



THE BELARUSIAN
ASSOCIATION
OF JOURNALISTS

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MASS MEDIA IN BELARUS

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BRIEF ANALYTICAL REVIEW



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SITUATION IN BELARUSIAN MASS MEDIA FIELD IN 2015 (SHORT SUMMARY)

The Presidential election was the main factor that influenced the situation of mass media in Belarus in 2015. The election was held on October 11, 2015. On the eve of the Presidential election, the authorities introduced stricter norms into the media legislation and its application practice. Apparently, the decision was also grounded on the intention of Belarusian government to reinforce control over the media coverage of the gradually aggravating economic situation in the country.

On January 1, 2015, new amendments into the Belarus law 'On Mass Media' came into force. They had been hastily adopted by the Belarusian legislators without any public discussion in December 2014. In particular, the amendments spread legal responsibility under the law on the Web media. At the same time, the Ministry of Information of Belarus acquired the right to restrict extrajudicially access to on-line resources, including foreign Web-sites. The Ministry exercised the right 40 times within the year. The decisions were mainly taken with the purpose of struggling with drug-trafficking and fighting against violations in the trading field.



Prosecution of Belarusian journalists for cooperation with foreign media without press accreditation was among the main problems in 2015.

28 journalists were fined on these charges. Following A. Lukashenka's pre-election promise to look into the situation, the problem seemed to be solved. However, three more administrative cases were filed against the journalists, whose materials had been broadcast by foreign TV companies, at the very end of the year.

The print media were pressurized by the Belarusian authorities, either. Thus, the Ministry of Information of Belarus issued 27 official warnings for arbitrary reasons to 27 print media at the beginning of the year. Since two warnings within a year may lead to the media closure, there are all grounds to believe that they were aimed at strengthening self-censorship in the corresponding media.

A new administrative barrier for distribution of mass media products was introduced in July 2015. Thus, the press distributors were obliged to get registered by the Ministry of Information of Belarus. It reduced opportunities for independent print media to sell their production through retail sales outlets, since a considerable part of them felt reluctant to pass the additional administrative procedure.

The demand to get the press distributors registered exerted especially negative impact on the media, which had been deprived of any possibility to get distributed through the state monopolist media distribution systems by subscription and through the news-stalls.

The reduction of short-term detentions of journalists by police and the lack of repressions against journalists and media after the Presidential election can be mentioned among the positive trends of the year. The latter trend is apparently explained by the desire of Belarusian governmental authorities to get a positive evaluation of the election by the international community, the absence of significant political tension in the country on the eve of the election as well as by the 'cooling down' effect on the media, exerted through the preventive introduction of stricter legal norms into the media legislation and the tightening of law enforcement practice.



MAIN EVENTS AND TRENDS IN BELARUSIAN MASS MEDIA FIELD IN 2015

REINFORCEMENT OF PROSECUTION AGAINST JOURNALISTS FOR COOPERATION WITH FOREIGN MEDIA

The administrative prosecution against Belarusian journalists for their cooperation with foreign media without accreditation reinforced in 2015. The Belarusian authorities continued to accuse the reporters of breaking regulations on production and (or) distribution of mass media products, referring to the vaguely formulated article 22.9, part 2 of Belarus Code on Administrative Offenses. (The prosecution trend started in May 2014.)



There were registered 10 cases of bringing journalists to legal responsibility for breaking the article in 2014 and 28 cases of prosecuting journalists on the administrative charges within the period since January till August 2015. **The total sum of fines exceeded 146 million Belarusian rubles** that equaled to approx. EUR 8,000 at the time, when the fines were imposed on the journalists.



In all the cases, it was not the content, but the mere fact of appearance of journalistic materials in the foreign media that led to the prosecution of freelance journalists.

The situation improved after the President A. Lukashenka had promised 'to examine the situation' during his interview to journalists of independent mass media on August 4, 2015. Consequently, none of administrative cases against journalists for breaking article 22.9, part 2 of Belarus Code on Administrative Offenses were filed since the end of August until December 24, 2015.

However, the prosecution of journalists on administrative charges for cooperation with foreign me-

dia without accreditation was resumed at the end of 2015.

Thus, three police reports were made against journalists Larysa Shchyrakova and Kastus Zhukouski from Homiel in district police departments of Homiel region on December 24 and December 28, 2015. The journalists were accused of 'illegal production' of TV reports, following their presentation on the 'Belsat' TV channel (Poland). The journalists were punished under administrative law later on.



ARBITRARY DETENTIONS OF JOURNALISTS

At the beginning of 2015, there were registered more frequently the cases of arbitrary detention of Belarusian citizens, who filmed administrative buildings, including the premises of the Academy of Sciences of Belarus, Civil Registry Offices etc.)

At least three journalists were prevented from implementation of their professional activities this way.

The police officers explained their actions by the received 'internal' instruction, issued by Mikalai Melchanka, Deputy Minister of Internal Affairs of Belarus. According to them, the instruction of February 25, 2015 'entitled' police representatives to learn the aims of photo- and video-shooting of administrative buildings. Also, police officers were instructed to detain the people, who film administrative premises, for the term of up to three hours and check the footage.

The Ministry of Internal Affairs refused to provide the Belarusian Association of Journalists with the original text of this instruction, referring to the internal format of the document that 'regulates exclusively the actions of police officers and doesn't deal with the ban on video- or photo-recording of administrative buildings'.

In general, the number of short-term detentions of journalists decreased in 2015 in comparison with the previous years. Thus, journalists were detained

19 times in 2015 to be compared to 29 cases of detention in 2014. The journalists were released from custody without police reports within 3 hours since the moment of their detention.

The peak of detentions of journalists in Belarus took place in 2010. It happened in the aftermath of Presidential election 2010. The BAJ Monitoring Service registered 167 cases of the kind at that time. The quantity of detentions of journalists gradually decreased later on. However, there appeared a new form of pressure on reporters. The official authorities started bringing journalists to administrative responsibility for their cooperation with foreign media.

Taking into consideration the general quantity of cases of police interference with the journalistic activity, the number of incidents increased in 2015 in comparison with the previous year. In particular, there were registered 47 incidents in 2015 (19 cases of detention and 28 administrative cases for cooperation with foreign media) vs. 39 incidents (29 cases of detention and 10 administrative cases) in 2014.

OFFICIAL WARNINGS TO THE PRINT MEDIA

The Ministry of Information of Belarus issued 27 official warnings to 26 media outlets at the beginning of 2015. In the majority of cases the Ministry explained the issuance of official warnings by 'incorrect' presentation of the registration authority in the output data lines. In particular, the "Ministry of Information of Republic of Belarus" was presented as the "Ministry of Information of RB" there. Obviously, the reason for the issuance of official warnings being insignificant enough, the authorities took the step, in order to increase editorial self-censorship on the eve of the election campaign.

It is worth mentioning that the Ministry of Information can file a claim to court with a demand to close down a media outlet, following the issuance of two



official warnings to the corresponding media within a year.

All in all, the Ministry of Information of Belarus issued 36 official warnings to 34 media outlets during the year of 2015.

PROBLEMS WITH DISTRIBUTION OF INDEPENDENT NEWSPAPERS



New amendments to the Belarus law 'On Mass Media' came into force on July 1, 2015. Accordingly, the press distributors were obliged to become official registered.

It reduced opportunities for some independent print media that generally relied on selling their production through private retail sales outlets, since a considerable part of the latter felt reluctant to undertake the additional administrative procedure at the Ministry of Information of Belarus.

The new regulation had a highly negative impact on the periodical editions, which are deprived of any possibility to sell their production through the state-owned 'Belposhta' and 'Sayuzdruk' press distribution systems with domineering positions in the market of press distribution by subscription and through the news-stalls in Belarus.

The editorials of 'Gazeta Slonimskaya', 'Intex-press', 'Intex-press plus', and 'SNPlus. Svobodnye novosti plus' newspapers received new refusals to their requests to include their periodicals into the 'Belposhta' subscription catalogues and sell the newspapers through the 'Sayuzdruk' network of news-stalls in the spring of 2015. Similar negative responses were received by the 'Novy Chas' and 'Borisovskiye novosti' editorials in September 2015.

The 'Belposhta' state-owned enterprise is a monopolist in the field of print media distribution by subscription. It refuses to include independent media into its subscription catalogues, considering the decision as

its right, not responsibility. The 'Sauzdruk' enterprise refuses to distribute periodicals through the nationwide network of news-stalls for the same reasons.

The problems with distribution of independent print media appeared on the eve of the Presidential election campaign – 2006, i.e. 10 years ago. The 'Belposhta' National Unitary Enterprise refused to include around 20 independent social and political newspapers into its subscription catalogue then. Also, the 'Sayuzdruk' state-owned enterprise refused to sell the periodicals through the network of its news-stalls.

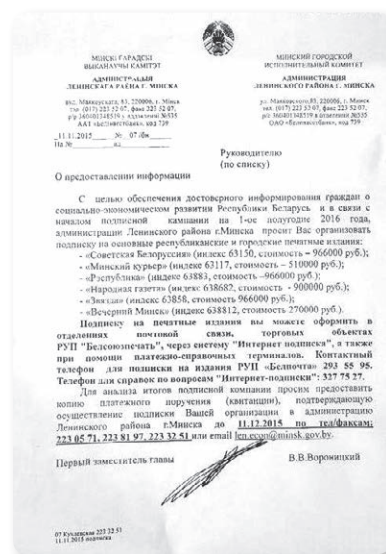
Quite a few of these newspapers had to leave the domestic media market as a result of the economic discrimination.

Due to the warming of relations between the Belarusian authorities and the EU in 2008, the 'Belposhta' and 'Sayuzdruk' resumed cooperation with the leading independent newspapers 'Narodnaya Volia' and 'Nasha Niva'.

Presently, 9 non-state social and periodical editions still face problems with distribution through the state-owned 'Belposhta' and/or 'Sayuzdruk' enterprises. (It is almost a half of registered independent social and political media in Belarus.)

At the same time, the subscription to the state press is 'traditionally' implemented with the use of administrative resources. Thus, the Administration of Leninsky Municipal District of Minsk addressed to the heads of locally registered organizations to arrange subscription to "the main national and municipal printed periodical editions", included in the special list, and report upon the achieved results at the end of 2015. The local authorities explained their appeal by the beginning of subscription campaign for the first half-year of 2016 and the need "to ensure correct informing of citizens about social and economic development of Belarus".

Similar facts were registered in [Mahilou](#) and [Krychau](#).



BUDGETARY FUNDING OF THE STATE-OWNED MEDIA

Apart from the enjoyed preferences, the state-owned media also are entitled to direct budgetary funding in Belarus.

The Belarus Law 'On the National Budget for 2016' was adopted on December 30, 2015. It provides for the issuance of around EUR 45 million (900 120 843.0 thousand Br) for funding the state-owned media in 2016.

Among other, the budgetary funding includes around EUR 36.6 million (734 815 075.0 thousand Br) for TV and radio broadcasting, around EUR 3.5 million (69 154 793.0 thousand Br) for the periodical press and publishing houses, and around EUR 4.7 million (96 150 975.0 thousand Br) for 'other issues in the mass media field'.

The funding is provided without tenders at that. The list of 26 state-owned newspapers and magazines for funding from the national budget in 2016 was defined by a government resolution No.966 of November 19, 2015.



RESTRICTIONS ON FREEDOM OF ACTIVITY IN THE INTERNET

New amendments to the Belarus Law 'On Mass Media' came into force on January 1, 2015. They entitled the Ministry of Information of Belarus with the right to restrict access to any Web-resources extrajudicially. Among other, it can be done for a single violation of media legislation.

The vaguely formulated list of information, banned for distribution in mass media, was supplemented with such an item as 'the information, which distribution may be harmful to the national interests of the Republic of Belarus'.

The Ministry of Information of Belarus took a decision to restrict access to the kyky.org Web-site with

a reference to the legal norm on June 18, 2015. None of official warnings to the Web-site editorial were issued at that.

As it was mentioned in the ministerial press release, a range of articles on the pages of the Web-resource 'contained derogatory expressions about the Victory Day, which is a state holiday in Belarus, as well as in relation to the people, who participated in the holiday celebrations, and argued the importance of this event in the national history, thus distorting the historical truth about the Great Patriotic War'. The public access to kyky.org was restored in six days, as soon as the controversial material was deleted from the Web-resource.

The blocking of access to kyky.org was regarded by specialists as a warning to the Belarusian Internet community.

All in all, the Ministry of Information of Belarus restricted access to 40 informational Web-resources in 2015. "18 Web-resources from the list were blocked for distribution of information, connected with drug-trafficking, 2 Web-resources were blocked for the use of taboo vocabulary, 5 Web-sites were blocked for the illegal advertising of pills, 1 Web-site was blocked for propaganda of children porno, 1 Web-resource was blocked for distribution of information that may be harmful to the national interests, 2 Web-sites were blocked for the advertising of alcoholic drinks, and 11 Web-resources were blocked for distribution of extremist materials," noted the Ministry of Information of Belarus in the reply letter to the Belarusian Association of Journalists. The access to four Web-resources from the list was restored some time later.

The decisions to restrict access to the Web-resources were taken by the Ministry of Information of Belarus on its own. None of official warnings to the owners of the blocked Web-sites were issued at that.

On February 19, 2015, the Ministry of Communication and Informatization of Belarus and the Operational

and Analytical Centre under the President of the Republic of Belarus adopted 'Provisions on the procedure of limitation of access to Information Resources (and their components), located on the Internet'.

The newly adopted legal norms provide for the possibility of disabling access to Web-resources and anonymizers (proxies, Tor etc.) that secure Web-users' access to the blocked Web-pages.

According to the adopted Provisions, it is impossible to appeal against the ministerial decisions on disabling access to Websites in court.

In contrast to the previous order, when the black-listed Websites couldn't be accessed from state institutions as well as educational and cultural establishments, the present order provides for the possibility of disabling access to the banned Websites for all Web-users in Belarus.

The former 'black list' of banned Web-resources, including such popular Websites as www.charter97.org, www.belaruspartisan.org, <http://spring96.org/>, has been cancelled.

Apart from the cases of restricting access to Web-resources in line with the legal requirements, there were registered cases of blocking access to Web-sites illegally in 2015. Thus, the Web-server of 'BelaPAN' News Agency suffered from a **large-scale DDoS-attack** for a couple of days since October 3, 2015. The Web-sites of the news agency and its 'Navy.by' on-line newspaper were hosted on the server.

On December 19, 2015, there was restricted access to the Web-sites belapan.com, belapan.by, naviny.by, belaruspartisan.org, udf.by, 21.by, gazetaby.com, zautra.by, and charter97.org. The 'Beltelecom' national telecommunications operator explained the accident by a DDOS-attack on the equipment of its Data Processing Center. However, the equipment restoration didn't result in the immediate renovation of access to the mentioned Web-resources. None of governmental agencies took responsibility for disabling access to the Web-sites in both cases.





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