

Ukraine Policy Brief Series

Paper No. 1 | February 2020

Investigative Journalism and Its Role in Ukraine's Democracy

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Introduction

Investigative journalism occupies a unique place within journalism. For many people, investigative reporting is not just journalism, it is also social and political activism. Although many investigative journalists are reluctant to agree with this, the long history of investigative journalism in its birthplace - the United States of America - shows that investigative reporters often serve as community activists who, armed with the tools of journalism, influence public opinion and events. No wonder most of the manuals and analyses of investigative journalism share the conclusion that it is an archetypal "watchdog" activity which looks into the actions of government and business in order to detect violations of legal and moral standards. In most cases, investigative journalism can be pursued under two conditions: (1) the existence of an obvious offense (and the presence of the offender and the victim) and (2) an offense that violates society's moral or legal norms.¹

No less important is the duty of investigative journalism to get to the bottom of the truth and share information that is of public interest. Very often the public has limited access to government and other information, despite the public's legitimate right to access this information in a democracy. In Ukraine, Article 29 of the Law "On Information" defines what constitutes information of public interest as information on threats to state sovereignty, human rights violations, and the like. The public's interest in accessing such information is also taken into account when courts consider releasing information and balance the public's right to know with private interests.²

Investigative journalists are often referred to as "custodians of conscience," which is a recognition of their legal, political, moral, and social role in society. They assist in creating the conditions necessary for a democratic political system to effectively function. They contribute to expanding the scope of journalistic scrutiny of politics by pushing for a "civic journalism" that contributes to openness and debate in society.

The role that investigative journalists play in society requires appropriate legal protection. In addition to the widely accepted human rights standards reflected in the Universal Declaration of Human Rights and the International Covenant on Civil and

¹ Custodians of Conscience: Investigative Journalism and Public Virtue, James S. Ettema and Theodore L. Glasser, 1998, New York: Columbia University Press, p. 62.

² Перевірка суспільним інтересом, [Test on public interest], Abstract from the Book "Access to Public Information: A Handbook on How to Apply the "Three-Part Test", R. Golovenko, D.Kotliar, D.Slyzkonis, 2014, Kyiv: CPISA, 152 p., Center for Democracy and Rule of Law's website: <https://cedem.org.ua/2017/05/perevirka-suspilnym-interesom/>

Political Rights (ICCPR), there are a variety of regional and national legal frameworks and institutions for protecting the freedom of expression. For example, in the US, journalists are protected by the First Amendment to the Constitution and Supreme Court precedents, such as *New York Times Co. v. Sullivan*,³ which improved legal protections for investigative journalists. In European countries, the protection of journalists is generally included in national constitutions as well as in laws on the press. Europe also has a powerful regional mechanism for the protection of journalists' rights and the freedom of speech: the European Convention on Human Rights (ECHR),⁴ as well as the European Court of Human Rights (ECtHR), which ensures that members of the Council of Europe follow the Convention and its provisions, including the freedom of speech. In Ukraine, the rights of journalists are protected by norms detailed in the Constitution and in several laws.⁵ As a member of the Council of Europe, Ukraine is also bound by the commitments to the rule of law and the protection of human rights under the ECHR and other international standards.⁶

In general, effective investigative journalism is possible if several conditions are met: unimpeded access to sources of information, protection of the confidentiality of sources, the physical and digital security of journalists and editors, and meaningful responses by law enforcement and other public bodies to the offenses that investigative journalists reveal. In Ukraine, despite the significant contribution of journalistic investigations in recent years, the presence of these conditions is in doubt. In most cases, journalists' investigations had a minor impact and were overall ineffective because they did not result in major penalties, arrests, or other changes.

This analysis aims to assess the state of investigative journalism in Ukraine and the environment in which investigative journalists work, in particular when it comes to the protection of confidential sources and the physical safety of journalists. The analysis also considers the important civic role that investigative journalists play and how investigative journalism affects the course of events in the country.

Protection of journalistic sources

Investigative journalism cannot exist without sources of information, among them whistleblowers⁷ who share information on violations of human rights, mismanagement of resources, corruption and other abuses of power. Since such sources often provide information only on the condition of anonymity, journalists agree not to disclose their names or other identifying information. **If their identity is revealed, whistleblowers may suffer retaliation due to the lack of proper legal protection, and journalists will lose access to information that the public has an interest in receiving and cannot receive in any other way.** "If journalists do not guarantee the anonymity of their sources, they will simply lose access to the information and ultimately certain kinds of information will not be made public. The public may never know that such information ever existed and will not be able to react to problems that they never knew existed," according to Institute of Mass Information (IMI), a Ukrainian media NGO.⁸

It is important not only to protect the source's identity but also any means of communication (telephone, email, etc.) used to transmit the information. Therefore, protecting sources must also apply to all information that can be used to establish a link between journalists and their sources. "In the classical sense, the protection of sources means that investigators and judges, as a general rule, cannot force journalists to reveal the names of people who provide them information. However, the right to secrecy is in fact even greater because a journalist cannot be obliged to disclose a source, [and the limitations on investigators and judges] include searching and seizing any documents through which the source can be identified," said Taras Shevchenko, director of the Center for Democracy and Rule of Law.⁹

This approach ensures the complete anonymity of sources of information and enables journalists to fulfill their primary responsibility to their sources. Likewise, it makes it possible for whistleblowers to continue to cooperate with journalists. For this reason the ECtHR, in the case of *Goodwin vs. The United Kingdom* (1996),¹⁰ noted that the confidentiality of journalistic sources "is one of the fundamental conditions for press freedom" in one of its first decisions on the issue. According to the ECtHR, in the absence of

3 *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964): <https://supreme.justia.com/cases/federal/us/376/254/>

4 Article 10 of the Convention provides for the right of every individual "to hold opinions, to receive and impart information and ideas without interference from the authorities and regardless of borders". Only in limited cases is this right subject to restrictions and penalties.

5 Reference to the Law of Ukraine "On Information,": <https://zakon.rada.gov.ua/laws/show/2657-12>; Law of Ukraine "On Television and Radio Broadcasting,": <https://zakon.rada.gov.ua/laws/show/3759-12>; Law of Ukraine "On Printed Media (Press) in Ukraine,": <https://zakon.rada.gov.ua/laws/show/2782-12>

6 Universal Declaration of Human Rights, United Nations: <https://www.un.org/en/universal-declaration-human-rights/>; European Convention on Human Rights, Council of Europe: <https://rm.coe.int/1680063765>; International Covenant on Civil and Political Rights, United Nations: http://www.un.org.ua/images/International_Covenant_on_Civil_and_Political_Rights_CCPR_eng1.pdf; The Helsinki Accords, Organization for Security and Cooperation in Europe: <https://www.osce.org/helsinki-final-act>, etc.

7 Whistleblower – an individual who, with the reasonable belief that the information is reliable, disclosed or made an attempt to disclose, confirmed by actual action, information about harm or threat to public interests by other persons, if such information became known to her due to her labor, professional, economic, social, scientific work, service or training, or its participation in the procedures prescribed by law, which are obligatory for the commencement of such activities, service or study (from Article. 1 Draft Law of Ukraine "On Protection of whistleblowers and disclosure of harm or threat to the public interest").

8 Правові механізми захисту джерел інформації, [Legal mechanism for protection of sources of information], Institute of Mass Information's website: <https://imi.org.ua/advices/pravovi-mehanizmi-zahistu-djerele-informatsiji/>

9 Захист журналістських джерел, [Protection of Journalistic Sources], Center for Democracy and Rule of Law's website: <https://cedem.org.ua/analytics/zahyst-zhurnalistykyh-dzherel/>

10 *Case of Christine Goodwin v. The United Kingdom*, European Court of Human Rights: <http://hudoc.echr.coe.int/eng/?i=001-60596>

adequate protection “sources do not transmit information to the press, which may have a negative impact on the ability of the press to provide accurate and reliable information on matters of public interest. As a result, the socially important function of the press – the ‘watchdog of democracy’ – will be undermined.”

The protection and confidentiality of journalistic sources has also been highlighted at the pan-European level by the Council of Europe and the European Parliament. The Committee of Ministers of the Council of Europe, in its Recommendation No. R (2000) 7 “On the right of journalists not to disclose their sources of information,” notes how the protection of sources entails the protection of the following information identifying a source: “the name and personal data as well as voice and image of a source,” “the factual circumstances of acquiring information from a source by a journalist,” “the unpublished content of the information provided by a source to a journalist,” and “personal data of journalists and their employers related to their professional work.”¹¹

Protection of sources under Ukrainian law

In Ukraine, the freedom of speech and the rights of journalists are enshrined in Article 34 of the Constitution. In addition, journalists’ right to information is guaranteed by the Law “On Information,” which also grants journalists the right to not disclose a source or information that will allow the source’s identity to be established, except when required by a court (p. 3, Article 25). The Law “On Printed Mass Media (press) in Ukraine” reinforces the provisions of the Law “On Information” by defining journalists’ right to “preserve the secrets of authorship and sources of information, except for cases when these secrets are made public upon the request of a court” (Article 26). Journalists’ right to “maintain the secrecy of a person who passed along information” is also provided in Article 59 of the Law “On Television and Radio Broadcasting.”

In reality, law enforcement officials frequently use the courts to gain access to journalists’ data. For example, in September 2018, the Prosecutor General’s Office of Ukraine obtained access to the personal data of two journalists, Natalia Sedletska,¹² from the Radio Free Europe/Radio Liberty’s (RFE/RL) investigative program Schemes, and Khrystyna Berdinskykh,¹³ from the magazine *Novoye Vremya* after a court approved the release of this information. In the case of Sedletska, prosecutors gained access to her telephone

conversations, SMS messages, and location data from July 2016 to November 2017, which RFE/RL immediately appealed. RFE/RL criticized the court’s decision as violating the journalist’s right to protect the anonymity of her sources: “The ruling is excessive, flagrantly violates international standards, and is inconsistent with Ukraine’s own commitments to promote and protect a free press” said Joanna Levison, spokesperson for RFE/RL.¹⁴ Levison also noted that the action “creates a chilling atmosphere for journalists in Ukraine and should be nullified.” It is worth noting that the cases involving both journalists, who often are critical of the government in their reporting, began just before the start of the heated 2019 presidential election campaign.

In response to the court rulings giving prosecutors access to the journalists’ data, several prominent civil society organizations published a statement and noted that “the protection of journalistic sources is fundamental to independent journalism, and protects the activity of whistleblowers and investigative journalists. The guarantee of a whistleblower’s confidentiality is often the only way to receive information about human rights violations, abuses, corruption, and environmental destruction.”¹⁵

Because of threats to the protection of journalistic sources and the likelihood that they will be repeated, **it is important to strengthen protections for the confidentiality of whistleblowers at the national level.** A draft law¹⁶ developed by experts from civil society aimed at resolving this issue was introduced in 2016, but it was not considered by Ukraine’s parliament. The law would have provided additional protection to whistleblowers – people who possess socially important information about abuses and crimes – and would facilitate the work of journalists by increasing the likelihood that insiders would share information with them. In addition to defining who qualifies as a whistleblower, the draft bill provided for the creation of secure channels for the transmission of information, and protected whistleblowers against dismissal and other reprisals they may face.

According to Yevheniia Motorevska, a journalist from the investigative organization *Slidstvo.Info*, a third of *Slidstvo.Info*’s investigations are based on information shared by whistleblowers. Motorevska believes that the proposed law’s protections are especially important “when people emerge who are ready to take big risks by revealing information and conveying it to the public. I can confirm that the situation for whistleblowers, especially those

11 Recommendation No. R (2000) 7 of the Committee of Ministers to member states on the right of journalists not to disclose their sources of information, Council of Europe, <https://rm.coe.int/16805e2fd2>

12 Журналісти під прицілом: свобода слова на пострадянському просторі та в Україні, [Journalists under attack: freedom of speech in post-Soviet space and in Ukraine], Oleksandr Yaroshchuk, European Journalism Observatory: <https://ua.ejo-online.eu/4238/media-i-politika/zurnalisty-pid-prysilom-svoboda-slova>

13 Суд остаточно заборонив ГПУ доступ до телефону журналістки «НВ» Бердинських, [The Court denied to GPO the access to cell data of journalist Berdinskykh from “NV”], hromadske.ua: <https://hromadske.ua/posts/sud-ostatochno-zaboroniv-gpu-dostup-do-telefonu-zhurnalistki-nv-berdinskih>

14 Заява Радіо Свобода щодо отримання силовиками доступу до телефону голови реда «Схем» Седлецької, [Statement of Radio Liberty on gaining access to the cell of the editor-in-chief of “Skhemy” Sedletska by the law enforcement officials], Ivanna Trutenko, radiosvoboda.org: <https://www.radiosvoboda.org/a/29471739.html>

15 Заява щодо неправомірного втручання в свободу слова та загрози незалежній розслідувальній журналістиці, [Statement on unlawful interference in freedom of speech and threats to the independent investigative journalism], Center for Democracy and Rule of Law’s website: <https://cedem.org.ua/news/zayava-shhodo-nepravomirnogo-vtruchannya-v-svobodu-slova-ta-zagrozi-nezalezhnij-rozsliduvalnij-zhurnalistytsi/>

16 Проект Закону про захист викривачів і розкриття інформації про шкоду або загрозу суспільним інтересам, [Draft Law on Whistleblower protection and disclosure of information about harm on threats to the public interest], portal of Verkhovna Rada of Ukraine: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=59836

that work with journalists in Ukraine, is critical. In most cases, they make a personal sacrifice. A person from within the system that takes this brave step usually has to say goodbye to their career at that particular workplace or they have to change their occupation altogether.”¹⁷

In an earlier incident, the Prosecutor General's Office of Ukraine sought access to the confidential sources of Ivan Verstyuk, also an investigative journalist at *Novoye Vremya*. The journalist was able to defend his rights and the anonymity of his sources in court: “The decision of the Court of Appeal, I hope, will serve as the legal protection that all investigative journalists need”¹⁸ because journalists will be able to cite this precedent when agencies demand that they disclose information about their sources.

An equally important issue for investigative journalists is access to public information. On the one hand, Ukraine has a Law “On Access to Public Information” and the government has opened a number of databases and registries that provide wide access to government data. On the other hand, journalists continue to be denied access to information for unreasonable reasons and in contravention of existing law. For example, according to Verstyuk, decisions made by municipal councils and administrations, state-owned companies, and banks are often classified and thus, restricted from being released. “I have repeatedly tried to get important information from Ukroboronprom (ed. Ukraine's state arms manufacturer), the Kiev City Council, Ukreximbank, and I could not get it. For example, try to find out at what interest rate Ukreximbank issued loans to Petro Poroshenko's business during his presidency and no one will tell you this, although this is publicly important information,” noted Verstyuk.

It is worth recalling that access to information is essential for journalists and their ability to serve as the “watchdogs” of democracy. According to one journalism manual, without broad access to information, journalism “will exist in the framework of official information. Meaning, it will always be dull, incomplete and ineffective in combatting corruption, nepotism, and exposing the abuse of power.”¹⁹

Physical protection of journalists

The third important condition required to enable the work of whistleblowers and investigative journalists is protection from physical threats.

In Freedom House's Freedom of the Press 2017 report, Ukraine was grouped with countries which have a Partly Free press, receiving a total of 53 points.²⁰ According to Freedom House, the media climate in Ukraine improved between 2014 and 2017, but violations of journalists' rights continued. In 2018, however, the situation worsened. Freedom House's Freedom in the World 2019 report²¹ documented, among other things, a decrease in civil liberties and regular attacks on journalists, which usually go unpunished. Overall, the report concludes that journalists in Ukraine continue to be under threat of violence and intimidation.

In 2018, IMI recorded a total of 235 violations of journalists' rights.²² Among the incidents IMI recorded were 96 instances of obstruction of the lawful professional activities of journalists, 33 instances of “threats and intimidation of journalists,” and 31 instances of “beatings and attacks.” One example of a physical threat to journalists recorded by IMI is the February 2018 arson attack on the office of the investigative outlet *Chetverta Vlada* (Fourth Power) in Rivne. Antonina Torbich, Deputy Editor of *Chetverta Vlada*, believes that the attack was related to the outlet's work, telling IMI at the time: “We unequivocally link this to our journalistic activities. We don't have any personal conflicts. We are publishing investigations into illegal construction, the illegal seizure of public land, and corruption and violations in other areas. Therefore, we obviously have many ill-wishers.”²³ A more recent case is the May 2019 brutal attack on Cherkassy anticorruption journalist Vadim Komarov, who died six weeks later due to injuries he sustained in the assault.²⁴

According to IMI, the work of journalists in Ukraine is most often obstructed by private individuals, local authorities, elected politicians, and law enforcement officers. Their actions against journalists usually go unpunished. The chairman of the National Union of Journalists of Ukraine, Serhiy Tomilenko, noted that the physical security of journalists in Ukraine has reached worrying levels.²⁵ “We are talking about the reality that, in Ukraine, there is systemic impunity for attacks on journalists. Why are we talking

17 Comment of Yevheniia Motorevska to “Initiative 11,” Coalition for Whistleblower Protection in Ukraine, facebook.com: <https://www.facebook.com/initiative11/posts/1871989189583616>

18 Quote from an interview with Ivan Verstyuk to the brief's author Oleksandr Yaroshchuk.

19 Медіа право: для студентів факультетів/відділень журналістики, [Media Law: for Students of Faculties/Departments of Journalism], N.Petrova, V.Yakubenko, 2007, Institute of Journalism of Kyiv National Institute, p.35.

20 Freedom of the Press 2017, Freedom House: <https://freedomhouse.org/report/freedom-press/freedom-press-2017>

21 Freedom in the World 2019, Freedom House: <https://freedomhouse.org/report/freedom-world/2019/ukraine-translation>

22 235 порушень свободи слова зафіксовано в Україні у 2018 році: дослідження IMI, [235 violations of press freedom documented in Ukraine in year 2018: research by IMI], Institute of Mass Information's website: <https://imi.org.ua/monitorings/235-porushen-svobody-slova-zafiksovano-v-ukraini-u-2018-rotsi-doslidzhennia-imi/>

23 У Рівному спалили офіс редакції «Четверта влада», [In Rivne, the office of media outlet “Chetverta Vlada” was burnt], Institute of Mass Information's website: <https://imi.org.ua/news/u-rivnomu-spalily-ofis-redaktsiji-chetvertoji-vlady1/>

24 Ukrainian journalist Vadym Komarov dies six weeks after assault, Committee to Protect Journalists: <https://cpj.org/2019/06/ukrainian-journalist-vadym-komarov-dies-six-weeks.php>

25 Голова НСЖУ: в Україні системна безкарність за напади на журналістів, [Chairman of NIUU: in Ukraine, there is a systemic impunity for attacks against journalists], Pravda.com.ua: <https://www.pravda.com.ua/news/2018/08/4/7188275/>

about systemic impunity? Because there are no examples of adequate punishment [of perpetrators]. We cannot list the names of any journalists whose rights were protected or perpetrators that were held accountable," stressed Tomilenko.

Investigative journalists are also targeted with frivolous lawsuits and other legal claims aimed at impeding their work. Danilo Mokryk, a journalist with the investigative TV program *Nashi Groshi* [Our Money] with Denys Bigus, said that the number of lawsuits and criminal proceedings brought against journalists has increased recently, "As investigative journalism has developed, so has opposition to it. For example, if you report that they (ed. officials) work for someone or take money from them, those officials do not just react - they strike back. This is a very negative sign for society."²⁶

What role has investigative journalism played in Ukraine's democracy?

In February 2019, *Nashi Groshi* published an investigation into embezzlement at a state defense manufacturer. What they uncovered is important for several reasons and illustrates the role that investigative journalism plays in a democracy. Firstly, the investigation concerned a topic of public interest, namely, corruption in the defense sector. Secondly, interest in the investigation was high because it was published a month before the first round of the 2019 presidential election. Politicians looking to score points, especially presidential candidates, mentioned the story's revelations as often as possible. Thirdly, the investigation was covered extensively by the media. However, the investigation and its evidence of abuses did not result in any significant consequences, except for the firing of Oleh Gladkovskyy from the National Security and Defense Council of Ukraine. Unfortunately, "not all investigations create noise which reverberates in the halls of power" according to Denis Bihus, the editor and founder of *Nashi Groshi*. Bihus notes that most investigations end without any consequences and "even those cases on *Nashi Groshi* which prompted criminal proceedings ended in essentially nothing."²⁷ In such instances, investigations have more of a symbolic impact, rather than influencing events directly.²⁸

Therefore, many investigative journalists are skeptical about the effectiveness of investigations in Ukraine, especially questioning whether investigations can result in real accountability for corrupt officials at the national and local levels. In their view, the authorities should follow investigative journalism more closely, initiate criminal

cases in response to reports, conduct their own investigations, and bring those responsible to justice, regardless of whether they hold a position of power. Many investigative reporters believe that officials accused of corruption must resign, as is customary in developed countries. According to Danylo Mokryk, the response to investigative journalism is waning, and journalists, in turn, are losing hope that their work can meaningfully change the situation: "In the past, officials reacted to investigations, now we see that at the press conferences of (ed. former president) Petro Poroshenko journalists are not even allowed to ask questions."

An editor of the online outlet *Nashi Groshi*, Yuriy Nikolov, says that after the Euromaidan Revolution in 2014, the authorities took action in response to journalists' investigations.²⁹ For example, after an investigation was published about the state energy company Ukrenergo overpaying for the so-called Grigorishin transformers, the final price of the tender was significantly reduced and foreign companies were allowed to participate in the tender.³⁰ Since 2016, the response to facts unearthed by investigative journalists has diminished. For example, investigations by *Slidstvo.Info* that were part of the international Panama Papers investigation uncovered details on then President Petro Poroshenko's use of offshore accounts, but the investigation did not lead to a meaningful response. According to the International Consortium of Investigative Journalists, Ukraine is one of ten countries where law enforcement and anti-corruption agencies have not opened cases and have not started their own investigations on information revealed by Panama Papers journalists.³¹ In Ukraine, the Parliament and the National Anti-Corruption Bureau refused to consider the claims because, according to Ukrainian law, the subject of the investigation, the President of Ukraine, cannot be prosecuted while in office.

26 Quote from an interview with Danylo Mokryk to the brief's author Oleksandr Yaroshchuk.

27 Журналістських розслідувань в Україні стає більше, та фігурантів не карають, [There is more and more of journalistic investigations in Ukraine, however, persons involved in crimes are left unpunished], Oleksandr Portyan, European Journalism Observatory: <https://ua.ejo-online.eu/3340/media-i-politika/zurnalistykykh-rozsliduvany-v-ukrai>

28 Custodians of Conscience: Investigative Journalism and Public Virtue, James S. Ettema and Theodore L. Glasser, 1998, New York: Columbia University Press, p. 187.

29 Quote from an interview with Yuriy Nikolov to the brief's author Oleksandr Yaroshchuk.

30 Завод Григоришина запропонував "Укренерго" кращу ціну на поставку скандальних трансформаторів, [Grygoryshyn's firm offered to "Ukrenergo" a better price for delivery of scandalous transformers], unian.ua: <https://www.unian.ua/economics/energetics/1258771-zavod-grigorishina-vigrav-tender-ukrenergo-na-postavku-transformatoriv.html>

31 Panama Papers Have Had Historic Global Effects – and the Impacts Keep Coming, International Consortium of Investigative Journalists: <https://www.icij.org/investigations/panama-papers/20161201-global-impact/>

Conclusions

Investigative journalism is essential for democracy, though direct impact is not always clear. One study of the role of investigative journalism in the United States stated that it "is not just conveying facts – but a form of moral discourse."³² It has a significant social function because it enables society to confront the "interests" of corrupt officials and other dishonest individuals; to reveal the shortcomings of the political system, legislation, and the economy; and to promote high standards of public and private behavior.

Yet journalists in Ukraine are in dire need of additional protection. First, **it is necessary to ensure their open and unhindered access to important information, including that provided by whistleblowers.** Second, **journalists should be protected from harassment and intimidation, and all attempts to intimidate or physically threaten journalists should be promptly investigated by law enforcement agencies.**

It is also important to ensure the protection of journalists' sources and whistleblowers because quite often they are the only source of information that is of major public interest. There are some protections for whistleblowers in the Law "On the Prevention

of Corruption," however, they apply only to whistleblowers who disclose information about corruption. It is also necessary to protect individuals who disclose information about abuses in other areas, such as human rights violations, torture by the police, the work of state and local government bodies, as well as food quality and environmental pollution. Therefore, Ukraine should adopt a law to specifically protect the rights of whistleblowers, as 15 countries including the United Kingdom, Australia, Romania, Japan, South Africa, and South Korea, have already done. In South Korea, for example, the law resulted in \$10 billion being returned to the state budget in just 40 cases.³³

Meanwhile, **media, anti-corruption, and other organizations should continue to document and report on the harassment and intimidation of journalists.** Unfortunately, such incidents often remain uninvestigated and go unpunished. What is more, law enforcement agencies often try to gain access to journalists' personal and professional data, as happened in the Sedletska and Berdinskykh cases, further underscoring the urgent need for improving legal protections for both whistleblowers and journalists in Ukraine.

32 Coleman, Renita & Wilkins, Lee. (2004). The Moral Development of Journalists: A Comparison with Other Professions and a Model for Predicting High Quality Ethical Reasoning. *Journalism & Mass Communication Quarterly*, 81. – p. 511-527.

33 Importance of Whistleblower Protection for Ukraine, Initiative 11 – Coalition for whistleblower protection in Ukraine: <https://iniziatiiva11.org/importance-of-whistleblower-protection-for-ukraine/>



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This policy brief series is produced by Freedom House in collaboration with the Ukrainian NGOs Institute of Mass Information, Human Rights Platform, and ZMINA Human Rights Center, to advocate for broader freedom of expression in Ukraine.