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## EXPERT OPINION OF MEDIA ETHICS OBSERVATORY

Regarding the complaint by PINK human rights organization concerning the pieces titled “A homosexual young man jumped off the bridge” and “He got fired from his job, his parents kicked him out from their home: details about the homosexual young man who jumped off the bridge,” published on Aysor.am news site, on November 15 and 21, 2023 respectively, as well as the related Facebook comments on these pieces.

### A. FACTS

1. On November 15, 2023, an article titled [“A homosexual young man jumped off the bridge”](#) was published on Aysor.am website, fully replicating a Facebook post by Lilit Martirosyan, founding chairman of “Right Side” NGO, without any modifications. The news piece was also shared on Aysor.am's [Facebook page](#). On November 21, the same media published another article titled “He got fired from his job, his parents kicked him out from their home: details about the homosexual young man who jumped off the bridge,” which referred to a discussion held at Media Center titled “The Sexual orientation of a 17-year-old young man a cause for suicide?”
2. On November 23, 2023, PINK human rights NGO reached out to Media Ethics Observatory, informing that the piece released on November 15, 2023 had generated 900 comments on Facebook, with overwhelming majority containing hate speech and offensive language targeting individuals of homosexual orientation. According to the complaint, the media appropriately presented the content in both the November 15 and November 21 pieces. However, the comments sections on their Facebook posts turned into platforms for disseminating hate speech and calls for violence. The media's failure to monitor the comments section directly fueled the escalation of hatred and negative sentiments towards the LGBT+ community. The complainant emphasized that the media neither urged users to refrain from such behavior, nor took measures to remove or block offensive comments.
3. Prior to conducting a thorough review of the complaint, on November 24, MEO reached out to the editorial office of Aysor.am, proposing to provide a clarification. However, MEO's letter received no response from the editorial office.

## **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. Code of Ethics of Armenian Media and Journalists**

... editors and journalists are obligated:

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;

5.1. 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;

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

2. When addressing subjects concerning the challenges faced by religious, national minorities, diverse social groups, and individuals with differing political perspectives, it is imperative to conduct interviews with representatives from these groups and the organizations advocating for their interests. Their viewpoints should be portrayed in publications. It is advisable to thoroughly discuss the issues with these groups or non-governmental organizations.

### **IV. MEO Guidelines for Armenian Media, Developed Based on the Delfi AS v. Estonia European Court of Human Rights Landmark Judgment**

1. To note that the editorial offices avoid responsibility for the comments of other authors only in cases, when they can prove that they were not aware or for objective reasons could not be aware of the existence of such comments;

2. although the ECHR judgment does not force moderation of comments, however we advise, if possible, to moderate their publication following that obvious hate speech, comments containing insults, inciting violence and other unlawful actions do not appear in the comments part;

3. if, nevertheless, there appear such comments, then it is more appropriate to remove them as soon as they are identified, rather than formally wait and remove them only upon receiving a notice;

4. if the media has not noticed the comments containing obvious hate speech, incitement to violence or evident insult, but the person whom they were addressed to has notified the editorial office about that, we advise to remove such comments in reasonable time after receiving the notice.

## **V. 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... 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.

### **VI. MEO Regulations**

4.9. After examining the complaints regarding the publications of non-member media of the Self-Regulation Initiative, MEO adopts and releases expert opinions or statements.

4.13. Complaints regarding the publications by non-member media can be reviewed with the media’s consent. Nevertheless, if the media refuses to grant consent, MEO reserves the right to present an expert opinion on the publication, disseminating it through the means at its disposal.

### **C. MEO EXPERT OPINION**

Media Ethics Observatory:

- having reviewed the appeal of PINK human rights NGO regarding the issue,
- having examined the RA legislation, international legal norms, including precedent law, ethical standards guiding media activities and their relevance to the specific case under consideration,

states:

1. There are no violations related to the dissemination of discrimination and hate speech in the Aysor.am publications under consideration.
2. In the comments section of the articles posted on Aysor.am's Facebook page, there are numerous instances of hate speech, discrimination, and insults directed at LGBTQ+ individuals. These comments were not moderated by the media.
3. Before writing to MEO regarding the moderation of hateful and discriminatory comments, PINK NGO did not first reach out to the editorial team of Aysor.am.
4. Nevertheless, after receiving this complaint, MEO Coordinator contacted the editorial office and presented the problem. However, the comments containing hate speech, discrimination and insults were not removed (as of the publication of the expert opinion, these comments still remain).
5. Although Aysor.am is not a member of the Media Self-Regulation Initiative, any entity carrying out media activities in the Republic of Armenia is obliged to abide by the regulations governing the exclusion of hate speech and discrimination, as outlined in the RA Constitution and other legislative acts (including international legal norms incorporated into RA legislation), in particular those by the

“Delfi v. Estonia” precedent judgment by the ECHR.

**Thus, MEO urges:**

**Aysor.am editorial team**

- to moderate the social media posts discussed in this case and remove comments containing hate speech and discrimination, acting similarly in the case of further publications;
- to disseminate this expert opinion by MEO through the means at its disposal.

**Pink NGO**

- in case of any problems with media, try to resolve the issue through direct discussions with the media organization before turning to MEO.

***Adopted on January 19, 2024  
by the following MEO composition:***

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**Boris NAVASARDIAN**, Honorary President of Yerevan Press Club

**Davit ALAVERDYAN**, Chief Editor of “Mediamax” news agency

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**Vigen SARGSYAN**, Chairman of the Commission on Professional Ethics  
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**Levon BARSEGHYAN**, Founder and Head of “Asparez” Journalists’ Club

**Karineh HARUTYUNYAN**, Executive Director of Gyumri “GALA” TV  
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**Ashot MELIKYAN**, Chairman of Committee to Protect Freedom of  
Expression

**Anzhela STEPANYAN**, Editor of Armavir “Alt” TV Company

**Nouneh SARKISSIAN**, Managing Director of Media Initiatives Center

*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.*