[BY] Media legislation tightened

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The Parliament of Belarus has recently adopted a number of significant amendments to media law, law on assembly, and criminal law of the country. They were introduced to Parliament by the Council of Ministers on 31 March and 9 April 2021 and adopted less than two months later, on 26 May 2021.

The Statute “On amending legislation in the sphere of mass media” introduces new provisions to the 2008 Statute “On the Mass Media” (see IRIS 2008-8/9). They include, among others, (1) general restrictions on the establishment of new mass media outlets by persons who were previously founders of mass media or owners of online resources, that ceased activities based on a court or administrative decision in Belarus; (2) an obligation for the online mass media outlets (or “network publications”, see IRIS 2018-8/11) to use the same title and domain name; (3) a ban on the dissemination of the results of public opinion polls related to the political situation and on elections, in the absence of specific state accreditation of the pollsters; (4) a possibility for the employer to dismiss a journalist on the grounds of any violation of any of his/her duties as prescribed in the Statute “On the Mass Media” (that include a duty to follow the law at large), (5) wider possibilities (including violation of any law) to strip a journalist of accreditation, which in Belarus means a confirmation of his/her right to collect and disseminate any information on general interest developments in the country; (6) a ban on the use of hyperlinks to online resources with materials banned for dissemination in the mass media. The statute enters into force on 26 June 2021.

The Statute “On amending the Law of the Republic of Belarus On Mass Events in the Republic of Belarus” prohibits live coverage of any mass events, if they are not formally sanctioned by the authorities.

Amendments to the Criminal Code of Belarus introduce a ban on the so-called “false news” if it is deemed “harmful” to “public or state interests” of Belarus, and criminalize expressions that challenge official information or statements of Belarusian authorities on the issues of public interest, including on the state political, economic, social, military or international affairs or human rights in Belarus. They increase penalties for defamation of public authorities and officials, including the President, as well as those “close to them”. Among other things, new provisions provide for sentencing for up to five years of imprisonment for “intentional” collecting, providing, or disclosing private information or personal

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data of public officials and those of their inner circle, if these acts are committed “in relation to public officials’ performance of their official duties”.

The OSCE Representative on Freedom of the Media, Teresa Ribeiro, commissioned legal reviews of these acts and based on them stated that the recently adopted laws in Belarus seriously contradict international human rights standards on freedom of expression and freedom of the media, including the commitments taken by the country within the Organization.

Об изменении законов по вопросам средств массовой информации

https://pravo.by/document/?guid=3961&p0=H12100110

On amending legislation in the sphere of mass media No. 110-Z, on 24 May 2021.

Об изменении Закона Республики Беларусь "О массовых мероприятиях в Республике Беларусь

https://pravo.by/upload/docs/op/H12100108_1621890000.pdf

On amending the Law of the Republic of Belarus “On Mass Events in the Republic of Belarus" No. 108-Z, on 24 May 2021

OSCE Media Freedom Representative warns of further serious restrictions on freedom of expression in recently adopted Belarusian laws, press release, 24 June 2021

https://www.osce.org/representative-on-freedom-of-media/490895

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