

Under Assault: Ukraine's News Media and the 2004 Presidential Elections

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No one should underestimate the political, social, and economic importance of the presidential election scheduled in Ukraine for October 2004. It is clear that this election offers an important opportunity for a new beginning for Ukraine, a country mired in official corruption. Yet given Ukraine's recent history, including its last presidential and parliamentary elections, the next four months do not bode well for the independence of the country's news media. President Leonid Kuchma (who under Ukraine's constitution cannot run for a third term) and his allies will look to secure at all costs the victory of a chosen successor. The election of an opposition candidate could portend a sea change in the upper echelons of power and enable sorely needed reform of the political system.

In the past, analysts in Ukraine and news media watchdog organizations outside this east European country have criticized Ukraine's news media for performing poorly and failing to provide fair political and electoral information to the voting public. The financial dependency of the media and strict control of media companies by the ruling regime, local and regional administrations, and political parties have increased dramatically since President Kuchma's 1999 reelection and intensified during the 2002 parliamentary elections, when intimidation of reporters and media outlets reached its highest point since the consolidation of Ukraine's post-communist independence.

Given the immense implications of a change in state power and the strong showing of opposition forces in recent polls, there is a danger that many news media outlets—particularly broadcast media—will outdo even their past efforts to skew the news agenda. Once again, they can be expected to advance the biased political or business interests of their patrons rather than present a balanced and fair overview of the full range of candidates and their policies.

The administration of President Kuchma, and the United Ukraine and SDPU (united) parties in particular, have learned that a firm grip of the Fourth Estate confers tremendous power. In a depressed economic environment in which many voters cannot afford to buy print media and receive news exclusively from television, the pro-Kuchma forces have established firm control over all national television broadcasters. Many observers interviewed for this report expect Ukraine's past practice of state-controlled media promoting the candidates of incumbent power to continue, while privately owned media engage in a quid pro quo of promoting and attempting to secure the election of a candidate from the ruling elite in return for economic favoritism, political protection, and potential subsidies for economically unprofitable news outlets.

The Last Time Around: Parliamentary Elections in 2002

A look at Ukraine's last national parliamentary elections provides clear evidence of a pattern of direct and indirect state interference in the media's dissemination of alternative and opposition views. According to an OSCE/ODIHR Election Observation Mission (EOM) report of campaign coverage in February and March 2002, state-funded television broadcaster UT-1 devoted between 21 percent and 40 percent of its prime-time presentations to the pro-presidential "For a United Ukraine" (FUU) political bloc of five parties, with most of the coverage being positive.

Of the six large private television broadcasters, five still favored one political party or bloc over others, according to the EOM. The report stated that three broadcasters—Inter TV, Studio 1+1, and ICTV—provided more and favorable coverage of FUU and the SDPU(u)—Kuchma’s party—whereas the smaller Utar and Noviy Canal (since taken over by pro-Kuchma interests) favored Viktor Yushchenko’s “Our Ukraine” bloc and Yulia Tymoshenko. Inter TV and Studio 1+1 provided mostly negative reporting on Yushchenko and, just weeks before election day, ICTV—one of three broadcasters partially owned by the president’s son-in-law Viktor Pinchuk—presented a controversial and inaccurate documentary connecting Western money to Ukraine’s opposition. The program was rebroadcast on the state channel UT-1. Regional broadcasters owned by the state were deemed more biased, with channels in Kharkov and Nikolaiv dedicating some 70 percent of their news coverage to the pro-presidential FUU, which received only 11.77 percent of the vote.

While print media offered a greater plurality of political news coverage and views, readers still had to purchase several publications to see a balanced, complete picture of the campaign. In the 2002 elections, large-circulation daily newspapers *Fakty i Komentarii* (Facts and Commentary), *Segodnya* (Today), *Den* (Day) and *Kiyevskie Vedomosti* (The Kyiv Gazette) backed pro-presidential parties, while *Silski Visti* (Country News), *Ukraina Moloda* (The Youth of Ukraine) and *Vechernie Vesti* (The Evening Gazette) supported the opposition parties. The combined circulation of the national pro-government and government-controlled dailies exceeds 2.1 million, while the combined circulation of national dailies that are critical of the authorities stands at 1.15 million. Ukrainian editions of Russian periodicals, which have a combined national circulation of more than 700,000, tend to eschew criticism of the Kuchma administration. At the regional level, the imbalance is far greater, usually with a single local daily closely linked to the president-appointed regional governor or to pro-presidential local oligarchic groups.

The OSCE’s EOM report also highlighted the politicized role of the Ukrainian Tax Administration, whose relentless investigations of independent media aroused a storm of domestic and international criticism. Although the tax administration temporarily froze investigations of news media organizations just before the 2002 elections, other forms of harassment surfaced. Several opposition newspapers had contracts cancelled by Kyiv printing houses, delaying and impeding publication. According to Professor Valeriy Ivanov, head of the mass media department at Kyiv National University, incidents in the regions included: a station’s refusal to broadcast a program in which an opposition leader participated; publishing houses’ refusing to print opposition periodicals; and distributors told not to sell several opposition newspapers. Professor Ivanov, who is also the head of the nongovernmental Academy of Ukrainian Press (AUP), noted further that the media frequently quoted biased public opinion polls that various political groupings had ordered, in an effort to disorient the electorate.

The same set of circumstances that ensured the media could not—or would not—play a constructive role as an independent and balanced participant before and during the last election prevails today. The media environment, in essence, has changed little over the past few years. Although there are several signs of increased civic monitoring and organized efforts by journalists to resist censorship and pressures, these are far too isolated to counterbalance the worrying state of affairs in the Ukrainian media scene.

Obstacles to Open and Fair Coverage

A range of interrelated factors contributes to Ukraine's troubling pre-election news media environment. These include significant state interference and the economic dependency and vulnerability of most news media.

State Influence and Interference. State intimidation, state obstruction, and influence peddling as a means of personal economic gain continue to pull the strings that control many of Ukraine's news media. Most of the large-circulation national news publications in Kyiv are highly politicized—and most are tied to the incumbent government, to political parties, to oligarchic groupings known as financial-political groups, and to businessmen-parliamentarians. Media experts estimate that 90 percent of local and national newspapers and news magazines and 95 percent of television and radio stations are in the hands of political parties, national and local governments, or oligarchs and entrepreneurs influenced by or buddying with politicians. Television, the most popular medium in Ukraine, is also the most heavily controlled by government and politicians close to the ruling circles. At the national level, the only six major television broadcasters are controlled by the Kuchma regime or owned by Kuchma loyalists. STB—a station that bucked this trend in 1999—had its entire ownership team removed and replaced by allies of President Kuchma. Likewise, Novy Kanal, a station that gave voice to opposition parties in the 2002 elections, is under the control of a group closely connected to the president's son-in-law, Viktor Pinchuk.

State pressures on the media of Ukraine are hardly new. They were present in the first seriously contested Ukrainian election, the presidential race of 1994, when Kuchma unseated Leonid Kravchuk. At that time, local television media were harassed by the incumbent authorities. President Kuchma and, in recent years, his colleagues appear to have learned from the past and have applied the same tactics with a vengeance to political opponents.

The unfortunate result is that, after prospering and growing during the first days of Ukrainian independence, Ukraine's press freedoms in practice have gradually eroded. Notwithstanding the passage of a series of progressive media laws, today media freedoms are widely and systematically denied. Tax inspections, libel rulings against independent journalists, intimidation, state links to killings of journalists, questionable administrative controls over distribution, and revocation of broadcast licenses have stifled the operations of most independent news organizations and achieved alarming frequency and proportions in the 1999 presidential and 2002 parliamentary elections.

One disquieting and well-documented instance of direct state interference is the use of *temnyky*. Despite having been amply documented and revealed to the public during parliamentary committee hearings held late in 2002, *temnyky*—instructions from the presidential administration to news outlets directing the angle and substance of reporting a story—still exist today, although more discreetly. In a March 2003 study, "Negotiating the News: Informal State Censorship of Ukrainian Television," Human Rights Watch reported that *temnyky* were first sent to several pro-presidential news media companies and television stations in September 2001, during the campaigns prior to the March 2002 parliamentary elections. These directives have since been distributed to a larger number of broadcasters and are often reportedly followed up with intimidating phone calls from the presidential administration or by personal visits from enforcers. State-financed broadcasters and publications are required by the state to provide

certain programming, which some editors and producers say forces them to cover stories from only one side or avoid certain topics. Otherwise, the news organizations risk loss of subsidies from governments—national, regional, or local.

Following protests and complaints by hundreds of journalists in October 2002 in Kyiv, the parliamentary Committee on Freedom of Speech and Information conducted hearings—during which the *temnyky* were brought to light—on political censorship and freedom-of-speech issues. From the meetings materialized a bill—signed into law by President Kuchma—that amended previous freedom-of-speech laws already in existence. The law is considered a significant positive step in Ukraine’s development toward protecting press freedoms.

State interference is also severe at the local and regional levels, where officials (especially governors, who are appointed by the president and not by local elected councils) have grown more powerful over the years and have their own methods of harassing the print and broadcast media. In eastern Ukraine, journalists at several media outlets said they were not afraid to criticize “far-off” Kyiv but did express reservations about offending local and regional authorities. The editor-in-chief of one of the most popular newspapers in eastern Ukraine said his paper did not shy away from criticism but could only go so far—the local authorities owned the building where his paper was housed. Many editors find it easier to stick to social and cultural themes than to encourage sharp reporting that might risk pressure and official retaliation.

Blatant physical attacks against editors, producers, and reporters have continued since the 2000 murder of online reporter Georgy Gongadze. Among those who died under suspicious circumstances are Donetsk TV journalist Ihor Aleksandrov and Mykhaylo Kolomytets, the head of the Ukrainian News Agency, who apparently committed suicide in November 2002. In other recent cases, online journalists Edouard Malinivsky (reporter with Ostriv) and Oleg Eltsov (editor of the Web site *Ukraina Kryminalna*) were assaulted by two thugs each in August and June 2003, respectively. Although direct connections have not been confirmed, the attacks have been investigated as retaliations for posted articles. Furthermore, the threat of violence has led some journalists to shy away from controversial political or economic topics. Almost half of 727 Ukrainian journalists polled in November 2002 by the Ukrainian Center of Economic and Political Research, the National Association of Journalists, Charter-4, and the Web-based media watchdog *Telekritika* believe physical retaliation from criminal elements or authorities is possible with the publication of critical materials. But psychological pressure (79.2 percent) and economic punishments (75.7 percent), the journalists said, are more frequent.

Economic Vulnerability. Although *temnyky* and attacks on journalists tend to garner much of the attention of international press-monitoring groups, many of the hurdles to attaining press freedom in Ukraine are neither criminal nor even strictly political in nature. Some stem from the financial weakness of Ukraine’s media market.

Media magnates, businessmen, relatives of top government officials, and local administrators continue to abuse the news media to curry government favor and build power and influence. Owners of private media are known to pronounce editorial policies that support politicians and political parties, promote their own political aspirations, bury business competitors, and protect the interests of friends and family. As one interviewee put it, “In Ukraine, the way to make money is through politics and the way to do politics is through the media.” One television news producer in a regional city said that political pressure was not the greatest impediment to independent journalism; the boss’s attempts to please his business friends disturbed the producer much more. In this light, the government should be seen, said one

journalism educator, as just one of several interest groups; it was unfair, he said, to blame President Kuchma alone for quashing press freedom.

In interviews conducted for this report, Kyiv-based national media professionals and rights monitors repeatedly highlighted the considerable degree of political interference and control exerted by the authorities or forces linked to them. By contrast, their counterparts at the local and regional levels—at least in the east, one of the main targets of this assessment—attribute their lack of independence far more to the economic climate. With a healthy advertising market and the other elements of a “normal” market economy, they believe their publications would be strong enough to resist both political forces and wealthy businessmen intending to use the press as a personal vehicle.

Ukraine’s current advertising market—although it is growing by 30 percent annually—is very weak, especially for newspapers and news magazines. The situation is more robust in the capital, but about 75 to 80 percent of all ad revenues—which totaled between \$80 million and \$200 million last year according to various estimates—go to the six national television channels. These outlets, as noted above, are controlled by or support the current ruling administration. Jed Sunden, the publisher of the English-language *Kyiv Post* and the *Korrespondent* magazine and Web site, said newspapers take in only around 7 percent of ad revenue nationally, a very low figure compared to the more common 15 percent in other countries. He traced the situation to a number of factors, including a lack of skilled media managers and a dearth of Western investors—frightened off by the country’s negative free-press image and the crash of the Russian ruble in 1998. At this point in the development of the market, Sunden said, newspaper executives should be able to take advantage of the rising economy, run their operations more efficiently, and devise innovative ways to increase circulation and attract more advertisers. Still, with the additional obstacle of a high proportion of Ukrainians living in poverty or possessing little discretionary disposable income, readership remains pitifully low, especially for a country of 48 million people.

Of the some 700 television and radio stations and 3,500 news publications on the market, about half admit to operating in the red. But it is suspected that actually most suffer losses. Those partially owned by or loyal to the Kuchma administration, regional governors, mayors, opposition leaders, and political parties are kept financially afloat by government subsidies and/or hidden handouts. Lack of transparency, submission of false data to the National Council, and hidden ownership make it increasingly difficult to know the financial truth.

Some of the journalists and editors interviewed for this report felt the fastest way to a genuine media market would be for the state to relinquish its ownership and stop the practice of subsidies as quickly as possible. As a result, unappealing, politicized newspapers and broadcasters would, they say, disappear from the scene. The privatization of state-owned media would, this theory goes, boost the demand for Western-style journalism, allowing journalists to pursue freedom of speech and recast news media as real businesses. Others, however, worried that media oligarchs would snatch up newly freed news organizations, and the currently enforced editorial policies would continue as they do today. “Privatization under the current market conditions is horrifying,” said Sergiy Guz, the general secretary of the Kyiv Independent Media Union, predicting greater economic pressure on journalists and continued political control of publications and broadcasters.

Events since January 2004

While media repression has long been a calling card of President Leonid Kuchma's regime, the year 2004 has unleashed a new, and in some ways unprecedented, campaign against Ukraine's independent and opposition media. Through intimidation and direct intervention, the authorities have targeted all types of media, from broadcasters to the press to the Internet. Although concerned about the developments, both the international community and Ukrainian civil society have been largely powerless to counter the wide range of tactics employed by the presidential administration and its allies.

Non-state-controlled radio has been particularly hard hit; the shutdowns of stations were so extensive that press-rights groups and Western governments pointed to a concerted attempt to remove alternative voices and political debate from the airwaves. The first closure occurred in January, when the local health authorities turned off Radio Rox, an opposition-friendly station whose live broadcasts from parliament included speeches by opposition members. Rox had also aired news programs from independent Public Radio, a station that otherwise operates only on the Internet, as the authorities have not granted it a frequency. Radio Rox returned to the air in April, at which point it continued to broadcast from parliament but ceased Public Radio programming.

In February, Radio Free Europe/Radio Liberty disappeared from FM after the new head of Radio Dovira, which had broadcast RFE/RL programs for five years, ended the agreement, saying Dovira would now be focusing on entertainment shows. Critics saw a political connection, as the new director is known as a Kuchma loyalist.

In response to Dovira's move, on February 27 Serhiy Sholokh, director of Kyiv's Radio Kontynent, began airing a two-hour rebroadcast of RFE/RL on his station. Kontynent was already on the authorities' blacklist for carrying the programs of the BBC Ukrainian Service, Deutsche Welle, and the Voice of America, and the RFE/RL arrangement was short-lived. On March 3, police seized Kontynent's transmitter and sealed its offices, citing the expiration of the station's FM broadcast license. The license, however, had in fact run out in 2001, thus prompting doubts over the timing of the current raid. Sholokh subsequently fled the country, saying people connected to the United Social Democratic Party of presidential chief of staff Viktor Medvedchuk had threatened him.

Press defense organizations have also raised questions over the death of Heorhiy Chechyk, director of the private radio and television company Yuta, which owns FM Radio Poltava Plus. On March 3, Chechyk was on his way to a meeting with local executives of RFE/RL when his car hit another vehicle. The police have ruled Chechyk's death an accident. Others, however, have demanded a full investigation, citing a long line of suspicious automobile accidents involving opposition politicians and supporters. Moreover, a number of other radio stations that were in negotiations with RFE/RL at the time of Chechyk's death subsequently backed out for fear of prosecution.

Moves against television stations were not as prevalent as those involving radio, although that is probably because nearly all channels are already in the hands of those either close to the regime or sufficiently intimidated so as not to offer alternative news programming. The sole remaining pro-opposition station, Channel 5, owned by a supporter of leading opposition candidate Viktor Yushchenko, debuted in the summer of 2003. However, it may be on its last legs, as another station has sued it in an attempt to acquire its broadcasting frequency.

In addition to the above attacks, which have generated a good bit of attention abroad, actions that received less notice have been taken against smaller regional broadcasters, such as M-Studio. This television channel was the most popular in the Transcarpathian region, but the

authorities took it off the air in the run-up to the disputed April 18 mayoral election in the station's hometown, Mukacheve. By many accounts, that election was blatantly rigged in favor of the government candidate. On the brighter side, a few smaller stations, such as ICTV, STB, and Novyi Kanal, have begun airing more diverse coverage, perhaps because their owners are hedging their political bets.

The press has not escaped unscathed, either. In January, a court in Kyiv ordered the closure of *Silski Visti*, one of the largest-selling national dailies, which is close to the opposition Socialist Party. The paper had broken a law concerning the publication of extremist views (in this case, paid anti-Semitic advertising). Critics have charged, however, that the court acted selectively, as both the author and other anti-Semitic publications have escaped punishment. One Jewish figure—Yevhen Chervonenko, vice president of the Eurasian Jewish Congress (and an aide to Yushchenko)—labeled the move a “calculated provocation by the presidential administration against the media.” *Silski Visti* appealed the decision; in all likelihood, the lengthy court process will now last until after the presidential elections, allowing the paper to continue to appear.

Filling a crucial gap in coverage, Internet media continue to thrive, serving as one of the only sources of independent, hard-hitting news and analysis. Growth in the number of Internet users continues to explode, although estimates about the percentage of the population with access continue to vary dramatically, from 6 percent to a more likely 12 to 15 percent. In addition, a Freedom House Kyiv survey released in May 2004 indicated that only 0.2 percent of the population consider the Internet their primary source of information. Nearly 73 percent mentioned national television as their main source, 7 percent cited radio, and 10 percent newspapers. However, the low figure for the Internet is somewhat misleading as many regional newspapers, particularly small ones, republish Internet news and information.

Some analysts believe that the government may scale back the relative freedom on the Internet as election day approaches, using new legislation to suppress unfriendly sites. Late in 2003, President Kuchma signed into law a restrictive bill passed by parliament in November, mandating that Internet service providers (ISPs) install and maintain monitoring equipment at their own expense. Government agencies—such as the Secret Service of Ukraine (SBU), the successor to the KGB—may then use this equipment to tap private electronic communication, a nightmare for enterprising (and investigative) journalists. An even more intimidating piece of legislation, the Law on Activities in the Area of Information Technology, stalled after passing its first reading in November. That draft law, which appears to have gone too far even for some government-connected parliamentary deputies, mandated that ISPs and users transmit only “true, complete, and timely information” and contained vaguely worded bans on distributing libelous or distorted information.

Intimidation has also been used against Internet groups. On January 12, 2004, unknown assailants fired rubber bullets at the editor-in-chief of the Ukraina Kriminalnaya Web site, which has published articles exposing the illicit activities of the government elite. In May, Olexandre Pomytkin, a journalist for the site, was arrested and charged with fraud; his colleagues attribute the allegation to his recent book on connections between the mafia and police. Kostyantyn Sydorenko—a journalist covering the Mukacheve mayoral election for www.hotline.com.ua, an election-monitoring website—was arrested on May 22, 2004. He was then quickly sentenced to five days in prison for resisting the security forces, although his real crime may have been taking sensitive footage of the police removing a group of activists. “We do question the real reasons for their arrests,” said Reporters Without Borders in a statement. “It is all the more important to

look into these cases because both of them were investigating issues that are sensitive for the authorities.”

In addition, the leading opposition Web site, *Ukrayinska Pravda*, and the opposition daily, *Ukrayina Moloda*, were sued for libel this spring by two people who are believed to be Medvedchuk’s proxies. The two demand that the assets of the two media groups be frozen pending the hearing.

The authorities have responded to the criticisms over meddling in the media, but most analysts doubt the sincerity of their actions. The television stations owned by Viktor Pinchuk, the president’s son-in-law, have been providing more coverage—though still limited—of opposition voices. Pinchuk has also renounced his membership in the pro-Kuchma Working Ukraine party and partnered with George Soros to establish a joint legal aid foundation. While some see these moves as an attempt to carve out more moderate territory in case Yushchenko wins, others view the actions as camouflage to impress the international community while the status quo remains the same behind the scenes. Similarly, few believed Prime Minister Viktor Yanukovich’s May 6, 2004, speech defending the rights of the media.

Whether these actions against the media will prompt significant opposition at home or abroad is an open question. Western governments have condemned the crackdown and issued increasingly overt warnings, including resolutions in both houses of the U.S. Congress, about the need for a democratic, transparent, and fair election process. However, those threats, which will almost certainly increase as election day approaches, are unlikely to help mobilize the Ukrainian public, as they probably will not make it further than the small opposition press and independent Web sites. According to the opposition Web site *Ukrayinska Pravda*, the presidential administration has issued a series of *temnyky* forbidding any reporting on negative statements by international organizations or governments. Combined with moves to force RFE/RL and other Western-backed news services off the air, this suggests a determined attempt to shield the electorate from criticism emanating from Brussels and Washington. Such an attempt would serve the ruling party well, as most voters favor European integration and their exposure to harsh words that continually put that goal in doubt could spell trouble for government-supported candidates in the presidential election and further damage the regime’s popularity overall.

At the beginning of March 2004, when roughly 5,000 Ukrainians did take to the streets of Kyiv, media shutdowns were one of the major themes of the antigovernment protest. However, the demonstrations have not developed into a cause with any momentum. It is likely that the country’s burgeoning civil society—including more than 100 NGOs that have united to form a civic coalition called New Choice 2004—will have to rally support for free media and offer unbiased election information to the population. All signs currently indicate the inability of the media to perform either function, with intimidation from the authorities the chief cause.

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