

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

Internationally, the Council of Europe Committee of Ministers released the final text of **the Framework Convention on AI, Human Rights, Democracy and the Rule of Law**. The document introduces the human rights impact assessments and transparency obligations, provides a duty to develop an adequate remedy mechanism, and establishes the public consultation process (including civil society, academia, and independent experts) on AI regulatory matters. However, it solely applies to systems used in or developed for the public sector, leaving it up to a state ratifying or acceding to the Convention to specify its application to the non-state actors.

On the national level, the Department of Cyber Police, in cooperation with the NGO “Magnolia” and the Ministry for Digital Transformation of Ukraine, **launched the StopCrime – a portal for reporting information related to child sexual abuse on the Internet**. In this regard, Ukraine follows the EU path regarding effective mechanisms for minors’ online safety protection. Within a portal, once the prohibited content is reported (including anonymously), authorised subjects conduct the investigation regarding its assessment and – should the content be found illegal – subsequent blocking.

On 26 March, at the roundtable regarding the updating of media legislation, NBC and the Parliamentary Committee on Humanitarian and Information Policy **presented the draft law on amending the Law on Media and Law on Advertisement, which is set to be registered in the Parliament**

after further public consultations, which will be held until 8 April. The roundtable participants, including the authors of the text, covered the main ideas presented in the draft law, namely the updates to the co-regulation mechanism (proposing the enhancement of the regulator's obligations, working group's circle and clarification of the charter's requirements), public audiovisual media reform (proposing the transformation of communal media into public ones), NBC's registration procedures as well as the mechanism of NBC members' election and dismissal.

Freedom of Expression and Media Regulation

Certain legislative steps were taken towards the drafts analysed in previous digests. **Draft law #10313**, which initially prevented military personnel from sharing information on geospatial data, task details, and military forces involved in operations in the media and on the Internet during their duty, **was adopted in the second reading without the restrictive norms** and now awaits the President's signature. **Draft law #9432 on the use of English in Ukraine**, analysed in detail in the November digest, was **recommended for adoption in the second reading** by the Parliamentary Committee on Humanitarian and Information Policy, though the respective text has not been published yet.

There were no legislative steps taken regarding the previously submitted initiatives described in earlier editions of digests, which 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, and decriminalisation of pornography. Draft law #6401 on transparency enhancement of local self-governance, analysed in February, is still awaiting the President's signature.

Privacy and Data Protection

No progress on draft laws, analysed in detail in the previous digests, was reported in March. They include the drafts on a unified system of public security video monitoring, personal data protection, porn-related draft laws, Draft Law #10190, which criminalises electronic communication fraud, as well as Draft Law #9396, which excludes prosecutorial discretion in temporary access to sensitive personal data.

Internet Regulation

Draft Law #11115 on Regulation of Information-Sharing Platforms That Disseminate Mass Information was submitted to Verkhovna Rada in March and intends to regulate online platforms. The draft amends the Law on Media, **imposing a range of obligations on such platforms**. While most of them mirror the obligations imposed on video-sharing platforms under the EU AVMSD and the Law on Media, additional requirements include disclosure of the ownership structure and financing sources and the obligation to designate legal representatives in Ukraine, which somewhat mirrors DSA. It also prescribes **finances for non-compliance with content removal orders**, which the media regulator might impose, but it does not provide the regulator with blocking powers. Lastly, it prohibits using platforms whose structure ownership is non-transparent by certain categories of users (public servants, military personnel, etc). The need for legislation is explained by the fact that the current **Law on Media does not provide specific rights or obligations for information-sharing platforms** which have significant audiences in Ukraine (for example, Telegram). Currently, the draft law is being processed by the Parliamentary Committee on Humanitarian and Information Policy. **Some of its provisions are likely to threaten Internet freedom if adopted in its current version.**

Draft Law #10101, analysed previously and permitting the monitoring of the Internet to block unlicensed online gambling websites and mobile applications, did not undergo any legislative steps in the period.

National Broadcasting Council

On 29 February, the Parliamentary Committee on Humanitarian and Information Policy **announced the selection of candidates for the vacant position inside the regulator**. The decision pertains to the expiration of the term of office of Maksym Onopriienko, who was appointed as an NBC member in 2019. 22 March was the deadline for nomination, and **three candidates applied for the position**: Maksym Onopriienko, who is eligible for re-election, Hanna Krasnostup from the Ministry for Culture and Information Policy, and Iryna Poliiektova from the Zaporizhia Municipal TV Network.

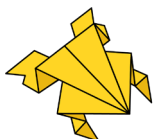
While most NBC activities in March related to registration and licensing routine, including denying the registration to certain state-owned media, such as “Holos Ukrainy”, it issued a prescription order against “Vsi Razom” online media for publishing LGBTIQ+ hate speech. Moreover, on 21 March,

NBC included two Russian actors (Viktor Babak and Kirill Kuznetsov) in the List of Persons Threatening National Security due to their public propaganda activities.

NBC has also continued its work on the coordination of co-regulatory bodies. In particular, on 6 March, the **working group for establishing an audiovisual media co-regulatory body** held a general meeting and approved the body's draft charter. As a follow-up step, the working group must now register the public association within the next three months, as the Law on Media requires.

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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