

# Public Service Broadcasting: Will It Become an Answer to Freedom of Speech Challenges in Ukraine?

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A German-Ukrainian Exchange of Opinions*

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# PSB world-wide

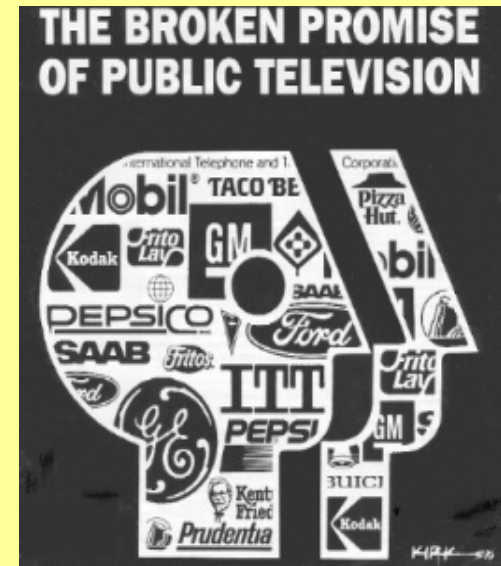
**Public service broadcasting (PSB)  
versus state broadcasting**

**Public service broadcasting**

**versus commercial broadcasting**

**PSB continues to be:**

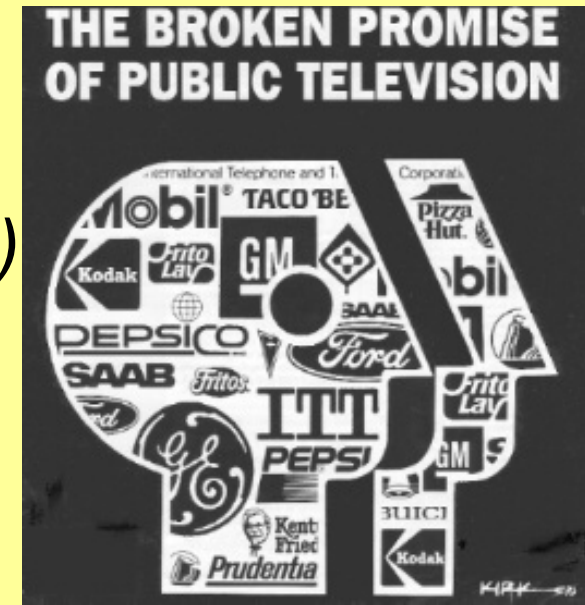
citizen-oriented representing diversity of  
access and response to cultural-  
pedagogic logic, reference to civil society  
and concern for social cohesion (Wieten,  
Murdock & Dahlgren 2000, p. 27).



# PSB world-wide (cont.)

Kinds of crisis:

- *identity crisis (Weber, 2002)*
- *death in the USA (Ledbetter, 1998)*
- *legitimizing crisis in Canada (Attallah, 2000)*
- *decline in the UK (Tracey, 1998).*



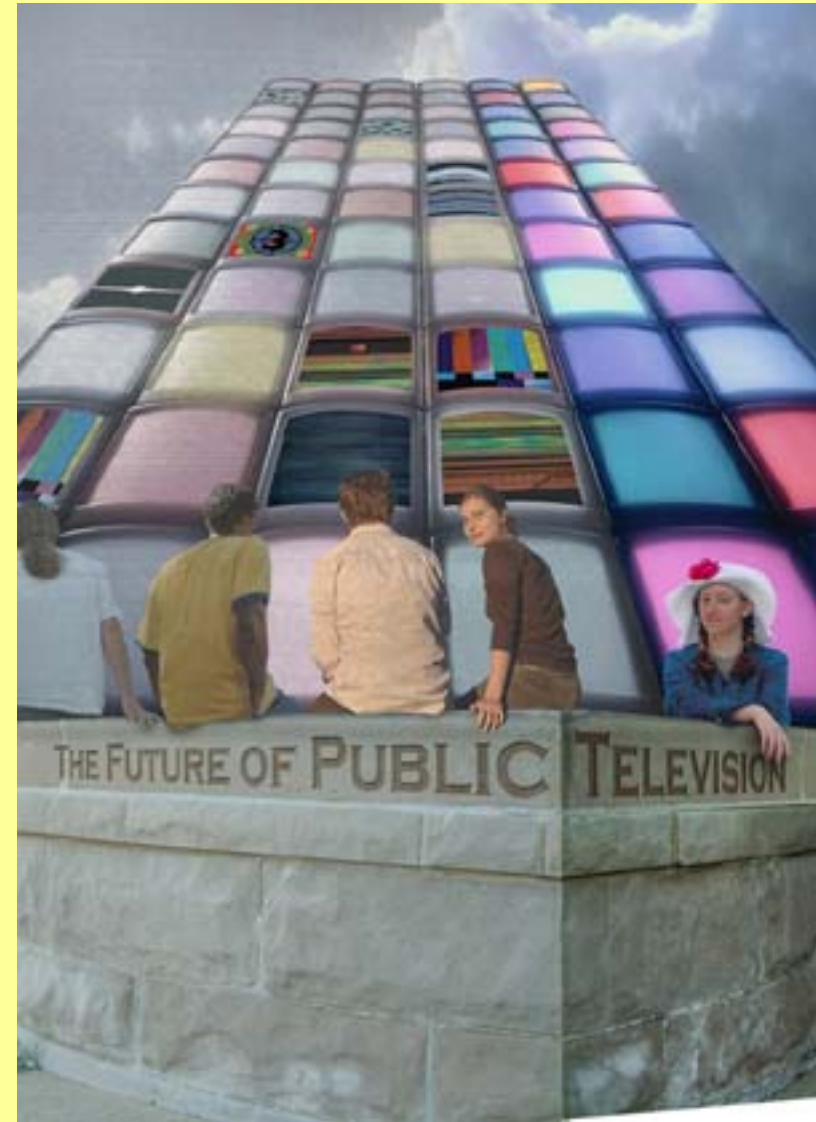
The world trend is **not encouraging** for PSB.

PSB itself is now a **niche market** (Wieten, et al. 2000, p.55; Coppens & Saeys 2006).

Commercial broadcasting dominates over PSB.

# Factors influencing public broadcasting emergence

- Institutional Capacity
- Attitude of politicians (especially authorities – President, Parliament, opposition, etc)
- Attitude and readiness of the society
- Position and active support of journalists
- Pushing political events, campaigns, etc
- Positive experience (Internet “public media”)



# “Orange Revolution” as a Booster of PSB

## Pre- and Post-“Orange Revolution” discussion

- Ex-president **Yushchenko changed his mind** about PSB: ‘The new state needs new state-owned media’ (Internews 2005).
- The Ex-president was **unable to accept media independence** in the context of increasing criticism about him. Yushchenko and his allies supported the freedom of speech and used the idea of PSB as long as they had **profit** of it. As Prytula argues, ‘the most regretful, though, is that they don't have much understanding and **are close to Kuchma** in their understanding of journalism.’ (Research Center of Donbass Social Perspectives 2005).



# Freedom of speech & TV

**2002:** The Parliamentary hearings "Society, Mass Media, Authorities: Freedom of Expression and Censorship in Ukraine"

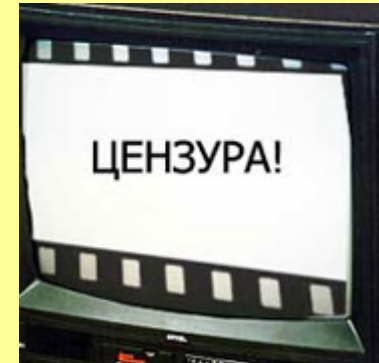
Parliament commented situation with the freedom of speech: is television *"a condom for reality"*?

**2010:** Press Freedom Monitoring. The Institute of Mass Information: *"We could observe a drastic decline of freedom of expression in Ukraine during last eight months."*

STB journalists revealed facts of censorship  
Channel 1+1 denounced censorship

Channel 5 and TVi would be deprived of several frequencies in and around Kyiv

The Black Sea TV complained that the authorities wanted to close its political talk show



# Freedom of speech in danger

- Vasyl Klymentiev, the editor of a Kharkiv-based weekly, **disappeared** in early August. Interior Minister, Anatoly Mohilev, conceded that Klymentiev **could have been killed** for his professional activities.
- Konrad Schuller, a journalist of the newspaper *Frankfurter Allgemeine Zeitung*, accused the Ukrainian security service of **spying** on him.
- A MP Yuriy But won a libel **case** against journalist for Channel 5 Olga Snisarchuk. She called him “defector” in the news and must pay 20 000 UAH.
- "*The safety of journalists is now **alarming**. If journalists are afraid to perform their professional duties and someone points them what to write and say, this is a problem*", the OSCE Representative on Freedom of Media Dunya Miyatovich.

# Freedom of speech in danger (Cont.)

	September 2010	April 2010
Freedom of speech has worsened after the Presidential election	41%	18 %
Do not feel negative changes	35%	66 %
Undecided	24%	16 %





# Changes in Law



## **Draft law No.6447-1: Criminal Responsibility For Censorship In Mass Media**

- Suggests amending the Criminal Code with an article "Violations of Rights and Freedom of Literature, Artistic, Scientific, or Technical Creative Work, or Censorship"
- Suggests that the censorship, among other actions, includes editing by bodies of the state power and local self-government of journalist materials outside the editorial staff of mass media.

# Why is PSB in Ukraine coming now?



*“Throughout the years of independence – from election to election – many politicians raised this topic, promised their voters to set up Public TV broadcasting. I did not promise. I am doing it,”*

President Viktor Yanukovich said.

The Concept of creation and work of the National Public Broadcasting Company of Ukraine

# Core Principles of the National Public Broadcasting Company of Ukraine

- Lawfulness, independence, reliability, impartiality, objectiveness,
- Not-for-profit, for public benefit;
- Plurality of opinions and tolerance;
- Transparency and openness;
- Balanced, immediate, accurate and reliable information, explicit segregation of comments & facts;
- Accountability to the society;
- Transparency and publicity of establishing a supervisory body;
- Diversified sources of funding to avoid control and pressure on public broadcasting.

# The Law of Ukraine 'On creation of the National Public Broadcasting Company of Ukraine'

The National Council of Ukraine on Television and Radio Broadcasting will pass to the National Public Broadcasting Company of Ukraine (NPBCU) the frequencies owned by:

- The National Television Company of Ukraine (NTCU): 97% coverage country-wide,
- National Radio Company of Ukraine (NRCU),
- Regional broadcasting companies.

# Financial sources

PSB needs appropriate funding: the mechanism of financing **must exclude the influence of state** and commercial structures on the journalists.

In fact: the NPBCU work is financed by means of the **State Budget of Ukraine** (during a transition period), subscribers' payment, advertisement (during a transition period), voluntary and charity contributions, donations of individuals and legal entities, their contributions (partly as tax benefits), transferred in accordance with the legislation, as well as other financial sources **not prohibited** by the legislation.

# The Supervisory Council

- The NPBCU Supervisory Council is composed of **one representative** of the following categories of the public associations:  
educational; scientific; religious; sports; journalistic; human rights; business; youth; local governments; trade unions; national minorities; the disabled; veterans of the Great Patriotic War; other non-governmental public organizations, which unite not less than one hundred people (**NGO or GONGO?**).
- There is also one representative in the Supervisory Council from: President of Ukraine, Cabinet of Ministers of Ukraine, every fraction of Verkhovna Rada of Ukraine.
- The President's Administration has **denied membership** to a delegate from the civic movement "Stop censorship!" to the Public Humanitarian Council dealing with the public broadcasting project.

# Staff

- The heads of departments and creative workers (correspondents, editors, journalists, directors) of the NTCU, NRCU and regional broadcasting companies have **a preference in employment** at the NPBCU in case of signing of the appropriate contract.
- The NPBCU together with the State Broadcasting Commission within a two-year transition period solves the issues of employment of the NTCU and NRCU workers, whose status was set equal to **the status of the state official**.

# Staff (cont.)

- TV: 1780 employees (NTCU).
- 1. July 2010: plan to lay off 800 employees. In fact, only 93 were fired.
- Radio: 1400 employees (NRCU).
- Concerns about social benefits of the job of civil servants (including state housing, health services and retirement benefits). This is a controversy as officials cannot be critical to the state. **Journalists** who are **state servants** cannot be impartial.



# Slow action

- The old-fashioned broadcaster opposes any changes in its structure and in the whole media system.
- It is important to remind that most of the media systems face **similar problems in the transformation processes**. As Kleinsteuber states, “*Media systems develop a natural capacity for **self-preservation**, even if they find themselves in a state of complete reorganization in certain phases of their development*” (Kleinsteuber 2004, p.81).

# OSCE concern

*"I suggested that the office of the OSCE Representative on Freedom of the media had a **legal examination** of the concept of creating a public service broadcaster, and later bill itself. Public broadcasting is one of the options that we use when measuring the freedom of the media".*



The OSCE Representative on  
Freedom of Media  
Dunia Miyatovich

# What should be done?



**2010 – year of hope:  
Ukrainian public service  
broadcasting  
to be born?**

# PSB in Ukraine: how to survive on arrival?





## The Influence of 'Censorship by Money' on Freedom of Speech in Ukraine

Author: Alexander Belyakov

### Abstract

This article will discuss the importance and direction of the media transformation processes in Ukraine in the light of freedom of speech, and will address recent developments in journalism and their consequences for politics. Media processes are analyzed based on the transformation theory. The analysis particularly targets weak and strong points of changes, concentrates on predictions of further freedom of speech development in Ukraine and advocates further research on the similar processes across Eurasia. Generally, this study shows unsatisfactory coverage (partial coverage, selective attention, high prejudice, etc.) of elections in the last years and analyzes the probability of similar actions during the forthcoming Ukrainian presidential election. This study also strives to understand how freedom of speech is influenced by 'censorship by money'. Further research is needed to determine how to maintain freedom of speech in light of the failure of 'Orange Revolution' ideas to be fully implemented.

Keywords: Ukraine; Mass Media; Journalism; Freedom of Speech; Transformation; Corruption

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