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**EXPERT OPINION OF
MEDIA ETHICS OBSERVATORY
REGARDING THE APPEAL OF
THE COMMISSION ON TELEVISION AND RADIO
ON THE NOVEMBER 20, 2020 REPORT OF
“ARMNEWS” TV COMPANY
(Amended and Edited)**

On November 24, 2020, the Commission on Television and Radio applied to Media Ethics Observatory with regard to an [episode](#) (starting from the 33rd minute) aired on “ArmNews” TV on November 20, 2020, from 15:00-16:00.

A. FACTS

1. "ArmNews" TV company, joined the Media Self-Regulation Initiative on October 28, 2020, signing the Code of Ethics of Armenian Media and Journalists.
2. On November 20, 2020, “ArmNews” TV livestreamed a protest, during which the author of the reportage on her behalf used the following and other expressions of this kind - "traitor Nikol Pashinyan", "Nikol Pashinyan's provocateurs", "you will all answer", "all these people are provocateurs", "all of them are deserters", "ugly trash", "these people keep swearing at the mothers that lost their sons", "these people continue to provoke divisions between Armenians from Artsakh and Armenia and clashes", "instead of jabbering, think about the salvation of the homeland, did you get it?"
3. On November 24, 2020, the Commission on Television and Radio applied to MEO, claiming that the above-mentioned report violated the provisions of Article 5 of the Code of Ethics of Armenian Media and Journalists, asking to release an expert opinion in this regard.
4. On December 11-22, 2020, MEO held online discussions.
5. On January 27, 2021, MEO received the response of "ArmNews" TV on the published opinion. They clarified that no reporter or employee of the TV

company was present on Saryan Street, at the scene where the contested video was filmed, which was justified by the limited capacities of the TV company and the simultaneous and rapid development of events.

The TV company informs that the protest action was covered by the journalist of "Veto" movement. And "Armnews" broadcasted the latter's livestream, as they put it, "not having the opportunity to first assess the journalist's mental state, to predict that the journalist would allow herself to use the expressions currently under discussion, as well as to attribute them to the given journalist". The answer makes reference to the opinion of MEO, in which the logo of "Veto" movement is available from 1:02:00 in the piece with the same link.

Thus, the TV company representatives believe that "the conclusions reflected in the opinion regarding the violation of ethical norms in the actions of "ArmNews" TV and its correspondent (...) are subject to change".

"At the same time, we consider fully acceptable the call of Media Ethics Observatory regarding the live coverage of such events. We take all possible measures to ensure the live broadcast in such scenarios through our own correspondents, in strict compliance with ethical norms", the letter reads.

B. LEGISLATIVE AND ETHICAL NORMS

I. RA Civil Code

In the context of this Code, an insult is deemed to be a public expression made by means of speech, picture, voice, sign or by any other form with the intention to abuse the honor, dignity or business reputation.

In the context of this Code, a public expression in the given situation and by its content may not be deemed to be an insult if it is based on accurate facts (except of natural flaws) or is justified by an overriding public interest.

II. Code of Ethics of Armenian Media and Journalists

1. Accuracy and Impartiality

This principle entails the following obligations for editors and journalists:

1.3. To clearly distinguish facts and information from opinion, comment and analysis.

5. Respect for Representatives of Different Groups and for Universal Values

This principle entails the following obligations for editors and journalists:

5.1. To avoid prejudice against people on the ground of their race, sex, age, religion, nationality, geographic origin, sexual orientation, physical handicap, external look or social status;

5.2. Not to promote in any way ethnic or religious hatred and intolerance, or any discrimination on political, social, sexual, and language grounds, exclude hate speech.

6. Integrity in Relations with the Public

This principle entails the following obligations for editors and journalists:

6.1. To encourage free exchange of opinions, regardless of any differences between those opinions and the editorial views;

6.3. To admit mistakes and to be ready to correct them;

6.4. To encourage the public to express critical opinions about media and to be ready for a public discourse on matters of journalistic ethics.

III. MEO Guidelines on Exclusion of Manifestations of Discrimination and Ensuring Tolerance in the Media

RECOMMENDATIONS

A. On Collecting Facts, Interacting with Sources of Information And Conducting Interviews

1. If people have different political, religious views, different skin color, different sexual orientation or social status, it does not mean that they are better or worse than us. They are simply different from us, hence journalists and the media should also be guided by the universal ethics when interacting with their communities, organizations, associations, and covering events related to them.

4. When collecting materials, it is important to consider all possible biases. Remember that the opinion of one group about another group is mostly based not on facts, but on prejudices, bias and stereotypes.

B. On Preparing or Publishing Materials

5. Avoid using epithets, assessments, stereotypes.

C. EXPERT OPINION

Media Ethics Observatory

Appreciating

- The precedent of Commission on Television and Radio applying to Media Ethics Observatory for professional opinion in a case when, according to the Commission, there are no obvious violations of the RA Laws "On Licensing" and "On Audiovisual Media" in the TV piece in question, and consequently there are no grounds to subject the TV company to liability, but its content is a cause for concern and implies a certain public response;

Reaffirming that

- Everyone has the right to express their opinion freely, however, reminds that journalists and media can express their opinions in editorial, analytical, commentary pieces;

Considering that

- The use of one's own opinion and evaluative judgments, epithets,

descriptions, assessments in the news, reports contradicts the principle of objectivity and impartiality, as well as the principle of distinction of facts and opinions;

States that

- The TV company, broadcasting the expressions "traitor Nikol Pashinyan", "Nikol Pashinyan's provocateurs", "all of you will answer", "all these people are provocateurs", "all of them are deserters", "ugly trash" and others of this kind uttered by the journalist in livestream, obviously deviated from the principle of preparing an impartial report. Afterwards she presented her own opinion as a fact, saying "these people continue to swear at the mothers that lost their sons", "these people continue to provoke divisions between Armenians from Artsakh and Armenia and clashes", etc.

- The TV company is responsible for the whole content of its air, regardless of who creates that content and when, whether it is their own correspondent or a representative of another organization, during a live broadcast or in a footage.

- In such a case, the media can be protected if it has taken measures to exclude or prevent the violation of certain rules during the live broadcast. It did not occur, and the responsibility falls entirely on the TV, for any media that respects ethical principles, seeing that the journalist on air was in an obvious emotional state and did not control her own feelings, should have immediately interrupted the live broadcast, recalled the latter and sent another journalistic crew to the scene.

- Before entrusting a live broadcast to a representative of another organization, the TV company must oblige the latter to abide by the ethical and other commitments undertaken by the TV company voluntarily, or at least not to contradict them. The TV company must first orally introduce to the representative of another organization his/her responsibility during a live broadcast, if no cooperation agreement has been signed in advance between that organization and the TV company with clear provisions on conduct on air. This is particularly important when providing emergency coverage.

- If during the live broadcast of a TV channel another organization provides coverage and comments, then during the whole broadcast it is necessary to clearly mention that with captioning, and not only a few hours later when publishing the same video. If the representative of another organization breaches the media values of the TV company in a live broadcast, the TV should interrupt the livestream and immediately explain to its audience (with a captioning or orally) why it happened. According to the ECHR, the journalist should be even more careful during live broadcast, since in that case it is impossible to correct the mistakes anymore, i.e. in that case the journalist is less protected by the right to free expression than in cases when no live broadcast is carried out.

- During the report, the journalist, using the expression "instead of jabbering, think about the salvation of the homeland, did you get it?" and other similar ones, and entering into an unnecessary verbal skirmish with the participants of the events, ignores her function of neutral coverage.

MEO Underlines that

- The TV company is also responsible for this report, as any media that respects ethical principles, seeing that its own correspondent is in an obvious emotional state, does not control his/her own feelings, should immediately

interrupt the live broadcast, recall the latter, and send another journalistic crew to the scene;

Urges

- All the media, and especially broadcasters to be more vigilant when covering the events of recent days, especially during livestreams, not to broadcast expressions that contain obvious violations of professional ethics and do not contribute to the formation of an atmosphere of tolerance in society.

***Adopted at the MEO session of February 5, 2021
In the following composition:***

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Media Ethics Observatory was established by the media, joining the self-regulation initiative, which make 61 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