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EXTRACT FROM THE OPINION OF MEDIA ETHICS OBSERVATORY ON COMPLAINT BY GEVORG HAYRAPETYAN AGAINST SHAMSHYAN.COM

PIECE “THE POLICE OF APARAN FOUND THE 20-YEAR-OLD WOMAN, WHOSE FELLOW VILLAGERS THOUGHT SHE HAD BEEN DRAGGED AWAY BY A BEAR”

Gevorg Hayrapetyan filed a complaint to Media Ethics Observatory against the piece “The Police of Aparan found the 20-year-old woman, whose fellow villagers thought she had been dragged away by a bear. PHOTO STORY, VIDEO” published on Shamshyan.com on September 29, 2016.

Since this piece concerns a particular person, who did not appeal to Media Ethics Observatory personally and did not delegate anyone to do that on his/her behalf, MEO limited itself to releasing an opinion.

A. Facts

1. The piece that became the subject of complaint reported that the police officers of Aparan Department of RA Police had found in Yerevan a 20-year-old H.Y., resident of one of the regions of Armenia (her full name, as well as her place of residence were used in the piece), who had disappeared from her house: according to her fellow villagers, “she had been dragged away by a bear”.
2. The piece was accompanied by the photocopy of the young woman’s letter which she had left when abandoning the house. The letter contained personal data, as well as described the situation and the problems she had faced, mentioning also her child.

B. Legislative and Ethical Norms

1. Article 7 (“Restrictions to the Right to Freedom of Speech in the Sphere of Communication”) of the RA Law “On Mass Communication”: “It is prohibited to disseminate information obtained through video and audio recording conducted without notifying the person on the fact, or recording, when the person expected to be out of sight or earshot of the implementer of video and audio recording and has taken sufficient measures to ensure it, with the exception of cases, when such measures

were obviously not sufficient " (p. 2); "The dissemination of information related to one's personal or family life as well as those mentioned in the second part of this Article is allowed if it is necessary for the protection of public interest" (p. 3).

2. Principle 4 ("Respect for Privacy and Other Human Rights") of the Code of Ethics of Armenian Media and Journalists: "To respect and protect the human right to private life, including respect to personal and family life, residence, property, health condition, correspondence. Only public interest or protection thereof can justify publication of information regarding the privacy of high rank officials, public figures, and individuals aspiring to power or public attention" (p. 4.1); "In case of a conflict between the freedom of expression and other fundamental human rights, the media independently decides what to give preference to, and bears responsibility for its decision" (p. 4.2).

C. Opinion

1. Since the heroine of the piece is not a public or well-known figure, MEO considers that the publication of her identifying data (name, surname, place of residence, etc.) as well as the photocopy of her letter cannot be justified by any public interest.
2. The piece runs contrary to the point 4.1 of the Code of Ethics of Armenian Media and Journalists, thus violating the human right to private life.
3. MEO is concerned that it is not the first time that operative information of the investigating authorities becomes available to the media.
4. MEO calls on the management of Shamshyan.com to remove the identifying data and the photocopy of the woman's letter from the piece; to be delicate with the coverage of such topics in the future and be guided by the Armenian legislation and common ethical principles.
5. MEO urges not to limit oneself to simply removing the content but to explain the audience what was removed and why.
6. The fact that Armenian online media publish a content running contrary to the ethical principles and then remove it after some time at the suggestion of MEO or for other reasons is not a satisfactory solution to the problem for MEO: media and journalists should refrain from disseminating data containing interference in one's private life, unless there is clear public need for that.

***Adopted at the MEO session of October 14, 2016
In the following composition:***

Gegham BAGHDASARIAN, Chief Editor of "Analyticon" journal

Ara GHAZARIAN, Lawyer

Mesrop HARUTYUNIAN, Media Expert

Mesrop MOVSESIAN, Director of "A1+" TV company

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Media Ethics Observatory was established by the media, joining the self-regulation initiative, which make 43 as of today. In its judgments MEO is guided by Code of Ethics of Armenian Media and Journalists, adopted at the self-regulation body's meeting on March 10, 2007, and revised on May 16, 2015.