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EXPERT OPINION OF MEDIA ETHICS OBSERVATORY

Regarding the appeal of “Asparez” Journalists’ Club chair of the board Levon Barseghyan with regards to the Aravot.am October 15, 2023 piece *“You slobs, weren’t you saying that Armenia should not interfere in the affairs of Artsakh?”; “They should get a ringing slap instead of a salary”: a new wave of curses against Artsakh Armenians*”, and within the context of the same incident, Aravot.am’s appeal regarding the October 11 post shared on Levon Barseghyan’s Facebook page

A. FACTS

1. On October 11, 2023, Metakse Hakobyan, Deputy of the Artsakh National Assembly, in an interview to Mediahub.am expressed her view that the RA authorities ought to cover the salaries of Artsakh’s state employees. She argued that the management of funds of the Artsakh state budget is under the control of the RA authorities.
2. On October 15, Aravot.am published an article titled *“You slobs, weren’t you saying that Armenia should not interfere in the affairs of Artsakh?”; “They should get a ringing slap instead of a salary”: a new wave of curses against Artsakh Armenians*”, in which the author compiled the Facebook posts by several public figures, including Levon Barseghyan, concerning Metakse Hakobyan’s statement. The piece also presented screenshots of dozens of comments from these posts, concluding that the posts “sparked a surge of disrespectful and defamatory remarks against Artsakh Armenians.”
3. On October 16, Levon Barseghyan appealed to Media Ethics Observatory, specifically asserting that the expression “Artsakh Armenians” is a broad description. He argued that the Aravot.am publication clearly indicated that the target of Facebook posts and comments were not the Armenians of Artsakh, but rather the deputy or deputies of Artsakh. According to Barseghyan, the media thus manipulated or distorted the incident, by framing the title and content to create the impression that the posts’ authors spoke against all Artsakh Armenians.
4. On October 17, MEO notified Aravot.am about its plan to discuss the appeal soon, and proposed including the perspective of the editorial team to ensure an impartial and comprehensive review.

5. In response, the editorial team of the website presented a number of written objections. In particular, upon analyzing the posts in question made by public figures, the editors concluded that the title “not only reflects the content of the piece, but is a direct citation from the posts of those figures.” Therefore, according to “Aravot”, the complainant’s claims that the title was manipulative or deviated from the content of the piece were groundless.

Referring to the argument in L. Barseghyan's appeal that the expression “Artsakh Armenians” is a broad description and that the target of posts and comments are not the Armenians of Artsakh, but rather the deputy or deputies of Artsakh, “Aravot” cited Article 110 of the Constitution of the Republic of Artsakh, according to which: “The deputy shall represent the whole people” ... implying that people confidently delegate the deputies to act on their behalf and represent them, that is, the Artsakh Armenians. Furthermore, the editorial team specified that public servants and individuals in public roles make up about 70 percent of the Artsakh population, therefore, “the attitudes or assessments expressed towards this 70 percent is reasonably viewed as attitudes or assessments directed at the Artsakh Armenians.”

6. After intermediate discussions between the MEO representatives and the Parties*, Levon Barseghyan submitted an amendment to the appeal on October 21, reasserting his complaint. He highlighted that upon a more comprehensive review of the article he found that the majority of the 44 cited comments were directed at MP Metakse Hakobyan herself, some at Artsakh authorities in general, and a smaller part was unspecified.

** Adhering to the regulations and the conflict-of-interest avoidance principle, L. Barseghyan, as a MEO member, refrained from involvement in the decision-making regarding the appeal. He participated in discussions solely when approached by MEO with inquiries.*

7. On October 26, MEO received the *counter-complaint* of Aravot.am, authorized by Metakse Hakobyan, Deputy of the National Assembly of Artsakh (supported by a power of attorney). The complainant specifically stated that Levon Barseghyan had made a post insulting Metakse Hakobyan on Facebook, and that numerous insults and offensive remarks in the comments remained undeleted. The complainant argued that these actions violate a number of provisions of the [Code of Ethics of Armenian Media and Journalists](#), which require the signatory media to refrain from disseminating content containing discrimination, hostility and intolerance, as well as to moderate comments on social media pages. The complainant underscored that despite Levon Barseghyan's Facebook account being a personal page, and formally not being a media, it could be perceived as such due to extensive following (38,879 followers). Additionally, the complainant highlighted L. Barseghyan’s role as a MEO member, who is involved in the decision-making regarding ethical violations of other journalists and media. Aravot.am asked MEO to assess the alignment of Levon Barseghyan's conduct with the Code and the role of a MEO member.

7. Through verbal clarifications presented by the Parties and overall discussions at the MEO sessions, a mutual readiness to reconcile emerged. Consequently, a decision was made to hold a public debate at Media Initiatives Center, during which the Parties would have the opportunity to present their viewpoints on the issue to each other and to the public, trying to foster a closer alignment of their positions.

8. MEO acknowledged the necessity of developing and adopting

guidelines for the public conduct of its members.

B. LEGISLATIVE AND ETHICAL NORMS

I. RA Constitution, Article 29: Prohibition of Discrimination

Discrimination based on sex, race, skin color, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited.

II. RA Law “On Mass Communication”, Article 3

2) Media - an information product that is disseminated through or without subscription, on a paid basis or free of charge, including:

- media product issued physically, with a circulation of a hundred or more identical copies for each issue, permanent name, edition number and date;
- television and radio broadcasts;
- public, joint telecommunication network (network media) - accessible to an undefined number of persons, as an information storage with permanent address, irrespective of the frequency of updates, the duration of information maintenance or other criteria.

A periodical release by a news agency or any similar organizations directed to the implementers of media activities shall also constitute a media, irrespective of the means of dissemination, the quantity of the issues and any other criteria.

III. Code of Ethics of Armenian Media and Journalists

... editors and journalists are obligated:

1.3. to demonstrate a responsible approach to the dissemination of information taken from social networks or new media, to be sure to mention whether it is verified, reliable, or subject to further verification;

1.5. to rely on accurate facts and trustworthy information when making analysis and comments;

1.6. to ensure that the reports, photo, video and audio materials correspond to the reality, the headlines derive from the content of the material, citations are not used outside of context, and correspondence of the personal data of ordinary citizens with public figures is not abused;

3.5.1. not to disseminate statements or write posts on social networks that may be perceived as manifestations of racial, gender, religious, political or other discrimination. This also refers to posting photos and videos;

3.5.2. if a post on a social network may call into question the professional objectivity or integrity, it is advisable to refrain from publishing it;

3.5.6. to moderate comments on publications on social network pages of media, if possible deleting entries of an openly offensive nature containing hate speech, calls to violence or other actions prohibited by law;

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;

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

IV. October 9, 2023 [Statement](#) of Media Ethics Observatory and Information Disputes Council “On the inadmissibility of discrimination and the spread of hate speech”

“Media Ethics Observatory and Information Disputes Council find the dissemination of texts inciting hatred and promoting discriminatory attitudes against the people of Artsakh as unacceptable. It is equally unacceptable when individuals with varying ideological and political views, including media representatives, disseminate such content about each other through media and social networks. Looking at the issue from a legal perspective, we declare that expressions spreading intolerance, discrimination and hostility (commonly referred to as hate speech) cannot fall under the protection of free speech within the RA legislation or international law.”

V. MEO Regulations

3.5. A MEO member holding personal interests or conflicts of interest regarding any issue discussed within MEO shall notify MEO Coordinator about it prior to the discussion and abstain from participating in that particular session.

4.4. Complaints regarding publications and the potential violation of rights can exclusively be filed with MEO by the specified person, organization, as well as authorized natural or legal representatives directly associated with the matter.

C. MEO EXPERT OPINION

Media Ethics Observatory:

- after discussing the complaints by Levon Barseghyan and Aravot.am, involving oral and written clarifications provided by the parties, while giving them the opportunity to share their views on the issue;
- following an examination of the relevance of the provisions (highlighted by the complainants) of the RA pertinent legislation and the [Code of Ethics of Armenian Media and Journalists](#) to the case;

determined the following:

- Point **1.3** of the Code is not relevant to the case.
- In relation to Point **1.5**, Aravot.am pointed out that solely quoting the headline from the Mediahub.am piece does not reflect the opinion of Deputy M. Hakobyan's speech entirely. In this context, the use of the screenshot of the headline of the piece accompanying Levon Barseghyan's Facebook post does not

constitute a violation, as the headline of the piece conscientiously quotes Hakobyan's words, conveying the essential content.

- In relation to point **1.6**, Aravot.am committed a violation, as the quoted text in the headline of the piece was taken from comments by two users made under the posts of Levon Barseghyan and others. In terms of perception, however, this usage encompasses everyone, including Barseghyan. Additionally, the Facebook posts and comments quoted in the article, which, according to the author of the article, are directed against Artsakh Armenians, are addressed specifically to Artsakh NA Deputy(ies) or Artsakh officials, or are ambiguous and do not refer to all Artsakh Armenians. The claim made by the news site that the speech directed at Artsakh NA deputies can automatically be interpreted as addressing Artsakh Armenians due to the deputies' representation of the people of Artsakh, or the purported 70 percent of Artsakh's population in governmental roles, is unfounded. Nevertheless, taking into account the current vulnerable situation of Artsakh Armenians, MEO suggests exercising a more cautious tone in publications, refraining from expressions that might be perceived as directed against Artsakh Armenians.
- In relation to Points **3.5.1, 3.5.2, 3.5.6**, MEO did not find any violation in Levon Barseghyan's post. According to the Law "On Mass Communication", the Code of Ethics and other relevant acts, his personal Facebook account is not a media and cannot be equated with Asparez.am led by Barseghyan. Nevertheless, taking into account Levon Barseghyan's individual visibility, his MEO membership status and the reach of his user account (around 39 thousand followers), similar to that of a media, it is highly desirable to moderate comments on personal accounts, especially when they may generate discrimination and hate speech. If proper moderation is not feasible for a certain reason, and there are comments from other users that echo the above-mentioned content, and their increase is evident, MEO recommends restricting the possibility of commenting on the post.
- In this regard, MEO also highlights the necessity of revising the current definitions of 'media' in the legislation or adapting them to the new communication environment.
- In relation to Point **5.2**, Levon Barseghyan, along with the reservation mentioned in the previous point (that his personal Facebook page is not deemed a media), failed to properly moderate hate speech and insults on his page. At the same time, Aravot.am's direct inclusion of these expressions in their article spread this content further. In such cases, MEO recommends avoiding direct reproduction of hateful and discriminatory content, opting instead for more generalized descriptions.
- In relation to Point **6.1**, MEO found no breaches. Through its publication, Aravot.am did not and could not hinder the circulation of free opinions, since, despite upholding professional ethics, the media exercised its right to present its viewpoint on the issue without creating substantial constraints for the dissemination of other viewpoints.

While the reconciliation tool between the parties was effectively employed, neither “Aravot”, which is part of the Self-Regulation Initiative in its online version, nor Facebook user Levon Barseghyan, not recognized as media, hold any formal obligation in terms of this Expert Opinion. Nevertheless, MEO urges the Parties to disseminate this document and the [recorded debate](#) related to the issue through the platforms at their disposal, thus contributing to the observance of the principles of responsible journalism.

***Adopted on December 6, 2023
by the following MEO composition:***

Gnel NALBANDYAN, Chief Editor of “Newmag” Publishing House
Boris NAVASARDIAN, Honorary President of Yerevan Press Club
Davit ALAVERDYAN, Chief Editor of “Mediamax” news agency
Vigen SARGSYAN, Chairman of the Commission on Professional Ethics
of Yerevan Press Club
Nouneh SARKISSIAN, Managing Director of Media Initiatives Center
Anzhela STEPANYAN, Editor of Armavir “Alt” TV Company
Narineh AVETISYAN, Executive Director of Vanadzor “Lori” TV Company
Karineh HARUTYUNYAN, Executive Director of Gyumri “GALA” TV
Company

[Media Ethics Observatory](#) was established by the media, joining the self-regulation initiative, which make 76 as of today. In its judgments MEO is guided by the Code of Ethics of Armenian Media and Journalists, adopted on March 10, 2007 and revised at the June 25, 2023 general meeting of the media that joined the self-regulation initiative.