

Belarus: Law of 1995 on Press and Other Mass Media

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Comments This is an unofficial translation. The Law contains all the later amendments and alterations. Last amendments of this Law: Law of the Republic of Belarus No. 337-3 of 13 December 1999.

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The present Law ensures realization of the constitutional right of citizens of the Republic of Belarus for freedom of speech, press and information, regulates public relations arising during establishment and operation of the press and other mass media, dissemination of their produce, as well as determines rights and liabilities of subjects of mass media.

Chapter 1. General Provisions

Article 1. Main Notions on Mass Media

By popular information the present Law means any printed, audio, audiovisual and other reports and materials publicly disseminated through mass media.

By a mass medium is meant a periodic printed edition, a television (TV) and radio company, a radio, TV, video or newsreel program, or any other form (method) of periodic dissemination of popular information.

By a periodic printed edition is meant a newspaper, magazine (journal), brochure, almanac, bulletin, other edition having a permanent name (title), consecutive number and published at least once a year.

By the registering body is meant the Republican body of state administration which is realizing, within the limits of its competence, the policy of the state in the field of mass media, executes control over observance by mass media of the legislation of the Republic of Belarus, registers the mass media.

By governmental Republican TV and radio companies are meant the governmental TV and radio organizations whose founders are Republican bodies of state power and administration.

By governmental local TV and radio companies are meant Oblast (Regional) TV and radio organizations (associations), city (town) and district radio editorial boards whose founders are bodies of state power and administration.

The rules established by the present Law for periodic printed editions shall be applied in relation to periodic dissemination of circulation of 300 and more copies of texts, created with the help of computers and data collected in their bases and banks, as well as in relation to other mass media whose products is disseminated in the form of printed reports, posters, leaflets and other materials.

By a radio, TV, video, newsreel program is meant a combination of periodic audio, audiovisual reports and materials (broadcasts) having a permanent title (name) and coming out (on air) at least once a year.

The rules established by the present Law for radio and TV programs shall apply in relation to periodic dissemination of the produce of mass media through the systems of tele-, videotext and through other telecommunication networks, unless otherwise is stipulated by the legislation of the Republic of Belarus.

By the produce of mass media is means a circulation or a part of circulation of a single issue of a periodic printed edition, an individual issue of a radio, TV, newsreel program, a circulation or a part of circulation of an audio or video recording of a program.

By dissemination of the produce of mass media are meant sale, subscription, delivery, handing out of periodic printed editions, of audio or video recordings of programs, broadcasting and rebroadcasting of radio, TV programs, demonstration of newsreel programs.

Article 2. Subjects of the Press and Other Mass Media

The subjects of the press and other mass media are the founder, the editorial board, the editor (editor-in-chief), the journalist, the publisher, the disseminator.

By the editorial board of a mass media are meant an organization, institution, enterprise, individual citizens executing production and issuance of popular information.

By the editor (editor-in-chief) is meant a person who is heading the editorial board and taking final decisions in relation to production and issuance of the mass medium.

By the journalist is meant a person who is professionally engaged in collection, editing, creation or preparation of reports and materials for the editorial board of the mass medium, who is connected with the latter by means of labor or other kind of contractual relations, or who is engaged in such activities under authorization by the mass media.

By the publisher is meant a legal entity or a citizen executing entrepreneurial activities without formation of the legal entity, who is engaged in editing and publishing, as well as in material and technical procurement of manufacturing the produce of the mass medium.

By the disseminator is meant a legal entity or an individual who is engaged in dissemination of the produce of the mass medium on the basis of a contract with the editorial board or with the publisher or on other legal grounds.

Article 3. Freedom of the Press and Other Mass Media

Citizens of the Republic of Belarus are guaranteed the freedom of the press and other mass media.

Citizens of the Republic of Belarus shall have the right to establish mass media, to own, use and command them.

Citizens of the Republic of Belarus shall have the right to freely search, receive, use and disseminate information with the help of the press and other mass media, to utilize them freely for expressing their ideas, views and convictions.

The state is viewing the system of mass media as the basis for realization of the constitutional right of citizens of the Republic of Belarus for the freedom of speech and information, as an important component of national culture, and is determining measures directed at ensuring economic support of mass media.

Article 4. Inadmissibility of Censorship of Popular Information

Censorship of popular information — that means a demand by governmental bodies, organizations, institutions, social action organisations, their officials from an editorial board to agree in advance reports and materials, as well as a demand to withdraw from the press (air) this or that material or report, — shall not be allowed.

It shall not be allowed to establish and provide financing of organizations, institutions, bodies or positions whose tasks or functions include execution of censorship over popular information.

Article 5. Inadmissibility of Abuse of Freedom of Popular Information

It shall not be allowed to use mass media for the following purposes:

commitment of actions punishable in the criminal form;

disclosure of data comprising state or any other secrets specifically guarded by the law;

appeals to seizure of power, forced change of constitutional order, breaking of the territorial integrity of the Republic;

stirring up national, social, racial, religious enmity or discord;

propaganda of war and aggression;

dissemination of pornographic products;

infringement of morality, honor and dignity of citizens;

dissemination of information defaming honor and dignity of the President of the Republic of Belarus, heads of state bodies whose status is established by the Constitution of the Republic of Belarus;

dissemination of information on behalf of political parties, trade unions or other social action organizations which failed to pass state registration (reregistration) in the established order.

Shall not be subject to publication or promulgation any unfinished materials of interrogation, preliminary investigation and court cases without a written permit of the person who is fulfilling the interrogation, of the investigator or the judge, respectively, as well as materials obtained as the result of operating and searching activities.

Article 6. Language of Mass Media

Periodic printed editions and other mass media of the Republic of Belarus shall execute their activities in the state languages, as well as in other languages in accordance with the Constitution of the Republic of Belarus and the legislation in force.

Distortion of generally accepted norms of the language used shall not be allowed.

Article 7. Legislation on the Press and Other Mass Media

The legislation on the press and other mass media comprises the Constitution of the Republic of

Belarus, the present Law and other acts of legislation of the Republic of Belarus.

Chapter 2. Establishment and Organisation of Activities of Mass Media

Article 8. Right to Establish Mass Media

A founder (co-founder) of a mass medium may be a citizen, a group of citizens, a political party and any other social action organisation, enterprise, institution, organization, governmental body.

The following shall not be a founder:

a citizen under eighteen years of age, or who is serving a court sentence or recognized incapable by the court;

a political party, a social action organisation whose activities have been banned by the law;

a citizen of another country, or a person without citizenship who has no permanent residence in the Republic of Belarus;

an individual or a legal entity who acted as a founder of a mass media earlier, and the activities thereof have been banned, — during two years after the enactment date of the court judgement on termination of the activities of that mass medium.

The co-founders are acting jointly as a founder.

Article 9. Registration of Mass Media

An editorial board of a mass medium shall start their activities after registration of the mass medium by the body of state administration determined by the Council of Ministers of the Republic of Belarus.

A decision on registration shall be taken within one month after the date of receipt of the respective application and of the necessary documents. Within the established period, the governmental body authorized to do so shall take one of the following decisions:

- 1) to provide state registration;
- 2) to refuse state registration;
- 3) to extend the consideration period of the application for registration.

Extension for one month at most of the consideration period shall be made in case a need has arisen in the registration body to request some additional information in order to make the documents submitted for registration more precise.

A mass medium shall be considered registered starting from the date of issuance of a registration certificate.

The founder shall preserve the right to start the issuance of the mass medium within one year after the date when he/she/it has received the registration certificate. In case of missing this period the registration certificate of the mass medium shall be considered invalidated.

Article 10. An Application for Registration

The following data shall be present in the application for registration of a mass medium:

- 1) founder (co-founders);
- 2) title (name) and type of the mass medium;
- 3) language;
- 4) address of the editorial board;
- 5) form of periodic dissemination;
- 6) intended territory of dissemination;
- 7) approximate topics and (or) specialization;
- 8) sources of financing;
- 9) information on whether the applicant is a founder, editor-in-chief, publisher or disseminator of any other mass media;
- 10) periodicity.

The application shall be accompanied by the statute (charter) of the editorial board, the decision on its establishment, the documents to prove payment of the registration fee, and certifying approval of location of the mass medium by the respective local executive and administrative bodies.

It is forbidden to present any other requirements when registering a mass medium.

Article 11. Reregistration of Mass Media

A mass media shall be subject to reregistration if it has not been published for more than one year, as well as in case of liquidation or reorganization of the founder — a legal entity, change of the founder (attachment of new founders), of the title and type of the periodic edition.

Reregistration of a mass media shall be obligatory in case a decision was taken to suspend its activities twice during one year.

Reregistration of a mass media is made in the same order as registration.

In case any changes are made in the staff of co-founders, except the cases envisaged by part one of the present Article, or in the location of the editorial board, or in the language, periodicity, territory of dissemination, or in the topics of the periodic edition, the founder shall inform about the fact in writing within one month the governmental body that has registered this mass medium for the latter to enter alterations into the registration certificate.

Article 12. Cases of Liberation from Registration

No registration is required:

of mass media specifically established by the bodies of legislative, executive and judicial authorities for the purpose of publication of their official materials, normative and other acts;

of radio and TV programs disseminated through cable networks limited by the rooms and territory of one institution, enterprise or organization, or of those which have at most ten subscribers;

of audio and video programs disseminated as recordings in the number of at most ten copies.

Article 13. Refusal to Register

Refusal to register a mass medium shall be possible only for the following reasons:

- 1) an application has been submitted on behalf of a citizen, a group of citizens, a political party or any other social action organisation who has no right to establish a mass media in accordance with part two of the Article 8 of the present Law;
- 2) the data presented in the application do not correspond to reality;
- 3) the title, the approximate topics or specialization of the mass media are in contradiction with requirements of the Article 5 of the present Law;
- 4) the state body has earlier registered the mass medium under the same title;
- 5) the application has been submitted prior to expire of two years after the date of enactment of the judgement terminating the activities of the mass medium;
- 6) the application has been submitted while breaching parts one and two of the Article 10 of the present Law.

A notice about refusal to register a mass medium shall be directed to the applicant in writing within ten days after the date of taking the decision with indication of the grounds for the refusal envisaged by the present Law.

Article 14. Registration Fee

The registration fee, in the order and in the sum determined by the Council of Ministers of the Republic of Belarus, shall be charged for issuance of the registration certificate of a mass medium.

For the mass media specializing in reports and information of advertising or erotic character the increased registration fee, and for those specializing in reports and materials for children and adults, for invalids, as well as for those specializing in education, culture and enlightening, — the reduced registration fee shall be established.

Article 15. Recognition of a Registration Certificate Invalid

A registration certificate of a mass medium may be announced invalid by the court or by the body of state administration in cases if:

the registration certificate has been received through breaching of the legislation;

a repeated registration of the same mass medium took place.

The decision to recognize a registration certificate invalid taken by the registration body may be appealed against at the court within a month after it has been taken.

Article 16. Suspension and Termination of Activities

In case a mass medium breaches the legislation, the founder, the registration body or the prosecutor may make a respective written warning.

The activities of a mass medium may be suspended by a decision of the founder, of the registration body or of the court for the period of up to three months in case the editorial board of the mass medium has violated the requirements of the present Law.

The activities of a mass medium may be terminated only by decision of the founder or of the court in the order of civil proceedings upon a suit of the registration body or of the prosecutor.

The founder shall have the right to suspend or terminate the activities of the mass medium exclusively in cases envisaged by the statute of the editorial board or by the contract between the founder and the editorial board (editor-in-chief).

A basis to terminate by the court the activities of a mass medium shall be multiple during one year violations by the editorial board of requirements of the Article 5 of the present Law, on which occasion written warnings have been made, as well as non-fulfilment of a court judgement about suspension of activities of the mass medium.

A decision to suspend or terminate the activities of a mass medium may be taken not later than three months after the date the grounds for that arose as envisaged by the present Article.

The termination of the activities of a mass medium invalidates its registration certificate and the statute of the editorial board.

Article 17. Procedure of Appealing against Refusal to Register a Mass Medium, as well as Against Decision to Suspend its Activities

Refusal to register a mass medium, violation by the registration body of the period established for registration, as well as decision to apply the measures envisaged by the Article 16 of the present Law to the editorial board, may be appealed against at the court within one month by the founder or by the editorial board of the mass medium.

Article 18. Grounds for the Origin of Rights and Liabilities

The rights and liabilities of the founder and the editorial board envisaged by the present Law arise from the moment of registration of the mass medium, and those envisaged by the statute of the editorial board — from the moment of its approval. The founder, the editorial board, the publisher, the disseminator may additionally establish their mutual rights and liabilities on contractual basis. Provisions of the statute and the contracts shall not contradict to the present Law and other acts of legislation of the Republic of Belarus.

Article 19. Status of the Founder

The founder shall approve the statute of the editorial board and (or) conclude an agreement with the editorial board of the mass medium (with the editor, editor-in-chief).

The founder shall have the right to oblige the editorial board to place in the mass medium free of charge and in the requested time a report or material on his/her/its behalf (a founder's message). The maximum volume of the founder's message shall be determined in the statute of the editorial board, in the contract or in any other agreement with the founder.

The founder shall have no right to interfere into the activities of the mass medium except the cases stipulated by the present Law, by the statute of the editorial board, by the contract between the founder and the editorial board (editor-in-chief).

The founder may assign his/her/its rights and liabilities to a third person on the consent of the editorial board and co-founders. In case of liquidation, reorganization of a founder — a social action organisation, enterprise, institution, organization, governmental body — his/her/its rights and liabilities in the full scope shall transit to the editorial board unless otherwise envisaged by the statute of the editorial board.

The same consequences arrive also in case of reorganization of the founder if his/her/its successor has

not taken a decision to reregister the mass medium.

In case any disputes arise between the founders, the problem of a successor or successors shall be decided in legal form.

A founder may act as the editorial board, publisher, disseminator, owner of the property of the editorial board.

Article 20. Status of the Editorial Board

The editorial board of a mass medium is a legal entity, the activities thereof being determined by its statute (charter).

The editorial board of a registered mass medium may be established in the form of an enterprise in accordance with the legislation of the Republic of Belarus on enterprises.

The editorial board may act as the founder of a mass medium, publisher, disseminator, owner of the property of an editorial board.

The editorial board shall be headed by the editor (editor-in-chief) appointed to the position and dismissed from the position by the founder, unless otherwise stipulated by the statute of the editorial board, and fulfilling his/her/its authorities on the basis of the present Law, the statute of the editorial board, the contract concluded between the founder and the editorial board (editor-in-chief).

The editor (editor-in-chief) shall represent the editorial board in relations with legal entities and citizens, as well as in the court. He/she/it bears responsibility for observance of the requirements moved in relation to the activities of a mass medium by the present Law and by other acts of legislation of the Republic of Belarus.

Article 21. Statute (Charter) of the Editorial Board

The statute of the editorial board of a mass medium shall be approved by the founder.

The statute shall determine the following:

- 1) goals and tasks of the mass medium and of its editorial board;
- 2) mutual rights and liabilities of the founder, the editorial board;
- 3) authorities of the collective — enlisted workers of the editorial board;
- 4) procedure of appointment (election) of the editor-in-chief, editorial college and (or) other bodies of management of the editorial board;
- 5) procedure of approval and making alterations in the statute of the editorial board;
- 6) procedure of financing, distribution and use of revenues, as well as other issues concerning organization of activities of the editorial board of a mass medium.

Article 22. Status of the Publisher

The publisher shall execute his/her/its rights and fulfil his/her/its duties in accordance with the present Law, the legislation concerning the publishing business, enterprises and entrepreneurial activities.

The publisher may act as the founder of a mass medium, editorial board, disseminator, owner of the property of the editorial board.

Article 23. Contractual Relations between the Founder, the Editorial Board and the Publisher

The production, ownership and financial relations between the founder, the editorial board and the publisher of a mass medium shall be regulated by the legislation and contracts in force.

A contract (agreement) between the co-founders of a mass medium determines their mutual rights, liabilities, responsibility, procedure, conditions and legal implications of changing of the staff of co-founders, procedure of settling disputes between them.

A contract (agreement) between the founder and the editorial board determines the order of assigning and using assets for maintaining the editorial board, distribution of profits, formation of funds and reimbursement of losses, liabilities of the founder in ensuring proper production and social conditions of life and work of the workers of the editorial board. Each of the co-founders individually, or all the co-founders together may be the subject of the contract with the editorial board.

A contract (agreement) between the editorial board and the founder determines the production, ownership and financial relations between them, mutual distribution of publisher's rights, liabilities of the publisher concerning material and technical procurement of manufacturing the produce of the mass medium, and their mutual responsibilities.

The founder, the editorial board, the publisher may also conclude other contracts (agreements) between themselves, as well as with disseminators.

Article 24. Information Agencies

Information agencies are specific organizations in the field of the press, radio, cinema, television, telephotography engaged in regular collection and dissemination of information materials and having the status of the editorial board, publisher and disseminator at the same time.

Information agencies shall be registered by the body of state administration in the order determined by the present Law for mass media.

A bulletin, a herald, any other edition or program having a permanent title (name) founded by an information agency shall be registered in the order established by the present Law.

When reports and materials of an information agency are disseminated by another mass medium the reference to the information agency shall be obligatory.

Chapter 3. Dissemination of Popular Information

Article 25. Procedure of Dissemination

Dissemination of the produce of a mass medium shall be executed by the editorial board directly or on the contractual or other legal basis by communication enterprises, by governmental, co-operative organizations and social action organisations, as well as by citizens.

Dissemination of the produce of a mass medium shall be considered commercial in case a fee is charged for it. The produce intended for non-commercial dissemination shall be provided with a notice "Free".

Retail sale, including peddling, of circulation of periodic printed editions shall not be subject to any limitations, except those envisaged by the present Law.

It is forbidden to import, export, as well as disseminate in the territory of the Republic of Belarus printed and audiovisual materials, other information carriers contents of which does not correspond to

the requirements of the Article 5 of the present Law.

Periodic editions registered in foreign countries shall be disseminated in the territory of the Republic of Belarus upon a permit of the body of state administration unless otherwise stipulated by an international treaty. This rule applies also to editions disseminated by communication bodies.

Preventing legal dissemination of the produce of a mass medium, including confiscation of the circulation or any part thereof, shall not be allowed unless on the basis of a court judgement that has come into legal force.

It is not allowed to disseminate periodic printed editions having no exit data.

Printing and dissemination of the produce of a mass medium shall be allowed only after the editor (editor-in-chief) has given his/her/its permit to come out (to be put on air).

Article 26. Exit Data

Each issue of a periodic printed edition shall contain the following data:

- 1) title (name) of the edition;
- 2) the founder (co-founders);
- 3) name and surname of the editor (editor-in-chief) or his/her deputy;
- 4) consecutive number of the issue and the date of coming out, and for newspapers — also the time of signing to print;
- 5) price of a copy (issue) or a notice "Free price" or "Free";
- 6) circulation;
- 7) index (for editions disseminated through communication enterprises);
- 8) complete addresses of the editorial board and printing house;
- 9) registration number.

On every occasion a radio or TV program is put on air, and in case of continuous broadcasting — at least four times a day, the editorial board must announce the title (name) of the program.

Every copy of an audio, video or newsreel program must have the following data:

- 1) title (name) of the program;
- 2) date of coming out (on air) and the number of issue;
- 3) name and surname of the editor-in-chief;
- 4) circulation;
- 5) the editorial board and its address;
- 6) price of a copy (issue) or a notice "Free price" or "Free".

Reports and materials of an information agency must be accompanied by its name.

Article 27. Obligatory Copies

Obligatory free copies of periodic printed editions, including of those ones liberated from registration in accordance with the Article 12 of the present Law, immediately after printing shall be send over to the founder (co-founders), registration body, as well as to the National Book Chamber of Belarus, to the National Library of Belarus, to the Library of the Academy of Sciences of Belarus named after Y. Kolas, and to the President's Library of the Republic of Belarus, to other organizations and institutions, the list thereof being determined by the Council of Ministers of the Republic of Belarus.

Article 28. Storage of Materials of Published Information, Radio and TV Programs

With the aim to provide proofs that may have value for proper settling of possible disputes, the editorial board of a printed periodic edition must store the originals of published materials for the period of six months after the periodic edition has come out.

The editorial board of a radio, TV program shall:

preserve the materials of their own broadcasts that have been put on air in the form of records;

fix in the registration log the broadcasts put on air.

The registration log shall contain the date and time of putting on air, the topic of the broadcast, its author, the names of the presenter and participants.

The duration of storage shall be:

for materials of broadcasts — at least one month after the date of air;

for the registration log — at least one year after the date of the last entry into it.

Article 29. Obligatory Messages

The editorial board must publish the following free of charge and in due time:

a court judgement that has come into its legal force comprising a ruling to publish such judgement in the given mass medium;

a message received from the body that has registered the given mass medium concerning the activities of the editorial board.

Article 29-1. Obligatory Information Programs

The governmental TV and radio companies are preparing and ensuring dissemination in their information programs of declarations and appeals by the President of the Republic of Belarus, top-ranking officials, whose status has been established by the Constitution of the Republic of Belarus, as well as of other publicly meaningful facts about the activities of governmental bodies.

Article 30. Dissemination of Advertisements

In the mass media not registered as specialized for reports and materials of advertising character the volume of advertisements shall not exceed:

25 percent of the volume of each single issue of the governmental, and 30 percent of the volume of each single issue of other periodic printed editions;

10 percent of the duration of governmental broadcasting time for radio and TV programs.

It shall not be allowed to publish in mass media advertisements about activities requiring a special permit (license) without approval by the advertiser of his/her/its right to fulfil such activities.

Article 31. Erotic Editions

By a mass medium specializing in reports and materials of erotic character the present Law means a periodic publication or a program that is completely and systematically exploiting interest to the sex.

Dissemination of issues of specialized radio and TV programs of erotic character without coding the signal shall not be allowed.

Retail sale of the produce of mass media specializing in reports and materials of erotic character shall be allowed only in non-transparent packing and in special rooms intended for this purpose, location thereof being determined by the bodies of local government.

Import into the territory of the Republic of Belarus, production, dissemination of the popular information of erotic character, as well as the expertise activities in the sphere of circulation of such produce shall be executed only under a special permit (license) for each kind of such activities.

Chapter 4. Relations of Mass Media with Citizens, Governmental Bodies and Agencies

Article 32. Right to Receive Information

Citizens of the Republic of Belarus shall have the right to receive through mass media truthful data on activities of state bodies, social action organisations, on political, economic and international life, on the state of environment.

The editorial board shall have the right to request such data on the activities of state bodies, organizations, their officials. It is possible to request the information both in oral and in written forms. The requested information shall be provided by the heads of the above bodies, organizations and associations, their deputies, the workers of press-services or by other persons authorized thereto within their competence not later than ten days after receipt of the request.

The governmental bodies, organizations, social action organisations, their officials shall provide data on their activities to mass media on request of editorial boards, as well as by means of holding press-conferences, sending out reference and statistical materials and by other means.

Article 33. Instances of Refusal or Delay to Provide Information

A refusal to provide the information requested is possible in case it contains data comprising state, commercial or other secrets specifically protected by the law. A notification about refusal with indication of its reason shall be handed over to the editorial board within ten days after receipt of the request.

A delay to provide the requested information is possible if the requested data cannot be provided within a ten days' period. A notification about delay shall be handed over to the representative of the editorial board within seven days after the date of receipt of a written request for information. The notification shall include:

- 1) reasons for which the requested information cannot be provided in time;
- 2) date when the requested information will be provided;
- 3) the official who has authorized the delay;

4) date of taking decision about delays.

Refusal or delay to provide the requested data may be appealed against by the editorial board in the legal form.

Article 34. Non-Disclosure of the Source of Information

The editorial board of a mass medium shall not be obliged to indicate the source of information and shall not be entitled to disclose the name of the person who has provided the data without the consent of that person.

The source of information and the name of the person who has provided the data may be disclosed only upon request of the court, of the person executing interrogation or investigation if this is necessary for the purpose of investigation or consideration of cases under their procedure.

Article 35. Use of Author's Works and Letters

The editorial board shall preserve the right on the works used including copyright and other rights on intellectual property. The author or any other person possessing the right on a work may determine the conditions and the nature of use of the work presented to the editorial board.

The editorial board shall, on their own discretion, select and publish (broadcast) any letters addressed thereto. When publishing letters, text editing and abridging are allowed under the condition that they do not distort the sense of the letters. In case of necessity the editorial board shall send letters and appeals to those bodies, organizations and officials who are competent to consider them.

Nobody shall have the right to oblige the editorial board to publish the material denied by them, unless otherwise is stipulated by the law.

Article 36. Right for Refutation and Response

A citizen or his/her legal representative, an organization or institution, an enterprise, a state body shall have the right to demand from the editorial board of a mass medium to disprove the published data if it does not correspond to reality or disgraces their honor and dignity.

If the editorial board has no proofs of the fact that the data disseminated by them corresponds to reality, they shall be obliged to publish a refutation, correction or clarification.

The citizen, organization or institution, enterprise, state body in relation to which the data not corresponding to reality or frustrating their rights and legal interests has been published shall have the right to publish their response in the same mass medium.

Article 37. Procedure of Refutation

The refutation must indicate which piece of data did not correspond to reality, when and in what way it was disseminated by the mass medium.

A periodic printed edition must print a refutation or a response under a special rubric or in the same position on the page where the refuted report or material was published, in the same volume and with the same typesetting.

A refutation must be broadcast over radio and television in the same time of the day and in the same program as the refuted report or material was.

A refutation must be published:

in the mass media appearing as publications (in air) at least once per week, — not later than ten days after the date of receipt of the demand to print the refutation or of the text thereof;

in other mass media — in the next issue thereof.

In case a refutation (publication of a response) has been refused, or a refutation does not correspond to the requirements of part one of the present Article, the citizens, organizations or institutions, enterprises, state bodies shall have the right to protect their honor and dignity, or business reputation in the legal form.

Article 38. Grounds for Refusal to Make Refutation or Publish a Response

The editorial board shall be entitled to refuse refutation or publication of a response if this requirement or the text of the refutation provided:

is an abuse of freedom of popular information in the sense of the Article 5 of the present Law;

contradicts to the court judgement that has come into its legal force;

is anonymous.

A refutation may be refused if:

the data is refuted that has already been refuted in this very mass medium;

the data is refuted for dissemination of which the mass medium bears no responsibility in accordance with the Article 47 of the present Law.

Chapter 5. Rights and Liabilities of a Journalist

Article 39. Rights of a Journalist

In connection with execution of his/her professional duties a journalist shall have the right to:

collect, request, receive and disseminate information;

address state bodies and organizations, enterprises and institutions, bodies of social action organisations or their press-services;

be present in the area of natural calamities, accidents and catastrophes, military actions, in localities where the state of emergency has been declared, at meetings and demonstrations, in places of other public important events and deliver information therefrom;

have access to documents and materials except those comprising the state, commercial or any other secrets specifically protected by the law;

copy, publish or reproduce by any other method documents and materials under the condition of observing the requirements of part one of the Article 35 of the present Law;

make notes including use of audio and visual equipment, film and photo shooting, except cases envisaged by the law;

address specialists when verifying facts and circumstances in connection with the materials received;

express his/her personal opinions and estimates in reports and materials intended for dissemination

with his/her signature;

withdraw his/her signature under a material or the material itself, in case its contents, to his/her opinion was distorted in the process of editorial preparation;

disseminate reports and materials prepared by him/her under his/her signature, under a pseudonym or without signature, and remark in case of necessity preservation of author's secrecy;

have his home telephone installed within one year after submitting an application;

purchase off-the-queue tickets to all kinds of transport and have hotel accommodation when on a business trip.

A journalist shall also enjoy other rights arising from the present Law and other acts of legislation of the Republic of Belarus.

Article 40. Liabilities of a Journalist

A journalist shall:

observe the requirements of the statute of the editorial board;

verify the truthfulness of the data received;

provide objective information for publication;

indicate, upon desire of the persons who provide information, their authorship;

preserve confidentiality of information and sources thereof;

receive consent (except cases when it is necessary to protect public interests) for dissemination in a mass medium of data personal life of a citizen from that very citizen or from his/her legal representative;

when receiving information from citizens and officials, to inform them about making audio and video recording, film and photo shooting;

refuse an order given to him/her by the editorial board (editor, editor-in-chief) in case such order or its execution concerns violation of the legislation.

A journalist shall also execute other liabilities arising from the present Law and other acts of legislation of the Republic of Belarus.

Article 41. Guarantees of Social Protection of a Journalist

In the event of death during execution of his/her service activities of a journalist — worker of a mass medium one of the founders of which are state bodies, the family of the perished or his/her dependents a lump allowance shall be paid worth five years' salary of the perished from the assets of the respective budget, and in case of causing less heavy, or heavy injury to a journalist a lump allowance shall be paid to him/her worth a three years' salary as well as the difference between his/her salary and pension in case the latter is appointed for the period it is paid.

The payments envisaged by part one of the present Article and connected with the service activities of a journalist — worker of another mass medium shall be executed in accordance with the contract or labor agreement between the journalist and his/her employer.

Article 42. Accreditation of Correspondents

Editorial boards of mass media shall have the right to accredit their correspondents at state bodies, organizations, institutions, bodies of social action organisations.

The bodies, organizations, institutions where a correspondent is accredited must inform him/her on the coming sittings, meetings and other events, provide him/her with minutes, protocols and other documents, create favorable conditions for making records.

An accredited correspondent shall have the right to be present at sittings, meetings and other events held by the bodies, organizations, institutions, that have accredited him/her, except the cases when they are holding closed events.

A correspondent may be deprived of his/her accreditation in case he/she or the editorial board have violated the established regulations for accrediting, or in case the data has been disseminated contradicting to reality, disgracing the honor and dignity of the organization that has accredited the correspondent.

Chapter 6. International Co-operation in the Field of Mass Media

Article 43. Treaties and Agreements

International co-operation in the field of popular information shall be executed on the basis of treaties and agreements concluded by the Republic of Belarus.

In case an international treaty of the Republic of Belarus establishes other rules than those contained in the present Law, the rules of the international treaty shall apply.

The editorial boards of mass media, professional associations of journalists take part in international co-operation in the field of popular information on the basis of treaties and agreements with citizens and legal entities of other countries, as well as with international organizations.

Article 44. Dissemination of Foreign Information

Citizens of the Republic of Belarus are guaranteed free access to reports and materials of foreign mass media.

Limitation of receiving of the programs of direct television broadcasting shall be allowed only in cases envisaged by international treaties concluded by the Republic of Belarus.

Article 45. Foreign Correspondents

Representations of foreign mass media may be established in the Republic of Belarus, and foreign correspondents may be accredited.

Representatives of foreign mass media are established upon agreement with the Ministry of Foreign Affairs of the Republic of Belarus, unless otherwise envisaged by interstate treaties concluded by the Republic of Belarus.

Foreign representations of mass media registered in the Republic of Belarus shall be established in the order stipulated by the acts of legislation, unless otherwise envisaged by interstate treaties concluded by the Republic of Belarus.

Accrediting of foreign correspondents in the Republic of Belarus shall be executed by the Ministry of Foreign Affairs of the Republic of Belarus in accordance with the Article 42 of the present Law.

The Ministry of Foreign Affairs of the Republic of Belarus may establish respective limitations in relation to correspondents of mass media of those countries that have special limitations for execution of professional activities of journalists — workers of the mass media registered in the Republic of Belarus.

Foreign correspondents of the mass media registered in the Republic of Belarus, irrespective of their citizenship, shall enjoy the rights and liabilities of a journalist established by the present Law if it does not contradict to the legislation of the country of stay.

Chapter 7. Responsibility for Violation of the Legislation on the Press and Other Mass Media

Article 46. Imposing Responsibility

Subjects of mass media, as well as other individuals and legal entities shall bear civil, legal, administrative, criminal or other responsibility for breaching the legislation of the Republic of Belarus on the press and other mass media.

Article 47. Cases of Liberation from Responsibility

An editorial board, an editor (editor-in-chief), a journalist shall bear no responsibility for dissemination of data not corresponding to reality, disgracing honor and dignity of citizens and organizations, encroaching upon the rights and legal interests of citizens, or comprising abuse of freedom of popular information and (or) rights of a journalist in cases if such data:

is present in obligatory (official) reports;

received from information agencies;

received in response to request for information, or is present in materials of press-services, governmental bodies, organizations, institutions, enterprises, bodies of social action organisations;

is a word for word reproduction of fragments of presentations of Deputies at sessions, delegates of congresses, conferences, plenums of social action organisations, as well as of official presentations of official persons from governmental bodies, organizations and social action organisations;

is contained in authors' works put on air without prior recording, or in the texts not subject to editing in accordance with the present Law;

is a word for word reproduction of reports and materials or fragments thereof disseminated by another mass medium that can be identified;

is contained in reports or materials published in mass media in accordance with the Article 19 of the present Law.

Article 48. Responsibility for Encroaching upon Freedom of Popular Information

Encroaching upon freedom of popular information — it means hampering in any form from citizens, official from governmental bodies and organizations, social action organisations of legal activities of the founders, editorial boards, publishers and disseminators of the produce of a mass medium, as well as of journalists, including by means of:

execution of censorship;

interference into activities and violation of professional independence of the editorial board;

illegal suspension or termination of the activities of a mass medium;

illegal confiscation, as well as liquidation of circulation or of a part thereof;

forcing a journalist to dissemination or refusal to disseminate information;

posing limitations on contacts with a journalist and on delivery of information to him/her, except data comprising the state, commercial or any other secrets specifically protected by the law;

breaching of the rights of journalists established by the present Law, — shall cause disciplinary, administrative, criminal and other responsibility in accordance with the legislation of the Republic of Belarus.

Article 49. Responsibility for Abuse of Freedom of Popular Information

Abuse of freedom of popular information manifested in violation of the requirements of the Article 5 of the present Law causes disciplinary, administrative or criminal responsibility in accordance with the legislation of the Republic of Belarus.

Abuse by a journalist of the rights determined by the Article 39 of the present Law, or violation by him/her of his/her duties as determined by the Article 40, — shall cause disciplinary or criminal responsibility in accordance with the legislation of the Republic of Belarus.

The Republican body of state administration shall take a decision to suspend the activities of the mass medium not later than three months after detection and not later than six months after the date of commitment of the above offence.

Article 50. Responsibility for Other Violations of the Legislation on Mass Media

A violation of the legislation of the Republic of Belarus on mass media that has shown itself in:

establishment of a mass medium through a dummy, receiving of a registration certificate or a license for broadcasting with breaching the legislation, hidden cession of a license, evasion from payment of per-circulation fee, from increased registration fee or illegal obtaining of privileges Established for specialized mass media;

illegal production of the produce of the mass medium without its registration, or after decision on suspension or termination of its activities, evasion from reregistering, as well as moving demands during registration not envisaged by the present Law;

preventing lawful dissemination of the produce of mass media, establishment of illegal limitations to retail sale of the circulation of a periodic printed edition;

Illegal dissemination of the produce of a mass medium without its registration or after a decision to suspend or terminate its activities, or without a permit to be published (put on air), illegal commercial dissemination, broadcasting without a license or with violation of the licensed conditions;

import, export, as well as dissemination in the territory of the Republic of Belarus of printed and audiovisual materials, the contents of which does not correspond to requirements of the Article 5 of the present Law;

dissemination in the territory of the Republic of Belarus of a periodic printed edition, registered in the Republic of Belarus, printed abroad and illegally imported into the Republic of Belarus without respective customs documents on displacement of the circulation of the periodic printed edition across the border;

dissemination without a permit from the body of state administration of a periodic printed edition registered in a foreign country.

violation of rules of dissemination of obligatory messages, advertisements, erotic editions and programs;

violation of the procedure of announcing exit data, presentation of obligatory copies, storage of materials of TV and radio broadcasts;

generation of artificial noise preventing confident receiving of radio and TV programs, — shall result in disciplinary, administrative, criminal and other responsibility in accordance with the legislation of the Republic of Belarus.

Chapter 8. Enactment of the Present Law

1. The Law of the Republic of Belarus "On the Press and Other Mass Media" shall come into force from the date of publication.

Until the legislation of the Republic of Belarus is brought into conformity with the present Law, the acts of the legislation in force shall apply in the part not in contradiction with the present Law.

It shall be set forth that labor collectives of the state-owned mass media registered in the established order by the moment of enactment of the present Law shall have the right to act as founders (co-founders) of these mass media.

2. The Council of Ministers of the Republic of Belarus shall, before July 1, 1995:

submit to the Supreme Soviet of the Republic of Belarus proposals aimed at bringing the acts of legislation of the Republic of Belarus into conformity with the Law of the Republic of Belarus "On the Press and Other Mass Media";

bring the decisions of the Government of the Republic of Belarus into conformity with the above Law.

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