

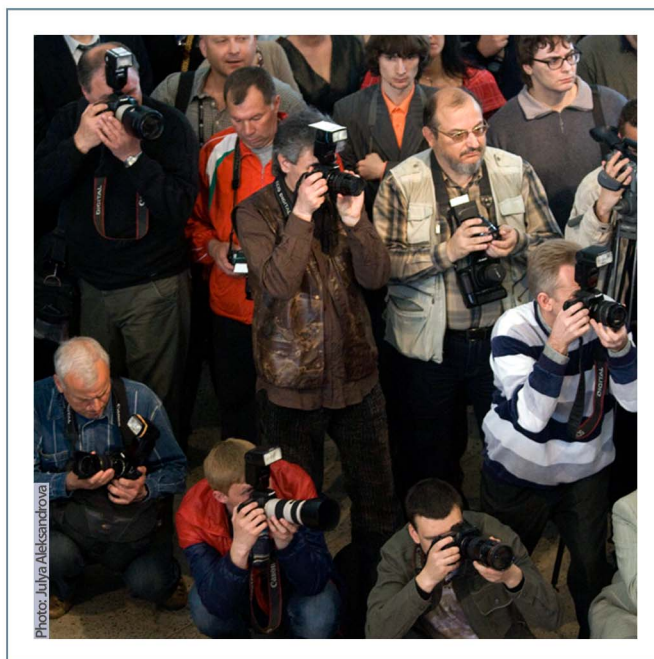
MASS MEDIA

in Belarus

E-NEWSLETTER

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HALF A YEAR WITH A NEW MEDIA LAW



BELARUSIAN ASSOCIATION OF JOURNALISTS
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“...the Media Law is not related to the population. It is a particular branch law that stipulates the activity of the branch, i.e. the sector of the national economy, the economic sector. Mass media are meant for just the same extraction of profit like in the cases of stores, plants etc. And there is no need to make it a global problem, related to everyone

*Natalia Piatkievich,
First Deputy Head of Belarusian President's Office*

“The present law ensures implementation of a constitutional right of Belarusian citizens to freedom of speech, freedom of press and information...”

*Preamble to the former
Law of Belarus “On the Press and Other Mass Media”*

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1. HALF A YEAR WITH A NEW LAW OF BELARUS "ON MASS MEDIA" (DEVELOPMENT OF SITUATION IN THE MEDIA FIELD AND STATISTICS)

Six months passed on August 8, 2009 since the moment a new law "On Mass Media" had come into force in Belarus. According to media experts' findings, the law contains a range of legal regulations that toughen the state control over the media activity. The Belarusian Association of Journalists has been monitoring the practical application of the law. Basing upon the findings, it is possible to draw the following conclusions:

- There can be seen certain progress in the field of founding new mass media and obligatory re-registration of media outlets. At the same time, the process of publishing small-circulation periodicals that can be issued without any official registration has become more complicated.

Re-registration of mass media is implemented in the simplified way by means of submitting corresponding applications to the responsible state authority. It will be possible to have mass media re-registered in Belarus till February 8, 2010.

As of July 1, 2009, 415 printed mass media and news agencies (including 328 private media) passed the stage of official re-registration. All in all, 1,314 media organizations that had had official registration certificates on the date the new media law came into effect. Thus, only 31.6% of them got legalized in the country anew.

Also, only 38 TV and radio broadcasting media out of 158 media organizations that had been registered before February 8, 2009 passed the official re-registration procedure (16.6%), including 14 non-state media (32.2%).

Since February 8 till July 1, 2009 the Ministry of Information of Belarus registered 70 new printed periodical editions, including 69 non-state media. The majority of registered periodicals deal with entertainment, advertising etc. However, it should be noted the list includes some social and political media as well. A serious obstacle in the process of registration of new mass media got removed, as



a legal norm, stipulating the necessity of getting special permits from local state authorities for allocation of media outlets in the corresponding localities got cancelled.

However, it should be noted the current licencing of printed mass media violates the international standards, accepted by the Belarusian state authorities. Moreover, it should be underscored that the registration process of media outlets is more complicated and prolonged in comparison with official registration of legal entities.

It is even more complicated to enter the media market for TV and radio broadcasting media nowadays. Since February 8 till July 1, 2009 the Ministry of Information of Belarus registered 8 new TV and radio broadcasting media, including 6 non-state and 2 state-owned media (6 TV and 2 radio broadcasting media) only. Regardless of proprietors, all TV and radio broadcasting media in Belarus are strictly controlled by the national and regional authorities.

The new media law complicated publishing of non-registered small-circulation periodical editions in Belarus. (It is permitted to issue periodicals without any registration certificates, in case the print-run doesn't exceed 299 copies.) Presently, the publishers of small-circulation editions are obliged to present the output data and send several free copies of their publications to the responsible state authorities. Thus, e.g., 5 state institutions and organizations have to receive the periodical and non-periodical editions, distributed in 10-299 copies on the territory of Belarus. Moreover, it should be mentioned that the Public Prosecutor's Office for Kletsk district warned the publisher of "Boykiy Kletsk" non-registered small-circulation newspaper for failing to have the newspaper editorial registered as a legal entity. The Public Prosecutor's Office for Miensk region confirmed the warning.

- The government suspended elaboration of its legal provisions that define the process of official registration of on-line media and regulate their activity.

According to the new media law, the government got authorized to work out the standard act. At the same time, it should be emphasized that the law failed to provide a clear definition of "the media, distributed through the global Web."

This way or another, the governmental provisions haven't been elaborated yet. Moreover, the appointed working team suspended



its activity. Still, the standard act can be issued at any moment, as prescribed by law.

At the same time, the Ministry of Information of Belarus rejects to register as mass media the on-line resources that express their wish to get the official recognition and submit corresponding applications to the governmental agency.

- The Ministry of Information didn't misuse its broad authority, related to application of sanctions against mass media, within the period under consideration. However, the public prosecution bodies frequently used their authority with the purpose of meddling in the journalistic activity.

The OSCE Representative on Freedom of the Media Miklos Haraszti recommended the Ministry of Information of Belarus to abandon its policy of excessive use of broad authority it applied to exert sanctions against media outlets (including official warnings and suspensions from publishing) during his visit to the country in 2005.

It should be noted that actually the Ministry of Information has been keeping to the recommendations since the new media law came into effect. However, it should be mentioned that the Ministry obtained even more punitive authorities under the law. In particular, apart from issuing official warnings and suspending extrajudicially mass media from publishing, it can file suits against them in case of administrative offences. Moreover, the new media law increased a range of opportunities for seizing the mass media activity at the suits, filed by the Ministry of Information and public prosecution bodies. Presently, the court can terminate the activity of media outlets even in case of a single violation of the law or after two official warnings even for minor breaches of the law.

Unlike the Ministry of Information, the public prosecution bodies made active use of their authority, issuing official warnings to journalists (and foreign correspondents, in particular) within the period under consideration. At least 10 media workers, cooperating with foreign media outlets have received official warnings from Public Prosecutors' offices since the new media law came into effect. Similar warnings were issued by the KGB as well.

- The Belarusian official authorities continued to prevent the activity of foreign media, broadcasting to Belarus from abroad.

The Belarusian government ignored a number of *appeals, made by the European Parliament*, PACE and other European institutions, to simplify the procedure of issuing press credentials to journalists, including foreign correspondents as well as to register officially a local representation of "Belsat" satellite TV channel, broadcasting from the territory of Poland. The Ministry of Foreign Affairs refused several times to issue credentials to the correspondents of "Belsat" TV Channel, "Radio Racyja", and "The European Radio for Belarus", broadcasting

from the territory of Poland as well as to the journalists, cooperating with other foreign media. Also, the Ministry officials were putting off their decision on official registration of "Belsat" office in Belarus. At the same time, the free-lance journalists, who dared cooperate with the media, were officially warned by Public Prosecutors and the KGB.

- The law hasn't secured the journalists' access and, consequently, the public access to information.

A range of new enactments is aimed at restricting the dissemination of non-censored information in the country. In particular, certain changes have been approved in the Belarusian Law "On Public Service". Accordingly, all public officers are obliged to have their interviews preliminary endorsed by their chiefs. Moreover, the Presidential ordinance No.65 provides for the appointment of spokespeople, responsible for presenting official information, at all state structures and state-owned organizations. The officers are subordinate directly to the heads of corresponding structures and organizations. Their activity is controlled by the Presidential Office. Public servants from different regions quite often refuse to deliver any information to mass media without the local ideological workers' consent.

- The problems with free distribution of a number of independent periodical editions haven't been eliminated in Belarus yet.

The "Belposhta" and "Sayuzdruk" Belarusian state enterprises continue to keep their de facto monopolist positions in the field of press distribution by subscription and at retail in Belarus. As before, they refuse to



distribute practically a half of officially registered independent social and political periodical editions, i.e. 12 out of 25 periodicals of the kind, existing in Belarus. The positively perceived return of "Narodnaya Vola" and "Nasha Niva" newspapers at the end of 2008 as well as "Bobruyskiy Kuryer" weekly in 2009 hasn't solved the problem as a whole. A decision of Public Coordination Council in the Media Field to advise "Belposhta" and "Sayuzdruk" to sign distribution contracts with the non-state media didn't lead to any positive result either. Having appealed to the state-owned press distributors with a request to get back to subscription catalogues and newsstands, the non-state periodicals received point-blank refusals as before.

Conclusions:

In general, the application of Belarusian Law “On Mass Media” since the moment it came into effect six months ago has indicated that:

- the official authorities intend to keep the information space of Belarus under control as before;
- the positive changes in the media field are mainly coercive. They are connected with a dialogue between the Belarus’ government and the EU structures;
- it is quite possible that in case of regressive changes in the Belarusian international policies, the new Media Law may be directed against the independent media. On the one hand, the legal base, regulating the media activity, has deteriorated even more considerably since recently and on the other hand, the recent positive changes in the media field are far from being systematic and irreversible.

2. RATING LIST AND EVENTS

Belarus is holding the 188th position among 195 countries in the rating list on the media freedom, prepared by *Freedom House*. The country has been included into the category of non-free states, where none or very few free media can be found. It should be noted that Belarus held the same 188th position last year.

The 13th international branch exhibition “*Mass Media in Belarus - 2009*” took place in Miensk on May 5-7, 2009. The state-owned media were mainly represented during the event. The 5th “Golden Letter” National Contest of Printed Media laureates were awarded during the event. It was quite revealing that only the state-owned media appeared to be the prize-winners.



Among other, the “BelTA” State News Agency was acknowledged for the fifth time as the best news agency in Belarus. Also, the “Sovietskaya Byelorussia” daily, published by the Presidential Office, was acknowledged for the fifth time as the best socio-political newspaper in the country. Moreover, the “Belposhta” state monopolist enterprise received a special award for the press distribution.

The 4th *Belarusian Information Forum* was held in Miensk on May 6-7, 2009. The event was arranged by the Ministry of Information of Belarus, the Standing Committee of the Union State of Belarus and Russia, and the Belarusian Union of Journalists. Also, the forum was supported by the Ministry of Foreign Affairs of Belarus, the CIS Executive Committee, the OSCE Office in Miensk, and the European TV and Radio Academy. Around 400 representatives of mass media (predominantly, the state-owned media outlets), media experts, and representatives of governmental structures took part in the discussion.

Ana Karlsreiter, Advisor to the OSCE Representative on Freedom of the Media evaluated the situation with mass media in Belarus. Among other, she hailed the return of two independent newspapers "Narodnaya Vola" and "Nasha Niva" to the state distribution systems. Also, she noted that all other 13 non-state socio-political periodicals should enjoy the same opportunity in the country. Among other problems, Ana Karlsreiter mentioned excessive governmental authority for issuing official warnings, suspensions from publishing and closures of the media, difficulties with getting credentials by foreign correspondents and complications with access to information, faced by the journalists, contributing to independent mass media, criminal liability for slander and insults in relation to high-ranking officials that prevent the media workers from implementing their professional activity and may even lead to their imprisonment.



The 7th *General Congress of Belarusian Association of Journalists* was held in Miensk on May 22, 2009. The delegates hailed the reports, delivered by the organization management, and approved two appeals to the supreme state authorities. Thus, they called upon the Chamber of Representatives at the National Assembly of Belarus to abandon the attempts to introduce administrative liability for extremist activity in the country. Also, they addressed to the Prime Minister of Belarus Siarhei Sidorski with a demand to normalize the situation with distribution of independent newspapers in the country. It was verified that 1157 people were the members of BAJ at the moment, when the General Congress took place.

According to the sociological data, presented by the Independent Institute for Social, Economic, and Political Research, the non-state media enjoy more and more confidence in the Belarusian society. Thus, 45.3% of respondents confided in them (to be compared with 30.5% of respondents in March 2009). At the same time, 35.5% of respondents distrusted them (to be compared with 43.2% of respondents in March 2009). More people gave credence to the state-owned

media. However, the rise was smaller in comparison with the independent media. Thus, 44.7% of respondents confided in them (to be compared with 34.1% of respondents in March 2009). At the same time, 42.1% of respondents distrusted them (to be compared with 47.2% of respondents in March 2009). The experts connect the rise of confidence in mass media with the economic crisis and the people's intention to get truthful and reliable information about the real state of things in the country. In their opinion, the independent media are taken more neutrally in the Belarusian society in comparison with the state-owned media and have a serious potential for broadening their audience. 1,500 people were interrogated within the survey at the beginning of June 2009 (the statistical error totaled approximately 3%).

Nine years passed on July 7, 2009 since a Belarusian journalist and an "ORT" TV Channel's cameraman *Dzmitry Zavadski* had been kidnapped on his way to the airport "Miensk-2". The officers of "Almaz" Riot Police Group Valery Ihnatovich and Maksim Malik, a former student of Police Academy at the Ministry of Interior Alaksey Guz and some Siarhei Savushkin were sentenced to different terms of jail for kidnapping the media worker. (The latter person has already been released from prison.) The convicted persons didn't admit their guilt. The sentences were pronounced during a closed session of the court. The crime initiators haven't been identified so far. The journalist's corpse has never been found.

"The United Mass Media" Association of Regional Press Publishers was officially registered in Belarus on July 15, 2009. The non-profit organization was founded by the publishers of **"Intex-Press"** (Baranavichy, Brest region), **"Borisovskiye Novosti"** (Barysau, Miensk region), **"Gazeta Slonimskaya"** (Slonim, Hrodna region), **"Gazeta dla Vas"** (Ivatsevichy, Brest region), **"Infa-Kuryer"** (Slutsk, Miensk region), **"Inform-progulka"** (Luniniets, Brest region), **"Volnaye Hlybokaye"** (Hlybokaye, Vitsiebsk region), **"Viecherniy Bobruysk"** (Bobruysk, Mahilou region), and **"Rehiyanalnaya Gazeta"** (Maladechna, Miensk region) non-state newspapers. The Association members plan to arrange and hold educational seminars for publishers, editors, and journalists, aimed at the improvement of their professional level.