

Ukraine

	2013	2014		
Internet Freedom Status	Free	Partly Free	Population:	45.5 million
Obstacles to Access (0-25)	7	8	Internet Penetration 2013:	42 percent
Limits on Content (0-35)	7	8	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	14	17	Political/Social Content Blocked:	No
TOTAL* (0-100)	28	33	Bloggers/ICT Users Arrested:	No
			Press Freedom 2014 Status:	Partly Free

* 0=most free, 100=least free

Key Developments: May 2013 – May 2014

- In the run-up to planned elections in 2015, media ownership was consolidated in progovernment hands, and there was an increase in pressure on mainstream journalists to self-censor. However, during this time there was also an increase in the use of ICTs for political mobilization, particularly during the Euromaidan protests (see **Limits on Content**).
- Over 150 journalists, including online journalists and bloggers, were beaten, shot at, kidnapped, or otherwise assaulted during the Euromaidan protests (see **Violations of User Rights**).
- New evidence revealed the extent to which the Yanukovich administration had been conducting surveillance on online activists, journalists, and opposition leaders during the coverage period (see **Violations of User Rights**).
- DDoS attacks occurred against independent media websites and protest communities on social media during the protests (see **Violations of User Rights**).

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 May 2013 through May 2014. Due to the ongoing crises in the region, events in Crimea during this time may be excluded from this report.

Introduction

During 2013-2014, the online sphere in Ukraine faced increasing pressure, though it remained the freest part of the media landscape. The Euromaidan protests, which erupted in November 2013 in response to then-president Viktor Yanukovich's refusal to sign an association agreement with the European Union (EU), grew into a long-term anti-government stand-off, which lasted until the end of February 2014 when the president was ousted and a new government was formed. This period was characterized by a great uptick in civic activity online and the widespread use of internet and social networks for mobilization, grassroots organizing, and coordinating information flows to Ukrainians and those abroad.

In response, this mobilization was met with significant pushback in the form of repressive laws passed by the parliament in January 2014 under pressure from the Yanukovich government aimed at curbing the protest activity along with establishing more control over independent media and the online sphere. Pressure was also exerted on journalists, activists and bloggers, who suffered physical harm, DDoS attacks, and raids on media offices, along with partial website blocking and threatening mass mobile messages. The repressive laws were rolled back at the end of January under pressure from the opposition and protesters, but tension continued under the threat of Russian invasion, as internet access was temporarily cut off in Crimea and local activists were challenged by pro-Russian forces. Ukrainian media faced DDoS attacks and massive information wars, including through the use of bots on social media and in commenting sections, as well as through propaganda and misinformation from the Russian government and Russian media outlets.

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 election monitoring, government oversight, and investigating bribery and corruption of former (or current) officials. Political parties and the new government became much more active online during the protest period, and are becoming savvier in using the tools accountably in their everyday work. The internet is also 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.

Obstacles to 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 nearly 42 percent in 2013, compared to 35 percent in 2012 and 11 percent in 2008.¹ At the same time, statistics from InMind show that 19.7 million Ukrainians over the age of 15 use the internet regularly, which is close to 50 percent of all Ukrainian adults.² For fixed-broadband subscriptions, the penetration rate was approximately 8 percent in 2012, while mobile broadband had a penetration rate of just over 5 percent.³ Meanwhile, according to Akamai, the average broadband connection speed in Ukraine was 7.6 Mbps in the third quarter of 2013 (compared to 4.5 Mbps in the same quarter of 2012),⁴ 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\$8–12), while the average monthly wage in the country was UAH 3,619 (US\$360) in December 2013.⁵

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 around 18 percent.⁶ The level of infrastructure differs between urban and rural areas, contributing to an urban-rural divide in the number of users. 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 continued to grow, reaching 132 percent in 2012.⁷ Use of mobile internet is gaining in popularity, and an estimated 14 percent of Ukrainian mobile subscribers own smartphones.⁸ Cost continues to be the main barrier to higher mobile internet use. Mobile operators are still waiting for access to the military's share of third-generation (3G) mobile phone frequencies, which the newly formed government has promised will be converted and made available to providers by the end of 2014.⁹ The only commercial 3G license was previously owned by formerly state-run Ukrtelecom, which was privatized in March 2011. Its 3G division, Trimob, is a separate

1 International Telecommunication Union (ITU), "Percentage of individuals using the Internet," 2013, 2013, 2008, accessed August 2014, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

2 InMind, В Украине почти 20 млн пользователей интернета [Ukraine has almost 20 million Internet users], AIN.UA, October 24, 2012, <http://ain.ua/2012/10/24/99561>.

3 "Broadband: State of Broadband 2013," Broadband Commission for Digital Development, September 2013, <http://www.broadbandcommission.org/documents/bb-annualreport2013.pdf>.

4 State of the Internet Data Visualization, Akamai.com, accessed February 25, 2014, <http://www.akamai.com/stateoftheinternet/soti-visualizations.html#stoj-graph>.

5 State Statistics Service of Ukraine, "Average monthly wage by region in 2013," accessed on February 16, 2014, http://www.ukrstat.gov.ua/operativ/operativ2013/gdn/reg_zp_m/reg_zpm13_u.htm.

6 Тумур Ворона, 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], AIN.UA, February 21, 2014, <http://ain.ua/2014/02/21/513820>.

7 International Telecommunication Union (ITU), "Mobile-cellular telephone subscriptions," 2012, accessed February 24, 2014, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

8 Olga Karpenko, "Смартфоны есть у 14% украинских абонентов, устройств Android втрое больше, чем iPhone" [14% of Ukrainian subscribers own smartphones, Android's share three times that of iPhone,] AIN.UA, February 20, 2013, <http://ain.ua/2013/02/20/113303>.

9 Мауа Яговауа, "Глава НКРСИ Петр Яцук: В Украине нет 3G? Это — вранье" [Head of NCRCI Petr Yatsuk: There's no 3G in Ukraine? That's a lie], AIN.UA, February 28, 2014, <http://ain.ua/2014/02/28/514418>.

company with only about 1 million subscribers and is still reported to be looking for a buyer, leaving the issue of broader frequency conversion stalled.¹⁰

Any jamming or blocking that occurred during the protests was limited and seemed to be aimed at obstructing the work of independent media. For instance, in December 2013, journalists livestreaming and using the internet to report from a key government meeting after the first major violence at Euromaidan found their internet and mobile signals jammed.¹¹ Users also reported that certain independent media sites were blocked at their companies or offices.

On January 22, social media users and some mass media outlets reported that a letter (purportedly from the Yanukovich government) was circulated to ISPs around the country warning them to prepare for a temporary shutdown of internet exchanges, wireless access points, mobile cell towers, TV and radio channels, and fixed communication lines. The Internet Association of Ukraine published a statement the next day debunking the rumors and saying the letter was a myth based on reports that the government planned to announce a state of emergency in the country.¹² On February 28, 2013, Ukrtelecom, the country's largest telecom provider, suffered a major outage in its phone and internet services in Crimea, allegedly after unidentified persons seized telecommunications nodes and destroyed cables.¹³ The internet monitoring firm Renesys reported registering a five-hour disruption affecting Ukrtelecom that Friday night, but noted that other ISPs serving Crimea were unaffected.¹⁴

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.¹⁵

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 2011.¹⁶ Though no longer state-owned, Ukrtelecom is still the largest ISP in the country and possesses Ukraine's primary network, trunk,

10 Dmitry Kuznetsov, "Единственного в Украине 3G-оператора «ТриМоб» опять хотят продать?" [The only 3G operator in Ukraine up for sale again?], August 22, 2012, <http://ain.ua/2012/08/22/93759>.

11 Янукович: до прийняття рішення про розгін причетні троє [Yanukovich: Three Implicated in Dispersal Decision], Ukrainska Pravda, December 13, 2013, <http://www.pravda.com.ua/news/2013/12/13/7006722/>.

12 Oleh Dmytrenko, Відключення інтернету призведе до повної зупинки банківської системи [Internet Shutdown Could Lead to Complete Stop of Banking System], Watcher.com.ua, January 23, 2014, <http://watcher.com.ua/2014/01/23/vidklyuchennya-internetu-pryzvede-do-povnoyi-zupyvky-bankivskoyi-systemy/>.

13 JC Finley, Telecom services sabotaged in Ukraine's Crimea region, UPI, February 28, 2014, http://www.upi.com/Top_News/World-News/2014/02/28/Telecom-services-sabotaged-in-Ukraines-Crimea-region/7611393621345/.

14 Andrea Peterson, Ukraine is in turmoil, but it's still online. Here's why., The Washington Post, March 3, 2014, <http://www.washingtonpost.com/blogs/the-switch/wp/2014/03/03/ukraine-is-in-turmoil-but-its-still-online-heres-why/>.

15 Jim Cowie, Syria, Venezuela, Ukraine: Internet Under Fire, Renesys, February 26, 2014, <http://www.renesys.com/2014/02/internetunderfire/>.

16 92.8 percent of shares sold to ESU, a Ukrainian subsidiary of the Austrian company EPIC. Source: "Укртелеком продан" [Ukrtelecom Sold], Dengi.Ua, March 11, 2011, http://dengi.ua/news/77761_Ukrtelekom_prodan_html.

and zone telecom lines.¹⁷ 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, are also starting to provide broadband internet access.¹⁸ There are about 400 ISPs in Ukraine, according to the National Commission on Communications and Informatization.¹⁹ 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.

Ukrchastotnagliad, 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,²⁰ all these companies are private.²¹ The three major players in the mobile communications market are Kyivstar (owned by Dutch VimpelCom 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 players hold 94.6 percent of the mobile communications market.²²

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.

The ICT sector is regulated by the National Commission on Communications and Informatization (NCCIR). Members of the NCCIR are appointed by the president of Ukraine.²³ 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. For instance, in July 2011 the NCCIR (then the NCCR)

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

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

19 "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.Ua, July 26, 2007, <http://bit.ly/18A2eL4>.

20 Infocom-SK was founded in 1991 jointly by state-owned Ukrtelecom and Controlware, a German telecommunications company. "History," Infocom, accessed on June 15, 2012, <http://infocom.ua/catalogue.jsp?catalogueId=3000&cataloguerId=6070&lang=3>.

21 "Ukraine: Country Profile 2010," OpenNet Initiative.

22 iKS-Consulting, "В Украине почти 55 млн абонентов мобильной связи [Ukraine has almost 55 million mobile subscribers], AIN.UA, July 31, 2012, <http://ain.ua/2012/07/31/92177>.

23 National Commission on Regulation of Communications and Informatization, accessed on January 10, 2012, <http://en.nkrz.gov.ua/>.

refused to prolong the operating license of mobile provider Kyivstar for GSM 900/1800 frequencies.²⁴ Furthermore, the 2003 Law on Communications does not guarantee the independence of the NCCIR.

A new parliamentary committee on informatization and information technologies was created in December 2012,²⁵ ostensibly to promote the president's promise of further development of the Ukrainian ICT market.²⁶ So far, the committee has not made any significant decisions relating to the ICT industry.

Limits on Content

The Euromaidan protests did not cause the government to block or filter websites, but the short-lived anti-protest laws and extra-legal pressure on media and citizens created an atmosphere of fear, leading to self-censorship in state-controlled media. At the same time, there was a significant increase in information about the unrest provided by citizen journalists, activists, and those on the ground who uploaded or streamed videos of the protests. The subsequent Crimean crisis 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.

In January 2014, Yanukovich's administration and the parliament violated voting procedures to pass a set of harsh anti-protest laws, which included measures limiting internet freedoms.²⁷ One of the main laws, #3879, criminalized dissemination of "extremist information" and slander, including online, punishable by fines or in some cases imprisonment. The law also empowered the authorities to block a website without a court order should a violation occur, introduced tighter regulations for online news agencies (requiring them to have a license with the state), and defined human rights NGOs that receive international funding as "foreign agents," measures that effectively restricted freedom of expression and assembly.²⁸ The anti-protest laws caused widespread indignation. Under growing pressure from the protesters, the opposition, and the international community,

24 "НКРС отказалась продлевать «Киевстар» лицензию на мобильную связь" [NCCR Refused to Prolong Kyivstar's mobile communications license], ITC.ua, July 8, 2011, <http://bit.ly/19KAAt3>. The NCCR said Kyivstar first acquired their license in 1996 for 15 years under the acting Law on Telecommunications, while in 2004 a new Law on Telecommunications came into power, thus making the old Law (and any agreements under it) void. NCCR believed Kyivstar was not entitled to simply pay 30 percent of the license price to prolong said license, but ought instead to pay 200 percent of the license price to acquire two new licenses for GSM 900 and GSM 1800 each. This would cost Kyivstar around 19 million UAH. As a result, in September 2011 Kyivstar had to pay the full price for two new licenses in order to continue their activities in the market. See also, "Киевстару видали новые лицензии на мобильную связь" [Kyivstar Given New Mobile Communications Licenses], LigaNet, September 8, 2011, <http://bit.ly/164BamS>.

25 "Верховна Рада України прийняла Постанову "Про комітети Верховної Ради України сьомого скликання"" [Ukrainian Parliament adopts Decree "On committees of Parliament of Ukraine, seventh session], Official Parliamentary portal, December 25, 2012, <http://iportal.rada.gov.ua/news/Top-novyna/71350.html>.

26 Olga Karpenko, "В парламенті появился комітет, відповідаючий за ІТ-отрасль" [Parliament gets committee to regulate ITC sphere], AIN.UA, December 25, 2012, <http://ain.ua/2012/12/25/107173>.

27 Ukraine parliament pushes through sweeping anti-protest law, Reuters, January 16, 2014, <http://www.reuters.com/article/2014/01/16/us-ukraine-law-idUSBREA0F12M20140116>.

28 Yanukovich Commits Ukraine to Authoritarian Path, RSF, January 20, 2014, <http://en.rsf.org/ukraine-is-ukraine-going-to-bury-freedom-16-01-2014.45740.html>.

the parliament voted at the end of January 2014 to repeal most of the laws by passing a bill that pronounced them obsolete,²⁹ which the president then formally approved.

During the Euromaidan protests, occasional blocking of certain websites was reported, but these were mostly limited to private networks: for example, many users reported that Kyiv Boryspil airport had blocked key independent Ukrainian media websites on its network in December 2013.³⁰

There is no current regulatory framework for systematic censorship of content online, although there have been attempts at creating legislation which could censor or limit content. Many of these initiatives present 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, cyberscams, and information espionage.³¹ 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.”³² In some cases, such laws obligate ISPs to remove or block the offensive 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.

Attempts to manipulate the online news landscape became numerous in the pre-election season and peaked during the protests, as progovernment forces struggled to contain the information sphere. Oligarchs close to the ruling Party of Regions, such as Sergey Kurchenko, acquired significant media resources during the summer and fall of 2013. Kurchenko alone purchased Ukrainian Media Holding and other assets,³³ appointing new management in key media, which resulted in journalists of outlets like *Forbes* (Forbes.ua) and Korrespondent.net resigning en masse, citing censorship and editorial pressure.³⁴ Still, online media remain varied and represent many opinions on the political spectrum, with a key cluster of independent media playing the role of watchdogs and conducting investigative journalism. Reputable news sites like *Ukrainska Pravda* and Liga.net played a key role in the coverage of the Euromaidan protests, along with new online TV and streaming video initiatives such as Hromadske TV, SpilnoTV, EspressoTV. Access to international media websites remained unfettered.

The Crimean crisis led to Russian TV channels being blocked in mainland Ukraine and Ukrainian TV channels being blocked in Crimea after its annexation, but access to online content remained largely unaffected by these events, as most of the restrictions were physical (journalists prevented from entering and reporting in Crimea, activists kidnapped, etc.). Activists tried to counteract the

29 IPI welcomes vote to repeal Ukraine anti-protest law, International Press Institute, January 29, 2014, <http://ipi.freemedia.at/special-pages/newssview/article/ipi-welcomes-vote-to-repeal-ukraine-anti-protest-law.html>.

30 Oleg Danilov (@Danko007) on Twitter, accessed on February 24, 2014, <https://twitter.com/Danko007/status/411696999625678848>.

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

32 “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 “On the main foundations of development of information society in Ukraine for 2007-2015”], National Commission on Communications and Informatization official website, August 9, 2012, http://nkrzi.gov.ua/uk/activities_nkrzi/news/1344519940/.

33 Мультимиллионер Сергей Курченко выкупил крупнейшие украинские интернет-порталы [Multimillionaire Sergey Kurchenko Buys Largest Ukrainian Internet Portals], November 1, 2013, <http://ain.ua/2013/11/01/500429>.

34 Звільнилися 14 журналістів українського Forbes [14 Journalists of Ukrainian Forbes Resign], *Ukrainska Pravda*, November 13, 2013, <http://www.pravda.com.ua/news/2013/11/13/7002020/>.

information vacuum in the traditional media by setting up information networks online like Krym_SOS (Crimea_SOS) on Facebook and VKontakte to supply the latest information from the region.³⁵

There were some instances of online manipulation by progovernment (and later, pro-Russian) forces, such as bots or paid commenters,³⁶ and banner ads on news websites and social networks.³⁷ Another form of manipulation was fake websites set up to look like popular news sites (e.g., clones of *Ukrainska Pravda*) that posted biased or manipulative information.³⁸

YouTube, Facebook, Twitter, and blog-hosting services such as Wordpress and LiveJournal are freely available and gained significantly more users during the Euromaidan protests.³⁹ In view of the planned 2015 elections, and later during the protests, politicians, especially those in the opposition, used social media widely to publicize their ideas and express support for the protests. Many ministers in the new interim government used Facebook and Twitter to report regularly on their actions, and some activists have noted that they do respond to comments and take into account public opinion in their work, helping to increase accountability.⁴⁰ Social networks are also used widely by activists to spread information about current events to the world, with many English-language accounts and translation initiatives springing up during the Euromaidan protests.⁴¹

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. Nearly 230,000 new users joined Facebook in Ukraine during the first two months of 2014, at the height of the protests.⁴² Twitter use in Ukraine also grew, with 500,000 Ukrainians visiting Twitter per day in January 2014.⁴³ In February and March 2014, daily traffic from social media sites to Ukrainian news media sites was 8 to 10 times higher than that in October 2013, demonstrating significantly higher user engagement during the months of the protests.⁴⁴

35 Krym_SOS on Facebook, accessed on April 15, 2014 <https://www.facebook.com/KRYM.SOS>.

36 Twitter User Dbnmjir reports mass Twitter posts with anti-protest messages, Twitter.com, November 24, 2013. <https://twitter.com/Dbnmjir/status/404685709732106240/photo/1>.

37 Через рекламу в інтернеті намагаються залякати людей йти на Євромайдан [Internet Ads Try to Scare People Away From Going to Euromaidan], Watcher.com.ua, December 7, 2013, <http://watcher.com.ua/2013/12/07/через-рекламу-в-интернеті-намагаються-заякати-людей-йти-на-євромайдан/>.

38 З'явився ще один клон "Української правди" [Another Clone of Ukrainska Pravda Appears], Telekritika, Nov 26, 2013, <http://www.telekritika.ua/profesija/2013-11-26/87885>.

39 Близько 6 млн українців в січні хоча б 1 раз відвідували Facebook та 11 млн – ВКонтакте [About 6 mln Ukrainians in January visited Facebook at least once, 11 mln – Vkontakte], Watcher.com.ua, February 26, 2014, <http://watcher.com.ua/2014/02/26/blyzko-6-mln-ukrayintsiv-v-sichni-hocha-b-1-raz-vidviduvaly-facebook-ta-11-mln-vkontakte/>.

40 Каких украинских министров можно читать в Facebook [Which Ukrainian Ministers You Can Follow on Facebook], AIN.ua, March 17, 2014, <http://ain.ua/2014/03/17/516042>.

41 Tetyana Bohdanova, Ukraine: Translators Organize on Facebook to Provide Live #Euromaidan Updates, Global Voices, December 9, 2013, <http://globalvoicesonline.org/2013/12/09/ukraine-translators-organize-on-facebook-to-provide-live-euromaidan-updates/>.

42 Socialbakers: ТОП-5 країн по кількості користувачів Facebook. Україна на 64 місці, - «МедіаБізнес» [Socialbakers: TOP-5 countries by number of Facebook users. Ukraine is in 64th place, - MediaBusiness], MediaBusiness, February 24, 2014, <http://www.mediabusiness.com.ua/content/view/22756/69/lang.ru/>.

43 Щодня близько 500 тис українців заходять у Твіттер [Clode to 500,000 Ukrainians Log On To Twitter Daily], Watcher.com.ua, <http://watcher.com.ua/2014/01/24/schodnya-blyzko-500-tys-ukrayintsiv-zahodyat-u-tviter/>.

44 За останні 5 місяців переходи з соціальних мереж на сайти ЗМІ зросли у 8-10 разів [Click-throughs From Social Networks to Media Sites Grew 8 to 10 times During Last 5 Months], Watcher.com.ua, March 17, 2014, <http://watcher.com.ua/2014/03/17/za-ostanni-5-misyatsiv-perehody-z-sotsialnyh-merezh-na-sayty-zmi-zrosly-u-8-10-raziv/>.

Ukrainian bloggers, journalists, NGOs, and citizen activists created a number of grassroots initiatives around the Euromaidan protests and later during the developing conflict with Russia. In addition to livestreaming video and conducting translations, social media users organized online initiatives to manage different facets of the protests, from providing for the needs of protesters to fundraising for medical aid for the injured.⁴⁵ Other crowdsourced initiatives invited users to submit evidence of police brutality and identify riot police and thugs who participated in the violence.⁴⁶ Activists also created crowdsourced maps of the spreading unrest in Ukraine after the most violent days of the protests, when dozens of protesters and several police were shot.⁴⁷

Journalists worked tirelessly during the Euromaidan period as well, most notably creating a “YanukovychLeaks” website to document and publicize the financial records found in Yanukovych’s estate after he fled the country.⁴⁸ 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.⁴⁹

Violations of User Rights

The security of journalists and online users deteriorated in the run-up to the planned 2015 elections, and during the Euromaidan protests, journalists and bloggers faced extreme intimidation and physical violence as they were explicitly targeted for their work. Additionally, independent media and civic initiatives online faced multiple DDoS attacks during the protest period, while protesters received threatening mass text messages.

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 during the Euromaidan protests in the fall of 2013 through the winter of 2014. In addition, Article 171 of the criminal code provides fines and detention sentences for obstructing journalists’ activity. The Ukrainian judiciary, however, is prone to the same level of corruption evident in other branches of power. Many businesses, including media companies, often resort to bribes to influence the consideration of their affairs in the courts.⁵⁰

In 2011, online journalists achieved similar status and privileges as traditional journalists, such as the ability to obtain accreditation for parliamentary sessions and other official meetings frequented by

45 Key examples include <http://galas.org.ua/>, <http://maidanhelp.com> and <http://maidansupport.com>.

46 Tetyana Bohdanova, Ukrainians Demand Justice for Beaten & Jailed #Euromaidan Protesters, Global Voices, December 26, 2013, <http://globalvoicesonline.org/2013/12/26/ukraine-netizens-demand-justice-for-euromaidan-participants/>. Also see euromaidanberkut.tumblr.com.

47 Tetyana Bohdanova, Online Mapping of Spreading Unrest After Killing of Protesters in Ukraine, Global Voices, January 26, 2014, <http://globalvoicesonline.org/2014/01/26/map-unrest-spreads-through-ukraine-after-protesters-are-killed-in-kyiv/>.

48 Drew Sullivan, YanukovychLeaks: How Ukraine Journalists Are Making History, Global Investigative Journalism Network, February 25, 2014, <http://gijn.org/2014/02/25/yanukovychleaks-org-how-ukraine-journalists-are-making-history/>.

49 Tetyana Lokot, Ukraine’s Activists Debunk Russian Myths on Crimea, Global Voices, March 5, 2014, <http://globalvoicesonline.org/2014/03/05/ukraines-activists-debunk-russian-myths-on-crimea/>.

50 “Судова реформа не розвіяла сутінків у бізнес-настроях” [Judiciary reform does not banish twilight in business mood], *Deutsche Welle*, June 1, 2012, <http://www.dw.de/dw/article/0,,15992775,00.html>.

the press. Nevertheless, there has been an ongoing discussion about the need for online media to register with the government. Some suggest that registration would provide additional mechanisms for protecting journalists, while others refute this idea, considering any form of registration to be an impediment to press and internet freedom.⁵¹

One of the January 2014 anti-protest laws, #3879, introduced fines for libel and prison sentences for “extremist content” without providing a clear definition of this concept.⁵² It also made gathering and disseminating personal information (including names and photos) about judges, police officers, and members of the special forces punishable by up to three years in prison, effectively putting a damper on independent media investigations. In a positive step, the law was repealed on January 28, less than two weeks after it was passed.

In February 2014, the Simferopol court in Crimea sentenced an IT-specialist and PR manager to a four-year suspended sentence for allegedly blocking access to the Party of Regions regional website and circulating a fake appeal from the head of the Crimean office of the party online.⁵³ Additionally, in March 2014, the Security Service of Ukraine, acting within the new interim government, started a criminal investigation against three Ukrainian VKontakte users on charges of calling for separatism online (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).⁵⁴ In accordance with a court warrant, the apartments of the three Dnipropetrovsk citizens were searched and their computers taken away. As of May 2014, the investigation was still ongoing.

There is no obligatory registration for either internet users or mobile phone subscribers at present, although the anti-protest legislation that was briefly introduced by parliament in January 2014 included a bill that would require buyers to present a passport before purchasing prepaid mobile services.⁵⁵ Nevertheless, the pervasiveness of extralegal surveillance of Ukrainian users’ activities is unclear.

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 pressures 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 National Commission on Communications and Informatization released a new edition of “Rules for Activities in the Sphere of Telecommunications,” which included a problematic paragraph about ISPs and telecom providers

51 Ukrainian Internet Association, “Підсумки прес-конференції: “Саморегулювання вітчизняних електронних медіа як альтернатива державному регулюванню в Українському сегменті Інтернет” [Summary of Press-Conference: “Self-regulation of Ukrainian Electronic Media As An Alternative To State Regulation In The Ukrainian Internet Segment”], InAU (Ukrainian Internet Association), July 19, 2011, <http://www.inau.org.ua/170.3675.0.0.1.0.phtml>.

52 Ukraine introduces criminal liability for libel in media, Internet, KyivPost, January 16, 2014, <http://www.kyivpost.com/content/ukraine/ukraine-introduces-criminal-liability-for-libel-in-media-internet-335052.html>.

53 PR-щик отримав 4 роки умовно за блокування сайту Партії регіонів [PR Person Gets 4 years Withheld Sentence for Blocking Party of Regions Website], Ukrainska Pravda, February 17, 2014, <http://www.pravda.com.ua/news/2014/02/17/7014152/>.

54 СБУ завела уголовне дело на троих пользователей «ВКонтакте» за сепаратизм [Security Service Starts Criminal Case Against Three VKontakte Users for Separatism], AIN.ua, March 18, 2014, <http://ain.ua/2014/03/18/516247>.

55 SIM-карты будут продавать по паспорту с 1 мая [SIM-cards to be Sold With Passport From May 1], CensorNet, January 18, 2014, http://censor.net.ua/news/266872/simkarty_budut_prodat_po_pasportu_s_1_maya.

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.”⁵⁶ Some human rights groups and internet associations are concerned that this step will aid the Security Services and the government in restricting internet freedoms by creating additional means of pressure that the government can exert over ISPs.⁵⁷

After former president Yanukovych fled Kyiv in late February 2014, journalists discovered extensive evidence of targeted surveillance of media and civil society actors among the documents left at his residence.⁵⁸ The evidence included reports on users making critical statements, monitoring of protest-related posts on social media,⁵⁹ and blacklists of key independent journalists and activists, including those from opposition and anti-corruption groups.⁶⁰

In an Orwellian move likely meant to intimidate the protesters out on the streets, on January 20, citizens on European Square in the center of the Euromaidan protests received a mass text message reading, “Dear subscriber, you are registered as a participant in a mass disturbance.”⁶¹ Reports suggested that the Ukrainian government used a tactic known as “cell tower dumps” to pinpoint the locations of cell phones in use near clashes between riot police officers and protesters.⁶² The cellphone companies denied involvement; however, it later became public that in another incident, a city court had ordered Kyivstar to disclose to the government the cell phones that were active in the area of an antigovernment protest on January 10, outside of the courthouse.⁶³

In July 2013, police searched the apartment of an online journalist from the Zhytomyr region who was investigating illegal raids on a local factory. During the raid the police took his laptop and flash drive without a court order.⁶⁴ The journalist, Anatoly Lazarenko, said the police also threatened him with criminal prosecution.

Physical attacks against online journalists and activists escalated sharply during the Euromaidan protests, during which people who were identifiably reporting on or live-broadcasting the protests were explicitly targeted by police and progovernment thugs for their work. Tetyana Chornovil, an investigative journalist and blogger with *Ukrainskaya Pravda*, who was known for her investigations

56 NCCI, Rules for Activities in the Sphere of Telecommunications, accessed on February 23, 2014, http://www.nkrzi.gov.ua/img/zstored/File/2013_07/dod_r445_16072013.doc.

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

58 Tetyana Lokot, Ukrainian Journalists Take Regime’s Corruption Public With YanukovychLeaks, Global Voices, March 2, 2014, <http://globalvoicesonline.org/2014/03/02/ukrainian-journalists-take-regimes-corruption-public-with-yanukovychleaks/>.

59 Янукович следил за угрозами в свой адрес в соцсетях [Yanukovych Monitored Threats Against Himself in Social Networks], Gordon.ua, March 4, 2014, <http://gordonua.com/news/politics/YAnukovich-sledil-za-kommentariyami-s-ugrozami-v-socsetyah-12651.html>.

60 Anna Babinets, Natalie Sedletska, Нотатки охоронця Януковича [The Notes of Yanukovych’s Bodyguard], YanukovychLeaks, February 28, 2014, <http://stories.yanukovychleaks.org/stories/notes-of-a-personal-bodyguard.html>.

61 Brian Merchant, Maybe the Most Orwellian Text Message a Government’s Ever Sent, Motherboard VICE, January 21, 2014, http://motherboard.vice.com/en_ca/blog/maybe-the-most-orwellian-text-message-ever-sent/.

62 Andrea Peterson, Ukraine’s 1984 moment: Government using cellphones to track protesters, The Washington Post, January 21, 2014, <http://www.washingtonpost.com/blogs/the-switch/wp/2014/01/21/ukraines-1984-moment-government-using-cellphones-to-track-protesters/>.

63 “Russia Defers Aid to Ukraine, and Unrest Persists,” *New York Times*, January 29, 2014, <http://www.nytimes.com/2014/01/30/world/europe/ukraine-protests.html>.

64 Милиция обыскала квартиру журналиста, писавшего о рейдерском захвате завода [Police Search Apartment of Journalist Who Wrote About Raid On Factory], Glavcom.ua, July 12, 2013, <http://glavcom.ua/news/140235.html>.

of Yanukovych and other oligarchs close to him, was dragged from her car and badly beaten in Kiev in December 2013.⁶⁵ Well-known blogger and civic activist Ihor Lutsenko was kidnapped by progovernment forces, beaten and left for dead in a forest, but survived.⁶⁶ Overall, during the months of Euromaidan, the Institute of Mass Information recorded over 150 cases of journalists and bloggers being beaten, shot at, kidnapped, or otherwise assaulted during the Euromaidan protests.⁶⁷

The confrontation with Russian forces in Crimea brought a fresh wave of intimidation against online activists and journalists, with several reports of kidnappings, threats, and physical violence.⁶⁸ On March 9, two journalists and a spokeswoman for Automaidan – a group of motorists supporting the Euromaidan protests – went missing as they attempted to enter Crimea.⁶⁹ Independent blogger Oleksanda Ryazantseva, together with Olena Maksymenko, a reporter with the *Ukrainian Week*, and Automaidan's Kateryna Butko, were kidnapped and held by Crimean separatists and local Berkut riot police for several days, during which they were threatened. Oles Kromplyas, a journalist and photographer with Glavkom portal, and driver Eugene Rakhno, were also taken with the women, and their abductors confiscated their laptops, memory cards, camera batteries and online video streaming equipment.⁷⁰ They were later released to mainland Ukraine.⁷¹ Levko Stek, a multimedia and online journalist with Radio Free Europe/Radio Liberty, was kidnapped by unknown persons in Crimea on March 17, the day after the Crimean referendum. The assailants pulled him off a bus in the town of Bakhchisaray, handcuffed him, and pulled a bag over his head.⁷² They then drove him around in a car for a few hours before leaving him in a field with warnings not to come back to Crimea.

As the unrest after the annexation of Crimea spread to Eastern Ukraine, several online journalists also suffered attacks and pressure from pro-Russian forces there. After publishing reports critical of the separatists, Alexander Belinsky, editor of Gorlovka.ua, was kidnapped on April 14 by separatists in Gorlovka, Donetsk region, but was released shortly after negotiations.⁷³ On April 12 in Donetsk proper, a car belonging to Alexei Matsuka, editor and journalist of the *Novosti Donbassa* portal was

65 RWB SUPPORTS INDEPENDENT PROBE INTO BRUTAL ATTACK ON REPORTER, Reporters Without Borders, December 27, 2013, <http://en.rsf.org/ukraine-rwb-supports-independent-probe-27-12-2013,45678.html>.

66 Oksana Grytsenko, Activist Lutsenko alive, describes kidnapping; other activist found dead (UPDATED), KyivPost, January 23, 2014, <http://www.kyivpost.com/content/ukraine/activist-lutsenko-alive-describes-kidnapping-other-activist-still-missing-335362.html>.

67 Press Freedom Barometer for January 2014, Institute of Mass Information, February 17, 2014, <http://imi.org.ua/analytics/43083-press-freedom-barometer-for-january-2014.html>.

68 Crimea: pressure on journalists (UPDATED), Institute of Mass Information, March 15, 2014, <http://imi.org.ua/en/analytics/43521-crimea-pressure-on-journalists-updated.html>.

69 Journalists, Activists Reported Missing In Crimea, RFE/RL's Ukrainian Service, March 10, 2013, <http://www.rferl.org/content/journalists-activists-reported-missing-in-crimea/25291690.html>.

70 OSCE media freedom representative calls for immediate release of kidnapped journalists in Crimea, Ukraine, OSCE, March 10, 2014, <http://www.osce.org/fom/116294>.

71 Two Journalists Released Safely After Abduction in Crimea, Reporters Without Borders, March 12, 2014, <http://en.rsf.org/ukraine-two-ukrainian-journalists-missing-10-03-2014,45977.html>.

72 RFE/RL Reporter In Crimea Abducted, Warned, RFE/RL, March 19, 2014, <http://www.rferl.org/content/crimea-media-journalist-threat-abduction/25302394.html>.

73 В Горловке сепаратисты похитили главреда местного сайта [In Gorlovka, Separatists Abduct Editor of Local Website], Liga.Net, April 14, 2014, <http://news.liga.net/news/politics/1369936-v-gorlovke-separatisty-pokhitili-glavreda-mestnogo-sayta.htm>.

set on fire.⁷⁴ Additionally, on April 13, citizen journalist Artyom Deynega, who streamed live video from separatist attacks on the Security Service headquarters in Slavyansk, Donetsk region, was taken from his apartment by unknown persons.⁷⁵ He was released on May 2, 2014.⁷⁶

Cyberattacks became a more common tactic in Ukraine during the Euromaidan protests, with both antigovernment and progovernment sites attacked⁷⁷ and individual users hacked. In October 2013, Oksana Romaniuk, a prominent freedom of expression activist in Ukraine and director of the Institute for Mass Information (IMI), suffered a technical attack in which her email and computer were hacked; information stolen during the attack later appeared in disparaging articles published by a spoof online newspaper made to look like a real news outlet.⁷⁸ The hackers also published all of her personal files on a website that seemed to be linked to the spoof newspaper.

During the protest period, hackers worked actively against government websites, with Anonymous and other groups attacking key ministry sites⁷⁹ and other institutions⁸⁰ in a show of indignation at the actions of Yanukovych and his government. As the crisis in Crimea unfolded, the self-proclaimed pro-Russian Ukrainian hacker group, “Cyber Berkut,” claimed to have hacked several NATO websites in protest of Western involvement in the conflict.⁸¹ In March 2014, the Ukrainian Security Service stated that Ukraine’s telecommunications system came under attack from equipment installed in Russian-controlled Crimea, which was used to interfere with mobile phones of members of parliament⁸² (MPs would get mass incoming calls to their numbers every 30 seconds, effectively blocking their phone).⁸³ The “Cyber Berkut” also claimed to have hacked the inboxes of the regional offices of opposition parties UDAR and Batkivshchyna and posted their content online.⁸⁴

74 В Донецке подожгли машину оппозиционному журналисту [Opposition Journalist’s Car Set On Fire In Donetsk], UNIAN news agency, April 12, 2014, <http://www.unian.net/society/907023-v-donetske-podojgli-mashinu-oppozitsionnomu-jurnalistu.html>.

75 В Славянске похитили парня, который снимал на видео сепаратистов возле СБУ [In Slavyansk Young Man Who Streamed Video of Separatists near Security Service HQ Has Been Kidnapped], News 24 TV, April 14, 2014, http://24tv.ua/home/showSingleNews.do?v_slavyanske_pohitili_parnya_kotoryy_snimal_na_video_separatistov_vozle_sbu&objectId=432523&lang=ru.

76 Amnesty International, Press Release, May 12, 2014, <http://www.amnesty.org/fr/library/asset/EUR50/021/2014/en/c4bfc995-b4f5-4a82-9c19-12ac221982c5/eur500212014en.pdf>.

77 Nicole Perlroth, Cyberattacks Rise as Ukraine Crisis Spills to Internet, The New York Times Bits Blog, March 4, 2014, http://bits.blogs.nytimes.com/2014/03/04/cyberattacks-rise-as-ukraine-crisis-spills-on-the-internet/?_php=true&_type=blogs&r=0.

78 Online Harassment of Ukraine Activist Shows Pattern of Hostility, Freedom House, October 9, 2013, <http://www.freedomhouse.org/article/online-harassment-ukraine-activist-shows-pattern-hostility>.

79 Eduard Kovacs, Anonymous Hackers Disrupt Ukrainian Government Websites During Kiev Protests, SoftPedia, December 2, 2013, <http://news.softpedia.com/news/Anonymous-Hackers-Disrupt-Ukrainian-Government-Websites-During-Kiev-Protests-405132.shtml>.

80 Tetyana Bohdanova, Anonymous Hacks Ukraine’s Customs Services, Leaks Documents, Global Voices, November 17, 2013, <http://globalvoicesonline.org/2013/11/17/anonymous-hacks-ukraines-customs-services-leaks-documents/>.

81 NATO websites hit in attack linked to Crimea, AlJazeera, March 16, 2014, <http://www.aljazeera.com/news/europe/2014/03/nato-websites-hit-attack-linked-crimea-2014316203723979179.html>.

82 Ukraine hit by cyberattacks: head of Ukraine security service, YahooNews, March 4, 2014, <http://finance.yahoo.com/news/ukraine-hit-cyberattacks-head-ukraine-110853910.html>.

83 Тумур Ворона, Пророссийские хакеры «КиберБеркут» уже вторую неделю атакуют украинские сайты и телефоны политиков [Pro-Russian Hackers “Cyber Berkut” Have Been Attacking Ukrainian Websites and Politicians’ Phones for Two Weeks], AIN.ua, March 19, 2014, <http://ain.ua/2014/03/19/516603>.

84 “КиберБеркут” взломал почтовые ящики партий “Удар” и “Батькивщина” [“Cyber Berkut” Hacks Mailboxes of “Udar” and “Batkivshchyna” Parties], March 13, 2014, <https://www.cyberguerrilla.org/blog/?p=17646>.

Before and during the Euromaidan protests, there were numerous DDoS attacks on independent media websites⁸⁵ and Euromaidan online communities,⁸⁶ aimed at undermining their work. However, the Ukrainian internet as a whole remained largely intact and a reliable source of information on the protests, a fact which Renesys attributes to the distributed and diverse infrastructure of internet access channels in Ukraine.⁸⁷

85 Twitter account of KyivPost reports their website is down due to a DDoS attack, Twitter, December 9, 2013, <https://twitter.com/KyivPost/status/410081008902348800>.

86 Tetyana Bohdanova, New DDoS Attacks on Websites Monitoring Ukrainian #Euromaidan Protests, Global Voices, January 12, 2014, <http://globalvoicesonline.org/2014/01/12/new-ddos-attacks-on-websites-monitoring-ukrainian-euromaidan-protests/>.

87 Jim Cowie, Syria, Venezuela, Ukraine: Internet Under Fire, Renesys, February 26, 2014, <http://www.renesys.com/2014/02/internetunderfire/>.