

## **Belarusian Association of Journalists**

### **Evaluation of Situation with Mass Media and Freedom of Expression in Belarus**

The Belarusian Association of Journalists expresses its concern with the media situation in Belarus on the eve of local elections and the preparation period, preceding the Presidential elections to come.

Presently, there exist all the grounds to state that Belarusian media will not be able to provide voters with objective and up-to-date information and will not become a platform for discussion of election programs of candidates.

The most worrying tendencies of the recent months include the official warnings, issued by the Ministry of Information to the printed media (which, in particular, put in jeopardy issuing of *Narodnaya Volia* newspaper), and the process of working out of a decree on regulation of Internet. The threat of closing down one of the emblematic newspapers and restrictions of activities in Internet, which still remains a field of relatively free flow of information, will move Belarus even further away from meeting international standards of the freedom of expression.

On the eve of the Presidential elections of 2006 a number of non-state newspapers were deprived of the possibility to be distributed through the *Sayuzdruk* and *Belposhta* networks. Some of them had to suspend or even stop publishing. Despite the fact that the pressure on the part of the international community and the efforts of civil society inside the country made the state distribution systems restore their cooperation with some of the newspapers, about a dozen of non-state socio-political publications still fail to get into the *Sayuzdruk* newsstands and the *Belposhta* subscription catalogues.

8 February will mark the first anniversary of the new Law "On the Media" coming into force. Belarusian media have been going through a process of re-registration during this year, and this process goes on without conflicts. At the same time, several new non-state newspapers were refused registration. Instead of considering the recommendations issued by influential journalistic and human rights organizations and international bodies to bring the Belarusian legislation in line with the international standards, the Ministry of Information introduced additional restriction for registration of new media outlets, which are not provided for in the Media Law.

The policy of economic discrimination of non-state press has intensified. According to information of BAJ, several major advertisers stopped their cooperation with non-state media in the beginning of 2010, facing pressure on the part of the official authorities. These actions jeopardize the development of independent mass media and, as a result, threaten distribution of objective information in the Belarusian society.

The problem of correspondents' accreditation and opening of offices of foreign media is still topical. At the end of 2009 the Belarusian MFA allowed opening of an office of the European Radio for Belarus for one year, but that did not solve the problem in principle. On the one hand, the authorities refuse accreditation to journalists of foreign media and on the other hand, the authorities declare activities of these reporters to be illegal and put pressure on them.

The problem of access to information and journalists' accreditation at state bodies has aggravated. Regional journalists feel it even worse, as they become 'hostages' of local authorities' understanding of the Media Law.

Belarus still has criminal liability for slander and insult, as well as for discredit of the country.

Restrictions the police forces use against journalists who cover street actions can be called a new worrying tendency. Representatives of law enforcement agencies several times forcefully prevented journalists from conducting their professional duties, although the current Media Law guarantees their right to be present at places of public actions and to report from there.

Belarus entered one of the main European neighborhood projects, the Eastern Partnership, in 2009. Cooperation has to be based on European values, and the freedom of expression is of key importance among them, being not only one of fundamental human rights, but also a criterion of implementation of all other rights.

Belarusian authorities declared their willingness for change inside the country, but their declarations were not put into practice. We must admit that the internal national dialogue has not started; neither were recommendations of international bodies to approach the democratic media standards implemented.

The Belarusian Association of Journalists keeps stating that a real dialogue is not possible without ensuring the freedom of expression in Belarus and real improvements of the media situation in the country.

BAJ keeps demanding the following conditions to be met:

1. Ensuring equal economic conditions for media outlets with different forms of ownership, in particular:
  - returning all independent newspapers to the system of *Sayuzdruk*, *Belposhta* state subscription catalogue and Belarusian printing houses, and inadmissibility of printing and distribution restrictions in future;
  - elimination of any administrative and economic pressure on companies and enterprises that cooperate with editorial boards of independent media.

2. Ensuring real access to information, in particular:

- abolishing articles of the Belarus' Law "On State Service" and provisions of other legislation acts that restrict the journalists' right to access information about the activities of official authorities;
- guaranteeing the freedom of accreditation of correspondents and the opening of offices of foreign media as well as the introduction of accreditation scheme upon request;
- unacceptability of cases of refusals by state officials to provide journalists with information.

3. Bringing national media legislation in accordance with international standards, in particular:

- bringing the Belarus' media-related legislation (in particular, the Law
- "On the Media" and the Law "On Counteraction to Extremism") and its implementation in line with international standards;
- abrogating articles of the Criminal Code, that provide for criminal liability for defamation, specifically Article 188 "Calumny", Article 189 "Insult", Article 367 "Calumny in relation to the President of the Republic of Belarus", Article 368 "Insult of the President of the Republic of Belarus", Article 369 "Insult of the representative of the authorities", Article 369-1 "Discredit of the Republic of Belarus".

The Belarusian Association of Journalists is sure these steps will not only allow to hold free and democratic elections, but also foster improvement of the current situation with the freedom of expression and independent media in Belarus as necessary prerequisites for the development of a democratic country.

*Adopted by the BAJ Board*

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