

Ukraine

	2014	2015		
Internet Freedom Status	Partly Free	Partly Free	Population:	42.9 million
Obstacles to Access (0-25)	8	8	Internet Penetration 2014:	43 percent
Limits on Content (0-35)	8	10	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	17	19	Political/Social Content Blocked:	Yes
TOTAL* (0-100)	33	37	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2015 Status:	Partly Free

* 0=most free, 100=least free

Key Developments: June 2014 – May 2015

- Pressure from militants in eastern Ukraine resulted in temporary blocking of pro-Ukrainian content on servers hosted in the region (see **Blocking and Filtering**).
- In April 2015, 30,000 websites were temporarily shut down when Ukraine State Security Services seized servers from a data center believed to be hosting “anti-Ukrainian” content. Most of the websites were restored within a few weeks, though some remained offline (see **Content Removal**).
- The arrest of a journalist charged with treason for posting a video denouncing mandatory conscription signaled the Ukrainian government’s growing intolerance for critical content online (see **Prosecutions and Detentions for Online Activities**).
- Online journalists, activists, and bloggers in eastern Ukraine were subject to extralegal intimidation and were beaten, tortured, kidnapped, or otherwise assaulted during the period for their alleged pro-Ukrainian views (see **Intimidation and Violence**).

Editor's Note

On March 16, 2014, a referendum held in Crimea resulted in Russia's annexation of the territory from Ukraine. On March 27, the General Assembly of the United Nations issued a non-binding resolution calling the referendum invalid and urging member states and international organizations not to recognize any such change in Crimea's status.

Freedom on the Net focuses on internet freedom developments as they pertain to internet users within each of the 65 countries under study. This report focuses primarily on the overall status of internet freedom in Ukraine from June 2014 through May 2015. Due to the ongoing crises in the region, events in Crimea during this time may be excluded from this report.

Introduction

The ongoing confrontation with Russia and the conflict in eastern Ukraine has led to an increase in censorship attempts on both sides in a bid to gain control over the information sphere. The tumultuous end of the Euromaidan protests in early 2014 was followed by Russia's annexation of Crimea and the start of the prolonged conflict in eastern Ukraine. This period was characterized by a continued increase in civic activity online and the widespread use of social networks for grassroots volunteer organizing, as well as coordinating information flows and fighting the information war with Russian and pro-Russian forces.

The internet is fast becoming a major field in an information war with Russia, with activists and journalists cooperating to debunk Russian propaganda and verify key facts about the events in Ukraine for the rest of the world. Online discussion forums and social media were significantly impacted by partisan voices, paid mass commenting, and other manipulation attempts coming from Russia. The separatist uprisings supported by Russian forces in the Donetsk and Luhansk regions of eastern Ukraine led to further efforts on both the pro-Russian, separatist side and the Ukrainian side to crack down on undesirable content, including online, encouraging an atmosphere of fear and self-censorship, especially in occupied regions.

The security of journalists and online users further deteriorated during the conflict in eastern Ukraine, where reporters, activists and bloggers faced extreme intimidation and physical violence as they were explicitly targeted for their work by Russian-backed militants. Additionally, independent online media and civic initiatives in eastern Ukraine faced multiple cyberattacks during the period. At the same time, Ukrainian officials and law enforcement targeted separatist websites and "extremist" content on social media in an attempt to restore control over the online information sphere.

Economic troubles in the country and the upheaval in eastern Ukraine contributed to a slump in the telecommunications market. Although internet penetration continued to grow, the contestation of control over communications in eastern Ukraine has created new obstacles to internet and mobile access for parts of the country.

Online media outlets and social media platforms continue to play an important role as Ukraine faces new challenges, with activists using them for organizing and promoting ideas such as coordinating volunteer support for the military, aid efforts to internally displaced populations, government oversight, and corruption investigations of former (or current) officials. Government officials and civil servants continue to be more active online, and are becoming savvier in using the tools to indicate accountability in their everyday work.

Obstacles to Access

Ukraine's telecommunications market has suffered during the reported period due to economic hardships in the country and the crisis caused by Russia's annexation of Crimea and later, the upheaval in eastern Ukraine. Although internet penetration continues to grow, other obstacles to access, such as damage to infrastructure in the eastern region, have obstructed internet and mobile access for parts of the country.

Availability and Ease of Access

Internet penetration in Ukraine continues to grow steadily, due in part to diminishing costs and the increasing ease of access, particularly to mobile internet. According to the International Telecommunication Union (ITU), Ukraine had an internet penetration rate of 43 percent in 2014,¹ compared to 41 percent in 2013 and just 18 percent in 2009.² At the same time, 2015 statistics from Pew Research Center show that of all Ukrainian adults, 53 percent access the internet at least occasionally or own a smartphone.³ Pew Research Center also found that 73 percent of Ukrainian adults who do have access to the internet use it on a daily basis.⁴ For fixed-line broadband subscriptions, the penetration rate was approximately 8.8 percent at the end of 2013,⁵ while mobile broadband had a penetration rate of just over 5 percent.⁶ Meanwhile, according to Akamai, the average broadband connection speed in Ukraine was 9.3 Mbps in the fourth quarter of 2014 (compared to 7.3 Mbps in the third quarter of 2013),⁷ and access to broadband internet in Ukraine is fairly affordable. A monthly unlimited data plan with a 1 Mbps broadband channel costs UAH 80–120 (US\$3.80-5.70), while the average monthly wage in the country was UAH 3,998 (US\$190) in April 2015.⁸

Among current internet users, 82 percent live in urban areas, 37 percent of whom live in cities with a population over 500,000. However, internet penetration in rural areas has also been growing and is currently about 18 percent.⁹ The level of infrastructure differs between urban and rural areas, contributing to the urban-rural divide. Most people access the internet from home or work, though many middle- and higher-end cafes and restaurants also provide free Wi-Fi. Access is also common in public libraries and schools. Internet cafes still exist but are gradually losing popularity.

Mobile phone penetration has plateaued, hovering around 131 percent in 2014.¹⁰ Use of mobile

1 International Telecommunication Union, "Percentage of individuals using the Internet," 2009, 2013, 2014, accessed July 2015, <http://bit.ly/1cblxxY>.

2 International Telecommunication Union, "Percentage of individuals using the Internet," 2009, 2013, 2014, accessed July 2015, <http://bit.ly/1cblxxY>.

3 Pew Research Center, "Communications Technology in Emerging and Developing Nations," March 19, 2015, accessed on March 20, 2015, <http://pewrsr.ch/18LK8tw>.

4 Pew Research Center, "Online Activities in Emerging and Developing Nations, Pew Research Center," March 19, 2015, accessed on March 20, 2015, <http://pewrsr.ch/1MR57bp>.

5 International Telecommunication Union, "Fixed broadband 2000-2013," 2013, accessed March 2015, <http://bit.ly/1cblxxY>.

6 Broadband Commission, *The State of Broadband 2013: Universalizing Broadband*, September 2013, <http://bit.ly/1CdQnO>.

7 Akamai, "State of the Internet Data Visualization," accessed March 25, 2015, <http://akamai.me/1GkQ7zX>.

8 State Statistics Service of Ukraine, "Average monthly wage by region in 2015," [in Ukrainian] accessed on May 5, 2015, <http://bit.ly/1WA6ZvQ>.

9 Тумур Vorona, "В 2013 году аудитория уанета выросла на 1,5 млн и составила 17,5 млн человек — исследование," [In 2013, UaNet Audience Grew by 1.5 Million And Is Now 17.5 Million People – Study] *A/N*, February 21, 2014, <http://ain.ua/2014/02/21/513820>.

10 Olga Didukh, "К 2020 году 71% украинцев будет пользоваться смартфонами — исследование," [By 2020 71% of Ukrainians will use smartphones —study] *A/N*, June 3, 2015, <http://ain.ua/2015/06/03/583833>.

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internet is gaining in popularity, and an estimated 31 percent of Ukrainian mobile subscribers own smartphones.¹¹ Cost continues to be the main barrier to higher mobile internet use. In February 2015, mobile operators finally gained access to the military's share of third-generation (3G) mobile phone frequencies, with the three major mobile providers all acquiring licenses for providing 3G services.¹² All three companies started commercial exploitation of the frequencies in the summer of 2015 and 3G mobile internet access is currently priced at 100-150 UAH (\$4.50-7) for 2-3 GB of traffic per month.¹³

Restrictions on Connectivity

In late spring and summer of 2014, Russian and pro-Russian forces occupied the Crimean peninsula, and later took control of parts of the Donetsk and Luhansk regions. Along with political control, those forces also attempted to disrupt or regulate access to telecommunications. While some disruptions in internet and mobile connectivity were caused by military activity, especially in eastern Ukraine (e.g., cell towers or internet cables damaged by explosions),¹⁴ in some cases there was direct pressure on ISPs from rebel militias and Russian-supported authorities, causing them to take offline or block particular services, such as city web cameras in Luhansk,¹⁵ or Ukrainian news websites in Donetsk¹⁶ and Crimea¹⁷ (see Limits on Content). In February 2015, armed men attacked the office of telecom provider Ukrtelecom in Simferopol, Crimea, and disconnected communication lines between Crimea and mainland Ukraine.¹⁸ As of May 2015, none of the Ukrainian mobile providers are operating in Crimea.¹⁹

The backbone connection of UA-IX (Ukrainian internet exchange, a mechanism of traffic exchange and connection to the wider internet for Ukrainian ISPs) to the international internet is not centralized, and major ISPs each manage their own channels independently. Ukraine's internet infrastructure is diverse, with more than 200 domestic autonomous systems purchasing direct international transit service (out of a total of more than 1,650 domestic autonomous system numbers). The country has a well-developed set of at least eight regional internet exchanges, as well as direct connections over diverse physical paths to the major Western European exchanges.²⁰

11 Ibid.

12 Olga Karpenko, "МТС Украина, «Киевстар» и life: получили 3G-лицензии (обновлено)" [MTS Ukraine, Kyivstar and life: receive 3G licenses (updated)] *AiN*, February 23, 2015, <http://ain.ua/2015/02/23/565866>.

13 "Во сколько обойдется 3G-интернет: сравнение тарифов," [How much will 3G Internet cost: comparing the prices] *BigMir.net*, June 11, 2015, <http://bit.ly/1LmpZMo>.

14 "Війна за зв'язок: що відбувається на сході України," [War for connectivity: what is happening in eastern Ukraine] *Tech Today*, MTS Productions, September 19, 2014, <http://bit.ly/1RiaEeO>.

15 "В Луганске отключены все веб-камеры," [All webcams switched off in Luhansk] *Informator*, June 25, 2014, <http://informator.lg.ua/?p=4125>.

16 "Боевики «ДНР» блокируют интернет-сайты, выступающие против терроризма и сепаратизма," ["DNR" fighters block internet websites speaking against terrorism and separatism, *CRIME*, September 30, 2014, <http://crime.in.ua/node/6462>.

17 "В Крыму отключают украинские новостные сайты," [Ukrainian news websites blocked in Crimea] *Hromadske Radio*, August 12, 2014, <http://bit.ly/1L6Ym8j>.

18 Armed men in Crimea force Ukrainian telecom offline, *Meduza*, February 10, 2015, <https://meduza.io/en/news/2015/02/10/armed-men-in-crimea-force-ukrainian-telecom-offline>.

19 Vadym Karpus, "«Интертелеком» уйдёт из Крыма с 1 ма," ["Intertelecom" to leave Crimea starting on May 1] *ITCua*, April 15, 2015, <http://bit.ly/1P7x4Ql>.

20 Jim Cowie, "Syria, Venezuela, Ukraine: Internet Under Fire," Dyn Research, February 26, 2014, <http://www.renesys.com/2014/02/internetunderfire/>.

ICT Market

The Ukrainian telecommunications market is fairly liberal and is currently undergoing gradual development. The state previously owned 93 percent of the largest telecom company and top-tier ISP, Ukrtelecom, but the company was privatized in March 2011.²¹ Though no longer state-owned, Ukrtelecom is still the largest ISP in the country and possesses Ukraine's primary network, trunk, and zone telecom lines.²² Other telecommunications providers are dependent on leased lines, since Ukrtelecom owns the majority of the infrastructure, and many alternative providers do not have sufficient resources to build their own networks. However, Ukrtelecom does not exert any pressure or regulatory control over other ISPs.

Among the major private ISPs in Ukraine are Volia, Triolan, Vega, and Datagroup; however, major mobile service providers, like Kyivstar and MTS, also provide broadband internet access.²³ There are about 400 ISPs in Ukraine, according to the National Commission for the State Regulation of Communications and Informatization (NCCIR).²⁴ Regional ISPs are usually smaller local businesses, and regional dominance largely depends on business and other connections in a specific region, making the market prone to corruption.

Ukrchastotnagriad, the Ukrainian frequencies supervisory center, reports that 86 operators have licenses to provide satellite communication services in Ukraine. Companies providing internet access using satellite technologies in Ukraine include Ukrsat, Infocom-SK, Spacegate, Adamant, LuckyNet, Ukrnet, and Itelsat. With the exception of Infocom-SK,²⁵ all of these companies are privately owned.²⁶ The three major players in the mobile communications market are Kyivstar (owned by Dutch Vimpel-Com Ltd.), MTS Ukraine (owned by Russian AFK Sistema), and "life:" (owned by Astelit, whose main shareholders are the Turkish company Turkcell and Ukrainian System Capital Management). Together, these companies hold 94.6 percent of the mobile communications market.²⁷

There are no obvious restrictions or barriers to entry into the ICT market, but any new business venture, whether an ISP or an internet cafe, faces obstacles including bureaucracy and corruption, as well as the legal and tax hurdles common to the Ukrainian business environment. In particular, the Ukrainian ICT market has been criticized for its difficult licensing procedures for operators, and under the 2003 Law on Communications, operators are required to have a license before beginning their activities.

Regulatory Bodies

The ICT sector is regulated by the National Commission for the State Regulation of Communications

21 92.8 percent of shares sold to ESU, a Ukrainian subsidiary of the Austrian company EPIC. See "Укртелеком продан," [Ukrtelecom Sold] *Dengi.Ua*, March 11, 2011, <http://bit.ly/1Vq9ALT>.

22 OpenNet Initiative, "Ukraine," *Country Profile*, December 21, 2010, <http://opennet.net/research/profiles/ukraine>.

23 "Количество пользователей широкополосного доступа в Украине достигло 5,6 млн," [Number Of Broadband Internet Users in Ukraine Reaches 5.6 Million] *AIN*, December 16, 2011, <http://ain.ua/2011/12/16/68574>.

24 "Во 2 квартале количество абонентов провайдеров Интернет увеличилось на 6,4%," [In Second Quarter Number Of Subscribers Of Internet Providers Grew By 6.4%] *Delo*, July 26, 2007, <http://bit.ly/18A2eL4>.

25 Infocom-SK was founded in 1991 jointly by state-owned Ukrtelecom and Controlware, a German telecommunications company. Infocom, "History," accessed on June 15, 2012, <http://bit.ly/1Flrp1N>.

26 OpenNet Initiative, "Ukraine."

27 Olga Karpenko, "В Украине почти 55 млн абонентов мобильной связи," [Ukraine has almost 55 million mobile subscribers] *AIN*, July 31, 2012, <http://bit.ly/1FKMuIE>.

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and Informatization (NCCIR). Members of the NCCIR are appointed by the president of Ukraine.²⁸ Due to widespread corruption in the political system and the lucrative nature of business in the ICT sector, appointments to the commission have lacked transparency. The NCCIR's work has often been obstructed by claims of non-transparent decisions and operations. Furthermore, the 2003 Law on Communications does not guarantee the independence of the NCCIR. However, the newly appointed head of the NCCIR has vowed to reform the regulator in 2015, and is working on a bill that will guarantee both the financial independence of the NCCIR and its independence from the executive branch of state power.²⁹

A parliamentary committee on informatization and information technologies was created in December 2012,³⁰ ostensibly to promote the president's promise of further development of the Ukrainian ICT market.³¹ So far, the committee has not made any significant decisions relating to the ICT industry.

A new Ministry of information Policy was created in December 2014,³² to promote information security and regulate information policy, including online. Although the concrete regulatory powers of the new ministry remain unclear, media advocates and journalists have branded the department, aimed at protecting Ukraine in the information war with Russia, "Orwellian,"³³ and have expressed concern that the agency will only hinder freedom of speech and set a dangerous precedent, granting the new government a greater measure of control over Ukrainian media.

Limits on Content

The Russian annexation of Crimea in March 2014 led to an all-out information war, with Russian and Ukrainian TV channels taken off the air in mainland Ukraine and Crimea, respectively. Access to online content remained largely unaffected by these events, although online discussion forums and social media were significantly impacted by partisan voices, Russian-paid commenting, and self-censorship out of fear. The separatist uprisings supported by Russian forces in Donetsk and Luhansk regions of eastern Ukraine led to further efforts on both the pro-Russian and the Ukrainian sides to censor undesirable content, including online.

Blocking and Filtering

There are no permanent blocks, filtering mechanisms, or blacklists for online websites in Ukraine. YouTube, Facebook, Twitter, and blog-hosting services such as Wordpress and LiveJournal are freely available and gained significantly more users since the Euromaidan protests in 2013-2014.³⁴ Since

28 National Commission on Regulation of Communications and Informatization, accessed on January 10, 2012, <http://bit.ly/1OaChbb>.

29 "НКРСИ должна стать независимой — глава ведомства," [NCCIR must become independent—head of regulator] *Delo*, May 26, 2015, <http://bit.ly/1Lmv5ly>.

30 Official Parliamentary portal, "Верховна Рада України прийняла Постанову "Про комітети Верховної Ради України сьомого скликання," [Ukrainian Parliament adopts Decree "On committees of Parliament of Ukraine, seventh session] December 25, 2012, <http://bit.ly/1FIsOFv>.

31 Olga Karpenko, "В парламенте появился комитет, отвечающий за IT-отрасль," [Parliament gets committee to regulate ITC sphere] *AiN*, December 25, 2012, <http://ain.ua/2012/12/25/107173>.

32 Ministry of Information Policy of Ukraine, accessed on May 20, 2015, <http://mip.gov.ua/en/>.

33 Tetyana Lokot, "Ukraine's New "Ministry of Truth" Ridiculed on Social Media," *Global Voices*, December 4, 2014, <http://bit.ly/1JGBkzD>.

34 Olga Minchenko, "Близько 6 млн українців в січні хоча б 1 раз відвідували Facebook та 11 млн – ВКонтакте," [About 6

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the start of the crisis in eastern Ukraine, Ukrainian authorities have attempted to put pressure on ISPs to introduce selective blocking of websites containing “separatist” or “terrorist” content, but the ISPs have refused wholesale blocking,³⁵ and insist court orders must be provided in each case in order for a website to be blocked or taken down. Individual accounts of social media users containing calls to “separatism” or “extremism” have also been targeted (see Prosecutions and Detentions for Online Activities).

Russian-backed separatist militants in eastern Ukraine have been more proactive in blocking Ukrainian resources, cracking down on Ukrainian news websites in Donetsk.³⁶ In September 2014, ISPs in Donetsk received letters from “officials” in the region demanding that they block 27 Ukrainian news websites—at least some complied, as internet users reported that they were unable to access some of the sites. In May 2015, the self-proclaimed “Donetsk People’s Republic” followed Russia’s example in instituting an official blacklist of websites banned on its territory, though the list is not public and it is unclear to what extent DPR officials would be able to enforce it.³⁷

Content Removal

In April 2015, in an attempt to block five allegedly anti-Ukrainian websites, the Ukrainian Security Service officers seized hosting servers at four data centers in Kyiv of the web-hosting company NIC.ua, also the largest domain registrar in Ukraine.³⁸ As a result, 30,000 Ukrainian websites that had nothing to do with the targeted websites were also taken offline. It turned out that all but one of the five websites suspected of separatism only used NIC.ua as a registrar, and hosted their content on servers in Russia. The Security Service claimed that it had officially requested that NIC.ua block the targeted websites, but the company did not comply. NIC.ua denied the fact that they received any official requests and noted that it is illegal in Ukraine to block websites based on a scanned request or warrant, and that proper procedure would require original court documents. Within a few weeks, over 90 percent of the websites had been restored.

There is no current regulatory framework for systematic censorship of content online, although prior to the change in government in 2014, there were several attempts at creating legislation that could censor or limit content. Many of these initiatives presented indirect threats to freedom of information online. For example, in September 2012, members of parliament introduced a draft bill that suggested implementing jail sentences of three to five years for cybercrimes such as hacking, cyber-scams, and information espionage.³⁹ Additionally, there were calls to create a national cybersecurity system as part of the strategic law “On the main foundations of development of information society in Ukraine for 2007–2015.”⁴⁰ In some cases, such laws obligate ISPs to remove or block the offensive

mIn Ukrainians in January visited Facebook at least once, 11 mln – Vkontakte] *Watcher*, Feb 26, 2014, <http://bit.ly/1JGBCGF>.

35 Oleg Pilipenko, “ИНАУ: блокировка сепаратистских сайтов «попахивает» провокацией или непрофессионализмом,” [InAU: Blocking separatists websites “smells” of provocation or unprofessionalism] *imena* (blog), August 8, 2014, <http://bit.ly/1i-OxW07>.

36 “Боевики «ДНР» блокируют интернет-сайты, выступающие против терроризма и сепаратизма,” [“DNR” fighters block internet websites speaking against terrorism and separatism] *CRIME*, September 30, 2014, <http://crime.in.ua/node/6462>.

37 “В «ДНР» ввели цензуру в интернете,” [“DNR” Introduces Internet Censorship] *ZN.ua*, May 30, 2015, <http://bit.ly/1PQ7yO3>.

38 Anna Poludenko-Young, “Ukraine’s Security Service Takes Down 30,000 Websites to Fight ‘Pro-Russian Propaganda,’” *Global Voices*, April 28, 2015, <http://bit.ly/1M47yqs>.

39 Olga Karpenko, “За компьютерные преступления депутаты предлагают сажать на 3 года,” [MPs suggest jail sentences for up to 3 years for cybercrimes] *AiN*, September 19, 2012, <http://ain.ua/2012/09/19/95861>.

40 National Commission on Communications and Informatization, “НКРЗІ пропонує зміни до Закону України “Про Основні засади розвитку інформаційного суспільства в Україні на 2007-2015 роки,” [NCCIR proposes changes to the Law of Ukraine

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or illegal content within 24 hours or, if such content is found to be hosted outside of Ukraine, ISPs would have to limit Ukrainian users' access to such content, effectively introducing a practice of filtering content.

Media, Diversity, and Content Manipulation

Amid the conflict in eastern Ukraine, online journalists, commentators and internet users have been pressured to self-censor, especially on topics directly related to the Russia-backed insurgency in the east, and the themes of separatism, terrorism and patriotism. Self-censorship has been more pronounced in the parts of eastern Ukraine occupied by pro-Russian forces and in Crimea, where internet users and journalists have faced attacks,⁴¹ abuse, and intimidation for their pro-Ukrainian positions. However, the media landscape remains varied, and different viewpoints are readily available to users online, especially on social media.

Journalists in Ukraine found themselves suddenly covering warfare, with limited access to occupied parts of Ukraine and unfamiliar and dangerous working conditions presenting a challenge. Online media outlets like Hromadske TV, Ukrainian Radio Svoboda, and Donbass News produced fearless photo and video coverage of military activity, civilian losses, and life in occupied territories, often relying on help from undercover reporters and social media users in eastern Ukraine. Several journalist initiatives were also set up after the Russian invasion of Crimea to battle Russian media propaganda and debunk the myths distributed by Russian media outlets.⁴²

Attempts to manipulate the online landscape have mostly been external and come from the Russian side in the form of mass commenting and paid posts on social media,⁴³ as well as fake websites,⁴⁴ and social media groups set up by pro-Russian internet users.⁴⁵ The Ukrainian Ministry of Information has attempted to respond in kind to the organized Russian information manipulation efforts by creating its own "internet army,"⁴⁶ but its actions have not seen much praise from Ukrainian internet users.

Digital Activism

The Ukrainian social media sphere expanded dramatically during the Euromaidan protests, with new groups and communities popping up and the use of Facebook and Twitter growing rapidly. By the end of 2014, Twitter use in Ukraine grew 56 percent, and Facebook use grew 9 percent, compared to the end of 2013.⁴⁷

"On the main foundations of development of information society in Ukraine for 2007-2015"] news release, August 9, 2012, <http://bit.ly/1PQ7PR9>.

41 "У Луганську сепаратисти викрали журналіста і пограбували офіс інтернет-сайту," [In Luhansk, separatists kidnap journalist, rob internet website office] *Radio Svoboda*, July 16, 2014, <http://bit.ly/1MKcSSA>.

42 Tetyana Lokot, "Ukraine's Activists Debunk Russian Myths on Crimea," *Global Voices*, March 5, 2014, <http://bit.ly/1LTnRKO>.

43 Aric Toler, "Inside the Kremlin Troll Army Machine: Templates, Guidelines, and Paid Posts," *Global Voices*, March 14, 2015, <http://bit.ly/1j3kMNw>.

44 Aric Toler, "Fake 'Ukrainian' News Websites Run by Russian 'Troll Army' Offshoots," *Global Voices*, November 19, 2014, <http://bit.ly/1P7EkfB>.

45 "Росіяни створили фейкову сторінку прес-центру АТО," [Russians created fake page for ATO press-center] *Ukrainska Pravda*, July 29, 2014, <http://bit.ly/1O5Sop1>.

46 Tetyana Lokot, "Ministry of Truth' Recruits Ukrainians for 'Internet Army,'" *Global Voices*, February 25, 2015, <http://bit.ly/1O-JEyu>.

47 Мауа Үаговауа, "Как растет аудитория соцсетей в Украине, России, Турции и других странах (инфографика)," [How the social network audience is growing in Ukraine, Russia, Turkey and other countries (infographic)] *AIN*, April 16, 2015, <http://ain>.

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With the annexation of Crimea and the start of the conflict in eastern Ukraine, activists and volunteers mobilized during Euromaidan⁴⁸ found new uses for online platforms and their networks,⁴⁹ switching their efforts over to help fundraise for the needs of the military and volunteer battalions, provide information and assistance to refugees, and help to those kidnapped by the pro-Russian militias or Crimean forces. Citizen journalists also used open-source tools and data to track the presence of Russian troops⁵⁰ and military equipment in Ukraine.⁵¹ Many officials in the new Ukrainian government use Facebook and Twitter heavily to report on their actions, and regularly respond to comments and take into account public opinion in their work, helping to increase accountability.⁵²

Violations of User Rights

The security of journalists and online users further deteriorated during the conflict in eastern Ukraine, where reporters, activists and bloggers faced extreme intimidation and physical violence as they were explicitly targeted by paramilitary groups for their work and views. Additionally, independent online media and civic initiatives in eastern Ukraine faced multiple cyberattacks during the period. At the same time, Ukrainian officials and law enforcement targeted separatist websites and “extremist” content on social media in an attempt to restore control over the online information sphere.

Legal Environment

The right to free speech is granted to all citizens of Ukraine under Article 34 of the constitution, although the article also specifies that the state may restrict this right in the interest of national security or public order. Part three of Article 15 of the constitution forbids state censorship. In practice, however, these rights have been frequently violated. Especially grave violations were observed in occupied parts of eastern Ukraine, where journalists and regular internet users faced attacks, kidnappings and extralegal intimidation for their reporting or pro-Ukrainian views. In addition, Article 171 of the criminal code provides fines and detention sentences for obstructing journalists’ activity, but in parts of eastern Ukraine controlled by Russian-backed militants, journalists were often unable to gain access or do reporting work.

There is no specific law mandating criminal penalties or civil liability for online and ICT activities, but other laws, such as those penalizing extremist activity, terrorism or calls to separatism (based on Article 100, part 1 of the Ukraine Criminal Code – threats to territorial integrity and sovereignty of Ukraine, punishable with three to five years in jail), also apply to online activity.

Prosecutions and Detentions for Online Activities

Ukrainian authorities have detained and prosecuted a number of online users and journalists on ac-

ua/2015/04/16/575766.

48 Tetyana Bohdanova, “How #EuroMaidan and War with Russia Have Changed Ukraine’s Internet,” *Global Voices*, January 9, 2015, <http://bit.ly/1M49gl8>.

49 Тумур Ворона, “Украина — родина волонтеров, или как IT-добровольцы помогли стране в 2014 году,” [Ukraine—the land of volunteers, or how IT-volunteers helped the country in 2014] *AIN*, January 8, 2015, <http://ain.ua/2015/01/08/556357>.

50 Tetyana Bohdanova, “Outing the Russian Military in Eastern Ukraine,” *Global Voices*, March 19, 2015, <http://bit.ly/1O5Tp0r>.

51 Aric Toler, “Fact Checking the Conflict in Eastern Ukraine,” *Global Voices*, March 3, 2015, <http://bit.ly/1YRnKVo>.

52 “Каких украинских министров можно читать в Facebook,” [Which Ukrainian Ministers You Can Follow on Facebook] *AIN*, March 17, 2014, <http://bit.ly/1OaG20h>.

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cusations of online extremist activity or related charges. In July 2014, a Dnipropetrovsk citizen was sentenced to three years in jail for “calls to separatism” after he created and promoted a page for “Ukrainian autonomous Republic” (as part of the Russian Federation) on a social media website.⁵³

In February, Ukraine’s Security Service arrested journalist Ruslan Kotsaba on charges of treason after he posted a YouTube video calling viewers to boycott military mobilization in Ukraine.⁵⁴ Kostaba’s arrest caused heated debates about the balance between information security and freedom of speech online during an armed conflict, and he remains in detention while his trial is ongoing.

In May 2015, Ukraine’s Security Service detained two internet users in eastern Ukraine who allegedly created and administered 26 groups on Vkontakte (a Russian social networking site) said to be “anti-Ukrainian.”⁵⁵ The users were accused of “aiding terrorist activity” and are currently under investigation.

Surveillance, Privacy, and Anonymity

The pervasiveness of extralegal surveillance of Ukrainian users’ activities is unclear. A new proposal by the State Service on Special Communications and Information Security mandates that all mobile phone users, including those using prepaid packages, would have to register and disclose their personal data (such as their passport number) with mobile providers.⁵⁶ The committee, which is working on the legal framework for the proposal, claims pressure from law enforcement to institute the measure, given the terrorist and security threats Ukraine currently faces. So far only a draft of the proposal has been published on the government website,⁵⁷ but has caused widespread criticism from the industry and free speech advocates. There is currently no obligatory registration for either internet users or mobile phone subscribers.

From 2002 to 2006, mechanisms for internet monitoring were in place under the State Committee on Communications’ Order No. 122, which required ISPs to install so-called “black-box” monitoring systems that would provide access to state institutions. This was ostensibly done to monitor the unsanctioned transmission of state secrets. Caving to pressure from public protests and complaints raised by the Internet Association of Ukraine and the Ukrainian Helsinki Human Rights Union, the Ministry of Justice abolished this order in August 2006.

In December 2013 the NCCIR released a new edition of “Rules for Activities in the Sphere of Telecommunications,” which included a problematic paragraph about ISPs and telecom providers having to “install at their own cost in their telecommunications networks all technical means necessary for performing operative and investigative activities by institutions with powers to do so.”⁵⁸ Some human rights groups and internet associations are concerned that this step will aid the Security Ser-

53 “На Дніпропетровщині засудили чоловіка за сепаратистські заклики у соцмережах,” [In Dnipropetrovsk region, man sentenced for calls to separatism on social networks] *ZIK*, July 14, 2014, <http://bit.ly/1RijRE2>.

54 Aric Toler, “Ukraine Arrests Journalist on Treason Charges for Calls to Boycott Mobilization,” *Global Voices*, February 9, 2015, <http://bit.ly/1VqhlRL>.

55 “В районі проведення АТО задержані двоє адміністраторів сообществ ВКонтакте,” [Two administrators of VKontakte communities detained in anti-terrorist operation area] *Donbass News*, May 22, 2015, <http://novosti.dn.ua/details/251318/>.

56 Stas Yurasov, “Мобільний зв’язок буде за паспортами,” [Mobile communications to require passports] *Ekonomichna Pravda*, April 9, 2015, <http://bit.ly/1FKSa5b>.

57 State Service of Special Communications and Information Security of Ukraine, Проект постанови «Про внесення змін до Правил надання та отримання телекомунікаційних послуг [Draft decree “On introducing changes to Rules of providing and accepting telecommunications services”] accessed on May 1, 2015, <http://bit.ly/1LmytDr>.

58 NCCI, Rules for Activities in the Sphere of Telecommunications.

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vices and the government in restricting internet freedoms by creating additional means of pressure that the government can exert over ISPs.⁵⁹

In June 2014, Russian-backed militants in the self-proclaimed “Donetsk People’s Republic” demanded that local ISPs hand over all data on their users, including logins, email addresses, contact lists, and account activity.⁶⁰ At least some of the ISPs reported that they were attempting to determine whether or not they had to comply, and there is no confirmed evidence to date that any of the ISPs turned over user data.

Intimidation and Violence

The conflict in eastern Ukraine brought a fresh wave of intimidation against online activists and journalists, with multiple reports of kidnappings, threats, and physical violence.⁶¹ Activists, bloggers and regular internet users faced extreme intimidation and physical violence as they were explicitly targeted for their work or pro-Ukrainian views by Russian-backed militants. International journalists reporting on the conflict have also faced threats.

Sergey Sakadynsky, editor of Luhansk internet publication “Politika 2.0,” was kidnapped by pro-Russian militants in early August 2014 together with his wife, accused of being “a Euromaidan activist,” and spent months in captivity. Sakadynsky was only released in January 2015. Many other eastern Ukrainian journalists and bloggers have spent at least a few weeks “in the cellars,” and have usually been accused of aiding the Ukrainian side or publishing pro-Ukrainian content online.⁶²

In April 2015, militants from self-proclaimed “Donetsk People’s Republic” attacked a freelance reporter working for online media outlet Hromadske TV Donbas,⁶³ destroying his apartment and taking his hard drive.

Later in April, a local journalist in Kakhovka, southern Ukraine, faced intimidation from representatives of the militarized right-wing volunteer group “Pravy Sector” over a Facebook post in which she suggested that civic activist groups shouldn’t wear camouflage.⁶⁴ The reporter was accosted by the group members after a local government session, and says they tried to use force on her, but she was rescued by local MPs.

Luhansk online journalist and activist Maria Varfolomeeva has been detained by separatists since January 2015, and has been accused of aiding the Ukrainian army.⁶⁵ Pro-Kremlin media outlet LifeNews recently released a video of the captive woman, where she begs to be released.

59 Oleg Shynkarenko, Зашморг на інтернет [A Noose on the Internet], INSIDER, January 8, 2014, <http://www.theinsider.ua/business/52bac42dd8f4d/>.

60 “ДНР требует от интернет-провайдеров данные пользователей,” [DNR demands user data from internet providers] *Liga Net*, June 13, 2014, <http://bit.ly/1jAFEM1>.

61 Institute of Mass Information (IMI), “Crimea: pressure on journalists (UPDATED),” March 15, 2014, <http://bit.ly/1OaHwYA>.

62 “Маша Варфоломеева и другие журналисты-«укрошпионы,” [Masha Varfolomeeva and other “Ukrainian spy” journalists] *Informator*, May 28, 2015, <http://informator.lg.ua/?p=94183>.

63 IMI, “У Донецьку бойовики «ДНР» розгромили квартиру журналіста “Громадського ТБ Донбасу,” [In Donetsk “DNR” militants destroyed apartment of “Hromadske TV Donbas” journalist] May 14, 2015, <http://bit.ly/1VspcsZ>.

64 IMI, “У Каховці “Правий сектор” влаштував розборки з журналісткою через її пост у Фейсбук,” [In Kakhovka, “Pravy Sector” intimidates journalist over her Facebook post] April 30, 2015, <http://bit.ly/1PQbxvdy>.

65 “Заложниця Маша Варфоломеева просит помощи у правительства Украины (видео),” [Hostage Masha Varfolomeeva asks Ukrainian government for help (video)] *Informator*, May 19, 2015, <http://informator.lg.ua/?p=92381>.

Technical Attacks

Cyberattacks became a more common tactic in Ukraine after the annexation of Crimea and during the conflict in eastern Ukraine, with both pro-Ukrainian and pro-Russian sites attacked and individual users hacked. Hacker collectives like the pro-Russian “Cyber-Berkut,”⁶⁶ and the pro-Ukrainian “Ukrainian Cyber Forces,”⁶⁷ were active in penetrating websites, leaking documents, hijacking printers and web cameras,⁶⁸ and blocking online payment accounts.⁶⁹

In June 2014, a Donetsk regional journalist union found their website hijacked by “Donetsk People’s Republic” activists.⁷⁰ Having gained full control of the website, the pro-Russian separatists used it to publish their own announcements.

In February 2015, Ukrainian soldiers serving in the “anti-terrorist operation” zone in eastern Ukraine found their mobile phones flooded with provocative messages from unknown numbers. The messages said “We’ve been betrayed,” “All is lost,” “It’s time to run,” and other demoralizing sentiments.⁷¹ The mass messaging likely involved special equipment, used to discover mobile signals in a geo-located area, intercept numbers and send mass texts.

In May 2015, Ukrainian TV channel STB reported that hackers had taken control of their YouTube channel, deleted all the videos, and published a “propagandist pro-Russian video” about the conflict in Ukraine on the page instead.⁷²

66 “СМИ России распространили дезинформацию с подачи «Кибер-Беркута»,” [Russian media disseminate fake information based on “Cyber-Berkut” data] *Крым.Реалии*, March 6, 2015, <http://ru.krymr.mobi/a/26885240.html>.

67 “Украинские кибервойска “уложили” 48 сайтов боевиков,” [Ukrainian cyber forces “took down” 48 rebel militant websites], *TSN*, November 3, 2014, <http://bit.ly/1LTvLE1>.

68 Aric Toler, “Hijacked Printers in Eastern Ukraine and Russia Print Pro-Ukraine Messages,” *Global Voices*, December 30, 2014, <http://bit.ly/1O5XzVT>.

69 Vijai Maheshvari, “Ukraine’s Lonely Cyberwarrior vs. Russia,” *The Daily Beast*, February 18, 2015, <http://thebea.st/1L7f0EA>.

70 “В Донецке террористы захватили сайт областной организации журналистов,” [In Donetsk terrorists hijack website of regional journalist union] *Donbass News*, June 29, 2014, <http://novosti.dn.ua/details/228667/>.

71 “Сепаратисты шлют бойцам ВСУ на передовой провокационные СМСки,” [Separatists send Ukrainian Army soldiers fighting on the frontline provocative text messages] *The Insider*, February 8, 2015, <http://bit.ly/1jAGUyG>.

72 ІМІ, “СТБ заявив, що хакери зламали його YouTube-канали і розмістили пропагандистський фільм про АТО,” [STB says hackers broke into its YouTube channel and published a propagandist film about ATO] May 25, 2015, <http://bit.ly/1JGLX5B>.