

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 12 February, the President of Ukraine signed an [Order imposing personal sanctions on Petro Poroshenko and Kostiantyn Zhevago for an indefinite period](#). Despite being close to the owners of the media service providers (“Priamyi”, “5 Kanal” and “Espresso”), the sanctions [did not have a substantial effect](#) on the general operation of the media subjects since the legal persons of the respective media have not been mentioned in the order and none of the mentioned persons are currently mentioned in the structure of ownership of these broadcasters.

On 13 February, the European Court of Human Rights (ECtHR) issued a judgment in [Denysyuk and Others v Ukraine](#), the first case on **secret surveillance in Ukraine**. The case concerns the **interception of telephone communications of applicants within the covert investigative measures**, which proved to be incompatible with Article 8 of the European Convention on Human Rights, guaranteeing the right to privacy. ECtHR has emphasised the need for legislative guarantees and an effective supervisory mechanism for monitoring surveillance measures. This case is an essential precedent which will have an effect on further Ukrainian legislative reforms in the sphere of secret surveillance.

Freedom of Expression and Media Regulation

On 5 February, **Draft Law #13001 on Strengthening the Prevention and Counteraction of Antisemitism** was registered in the Parliament. The draft suggests the imposition of **administrative liability for denying citizens**

access to public information on the grounds of racial or religious hatred, including antisemitism. The draft also empowers the Ombudsman with a supervisory authority to ensure compliance with the law on antisemitism. Currently, the draft is being processed by the Parliamentary Committee on Law Enforcement Activities.

At the end of January, Verkhovna Rada of Ukraine registered **Draft Law #12440**, which proposes to amend Ukrainian laws regarding the activities of the Antimonopoly Committee of Ukraine. The draft **empowers the NBC as the media regulator to enforce competition rules in the media sector, shifting the exclusive powers to define the markets in this sphere on the Anti-Monopoly Committee.** The alternative Draft Law [#12440-1](#), registered on 10 February, mirrors the former draft in terms of media provisions. As of now, both drafts are being processed by the Parliamentary Committee on Economic Development.

Draft Law [#5870-d](#) on conditional access to media services, analysed in detail in [July](#), **was sent for repeated second reading** by the Parliament on 27 February.

No progress on the [previously registered](#) draft laws was indicated in February. Draft Law [#11321](#) on improving journalists' access to official events and Draft Law [#11153](#) amending the rules on journalists' work trips to the emergency area are still awaiting the President's signature. There was no progress on drafts described in the [previous digests](#), which include Draft Law [#12111](#), amending the Law on Media, Draft Law [#12191](#), decriminalising dissemination of pornography, and Draft Law [#12253](#), which improves the legal provisions on advertising.

Privacy and Data Protection

There was no progress on any [previously analysed documents](#). These include the drafts on [a unified system of public security video monitoring](#), the [criminalisation of electronic communication fraud](#), the draft on [counterintelligence activities](#), and the [cyber forces of the Armed Forces of Ukraine](#). Draft Law [#8153](#) on Personal Data Protection is still being prepared for the second reading.

Internet Regulation

On 11 February, **Draft Law #10101**, which permits monitoring the Internet to block unlicensed online gambling websites and mobile applications, **was withdrawn from the Parliament.** This decision primarily concerns the [newly adopted law](#) mandating the liquidation of the Gambling Commission.

In turn, a new regulator must be established by 1 April to accrue the powers previously held by the Commission.

No legislative steps were taken regarding other submitted initiatives, namely [Draft Law #11115](#) on Regulation of Information-Sharing Platforms That Disseminate Mass Information (analysed in the [March digest](#)) and three sanctions-related drafts ([#11492](#), [#11492-1](#), and [#12406](#)).

National Broadcasting Council

On 6 February, NBC **expanded the [List of Persons Threatening National Security](#)** by including the Russian actor who incited hostility and hatred toward representatives of Ukrainian culture. On 27 February, five representatives of the RT channel, who regularly promoted anti-Ukrainian propaganda, [were added](#) to the List.

On 20 February, **NBC [approved the report on its activities in 2024](#)** and submitted it to the Verkhovna Rada of Ukraine and the President of Ukraine for further consideration.

Within its registration routine, the **Council [has also registered the first three video-sharing platform providers in Ukraine](#)**: “Media Holding Ukraine”, “News Ukraine”, and “Ukraine Inform”. This marks an important step in the regulation of online spaces.

At the end of January, **NBC decided not to [impose the sanction on NTN channel](#)**, belonging to Inter Media Holding, for airing an episode of the US television series in English, which, according to the Law on Media, should only be broadcast in Ukrainian. Broadcaster’s representatives [attributed](#) the situation to a technical failure, emphasised existing financial burdens (the fine was 454,503 UAH or 10,408 EUR) and highlighted that the **Council members should not strictly follow the letter of the law, punishing the media without considering its intended spirit**. On the other hand, relevant examples were brought up, such as the imposition of fines for similar offences on [Channel 24](#) and [TRK Brody](#), where NBC applied fines for failing to meet language quotas without considering any other circumstances. Such a situation calls upon NBC’s cohesion in applying the Law on Media during its further enforcement.

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 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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Digital Security Lab