

facilities used by Russian television channels in Belarus provides the practical means for the government to prevent the broadcasting of any material by media that are not formally subject to the government's direct control, thereby providing for the possibility of prior censorship.

On media practices and content related to election and referendum coverage, the SR referred to information received that raised serious doubts as to whether the coverage of important political events such as elections or referenda is sufficiently balanced. The report states that: privileged coverage characterized both the presidential and parliamentary elections, partly as a result of a presidential decree in April 1995 which banned the national media from covering the campaign and specified that candidates would only be allowed to use the local media in their constituencies; and similar, if not more serious constraints, were experienced by the media during the period leading up to the 1996 referendum on amendments to the Constitution, with television coverage clearly biased in favour of the President's proposal and access denied to the opposition. The report notes the government's response to concerns arising from these points in which it asserted that coverage should reflect the proportional support among the population and, on that basis, justified the 90 per cent coverage in favour of the President.

The situation of individual journalists is described as including incidents of direct harassment and violence, including personal attacks, intimidation, and mistreatment during demonstrations despite having press credentials. Reports were also received concerning confiscation of video and film material. Concern was expressed at the growing polarization of the community of journalists along political lines and the report refers to the fact that this polarization is considered to be partially a result of the violence used against journalists who are said to become supporters of the opposition only after having been harassed and attacked, usually in connection with their coverage of demonstrations.

Summary comments are provided on concerns related to freedom of opinion and expression beyond the situation of the media and individual journalists. Issues addressed included, *inter alia*: indirect actions against writers through, for example, control by the government of the list of forthcoming publications; restrictions imposed by Decree No. 5 on the conduct of meetings, rallies, street processions, demonstrations and picketing, preventing full enjoyment of the rights of opinion, expression and assembly; the disproportionate use of force by police during demonstrations and reports of their provocation of violence; and, with regard to civil associations and non-governmental organizations, administrative harassment such as re-registration procedures and tax audits with the imposition of substantial fines threatening the financial viability of such organizations.

The concluding observations in the report, *inter alia*, welcomed the expressed commitment of the government to democracy, rule of law and human rights, and emphasized the crucial role of freedom of opinion and expres-

sion and information in giving substance to democratic development and respect for human rights. Following on this, the SR recommended that the government, *inter alia*:

- ♦ make every effort to bring to a resolution the divergence of views related to the constitutional referendum of November 1996, including through an open and frank dialogue with the opposition;
- ♦ take all necessary steps to remove any restrictions on the right to freedom of opinion and expression that are incompatible with article 19 of the ICCPR to which Belarus is a state party, and ensure that any registration requirements regarding newspapers serve an administrative purpose only and are not used to impose restrictions on the media that exceed those set out under article 19;
- ♦ ensure that future legislation, as well as its implementation, are in compliance with article 19 and other relevant international standards and consider ways to ensure that the process, which should include media professionals, of introducing future legislation that may affect freedom of expression and media freedom is transparent;
- ♦ bring laws, regulations and practice governing border controls into line with the country's international obligations;
- ♦ take all necessary measures to alter any situation placing restrictions on the use by the independent media of state-owned printing and distribution services, ensure that access to these facilities is granted on a non-discriminatory basis, and consider taking steps to liberalize state control over these facilities;
- ♦ adopt positive measures related to the electronic media in order to ensure that the public's right to receive complete and reliable information and a plurality of opinions is guaranteed;
- ♦ consider taking appropriate steps to develop a legal and institutional framework for public broadcasting to ensure that the state-financed broadcasting media can operate effectively as a public service broadcaster, with full guarantees of editorial and operational independence from government and all other political influence on programming content;
- ♦ ensure that the public service broadcaster gives consideration to such issues as the principles of democracy and universal human rights, and in particular the right to freedom of opinion and expression, in its programming;
- ♦ refrain from taking measures which prevent or obstruct the establishment of independent radio and television and provide positive incentives to encourage the establishment of such enterprises;
- ♦ take steps to ensure that the licensing system and the procedure for allocating frequencies is governed by an independent body operating in accordance with