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ВИКЛИКИ ДЛЯ СВОБОДИ СЛОВА ТА БЕЗПЕКИ ЖУРНАЛІСТИКИ В УКРАЇНІ



CHALLENGES TO FREEDOM OF SPEECH AND SAFETY OF JOURNALISM IN UKRAINE

ABSTRACT. *This study evaluates the dangers and challenges faced by journalists in Ukraine during Russia's full-scale war against the country. The war and the imposition of martial law aimed at ensuring national security have restricted the operational capabilities and freedom of the media. Independent media outlets face severe threats to the lives and work of journalists in occupied areas. Additionally, the Ukrainian authorities sometimes impede journalistic activities by restricting access, controlling information, and persecuting investigative journalists. The author, alongside representatives of the journalistic community and Western partners, asserts that the state's monopolization of the only news channel in Ukraine is unjustified. This research aims to foster broader discussions about the inherent threats that media can pose to national security and the rationale behind restricting freedom of speech during wartime. It is widely believed that high-quality investigative journalism, especially in times of conflict, plays a crucial role in ensuring public oversight of government actions. Such journalism compels the government to act more responsibly, aids in reducing corruption, and facilitates the adoption of essential decisions for the nation's well-being. Despite the restrictions imposed by the war, free and independent media in Ukraine have continued to operate throughout this time, maintaining high standards of their work. A preliminary analysis of scientific sources reveals a lack of comprehensive research on this topic. Individual works of scientists that partially address this issue are examined. Practitioners and specialised international organisations have documented the safety of journalistic activities and freedom of speech. The study employs various research methods, including analysis, observation, description, comparative analysis, analytical and synthetic information processing, generalization, and systematization. The need for continued efforts by Ukrainian media, supported by partners, to uphold the right to freedom of speech and information is emphasized.*

Keywords: *freedom of speech; journalist safety; martial law; media regulation; journalistic standards; international support.*

АНОТАЦІЯ. *Це дослідження оцінює небезпеки та виклики, з якими стикаються журналісти в Україні під час повномасштабної війни Росії. Війна та введення воєнного стану, спрямовані на забезпечення національної безпеки, обмежили оперативні можливості та свободу медіа. Незалежні медіа стикаються із серйозними загрозами для життя та роботи журналістів на окупованих територіях. Крім того, українська влада подекуди перешкоджає журналістській діяльності, обмежуючи доступ і контролюючи інформацію та переслідуючи журналістів-розслідувачів. Автор разом із представниками журналістської спільноти та західними партнерами стверджує, що нині монополізація державою єдиного каналу новин в Україні є невинуватеною. Це дослідження має на меті сприяти ширшому обговоренню внутрішніх загроз, які медіа можуть становити для національної безпеки, а також обґрунтування введення обмежень на свободу слова під час війни. Поширена думка, що якісне журналістське розслідування, особливо під час конфлікту, відіграє вирішальну роль у забезпеченні громадського контролю за діями влади. Така журналістика змушує владу діяти більш відповідально, сприяє зменшенню корупції та полегшує прийняття важливих рішень для добробуту нації. Незважаючи на*

обмеження, накладені війною, вільні та незалежні медіа в Україні продовжували працювати, підтримуючи високі стандарти своєї роботи. Попередній аналіз наукових джерел виявляє відсутність комплексних досліджень з цієї теми. Розглядаються окремі роботи вчених, які частково висвітлюють це питання. Безпека журналістської діяльності та свобода слова документуються практиками та спеціалізованими міжнародними організаціями.

Дослідження використовує різні методи, включаючи аналіз, спостереження, опис, порівняльний аналіз, аналітичну та синтетичну обробку інформації, узагальнення та систематизацію. Підкреслюється необхідність продовження зусиль українських медіа, підтримуваних партнерами, для захисту права на свободу слова та інформації.

Ключові слова: свобода слова; безпека журналістів; воєнний стан; регулювання медіа; журналістські стандарти; міжнародна підтримка.

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Introduction. Independent media are a key institution of any civil society, ensuring adherence to the principles and standards of democracy as provided by international conventions and the legislation of all civilized states. Ukrainian media, like the country itself, are experiencing some of the most challenging times in their history, with a full-scale war being waged by the Russian Federation on Ukrainian territory for over two and a half years. Timely, accurate, and unbiased information about the course of military actions plays an important role in resisting the enemy during the war. From the first days of Russian aggression, journalists' lives have been at risk. Journalists consciously take risks to document the unique experiences and courage of Ukrainians, recording wartime crimes and becoming the voices of those who deserve to be heard but are difficult to reach. The fight for democracy and freedom in Ukraine is being waged on two fronts: one against the deadly weapons of the Russian invaders and the other against the internal enemy in the form of bribery and corruption. Today, the study of freedom of speech is increasingly relevant in the context of Ukraine's European integration.

Research methodology. The article employed various methods, including the analysis and synthesis of normative and legal acts, examination of information sources, formulation of analytical theses, and utilization of statistical data. Additionally, it involved the generalization and systematization of the gathered information.

The purpose of the article is to analyse the situation regarding freedom of speech and the safety of journalists' lives and work during the full-scale war between Russia and Ukraine.

Literature Review. The study relied on the order of the Commander-in-Chief of the Armed Forces of Ukraine No. 73 dated March 3, 2022, "On the Organization of Interaction of the Armed Forces of Ukraine", and on the following manuals: "Manual on Journalistic Ethics" and "Journalistic

Standards and Professional Ethics in Wartime" [1, 2, 3]. The author refers to the works of media experts and journalists such as M. Tymoshyk, M. Vasilenko, P. Bondarenko, T. Pechonchuk, D. Opryshko, I. Kulias, and others. The collection "Ukraine: Journalists on the Frontline" showcases the involvement of Ukrainian journalists, including correspondents and volunteers, in the Russian-Ukrainian war [4]. The first chapter, "On the Front Line", specifically focuses on military journalists in the Armed Forces of Ukraine. It includes firsthand accounts and impressions from the front lines, as well as volunteer work experiences and information resistance. Comprehensive studies on this issue are still lacking.

Representatives of Ukrainian civil society and international organizations are monitoring the threats faced by journalists during the war. They are studying the media systems and structures in place to protect them. The National Union of Journalists of Ukraine (NUJU), the Institute of Mass Information (IMI), Detector Media (DM), and their partners — Reporters Without Borders (RSF), the International Press Institute (IPI), and the Human Rights Centre ZMINA — are all working to improve the quality and safety of the media environment in Ukraine. These studies are considered extremely important for understanding the challenges to press freedom and documenting crimes against journalists related to the full-scale war. However, there is insufficient scientific research on this issue in our country.

Results and discussion of the study. The full-scale invasion of Ukraine by Russia has posed a significant threat to the safety of media workers. The Institute of Mass Information has reported 620 crimes against Ukrainian journalists since the start of the full-scale war, including physical threats, shelling, and digital attacks [5]. Additionally, 235 media outlets had to shut down due to the destruction of 20 TV towers, premises, and occupation. These challenges impacted not only

media organizations in the combat zone but also those far from the frontlines, as many struggled with financial difficulties, staff shortages, and a decline in the advertising market.

As of September 4, 2024, the occupiers had killed at least 96 media workers. According to the verified data provided by the National Union of Journalists of Ukraine (NUJU) and the International Federation of Journalists, among those killed were 17 media persons who were performing their professional duties; nine media workers registered as civilian victims, and 70 media representatives mobilized for the defence of Ukraine to the ranks of the Armed Forces of Ukraine (AFU) [6].

When Russia occupied territories of Ukraine, independent media workers were one of the first targets for persecution, illegal detentions, and disappearances, as highlighted in the annual report of the Council of Europe's Platform for the Safety of Journalists "Press Freedom in Europe: Time to Turn the Tide" for 2023. The occupation authorities attempted to coerce local journalists into cooperation through physical and psychological pressure [7].

The National Union of Journalists of Ukraine (NUJU) has testimonies from Ukrainian journalists who managed to escape captivity, detailing the torture and cruel treatment they endured. According to NUJU, at least 28 media workers and citizen journalists are currently held captive in the occupied territories [8]. Objective and truthful reporting on the actions of the occupying forces is not in Russia's interest. Even leaving the territories controlled by the Russian Federation has not been an option for everyone.

Before February 24, 2022, legal support entities primarily focused on providing advice to journalistic organizations conducting investigations. However, after the invasion, there has been a shift towards offering consultations on citizen relocation, forced displacement from temporarily occupied areas, and double displacement (initially from temporarily occupied Crimea or Donbas and then to safer regions in the west of the country or abroad). It is important to note that no pro-Ukrainian media outlets are currently operating in the occupied territories.

By cutting off access to Ukrainian mass media, the Russians immediately bolstered the presence of Russian propaganda channels and organised the publication of newspapers staffed with Russian journalists. This enables them to use all manipulative techniques to influence the consciousness of Ukrainians remaining in the occupied territories. As a result, the lack of reliable information sows panic and chaos among residents [9].

Despite the constraints imposed by the war, free and independent media in Ukraine have continued to operate, consistently delivering high-quality journalism. Ukrainian journalists are dealing with the difficult task of protecting the freedom of the press while covering military aggression against their country. Before the full-scale invasion, there was already a practice of implementing the institution of "embedded journalists" in Ukraine. However, in 2017, the Ministry of Defense of Ukraine suspended the Embedded Journalism project, which involved assigning a foreign journalist to a military unit in the ATO zone [2].

Reporters Without Borders has reported that approximately 12,000 Ukrainian and foreign journalists have been accredited to cover the war in Ukraine since February 24, 2022 [10]. Both Ukrainian and foreign journalists have expressed concerns about the lack of transparency and excessive scrutiny in the accreditation process. Some media representatives are granted accreditation quickly, while others have to wait for months, preventing them from reporting from the front lines or covering crime scenes, like those on the outskirts of Kyiv in 2022 [11].

The order issued by the Commander-in-Chief of the Armed Forces of Ukraine, Valerii Zaluzhnyi, entitled "On the Organization of Interaction between the Armed Forces of Ukraine, Other Components of the Defense Forces, and Representatives of the Media during the Legal Regime of Martial Law", dated March 3, 2022, and subsequently supplemented on July 12 and October 3, 2022, contains several important provisions [1]. These provisions concern the interaction between the media and military command, the procedure for accrediting media representatives, the rules for their work in combat zones, and more. An important aspect of this order is the list of information, the disclosure of which could alert the enemy to the actions of the Armed Forces of Ukraine and other components of the defence forces, negatively impacting the execution of tasks [3].

The mentioned list includes significant information that media representatives are prohibited from disclosing. This includes:

- Names and numbers of personnel in military units and other military objects in combat (special) task areas and the amount of weaponry in such units.
- Information about ongoing, planned, postponed, or cancelled operations, as well as troop movements and deployments.
- Various other types of information that could assist the enemy.

- Additionally, any information aimed at propagating or justifying the large-scale armed aggression of the Russian Federation against Ukraine is explicitly prohibited.

Independent media in Ukraine also struggle to maintain adequate front-line reporting. Obtaining media access is becoming increasingly difficult, and military commanders are now more restricted in their communication with the media. Commanders and heads of units of the Armed Forces of Ukraine are now required to coordinate talking points for comments, blogs, and interviews with the Strategic Communications Department of the Armed Forces of Ukraine (StratCom) [12].

Journalists question the necessity of additional military review of each journalistic material, as it hinders timely coverage of the situation. Consequently, professionals from official media outlets may lose out in terms of timeliness to bloggers who create content in a less formal format. If leading media are not given access to the front line, information will still emerge, but the sources of this information could be anonymous pro-Russian Telegram channels [6]. The restriction of access to information has led to a constant reduction in the number of foreign journalists in Ukraine. For example, CNN's presence in Ukraine has halved [13].

In March 2023, a group of Ukrainian war correspondents recorded a video appeal against censorship and unjustified restrictions on reporting from the front lines. In June, the International Committee to Protect Journalists (CPJ) also issued a statement noting that media operations were regulated beyond military norms and called on the Ukrainian authorities to establish clear rules for journalist accreditations to stop pressuring them for their reports [14]. According to the statement, journalists from NBC News, The New York Times, CNN, The New Yorker and Hromadske were unfairly accused of violating work rules at the front lines. They were threatened with the revocation of their accreditation [15].

It should be noted that obstructing professional activities contradicts both Order No. 73 and the Constitution of Ukraine, which guarantees freedom of speech and expression (Article 34). The Law of Ukraine "On Media" prohibits censorship and unlawful interference in the activities of media entities by state authorities, local self-government bodies, public associations, political parties, owners of the respective entities, and any other individuals and legal entities. Furthermore, the requirement for prior approval of information disseminated by the media and the prohibition of information dissemination by

officials of state authorities, local self-government bodies, and political parties is not allowed (Part 3, 4 of Article 4). These rights may be restricted by law in the interests of national security and territorial integrity. However, restricting rights does not mean cancellation; it introduces certain peculiarities during martial law.

Due to the Russian invasion, Ukrainian journalists are now facing increased state control over the country's media environment. This includes the exclusion of certain channels from broadcasting and the introduction of new ones under state control. A survey of journalists revealed that continuous live news broadcasting is perceived as a form of media censorship [16]. Since the beginning of the invasion, six TV channels have teamed up to air the national telethon "United News", with no opposing channels included. The goal is to inform the population about the situation in Ukraine through a unified strategic communication platform. Journalists criticise this format for its imbalance, particularly for predominantly presenting the government's position, which, due to the lack of alternatives, has begun to show certain signs of censorship [17]. Additionally, the monitoring of the "Detector Media" telethon recorded violations of journalistic standards that journalists and hosts could have avoided even during wartime. There were also factual errors, ethical breaches, political and business promotion, and the neglect of socially important topics [18].

The United News telethon was widely supported in 2022, but since 2023, there has been a decline in trust. In February 2024, the Kyiv International Sociology Institute recorded a negative trust-mistrust balance for the first time. In December 2023, 43% trusted the United News telethon, while 38% did not trust it. By February 2024, the percentage of those whose trust decreased constituted 47% [19]. As a result of losing trust in official news, people are seeking alternative sources of information. Ultimately, the current format of the United News telethon has become one-factor driving audiences' mass shift from verified media to anonymous channels on social networks [20]. Therefore, experts are actively raising the question of its long-term existence or, at the very least, the need for its reform. Additionally, there is a call for a review and a change of Ukraine's information policy as a whole [21].

Ukraine has historically created a favourable environment for independent media, allowing journalists to criticise the government openly without fear of retaliation. However, recent monitoring shows that Ukrainian watchdog journalists face increased obstacles from inside

sources as they continue their work, along with security threats from the Russian military. Thanks to investigations into corruption and coverage of the political situation, about ten Ukrainian media outlets have established themselves as leading reliable sources of information, including the investigative sites "Slidstvo.info", "Bihus.info", and the anti-corruption publication "Nashi Groshi".

Since the start of the full-scale war, investigative journalists have worked on complex materials, exposing themselves to danger to uncover war crimes committed by Russian military personnel. Among the community's achievements is a project documenting war crimes that occurred in the first week of March 2022 in the city of Bucha near Kyiv. Journalists managed to identify the Russian military unit, individual soldiers, and commanders who were likely responsible for the atrocities [22].

At the beginning of the invasion, watchdog journalists stopped investigating corruption within the Ukrainian government but later resumed their activities. The most striking example is the scandal regarding the Ministry of Defense's procurement of food for the army when the editorial office of "Dzerkalo Tyzhnya" published an article by Yuriy Nikolov in the electronic version [23]. The dilemma faced by Ukrainian journalists is how to report on corruption without damaging the country's reputation or jeopardizing its international support [24].

The first journalistic investigation since the start of the full-scale war not only caused a significant public outcry but also paved the way for the publication of a series of similar materials in other electronic media. This form of presenting the journalistic investigation was chosen deliberately. The leakage of information during the preparation of a newspaper or magazine for publication is much longer than the process of preparing an electronic version. The first to respond to the scathing criticism was one of the security ministers, who accused the journalists of negligence and suggested that they be investigated [25].

This case clearly shows how government officials can respond to criticism with threats instead of a measured approach. Eventually, the authorities had to take action. As a result, 15 high-ranking government and regional officials, including two senior officials from the defence department, were dismissed [26].

However, Reporters Without Borders reported that since the beginning of 2024, at least five journalists have been subjected to surveillance or threats due to their publications on corruption. For instance, on January 14, 2024, unknown

individuals in balaclavas attempted to break into the apartment of Yuriy Nikolov, threatening to send him to fight in the Ukrainian army. The next day, the publication Bihus.info, known for its anti-corruption investigations, was attacked. After months of surveillance, including wiretapping, several journalists saw videos about their personal lives spread online to discredit them. These incidents are causing concern within the journalistic community [27]. In response to this case and appeals from international organisations, including RSF and President Volodymyr Zelensky, they called the pressure on the media "unacceptable". An investigation is underway in Ukraine under the article "Obstruction of journalistic activity" [28].

Civil society organizations and media professionals in Ukraine have noted that although there are laws regulating media activities in the country, there is a lack of coordination with the authorities responsible for investigating and prosecuting crimes against journalists and law enforcement agencies. This could be because effective reforms of law enforcement agencies have not yet taken place in Ukraine [29].

During wartime, it is crucial for society and the government to unite in confronting external threats and protecting the country by identifying and addressing problems rather than allowing them to fester in silence. The situation in Russia serves as an example of how restrictions on freedom of speech and independent media can lead to dictatorship. In a landscape of restricted political competition, independent media serve as the sole opposition to those in power, uniquely positioned to hold representatives accountable. The country has witnessed positive transformations following anti-corruption investigations conducted by Ukrainian journalists.

Conclusions. The full-scale war launched by Russia on February 24, 2022, threatens the survival of the Ukrainian media landscape. Due to Russian aggression, Ukraine has suffered and continues to suffer significant losses, primarily irreparable human losses. The destruction of information resources causes direct damage and violates people's fundamental right to receive timely and accurate information about events.

Ukrainian journalists face internal challenges in overcoming obstacles to creating a space for responsible journalism. Responsible journalism exercises independent control over political power and holds those who break the law accountable.

The right to freedom of expression and information is one of the fundamental foundations of a democratic society. The reduction of foreign

media staff in Ukraine is a clear indicator that this issue needs to be addressed and that the work of journalists should be supported. It is important to find a balance between information security and the ability to report on the events on the front lines and in the rear of Russia's brutal war against Ukraine. Authorities must recognize the crucial importance and role of journalism and the media—and ultimately, individual journalists—in truthfully covering the realities of the war.

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