

related to defamation, insult and slander, customs regulations, and a presidential decree related to meetings, rallies, demonstrations and other public manifestations.

The principal observations and concerns set out in the report are placed within the context of the SR's statement that media freedom is an essential component of freedom of expression and information and an indispensable element in the development of democracy, a stated goal of Belarus. The SR noted that information was received related to a number of instances where doubt had been raised as to the readiness of the government to provide for an environment where a free media can operate, develop and flourish.

Problems encountered by the media were generally noted as including harassment of independent and opposition press and broadcasting media, incidents of censorship, the denial of fair and objective coverage of opponents and critics in the state-controlled media, abuse of state control of publishing enterprises, printing presses, distribution services, broadcasting companies, and monopolies. Specific concerns related to various forms of media were then outlined.

With regard to the print media in general, and independent print media specifically, the report recalls that the operation of these media is, in part, affected by registration, printing and national distribution, all of which remain under state control. The SR noted reports received indicating that punitive administrative and financial measures have been taken against non-state media to prevent or impede their free operation, and further, that the issue of registration and re-registration, as well as the perceived risk of suspension and termination of publication, has taken on increased importance over the past two years. The report notes, *inter alia*: the State Committee on the Press is entrusted with registering the print media and is equally entitled to issue written warnings; suspension or termination of mass media activity requires the decision of the founder or a decision of the court upon application from the registering authority or the Prosecutor; the practice of issuing warnings to the print media leading to a suspension of its activities after an unspecified number of warnings, on the basis of a violation of wide-ranging provisions; and no information received indicating that newspapers were prevented from registering or were closed down permanently, but the existence of a general climate of uncertainty arising from ambiguities in the law, as well as the lack of independence on the part of the body entrusted with the registration of the press, which is also entitled to issue warnings. The report notes that this uncertainty is reported to have deterred journalists and editors from being critical, particularly in view of the fact that one or more warnings have been received by some newspapers; the threat of legal sanction and closure based on unclear procedural and substantive criteria undoubtedly inhibits freedom of expression and can only result in a still further lessening of the ability of the press to act as a watchdog of government and impart information of public interest; the legal obligation on the part of journalists to provide "objective"

information allows room for abuse because the term is inherently subjective in definition; and, the *de facto* state monopoly over printing facilities and the system of distribution have facilitated the imposition by the government of impediments to the operations of an independent press.

The report notes that a presidential decree issued in August 1994 transferred directly to the presidential administration authority over the administration of the State Printing House Belorusski Dom Petchati, which dominates the market and controls access by the independent press to newspaper production. The SR also referred to the fact that, in October 1995, printing facilities in other areas of the country were notified that the agreement of the head of the Management of Social and Political Information Section of the presidential administration and of the State Committee for the Press was required in order to conduct business with non-state press. The commentary concluded with the statement that the measures with regard to printing and distribution place an undue additional strain on the independent print media industry. The SR emphasized that the right to freedom of expression may not be restricted by indirect methods or means such as the abuse of government control over printing facilities or distribution networks, or other means impeding the free communication and circulation of ideas and opinions regardless of frontiers.

Referring to the government press, the report highlights several issues, including that: serious questions about editorial independence have been raised in light of the fact that the main newspapers are government-owned and all the editors of these newspapers are appointed by government officials; information has been received related to direct interference in, and censorship of, the content of printed material and dismissals of editors following publication of information considered unacceptable by the government or on the grounds that editors failed to carry out their duties.

In commentary on the broadcast media, the report reviews such issues as monopolization, biased coverage, denial of access to opposition views and the closing down of an independent radio station. The SR referred to the following points: independent broadcasters do operate but have no national coverage and do not include programming on political issues; the National State Television and Radio Company operates under the supervision of the President; the government retains tight control of national state radio and television; there is an overwhelming bias in favour of the government; broadcast information is used to propagate the policies of the government, censor criticism, and limit and intentionally distort information on dissenting and opposition views; members of the opposition or individuals with differing views have had access to state television refused; on the whole, state television fails to provide complete and reliable information on matters of public interest; through the Ministry of Communication, the government exercises direct control over the granting of broadcast frequencies; and government control over transmission