



ՀԱՅԱՍՏԱՆԻ ԶԱՆԳՎԱԾՍՆԻԿ ԵՎ ԵՐԱՊԵՏՈՒԹՅԱՆ ՄԻԳՐԱՆՏԵՐԻ ԷԹԻԿԱՆԻ
ԳԻՏՈՐԳ ՄԱՐՄԻՆ

9B, Ghazar Parpetsi str.
0002 Yerevan, Republic of Armenia
Tel.: +374 10 53 00 67; 53 35 41; 53 76 62
Fax: +374 10 53 56 61
E-mail: meo@ypc.am

MEO Composition:

Davit ALAVERDYAN
Narineh AVETISYAN
Ruben BABAYAN
Shushan DOYDOYAN
Ara GHAZARYAN
Karineh HARUTYUNYAN
Mesrop HARUTYUNYAN
Ashot MELIKYAN
Gnel NALBANDYAN
Boris NAVASARDIAN
Nouneh SARKISSIAN
Anzhela STEPANYAN
Ara SHIRINYAN
Gegham VARDANYAN

**EXPERT OPINION OF MEDIA ETHICS OBSERVATORY
ON THE COMPLAINT BY
THE PUBLIC TELEVISION OF ARMENIA
REGARDING THE MAY 31, 2021 STATEMENT OF
THE RA HUMAN RIGHTS DEFENDER ARMAN TATOYAN**

A. FACTS

On May 30, 2021, the Public Television of Armenia broadcast the "Legal and Political Component of the Issue of the Armenian-Azerbaijani Enclaves" report within "Sunday News" program, where the current legal and political situation with the enclaves that existed in the two countries during the Soviet Union was presented.

The next day following the broadcast of the report the RA Human Rights Defender Arman Tatoyan issued a [statement](#) in which he strongly condemned the "highlights of the report."

The Human Rights Defender believes that without taking into account the historical facts of the Soviet years, the report presents Tigranashen and several other villages as "Azerbaijani enclaves", which, in his opinion, in the difficult situation in the country contradicts the rights of the RA border residents and contributes to the disruption of their and Armenia's border security. The Human Rights Defender has considered it as "vividly unprofessional, mechanical approaches and obviously wrong formulations". The Ombudsman demands from the TV company "to be guided exclusively by professional approaches when preparing pieces related to the rights of the border residents of the Republic of Armenia".

On June 2, 2021, the Council of Public Broadcaster in its turn issued a [statement](#) on its website, claiming that the Human Rights Defender had exceeded his authority, and that the latter's statement was an obvious interference in the media's activities.

In order to receive an unbiased professional opinion on the report and to present it to the public, the Council urged the Public Television to apply to Media Ethics Observatory.

On June 3, 2021, the Human Rights Defender issued a [second statement](#) in

which he posed a number of questions to the Public Television, arguing that the "obvious distortions of historical facts in the report are highly reprehensible, vividly unprofessional approaches with no lessons learned from history that blatantly disregard the rights of border residents and their security. It is these approaches that for decades have deprived us of the legal basis to protect the rights and interests of the RA citizens, putting in jeopardy the security of the RA borders".

Providing relevant references, the Human Rights Defender substantiates the need for this second statement by the fact that according to their research, a lot of Azerbaijani media made the report in question public, "recording that in Armenia they admit at state level that the mentioned villages belong to Azerbaijan".

After this statement, on June 11, 2021, Media Ethics Observatory received the appeal of the Public Television of Armenia in connection with the May 31, 2021 statement of Arman Tatoyan. The TV company asked to provide a professional opinion on the substantiation of the statement of the Human Rights Defender and to record the fact of interference in the activities of the media.

On June 15, 2021, MEO held an online discussion on this issue. In accordance with subpoint 3.5 (A member of MEO who has a personal interest or conflict of interest in any issue discussed at MEO is obliged to notify about it the MEO Coordinator before the discussion, refusing to participate in the meeting) of point 3 (Procedure of making decisions by vote in the Media Ethics Observatory) of the MEO Regulations, Ara Shirinyan, Chairman of the Council of Public Television and Radio Company of Armenia, did not take part in the discussion.

It is noteworthy that recently sometimes very sharp contradictions have been registered between these two structures. In particular, this was manifested by the critical speech of the Human Rights Defender on the Public Television in the RA National Assembly, and then the interview with the latter in a style of a heated debate on Public TV, which became an undesirable background and context for deepening the origins of the current appeal.

While,

- considering that the Human Rights Defender and the Public Television have a complementary mission, their activities will be more effective in the conditions of cooperation;
- without pretending at all to judge on whose initiative the above-mentioned contradictions arose and were further generated;
- following the [MEO Regulations](#) provision 4.10 amended on May 15, 2021 ("MEO examines the information disputes with the participation of those officially engaged in the field of information, releases a statement or prepares and publishes an expert opinion, if necessary");

MEO found it expedient to develop an Expert Opinion on this issue, since the latter may have its impact on the media, and in particular, on the ethical component of the Public Broadcaster's activities.

B. ETHICAL NORMS

I. Code of Ethics of Armenian Media and Journalists

4.2. 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;

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

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.

II. MEO Regulations

4.10. MEO examines the information disputes with the participation of those officially engaged in the field of information, releases a statement or prepares and publishes an expert opinion, if necessary.

C. EXPERT OPINION

Media Ethics Observatory

taking into consideration and appreciating the fact that

- the Public Television does not avoid listening to and accepting criticism from the public and the professional community, is willing to engage in a dialogue with the public on issues of journalistic ethics, as well as the fact that the media is thus responsible for its decision to make a choice in the face of contradictions between freedom of speech and other fundamental human rights;

- the precedent of applying to Media Ethics Observatory and discussing the appeal for a professional opinion on the information dispute with the participation of the Public Television and another entity operating in the field of information;

- consistent and productive work of the Office of the Human Rights Defender to promote freedom of speech and pluralism in Armenia;

states:

1. Although the Ombudsman is primarily concerned with the facts and terms used in the report in question, Media Ethics Observatory reserves itself the right to address more ethical issues within its remit, including the cases when in the face of a possible conflict among the right to freedom of expression and the right of people to be informed and other fundamental human rights, the media shall make its own decision and assume the resulting responsibility.

2. The Human Rights Defender has every reason to express his position and attitude towards the activities of the Public Broadcaster, based on his mission, the fact that the criticized TV Company is a public institution, and is within the scope of the Human Rights Defender's observations. Thus, the Ombudsman has expressed his legitimate concern not only about the damage already

caused, but also about the possible damage.

3. On the other hand, the Public Television has the right to implement an independent editorial policy, which assumes addressing all vital, topical issues of public concern, taking into account, however, the psychological and emotional state of the audience.

4. Both the Public Television and the Human Rights Defender are public institutions and have a certain social responsibility, each within the frames of its missions and authorities. The enhancement of the role of the two, the strengthening of democratic principles in the country and the protection of human rights depend on the effective cooperation of these structures.

5. The media are meant to address and cover any current topic and issue, especially the most acute and the most alarming ones.

6. At the same time, especially in the issues related to security and other sensitive matters of public life the media should to the possible extent avoid becoming a propaganda tool of any party - the government, the opposition or any other entity.

7. The highlights of the report in question, the terms used and the messages could be perceived as a reflection of the hidden policy of the RA Government, and the statements of the RA Ombudsman contributed perforce to that perception. However, the public dissemination of such assumptions by the Human Rights Defender without evidence is problematic and contains risks from the point of view of adequate public awareness on the topic.

Summing up its Expert Opinion on the appeal, MEO

considers that:

- The Ombudsman had grounds to pay special attention to the Public Television May 30, 2021 report and disagree with the information contained therein on the terms used. In particular, given the moral and psychological atmosphere created in the country after the 44-day war, as well as the current situation on the borders of Armenia, the expressions "Azerbaijani enclave" and some other nuances related to the presentation of the material could be a cause for concern.

- At the same time, the Ombudsman's assessments of not covering the topic comprehensively and in sufficient depth can be perceived as an interference in the media editorial policy. The Public TV presented the problem as much as possible in one report. It is reasonable to expect that the TV Company may address other aspects of the issue in the future, developing the topic and presenting the problem from different angles.

- The somewhat sharpened contradictions between the two highly important structures, which may have arisen from the lack of mutual understanding described above, do not contribute to mitigating or resolving complex issues in public life, while their close cooperation is especially vital amid the situation in the country. Therefore, based on the status and mission of these structures, the controversies between the Human Rights Defender and the Public Television should not be of such a principled nature that there is a need for a sharp public debate.

- For the sake of efficiency, in general, and in the case of a dispute that resulted in the development of this particular opinion, in particular, the issues between the two key public institutions, their heads and representatives, could have been resolved in a partnership atmosphere.

MEO urges

the Ombudsman's Office and the Public Television to agree on a consultative format to discuss issues of common interest and develop common approaches. It will greatly contribute to the protection of human rights in Armenia, as well as to the provision of comprehensive, balanced information to the public.

Adopted on July 12, 2021

by the following MEO composition:

Davit ALAVERDYAN, Chief Editor of “Mediamax” news agency

Ruben BABAYAN, Director of Yerevan State Puppet Theater after Hovhannes
Toumanyantse

Shushan DOYDOYAN, President of Freedom of Information Center

Karineh HARUTYUNYAN, Executive Director of Gyumri “GALA” TV Company

Ara GHAZARYAN, Lawyer

Ashot MELIKYAN, Chairman of Committee to Protect Freedom of Expression

Gnel NALBANDYAN, Chief Editor of “Zham” news program of “Armenia” TV
company, Chief Editor of “Newmag” magazine

Boris NAVASARDIAN, President of Yerevan Press Club

Nouneh SARKISSIAN, Managing Director of Media Initiatives Center

Anzhela STEPANYAN, Editor of Armavir “Alt” TV company

Gegham VARDANYAN, Producer at Media.am

[Media Ethics Observatory](#) was established by the media, joining the self-regulation initiative, which make 69 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