

Armenia's path towards media freedom

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I would like to thank the OSCE Representative on the Freedom of Media for her initiative to organize this important conference and invitation to come to this charming city, where I have many good friends.

This year we are marking the 16th anniversary of the establishment of this important OSCE institution, which, according to its mandate, should ensure compliance with media-freedom commitments agreed upon by participating States. I would like also to express the words of gratitude to the incumbent and all previous representatives on the Freedom of Media for the enormous work they have done during the last decades to promote one of the basic human rights to express themselves freely.

This is also a jubilee year of this conference, which is a good opportunity to sum up the results achieved during these 10 years and try to address the challenges ahead.

We, in Armenia, highly appreciate what has been done, and thanks also to this institution we made a significant progress. We travelled a long road towards ensuring the right of each and everyone to express his or her opinion freely. It is particularly important today, in the era of Internet and social networks.

The Universal Declaration of Human Rights states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, and impart information and ideas through any media regardless of frontiers". This quote from the Bible of Human Rights must serve as a compass for nations in their journey towards freedom of speech.

This wide-spread notion has long been exhausted during the most recent post-cold-war history of the region. For some, this has just been routine mantra repeated during political campaigns. For others, Armenia being among them, they are vital and life-sustaining. And therefore, Ladies and Gentlemen, It is my pleasure and honor to be here and share with you the story of Armenia's two- decade path towards ensuring Media Freedom.

More than twenty years ago Armenia made a choice of building modern and democratic state. There could be no doubt that the freedom of expression and the media is an essential pillar for any democracy. Since independence we, the government and the civil society, made great efforts to ensure the freedom of speech.

The law "On the press and other means of mass media" was among the first laws adopted by the Parliament of independent Armenia, back in October 1991. Ever since, substantial legislation has been adopted in order to protect freedom of media. The 1991 law "was repealed following the adoption in 2003 of the Law "On mass information". Article 4 of this Law provides for a system of guarantees for ensuring the right to freedom of speech in the field of dissemination of information. They are as follows:

- (a) Entities engaged in dissemination of information and journalists operate freely based on the principle of equal protection under the law, lawfulness, freedom of speech (expression), and plurality;
- (b) Journalists, during their professional activities, as persons discharging public duty, shall be protected by the legislation of the Republic of Armenia;
- (c) Media are issued and distributed without preliminary or current State registration, licensing, declaration in state or other bodies or notice to any body.

Law of the Republic of Armenia "On television and radio" adopted in 2000 which is closely related to the freedom of information, stipulates that the right to free selection, production and broadcasting of television and radio programs shall be ensured in the Republic of Armenia, and censorship of television and radio programs shall be prohibited.

Also related to that, the Law “On Regulations of the National Commission on Television and Radio” adopted in 2001 stipulates that the National Commission for Television and Radio shall be an independent regulatory body the objective of which shall be to ensure freedom, independence and diversity of broadcast media, as well as to license and supervise activities of television and radio companies in accordance with the legislation.

Constitutional amendments of 2005 enabled the widest possible incorporation of the provisions laid down in Article 19 of the International Covenant on Civil and Political Rights into the legislation of Armenia. Particularly, Article 27 of the Constitution reads, “Everyone shall have the right to freely express his or her opinion. No one may be forced to renounce his or her opinion or to change it. Everyone shall have the right to freedom of speech, including the freedom to seek, receive and impart information and ideas through any media and regardless of state frontiers. Freedom of media and other means of information shall be guaranteed”. Also, “The state shall guarantee the existence and functioning of an independent public radio and television offering a variety of informational, educational, cultural and entertainment programs.”

As a result of the constitutional amendments of 2005, Constitution of the Republic of Armenia was supplemented with Article 83.2 which outlines that, for ensuring freedom, independence and diversity of broadcasting media, an independent regulatory body shall be established by law, half of the members of which shall be elected by the National Assembly, and the other half shall be appointed by the President of the Republic.

For bringing the existing legislation in line with the Constitution, the National Assembly adopted laws “On television and radio” and “On amendments and supplements to the Regulations of the National Commission on Television and Radio”. Unlike the previous law, when members of the Commission were appointed solely by the President of the Republic, it was specified that four members of the Commission shall be elected by the Parliament, and the other four members, as I have mentioned above, shall be appointed by the President.

Although the national minorities make only 2 percent of the population of Armenia, their media rights, so to say, are guaranteed by the legislation. In 2008, the Law “On television and radio” was amended with a new point according to which public television should provide airtime for broadcasting of special program services and programs in the languages of the national minorities of Armenia.

In recent years Armenian authorities, in cooperation with international and local partners, initiated new actions in order to strengthen the system of protection of media freedom. In this regard very important move was the decriminalization of libel in 2010 by the Armenian parliament to eliminate criminal prosecution as means for alleged libel charges. Although after that civil libel cases started to grow, in November 2011 the Constitutional Court ruled that media outlets cannot be held liable for “critical assessment of facts” and “evaluation judgments,” and that courts should avoid imposing hefty fines on media outlets, suggesting an apology or other nonmaterial compensation as an alternative. As a result, the number of defamation cases dropped sharply in 2012, with 16 complaints submitted to the courts, compared with 36 in 2011.

The Committee to Protect Freedom of Expression (CPFE), a local NGO, observed a decline in violence against journalists, with only four incidents in 2012.

Every year, the Freedom of Information Center of Armenia (FOICA) awards prizes to government agencies for having the most informative websites and quickest responses to information requests. Those awards serve as a stimulus for the Government agencies to work more transparently, to widen and deepen cooperation with the media.

In Armenia’s media landscape, television has a leading role and almost several dozens stations operate across the country. In September 2012, the television station A1+, which was off the air since 2002, reached an agreement with Armnews TV to broadcast a daily news program on its channel.

In our country print media are diverse, mainly privately owned and available both in capital Yerevan and regions, almost all of them have websites, updated literally round-a-clock.

The development of Internet and innovative technologies has become one of the strategic priorities of the Armenian government. The issue of accessibility of Internet in Armenia is regulated by the Law “On Electronic Communications”, the main objective of which is “to promote the development of electronic communications in the territory of the Republic of Armenia, to ensure fair and open competition in the provision of electronic communications, and to protect the interests of the users of electronic communication services, operators and providers under an open market economy”.

The online community is growing so rapidly that almost every month a brand new news website is being created and this happens in a post election period. The Internet is becoming an increasingly reliable platform for independent information and diverse opinions. Following the trend, traditional media increasingly makes use of online social platforms and blogs. The Internet penetration rate has been expanding and was over 60 percent in 2012, cost of internet access continued to decrease in Armenia due to higher market competition. Armenia has over 340,000 active Facebook users, a threefold growth over two years.

Media has a unique role, responsibility and means in building security and cooperation especially among the estranged nations. We have witnessed positive examples in post-war Europe, but also the inhumane and bloody “mission” of Radio Rwanda, then nicknamed Radio Machete. Eliminating similar practices that manipulate Media as a tool to spark hatred should be a common goal and endeavor.

As a responsible member of the international community and seeking to address the challenges of 21st century, Armenia is yet the only country in the region, which not only cheered, but also signed and ratified Additional Protocol to the Convention on Cybercrime in order to root out any manifestation of xenophobic and racist propaganda through the internet, including the online mass media and the social networks.

Unfortunately, we have examples in our region, where, the media, which according to international human rights organizations, is overwhelmingly under state control, speaking in the language of the Protocol is distributing, or otherwise making available, racist and xenophobic material to the public through the online mass media.

2012-2013 were years of national elections in Armenia: we passed the circle of Parliamentary, Presidential and also Municipal elections. And it is my particular pleasure to mention, that according to OSCE/ODIHR and local observation missions the media coverage of electoral campaigns was balanced, all candidates had full access to all possible media outlets.

Armenia’s substantial progress is noted also by international non-governmental organizations. According to Freedom House report on Freedom of the Press Armenia's score in 2012 was 61 compared to 68 in 2008.

In Press Freedom Index published by Reporters without Borders, in 2008 Armenia’s rank was 102; last year in 2012 we ranked 74th, best for the past decade and significantly higher than neighboring Georgia (100th), Azerbaijan (156th), Turkey (154th) or Iran (174th). Armenia is grouped with countries which according to report “ ... enjoy broad media pluralism and a low level of state censorship”.

We highly appreciate the contribution of the OSCE institutions and particularly the Office of OSCE Representative on Freedom of the Media in our achievements. Suffice it to state that the ruling of Constitutional Court on administrative fines made excessive references to the opinion of the Representative on freedom of Media alongside with the Council of Europe and other human rights institutions.

In conclusion, I would like to note that since independence, Armenia passed important milestones but we still have a road to travel. We are confident, that with our determination and with assistance and support of local and international partners, we surely can further elevate press freedom in Armenia.