



## ՀԱՅԱՍՏԱՆԻ ԶԱՆԳՎԱԾՍՆԻԿԻՆ ԵՐԱՏՎՈՐԻԺԱՆ ՄԻԳՐԱՆԵՐԻ ԷԹԻԿՍԻ ԴԻՏՈՐԴ ՄԱՐՄԻՆ

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### EXPERT OPINION OF MEDIA ETHICS OBSERVATORY

Regarding the complaint by the Council of Public Broadcaster against the February 5, 2024 article “Reflections on the Bulls, the Declaration, Our Identity and What Happened in This Studio Some Days Ago,” authored by Garegin Khumaryan, Director of the Public Radio of Armenia, and published on the radio’s website, as well as the CPB statement released on February 13, 2024 in relation to the article.

#### A. FACTS

1. In an [article](#) published on February 5, 2024 in the “Society” section of the Public Radio of Armenia (PRA) website, PRA Executive Director Garegin Khumaryan referred to “Security Environment” program aired on January 31 on the radio, featuring RA Prime Minister Nikol Pashinyan as the guest. Khumaryan, in particular, describing the content of the program and assessing the performance of Baregham Ghukasyan as the host, stated that “what happened was not good journalism,” “the quality of the program should have been much better,” and that “from now on the program will have a different host.” In the article, Khumaryan also expressed his dissent with Prime Minister Pashinyan's position on Armenia's security and the associated identity issues discussed during the program. The piece of the Public Radio Director resonated widely with the audience, sparking lively discussions in Armenian social media circles. Khumaryan himself actively participated in these discussions.

2. The day after the article was published, on February 6, the Council of Public Broadcaster, the body responsible for Khumaryan's employment, issued a [statement](#) expressing surprise at “such an arbitrary use” of the Public Radio website. According to the Council, the director of the radio company “has apparently abused his authority and official position, exploiting the reputation of Public Radio and its official website to present his opinions without challenge and ensure maximum engagement.” “Interviews with leading government figures worldwide do not imply a debate format, which was used by Garegin Khumaryan as an opportunity to label interviewer Baregham Ghukasyan’s work as “bad journalism” and “failing to meet the expectations” of the listeners, which is also a concern,” the CPB statement read.

3. On February 13, the Council of Public Broadcaster appealed to Media Ethics Observatory, proposing to examine the actions of Garegin Khumaryan, Executive Director of “Public Radio Company” CJSC, alongside the position of the Council itself and to provide an expert opinion on them.

4. Following the CPB’s appeal, MEO reached out to the Chairman and

members of the Council, as well as Garegin Khumaryan, and received additional clarifications and comments from the parties involved.

5. In their clarifications, the members of the CPB, in particular, underscored their concerns not so much about the content of Khumaryan's article but about its publication on the Public Radio website, which they deemed a breach of official ethics and the RA legislation governing joint-stock companies (fiduciary duties). The CPB members also highlighted that the public reproach in the article aimed at journalist Baregham Ghukasyan's work was not in line with professional ethics norms either.

6. In his clarifications to MEO, Garegin Khumaryan noted that his and Public Radio's political position in matters related to the country's politics was the absence thereof, characterized as "political sterility". He stated that in public relations his actions were guided by the RA Law "On Audiovisual Media" and other legislative acts, which do not prohibit him, as a journalist and PRA director, from expressing his opinion on the quality of radio programs through an article on the Public Radio website. Regarding his professional relationship with journalist Baregham Ghukasyan, Khumaryan asserted that there was no conflict with him, and his assessment regarding the quality of the interview with the Prime Minister was not intended to reproach the journalist. According to Khumaryan, the only person deserving reproach was himself as the director of the radio station.

7. MEO also attempted to receive clarifications from Baregham Ghukasyan, who refused to comment on the matter. Since Ghukasyan was not a direct party to the dispute, MEO deemed it acceptable to continue the discussion without his input.

8. Ara Shirinyan, a MEO member and Chairman of the Council of Public Broadcaster, abstained from participating in the examination of this dispute and the development of the expert opinion. He only provided additional clarifications as CPB Chairman at the suggestion of MEO.

## **B. LEGISLATIVE AND ETHICAL NORMS**

### **1. RA Constitution**

Article 42.2. The freedom of the press, radio, television and other means of information shall be guaranteed. The State shall guarantee the activities of independent public television and radio offering diversity of informational, educational, cultural and entertainment programmes.

### **2. RA Law "On Audiovisual Media"**

Article 22.5. Public Broadcasters shall be guided by the principles of objectivity, democracy, impartiality, diversity, pluralism, as well as shall ensure freedom of expression, conscience, thought, belief and creation.

### **3. RA Law "On Joint Stock Companies"**

Article 90.1. ...The Company's director (general director)... shall act on the basis of the Company's interests, exercising their rights and performing their obligations in regards to the Company in good faith and in a reasonable manner, avoid real and potential conflicts between personal and Company interests (fiduciary duty).

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

**... editors and journalists are obligated:**

- 1.4. To clearly distinguish facts and information from opinion, comment and analysis;
- 1.5. To rely on accurate facts and trustworthy information when making analysis and comments;
- 3.5 Set rules of conduct in social networks for the editorial staff and follow the compliance with thereof.
- 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;
- 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.

#### **5. MEO Regulations**

- 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.
- 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. MEO EXPERT OPINION**

**Media Ethics Observatory**, having studied the materials related to the complaint and obtained clarifications from the parties involved, **states that:**

- Garegin Khumaryan's article contains the author's opinions and value judgments. The comments and analyses are based on accurate facts and information. The RA Prime Minister's interview was aired on the Public Radio, followed by the executive director's article published a few days later and addressing the expressions and assertions that had stirred a public outcry and sparked a debate within society. It aligns with the legislative requirement of pluralism and the freedom of exchange of opinions as defined by the Code of Ethics.

As a result, MEO finds no grounds to conclude that the article titled "Reflections on the Bulls, the Declaration, Our Identity and What Happened in This Studio Some Days Ago" violates the provisions of the Code of Ethics of Armenian Media and Journalists.

- The competences outlined for executive directors of Public Broadcasters in the RA Law "On Audiovisual Media" do not prohibit executive directors from presenting an article either.
- Garegin Khumaryan published his opinion on the quality of the program aired on the Public Radio in the "Society" section of the PRA website, rather than in the director's column or any other relevant section dedicated to professional issues. The public might perceive this as a manifestation of the radio station's political orientation (represented by its director) regarding the matters

discussed in the interview in question. To avoid such perceptions, it would be beneficial to allocate a specific column for articles related to Public Radio's content. To engage in a dialogue with the audience about the Public Broadcaster's products, it is important (in line with advanced international practices) to envisage appropriate headings or formats, distinct from publications related to other topics.

- As for the fiduciary duties envisaged by the RA Law "On Joint Stock Companies" for the directors of companies, in MEO's view, they cannot be directly applied without additional regulations reflecting the characteristics of the public broadcaster. In this regard, it is important to highlight that such (including internal) regulations would contribute to clarifying the rules for the board-executive director-journalist relations, as well as the coverage of crucial topics, the preparation of special programs, including interviews with heads of state. These rules also establish traditions, which, irrespective of personnel, serve to a certain extent as safeguards against disputes or suggest ways to effectively address them.
- The wording used in the February 6 statement of the Council of Public Broadcaster ("has apparently abused his authority and official position," "interviews with leading government figures worldwide do not imply a debate format") is not in conformity with the situation and does not contribute to the development of free exchange of opinions in the public and the culture of debate. MEO reiterates the need to clarify such matters through internal regulations. Taking into account in this particular case the public interest caused by G. Khumaryan's article, the CPB could have issued a statement using more restrained and practical wording, devoid of accusatory undertones.
- Although Garegin Khumaryan claims that his assessment of the quality of the interview with the Prime Minister was not aimed at reproaching Baregham Ghukasyan, and he assumed responsibility for it, nevertheless, some expressions in his article ("what happened was not good journalism", "from now on the program will have a different host," etc.) most probably affect the journalist's reputation. Even when the Public Radio director critically evaluates the host's work, it would be preferable for these discussions to remain internal. To settle similar issues, MEO suggests developing a procedural regulations for addressing internal problems at Public Radio and adhering to them in the future.
- Advanced international practices also include the application of standards of conduct for employees on social media platforms. Despite the public broadcaster of Armenia having developed relevant rules, inconsistent application of these regulations could jeopardize the media's reputation.
- MEO is hopeful that the incident and this expert opinion will prompt the development and application of internal regulations for the Public Broadcaster.

**Adopted on March 20, 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  
**Vigen SARGSYAN**, Chairman of the Commission on Professional Ethics  
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**Ara GHAZARYAN**, Lawyer  
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**Ashot MELIKYAN**, Chairman of Committee to Protect Freedom of  
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*[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.*