisations’ call to grant the opposition members the opportunity to chair this committee. While the new Chair became more open and active in his activities and priorities, including suggesting the United Marathon and Telegram regulation issues, the practical effects of his work will only be visible in future and will be limited by the current mandate of the committee compared to the Parliamentary Committee on Humanitarian and Information Policy.

### Freedom of Expression and Media Regulation

In terms of balancing Ukraine’s obligations as a candidate state to join the European Union under the limb of securing national minorities’ rights and its legitimate interests in protecting the media environment from Russian content, **Draft Law #10288-1** was submitted to the Parliament on 5 December 2023, reviewed in record time and **signed by the President on 8 December**. In comparison with Draft Law #10288, analysed in the previous digest, **this version is more adequately dealing with the risk of Russian broadcasters reestablishing themselves on the Ukrainian market**. The 30% Ukrainian language quota was retained, and it applies to the weekly volume of TV broadcasting and the weekly volume of programs broadcasted by radio broadcasters, while the quota for news programs remains unchanged. At the same time, the scope of broadcasters to which it might apply was narrowed to broadcasters broadcasting solely in national minority languages, which are

official EU languages and national minority languages which are mentioned in [the Law on Ratification of the European Charter on Regional and Minority Languages](#), **excluding the official language of the aggressor-state** (that is Russian). These provisions now make **the establishment of broadcast media in national minorities' languages reasonable** as they are not burdened by excessive requirements to broadcast in Ukrainian.

The lone draft law on media and digital rights submitted to the Parliament in December was [Draft Law #10332](#) amending the Code of Ukraine on Administrative Offences and proposing **to impose liability for humiliation of citizens based on language**. The offence entails a fine in the sum of 3,400-8,500 UAH (roughly 83-208 EUR) or public works for a period of 30-40 hours, provided no qualified circumstances are present, which can be imposed by the Language Ombudsperson. The draft is being processed by the Parliamentary Committee on the Law Enforcement Activities.

Verkhovna Rada of Ukraine did not proceed to the next stages of reviewing other drafts, described [in the previous digests](#). They include proposals to enhance the transparency of the Parliament, numerous amendments to the speech-related offences in the Code of Ukraine on Administrative Offences and Criminal Code of Ukraine, decriminalisation of pornography, and the use of English in Ukraine.

## Privacy and Data Protection

[Draft Law #8153 on Personal Data Protection](#) aims at harmonisation of Ukrainian legislation with the EU standards required by the [Association Agreement](#) in the field of privacy and data protection and implements the General Data Protection Regulation (GDPR) in Ukraine. After being registered in the Parliament on 25 October 2022, the draft did not undergo any legislative steps for almost a year and **was finally recommended for adoption in the first reading** by the Parliamentary Committee on Human Rights, Deoccupation and Reintegration of the Temporary Occupied Territories, National Minorities and Inter-Ethnic Relations on 20 December. Its provisions are generally compliant with the GDPR provisions but exclude the regulation of the independent regulatory authority, which is the subject matter of [a separate draft law](#) submitted to Verkhovna Rada more than 2 years ago. This action by the Committee **might indicate the draft's upcoming adoption in the near future**.

**Draft Law #10190**, which suggests criminalising “electronic communication fraud” and was in detail analysed [in October](#), **was approved for adoption in the the first reading** by the Parliamentary Committee on the Law Enforcement Activities. Proposed amendments may have a positive effect on investigating personal data breaches, including phishing.

There was no progress on [the porn-related draft laws](#) and **Draft Law #9396**, which excludes prosecutorial discretion in temporary access to sensitive personal data.

## Internet Regulation

No progress on **Draft Law #10101**, authorising the monitoring of the Internet for the identification and blocking of websites and mobile applications that provide access to online gambling without the appropriate license, was reported in December. It is currently awaiting its submission to the Parliament for voting in the first reading.

## National Broadcasting Council

The highlights of the NBC activities in December were the registration of major Ukrainian online media under the new Law on Media. The entities which decided to register are [Ukrainska Pravda](#), [NV](#), and [Hromadske](#). This move demonstrates the willingness of the key market players to join some of the benefits adduced to online media under the new legislation, including participation in the co-regulatory system. [NBC also joined ERGA as an observer for the first time](#), which put it in the dialogue with the EU media regulators on crucial issues of media regulation and provides an additional capacity to initiate international dialogue on cutting issues in freedom of expression.

NBC has also finished coordinating **[the first stage of the creation of three co-regulatory bodies](#)**. In December, the working groups for these bodies' establishment were created by the [online media](#) (12 persons), [audiovisual media](#) (12 persons) and [audio media](#) (10 persons). At present, the task of the working groups is to develop the statutes of co-regulatory bodies and founding documents, as well as to register these bodies.

On 11 December, NBC **submitted for public discussion the 2024 Draft Implementation Plan of the Strategy of Activities for 2024-2026**, which will last for one month. This document will encompass the regulator's priorities for putting into life the provisions of [the Strategy](#) adopted in November.

**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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