

Joint Statement of Belarusian Human Rights Organizations on Blocked Access to belaruspartisan.org and Charter97.org

Over the past two months, Belarus has resumed the practice of arbitrary restrictions on access to independent Internet media. Thus, the Government has blocked the popular information resources *Belarusian Partisan* (belaruspartisan.org) and *Charter 97* (charter97.org), the media regularly covering the most topical social and political issues. Both the traditional and Internet-based mass media are the cornerstone of a democratic society, therefore any restrictions in this sphere must comply with the relevant provisions of the Constitution and international obligations of the Republic of Belarus.

On 14 December 2017, the Ministry of Information of Belarus restricted access to the website belaruspartisan.org in Belarus. The Ministry reported that the decision was taken under Article 511, Para 1.2 of the Law on Mass Media. The website owners inquired about the reasons for blocking. In their response, the Ministry of Information only indicated that the website “posted information messages and materials containing information, the dissemination of which could harm the national interests of the Republic of Belarus”.

On 24 January 2018, access to charter97.org was restricted in a similar way. Again, the publication of materials containing “information, the dissemination of which could harm the national interests of the Republic of Belarus” was indicated as the reason for the blockage. The fact that the website “posted articles indicating the date and venue of mass events, the permission for which had not been received by the time of the publication”, was qualified as a violation. Besides, the distribution of “the information products, which were qualified by the court decision as extremist materials and included in the national list of extremist materials” was also indicated as a reason for restricting access to the website.

In neither case did the Ministry of Information notify which exactly information provoked blocking, in which section of the website it was posted and what should the website owners do for the sanctions to be lifted.

Article 33 of the Constitution of the Republic of Belarus guarantees the freedom of expression and prohibits censorship. Article 19 of the International Covenant on Civil and Political Rights protects the freedom to seek, receive and impart all kinds of information and ideas, regardless of frontiers, by any means. Only commensurate restrictions are permissible – those provided by law and necessary to respect the rights and reputation of others or to protect national security, public order, public health or morals.

The above cases show that the current legislation on the mass media and the relevant practice significantly restrict freedom of information in Belarus. The decisions to restrict access to the Internet resources fail to meet the necessity and proportionality criteria. The administrative decision-making procedure is formalistic and non-transparent, and appealing against the restrictions in court is difficult or impossible. Meanwhile, the broad list of the grounds for restrictions on access to the media allows for most arbitrary interpretations.

We consider the restrictions on access to *Belarusian Partisan* (belaruspartisan.org) and *Charter 97* (charter97.org) impermissible and call for the repeal of the relevant decisions of the Ministry of Information and the renewal of free access to these websites. We also call for a review of the existing legislation on the mass media and the elimination of the practice of political censorship on the Internet.

Human Constanta Advisory Centre on Current International Practices and Implementation of Them in Law

Belarusian Association of Journalists

Belarusian Documentation Center

Viasna Human Rights Center

Legal Initiative NGO

Educational human rights institution “Office for the Rights of Persons with Disabilities”

Barys Zvozskau Belarusian Human Rights House
FoRB (Freedom of Religion and Belief) Initiative
Legal Transformation Center (Lawtrend)
Belarusian Helsinki Committee
Identity&Law Initiative Group