

Wan-Ifra concerned over proposed media bill threatening freedom of expression - Ukraine

Wan-Ifra has taken note of a new proposed media bill threatening freedom of expression in the Ukraine and has written to Volodymyr Zelensky, president of Ukraine expressing concern.



Volodymyr Zelensky, President of Ukraine, at the annual meeting of the World Economic Forum in Davos, Switzerland, on 22 January 2020. EPA-EFE/GIAN ERENZELLER

The bill was unveiled by Culture Minister Volodymyr Borodyanskyi on 20 January 2020. The draft law could lead to broad state interference in media and journalism activities "at the expense of media freedom," and may not be efficient to counter disinformation. It is ostensibly to help protect against Russian disinformation, which is a significant problem in Ukraine.

However, many local and international organisations have protested that it represents a significant threat to freedom of expression, and it was described by the Association of Independent Regional Publishers of Ukraine as "a clear step towards censorship instead of workable tools for countering the influence of Russian disinformation."

Key points

- The definition of disinformation is unclear, which leaves journalists vulnerable to accusations of spreading disinformation.
- It criminalises "the dissemination of disinformation" - the purposeful spread of disinformation could be punished by up to seven years in prison and hefty fines (up to \$380,000). These two points could have a chilling effect, particularly on investigative journalism.
- It foresees the nomination of a state commissioner – an 'ombudsman for information' who would decide what statements are false and dispute them in court.
- It proposes the establishment of a single new state-sponsored journalistic association which journalists would have to join in order to be considered "professional" and be invited to government events etc. This is unconstitutional, according to Ukrainian NGO Detector Media.

Global relevance

Various countries have enacted or are considering similar legislation to control the flow of disinformation, particularly during the coronavirus pandemic. Some notable examples include:

- **Singapore:** passed a law to tackle 'fake news' in May 2019 that allows authorities to order the removal of content. Punishment includes jail terms of up to 10 years and significant fines. It was described by Poynter as one of the most 'comprehensive' anti-misinformation laws in the world. According to the Washington Post, Singaporean officials are using the coronavirus outbreak to justify the law and the sweeping power that it grants ministers to decide what constitutes a breach.
- **France:** the 'law against the manipulation of information' was approved in November 2018. It targets the dissemination of 'fake news' particularly during election campaign periods, which are seen as the riskiest times. It was criticised by members of the French parliament, as well as by news publishers.
- **South Africa:** in mid-March 2020 the government enacted new regulations criminalizing statements intended to deceive any person about Covid-19 or the government's response to the pandemic. According to CPJ, "passing laws that emphasise criminalising disinformation over educating the public and encouraging fact-checking present a slippery slope and send the wrong message to other countries that may be less measured in drafting such laws.
- **Hungary:** at the end of March 2020, parliament passed measures aimed at tackling the coronavirus that includes jail terms for spreading misinformation. According to Amnesty, classifying the spreading of false or distorted facts as a crime is "inconsistent with international human rights law and standards."

Links and resources

The OSCE has [called for 'more consultation'](#)

- IPI [said that the bills threaten press freedom](#)
- RSF has [warned against the bill which it describes as "ineffective and counterproductive"](#)
- The European Federation of Journalists [strongly rejects the proposal, and quotes National Union of Journalists of Ukraine President Sergiy Tomilenko who explains what is wrong with it](#)
- The Ukrainian Institute of Mass Information protests that the bill ["provides for a dangerous level of interference in journalistic activity and options to restrict freedom of speech"](#)

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