[BY] New Media Law Adopted

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Despite protests from national and international human rights and freedom of expression organisations, a new Statute on Mass Media (*О средствах массовой информации*) was signed into effect on 4 August 2008 by Belarusian President Aleksandr Lukashenko. *The* Statute will come into effect six months after publication. It will replace the current Statute on the Press and Other Mass Media.

Articles 11 through 16 of the Statute regulate questions of registration and re-registration of media, the need for which has repeatedly aroused serious doubts on the part of international organizations. Article 34 para 2 of the Statute testifies to a considerable shortening of the list of journalists' rights. As a result, the journalist is deprived of many legal and social guarantees of his or her activities to the benefit of society.

Chapter 9 of the Statute envisages liability for violating the legislation on the media. In accordance with this, the initial form of liability is a written warning to media editors, which may be made on a variety of grounds, including for "disseminating inaccurate information that might cause harm to state and public interests", "distribution of information not complying with reality and defaming the honour or business reputation of individuals or the business reputation of legal entities" (Article 49 para 1).

The next sanction is suspension of media activities for a period of up to three months by resolution of the Ministry of Information on a variety of grounds, including for failing to provide, in due time, information on remedying offences with the necessary evidence (Article 50 para 1).

Finally, the harshest sanction is termination of the activities of a media outlet (Article 51). A decision on this shall be taken by a court at the demand of the Ministry of Information or prosecutor's office on the condition that, during a year, the media outlet or its founder (founders) have been issued two or more written warnings. Such termination of activities is accompanied by a prohibition on the founders of the given media outlet to establish new ones for a period of three years (Article 10 para 3.3).

A major innovation of the Statute is the establishment of a Public Coordination Council which would make recommendations in the sphere of the media (Article 28). Its composition and activities are to be determined by the Council of

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Ministers.

Article 3 para 2 of the Statute applies only to the distribution of existing printed and television and radio media via the Internet. Moreover, these Internet outlets do not fall under the requirement of state registration of the media. Dissemination of information on the Internet is thus not subject to registration or, apart from the above-mentioned Internet outlets, to regulation by the Statute on the Mass Media. At the same time, the norm of the Statute comes into collision with Article 11 para 1.2 which establishes a possibility and procedure for registration of media disseminated via the Internet by the Council of Ministers of the Republic of Belarus.

On 18 June, the Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe (OSCE) submitted a review of the draft law on the Mass Media, detailing the shortcomings of the draft and offering ways of correction.

О средствах массовой информации

http://pravo.by/webnpa/text.asp?RN=h10800427

Statute of the Republic of Belarus on Mass Media О средствах массовой информации of 17 July 2008, No. 427-З

Comments on the Draft Law of the Republic of Belarus «On the Mass Media» of the Office of the Representative on Freedom of the Media of the OSCE

http://www.osce.org/documents/rfm/2008/06/31899_en.pdf

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