

# MASS MEDIA

*in Belarus*

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**“The law has reached a balance of interests, obtained by the society, the state, the journalists and concrete people, i.e. the audience the media cater for..”**

*Liliya Ananich,  
First Deputy Minister of Information of Belarus*

**“The quality of this law had to be completely different. This law (“On Mass Media”) is among the worst indeed. Therefore, it was included in the nomination “The Worst Legislative Act of the Year.”**

*Yaraslau Ramanchuk,  
Head of Mizes Research Center (Belarus)*

**“The new law “On Mass Media” that came into force last month mustn’t prevent the freedom of speech in Belarus anyway. However, we observe its regular use against the mass media that would like to get official accreditation in the country.”**

*Jean-François Julliard,  
Secretary General, Reporters without Borders*

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Phone: +375 17 203-63-66, 226-70-98 Fax: +375 17 203-63-66., 226-70-98 E-mail: [baj@baj.by](mailto:baj@baj.by) Web: [www.baj.by](http://www.baj.by)

Contact: Mr. Andrei Bastunets, BAJ Deputy Chairman

## Contents

<b>1. STATISTICS .....</b>	<b>4</b>
<b>2. DEVELOPMENT OF SITUATION IN THE BELARUSIAN MEDIA FIELD (JANUARY 1 – FEBRUARY 28, 2009) .....</b>	<b>4</b>
<b>3. THE MAIN PROBLEM: A NEW MEDIA LAW COMING INTO FORCE .....</b>	<b>7</b>
<b>4. RATING LISTS AND EVENTS .....</b>	<b>8</b>

## 1. STATISTICS

1305 printed periodical editions (663 newspapers, 594 magazines, 42 newsletters, and 5 catalogues) had official registration certificates in the Republic of Belarus on February 1, 2009. Although the number of registered periodicals has grown by 50 editions since March 1, 2008, the number of newspapers reduced by 30. The figures manifest the increase of commercial periodicals (magazines and newsletters) without any relation to the social and political problematic in the printed media market.

There are 403 registered state-owned printed periodical editions in Belarus nowadays, to be compared with 393 periodicals a year ago. The number of non-state printed media prevails, as most of them either deal with advertising or with pure commerce or appear once or twice a year in order to retain their registration certificates. In accordance with calculations, implemented by the Belarusian Association of Journalists, the number of social and political non-state periodical editions is less than 30. 13 of them are still excluded from the state monopolist systems of press distribution by subscription and through the news stalls. Two of them have suspended publishing since the year start.

The majority of printed media are published in Russian (572 periodicals) as well as in Russian and other languages (375 periodicals). The Belarusian language is indicated as the language of publishing in 350 registration certificates only (i.e. either Belarusian or Belarusian and other languages). The number is by 20 periodicals less than in the year of 2008. At the same time, the number of periodicals, published in Russian has increase from 908 to 927. 8 more periodicals are published in other languages. The number is two times less than in the summer of 2008.

229 TV and radio broadcasting media outlets, including 158 radio broadcasters and 71 TV broadcasters had the officially registered status in Belarus on January 1, 2009. The majority of officially registered TV and radio broadcasting media (167 media outlets) belong to the state.



## 2. DEVELOPMENT OF SITUATION IN THE BELARUSIAN MEDIA FIELD (JANUARY 1 – FEBRUARY 28, 2009)

It became clear at the beginning of 2009 that certain positive changes in the Belarusian media field that had taken place in 2008 were neither systematic

nor irreversible. The situation is proved true by dramatic problems, faced by the “Borisovskiye Novosti” weekly. Two printing houses cancelled sequentially printing contracts with the newspaper editorial at the end of 2008 and at the beginning of 2009. The problem with printing was solved as soon as the “Borisovskiye Novosti” Editor-in-chief and the BAJ management appealed to the Ministry of Information of Belarus and the Presidential Office only. At the same time, the newspaper editorial had to solve problems with distribution and prosecution. Barysau City Executive Committee deprived the newspaper editorial of its retail selling licence. Simultaneously, the local tax inspection lodged a claim to court with a demand to exact 48 million Br (more than USD 18,000) from the newspaper publisher for breaking the newspaper selling rules. The Economic Court for Miensk region satisfied the claim on January 13, 2009. The “Borisovskiye Novosti” newspaper editorial appealed against the court verdict. Consequently, it was cancelled by the Supreme Economic Court of Belarus in February 2009. However, the newspaper editorial is still facing difficulties with the print-run distribution, as on the one hand, the retail selling licence hasn’t been renewed yet and on the other hand, the “Belposhta” and “Belsayuzdruk” state monopolist distributors refuse to deliver the newspaper copies by subscription and sell it though the network of their news-stalls. To crown it all, the individual entrepreneurs that dare sell the newspaper are highly pressurized by local authorities.

12 other independent social and political newspapers face similar troubles as well. Consequently, the “Vitebskiy Kuryer M” and “Tovarisch” newspapers suspended publishing since the beginning of 2009. These periodicals got deprived of any possibility to be printed as well as distributed by subscription and through the “Belsayuzdruk” news-stalls. Consequently, they had to have the newspapers printed in Russia.

The “*Trade Union Movement of Belarus*” Web-site that covers the activities of independent trade unions in Belarus suspended its work since the beginning of 2009. The project termination is connected with interference of ITUC and IUF officers from Moscow representations into the Web-site activity. A group of journalists from the Belarusian trade-unionist media appealed to the ITUC and IUF management with a request to look into the problem. In particular, the journalists noted in the letter of appeal as follows: “The representatives of organizations that declare their interest in democracy development have indulged themselves in using censorship and pressure on the media.” No reply has been received yet. The Web-site hasn’t been updated since the year start. The ILO cancelled a contract with the Web-site editor.



Maskouski City District Court of Brest recognized No.7-8, 2008 of “ARCHE-Pachatak” magazine as “extremist materials, liable to destruction” on February 25, 2009. Thus, the court satisfied a claim against the “ARCHE-Pachatak” editorial, submitted by the KGB Department for Brest region.

The KGB Department considered four phrases out of 1000 pages of “ARCHE-Pachatak” doubled issue No.7-8, 2008 to be “extreme”. The judge refused to order a linguistic examination of “extremist materials” in the magazine. Consequently, the court verdict was taken with a reference to the findings, presented by the KGB Department. The hearing of the case in court was closed to public and lasted for one hour only. Even the founder of “ARCHE-Pachatak” magazine Andrei Dynko wasn’t permitted to enter the courtroom. The court verdict hasn’t come into force yet.

On the eve of the court hearing, the International Federation of Journalists expressed deep concern with the application of law “On Counteraction to Extremism” in relation to an independent media outlet. However, the International Federation’s of Journalists appeal to terminate administrative interference into the media freedom went unheard. Also, the Belarusian official authorities disregarded a set of recommendations, contained in the EP *Resolution on situation in Belarus* of January 15, 2009. Some parts of the document are directly related to the media activity in Belarus. In particular, it is mentioned in the Resolution that the European Parliament hails the decision of Belarusian government to permit printing and distribution of two independent newspapers – “Narodnaya Vola” and “Nasha Niva”. However, the EP members note that the problems remain unsolved for 13 other independent social and political periodicals in the country. The EP deputies believe it is necessary to introduce changes in the Criminal Code of Belarus. In particular, they insist on cancellation of repressive articles: article 367 (“Libel in relation to the President of Belarus”), article 368 (“Insult to the President of Belarus”), and article 369-1 (“Defamation of Belarus”).



Also, the European Parliament called upon the Council of Europe and the European Commission to facilitate official registration of “Belsat” TV channel in Belarus. However, as reported at the end of February 2009, the Ministry of Foreign Affairs of Belarus left without consideration the documents, submitted for registration of “Belsat” TV channel. The Ministry officials referred to a number of shortcomings in the application. (It should be stressed that the “Belsat” submitted the documents to the Ministry of Foreign Affairs on December 20, 2008 and the reply was dated February 16, 2009.)

The Regional Public Prosecutor’s Office for Homiel region issued official warnings to independent journalists Tatsiana Bublikava and Aleh Razhkou for cooperation with “Belsat” on February 24, 2009.

General evaluation of situation in the Belarusian media field, prepared by the BAJ media experts can be found here: <http://baj.by/m-p-viewpub-tid-1-pid-6480.html>.

### 3. THE MAIN PROBLEM: A NEW MEDIA LAW COMING INTO FORCE

A new Belarusian Law “On Mass Media” entered into force on February 8, 2009. It contains a number of legal norms that toughen the state control over mass media activity in the country.

In particular, the law stipulates regulation of on-line media activity by governmental provisions and provides for re-registration of all media outlets in Belarus as soon as it comes into effect. Moreover, the law simplified the procedure of closing down media outlets and increased vulnerability of journalists and editorials. It is possible to terminate media activity after two official warnings for any (even minor) violations of legislation by a court decision now.

It should be noted that the government has suspended elaboration of provisions on regulation of on-line media activity. However, the legal norm remains intact in the law. The re-registration procedure of media outlets has been simplified. Presently, it is enough to submit a notification to the corresponding governmental agency in order to have a media outlet officially registered. Undoubtedly, it is a progressive step on the part of the official authorities.

The Public Coordination Council on the Media Field has been established by the new media law. The BAJ Chairperson Zhanna Litvina and the “Narodnaya Vola” Editor-in-chief Iosif Siaredzich were included in the Public Council in January 2009. All in all, the Public Council consists of 15 members, appointed by the government (notwithstanding the title of this body). The Public Council can take advisory decisions only. The first session of the public body got scheduled for March 2009.

The Committee to Protect Journalists (USA) gave its evaluation of the new media law. In particular, it was noted that the law created a range of significant obstacles for journalists, related to the procedure of getting obligatory press accreditations for reporting from Belarus.

“Journalists are obliged to get official accreditations in several governmental agencies; foreign correspondents can’t work without the accreditations and the local and national authorities can refuse to issue the accreditations without providing any explanations,” the CPJ experts emphasize.

These conclusions are confirmed by a refusal of the Ministry of Foreign Affairs of Belarus to issue accreditations to Ivan Roman, a “Radio Racyja” journalist from Hrodna, the official warnings, issued by the Public Prosecutor’s Office for Homiel region to independent journalists Tatsiana Bublikava and Aleh Razhkov for cooperation with the “Belsat” TV channel without official accreditations (see above: Chapter 2) as well as the refusal of Leninski City District Court of Miensk to consider a claim, submitted by the “Narodnaya Vola” newspaper editorial and a journalist Maryna Koktysh, to contest a ban on her accreditation at the Chamber of Representatives of Belarus.



Except for the poor situation with the press accreditation, the new media law application practice was quite satisfactory during the first month of its legal existence.

A special emphasis should be made on the introduced notifying procedure of media re-registration in Belarus.

However, generally, the new Belarusian Law “On Mass Media” remains to be non-democratic in its core and creates a real threat to the media freedom in Belarus until its bringing in line with international standards in the field.

## 4. RATING LISTS AND EVENTS

The “Clean By-net” campaign was started in Belarus on January 27, 2009. Its presentation was held during a round table discussion on “Self-regulation in By-net” in Miensk, initiated by the Belarusian Association of Journalists and the “Razam” (“Together”) civil initiative. The campaign aims at improving the quality of informational By-net and self-regulation in the Internet.

A round table discussion on “The Media Legislation as a Factor of National Information Space Development” was held in Miensk on February 4, 2009. The Ministry of Information officials, the First Deputy Head of Presidential Office Natallia Piatkievich, the Head of OSCE Office in Miensk, the Ambassador Hans-Johen Schmidt, as well as the representatives of state-owned and non-state media took part in the event. The round table discussion was held on the eve of the new law “On Mass Media” coming into force.

As reported in February 2009, the “Novy Chas” newspaper had become a laureate of Gerd Bucerius International Award “The Young Press of Eastern Europe – 2009”, established by the ZEIT-Foundation. The award will be presented to the winner at the Noble Institute in Oslo on June 3, 2009.

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The Belarusian Association of Journalists has presented and stored on-line the final systematized monitoring of situation and conflicts in the Belarusian media field “Mass Media in Belarus - 2008” in Belarusian [http://baj.by/download/monitoring/SMI\\_u\\_Belarusi\\_2008\\_by.pdf](http://baj.by/download/monitoring/SMI_u_Belarusi_2008_by.pdf), Russian [http://baj.by/download/monitoring/SMI\\_u\\_Belarusi\\_2008\\_ru.pdf](http://baj.by/download/monitoring/SMI_u_Belarusi_2008_ru.pdf), and English <http://baj.by/download/monitoring/mediamonitring2008en.pdf>.