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MEDIA ETHICS OBSERVATORY

EXPERT OPINION

**ON THE MARCH 18, 2022 ISSUE OF “A-TV” TV COMPANY
“AJAR WINDOWS” PROGRAM**

Applicant: Gevorg Mkrtchyan

A. FACTS

1. On March 22, 2022, Media Ethics Observatory received citizen Gevorg Mkrtchyan's complaint regarding the March 18, 2022 issue of “Ajar Windows” program of “A-TV” TV Company.
2. The disputed piece is available at the following link:
<https://www.youtube.com/watch?v=sxX48H4ztXw&t=1738s>.
3. In his complaint, the applicant particularly noted: *“This program went on air without taking my opinion into account and ensuring my right to be heard, hence false information was disseminated during the program, my good reputation was tarnished. Added to that, a violation of the fundamental rights of my son of pre-military age occurred...”*
4. On March 28, 2022, MEO informed Ruben Muradyan, Media Ombudsman of “A-TV” TV Company, about the complaint, requesting to submit his position regarding the aforementioned complaint to MEO.
5. On April 7, 2022, MEO wrote a letter to Gevorg Mkrtchyan, informing the following: *“Based on the MEO Regulations, we forwarded your complaint to Media Ombudsman Ruben Muradyan, who is responsible for overseeing the compliance with the Code of Ethics of “A-TV” TV Company. In order to examine the issue, Mr. Muradyan requested your contact information to discuss the specifics of the complaint with you. You can reach out to Mr. Muradyan via writing or phone.”*
6. On April 7, April 11 and May 4, 2022, MEO sent reminders to “A-TV” Media Ombudsman requesting updates on the examination of the complaint against the March 18, 2022 issue of “Ajar Windows” program.

7. On April 11, 2022, MEO received a letter from “A-TV” Media Ombudsman where he informed about a phone conversation with complainant Gevorg Mkrtchyan held on the same day, during which he invited him to the TV Company to discuss his complaint. In his letter, the Ombudsman mentioned that Gevorg Mkrtchyan had demanded reimbursement for his travel expenses and the time he would spend at the meeting. The Ombudsman further clarified the following: *“A-TV” TV Company has no intention of reimbursing these expenses. Nevertheless, regardless of everything, I reiterate my readiness to meet him.*”
8. On April 11, 2022, MEO sent a letter to “A-TV” Media Ombudsman Ruben Muradyan, stating that if the complainant was reluctant to collaborate or was putting forward unacceptable demands, the media self-regulatory body could simply address the core issue of the complaint and provide its written judgment.
9. On May 5, 2022, MEO received Ruben Muradyan’s letter, where he wrote: *“During the phone call on April 8, I offered Mr. Mkrtchyan to meet to discuss his complaint. Mr. Mkrtchyan said that he was ready to meet solely if his travel expenses and the time spent were reimbursed. Upon learning that there would be no reimbursement, Mr. Mkrtchyan resorted to threats and declined the meeting. In his letter, Mr. Mkrtchyan is requesting a legal assessment of the actions of “A-TV”. I don’t have the authority to provide such an assessment.*”
10. On May 8, 2022, MEO sent a letter to Media Ombudsman Ruben Muradyan, requesting to answer the following question: *“Have you been able to obtain information from the crew of “Ajar Windows” on whether they made any effort to reach out to the complainant, to also invite him to the program and learn his viewpoint on the discussed topic?”*
11. On May 10, 2022, Ruben Muradyan replied to MEO that *“during the preparation phase of the program in question, Tsaghik Amirkhanyan, while sharing her story, did not tell the journalist about her ex-husband, their two children, and the reasons for their divorce. During the studio filming, Tsaghik’s mother started telling the journalist about her former son-in-law and children. Upon hearing this, the experts participating in the program, asked our participant several questions to understand the reasons. And since the program was being prepared in order to raise Tsaghik’s current problems, that particular topic was not extensively discussed.”* The Media Ombudsman also noted in his letter that *“Gevorg Mkrtchyan wrote online messages to all the specialists who participated in the program, presenting his own perspective. The invited specialists advised him to appear in a follow-up program and share his viewpoint on air, but Gevorg Mkrtchyan refused. Subsequently, on March 23 or 24, he called the editorial office, where he was offered a reply opportunity during one of the upcoming issues of “Ajar Windows” program. Mr. Mkrtchyan declined this opportunity as well.*
I reiterate my readiness to meet G. Mkrtchyan and discuss the issues that bother him.
I reiterate the readiness of “A-TV” TV Company and “Ajar

Windows” program to grant G. Mkrtchyan the right of reply.”

12. On May 11, 2022, MEO started the online discussion of Gevorg Mkrtchyan's complaint.
13. “A-TV” Media Ombudsman Ruben Muradyan participated in the May 11, 2022 online session and presented his position, reiterating the readiness to meet complainant Gevorg Mkrtchyan and grant him the right to reply in one of the upcoming episodes of “Ajar Windows” program.
14. On May 17, 2022, MEO sent a letter to Gevorg Mkrtchyan, seeking clarification on a part of his complaint that read: “...*Please give a legal assessment of the actions of “A-TV” TV Company.*” On the same day, Gevorg Mkrtchyan replied, saying: “*Under legal assessment, I mean ethical assessment.*”

B. LEGISLATIVE AND ETHICAL NORMS

I. RA Law “On Mass Communication”

Article 8. Right to refutation and response

1. A person has the right to demand from a media practitioner a refutation of factual inaccuracies that are present in the information they disseminate and violate his/her rights. This right is applicable if the latter fails to substantiate the veracity of the facts.

II. Code of Ethics of Armenian Media and Journalists

4.1. 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.

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.

4.3. To be especially tactful when the sources of information or the heroes of publications are children or minors. Be careful when disclosing the identity of juvenile detainees, defendants, convicts and victims of sexual crimes.

6.2. To be ready to meet with persons or representatives of organizations who feel offended or defamed by a certain publication, and provide an opportunity of response for all those against who criticism and accusations have been made in the publications.

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

C. EXPERT OPINION

Media Ethics Observatory

- **welcoming** the readiness of “A-TV” Media Ombudsman Ruben Muradyan to cooperate with MEO and provide additional

information regarding this complaint;

- **After reviewing and discussing** the content of the complaint and the March 18, 2022 issue of “Ajar Windows” program, as well as the circumstances related to the attempts to resolve the dispute directly between the TV Company and applicant Gevorg Mkrtchyan;

states:

- the disputed program has been found to be in violation of Article 4.1. of the Code of Ethics of Armenian Media and Journalists, adopted by the participants of the media self-regulation initiative;
- during the program, in particular, details of Gevorg Mkrtchyan's personal life were discussed, without his involvement and knowledge;
- moreover, there are no circumstances that could justify the discussion of these details on the grounds of public interest or the protection thereof. Specifically, the program discussed Gevorg Mkrtchyan’s alleged conviction for a criminal offense and the misdeeds he committed in his previous family;
- the authors and participants of the program engaged in a discussion of the mentioned topics without making any efforts to verify the information discrediting Gevorg Mkrtchyan;
- apart from Gevorg Mkrtchyan himself, the program addressed sensitive details of the private life of his eldest son, who was of pre-military service age (again, without his knowledge and involvement). It is important to highlight that these details may affect the future soldier’s relationships with his fellow servicemen;
- despite the fact that the discussion of the details of Gevorg Mkrtchyan's personal life was unexpected and took the authors of “Ajar Windows” program by surprise, it does not eliminate the violation of Article 4.1. of the above-mentioned Code, since during the program, the host and the filming crew failed to take any action to stop the interference in the private life of an absent individual;
- furthermore, the program was aired in a pre-recorded mode and could have undergone the necessary editing to avoid publicizing the instances of the private life of Gevorg Mkrtchyan and his eldest son without their knowledge;
- although it was not mentioned in Mkrtchyan's complaint, addressing the topic of the younger children of Gevorg Mkrtchyan's ex-wife deserves a separate assessment. The publication of a number of details concerning these two minors allows us to point out the lack of appropriate tact, which is underscored in Article 4.3. of the Code of Ethics of Armenian Media and Journalists, adopted by the participants of the media self-regulation initiative.

At the same time

- MEO highly appreciates the efforts of the Media Ombudsman of the TV Company for giving Gevorg Mkrtchyan a chance to comment on the program, which intruded his private life without his

knowledge.

MEO also calls on Gevorg Mkrtchyan:

- to collaborate with “A-TV” to resolve their dispute through the provision of the right of reply, stipulated by the RA legislation and the universal norms of professional media ethics, including Articles 6.2. and 6.3. of the Code of Ethics of Armenian Media and Journalists.

Since “A-TV” is not a member of the self-regulation initiative, it does not bear responsibility before MEO as outlined in Article 4.2. of the aforementioned Code and is not obligated to publish this Expert Opinion.

Nevertheless, Media Ethics Observatory calls on the media that has received the complaint to disseminate this opinion, thereby promoting the adherence to the principles of responsible journalism.

Adopted on May 11, 2022 by the following MEO composition:

Narineh AVETISYAN, Executive Director of Vanadzor “Lori” TV Company

Ara GHAZARYAN, Lawyer

Ashot MELIKYAN, Chairman of Committee to Protect Freedom of
Expression

Gegham VARDANYAN, Producer at Media.am

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

Gnel NALBANDYAN, Ombudsman of “Armenia” TV Company

Boris NAVASARDIAN, President of Yerevan Press Club

Nouneh SARKISSIAN, Managing Director of Media Initiatives Center

Anzhela STEPANYAN, Editor of Armavir “Alt” TV Company

[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