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EXPERT OPINION OF MEDIA ETHICS OBSERVATORY

Regarding human rights activist Zaruhi Hovhannisyan's complaint against the piece titled "The police officers lied, facilitating the abduction of a child by an official. It's been 20 days since any communication from my son: exclusive footage," published on Oragir.News website

A. FACTS

- On April 11, 2024, human rights activist Zaruhi Hovhannisyan submitted a complaint with Media Ethics Observatory regarding an article titled "The police officers lied, facilitating the abduction of a child by an official. It's been 20 days since any communication from my son: exclusive footage," published on April 2 on Oragir.News website. Hovhannisyan's complaint pointed out that the piece was based on evidently false information. Furthermore, the accompanying video depicted scenes of the child being taken out of the house, revealing the faces of both the child and his mother. The video solely presented the father's perspective, blaming the mother for the issues with the child. This, according to the complainant, violated the balance in coverage. Additionally, the complainant highlighted that the comments section of the video contained hate speech and calls for violence. As a specialist working with the child and his mother, the complainant informed that the child had been in the shelter of the Women's Support Center for some time, receiving professional assistance. Upon leaving the shelter, the child experienced another episode of severe psychological distress after watching the video in question. Zaruhi Hovhannisyan requested MEO to examine the compliance of the media's publication with the rules of ethics. "The piece should be immediately removed from the Internet due to its flagrant violation of human rights, especially those of a child," the complaint read.
- After accepting the complaint for review, MEO reached out to the editorial team of Oragir.News for clarifications. In response, the editorial team explained that during the preparation of the piece, the reporter of the website had attempted to contact the child's mother, but had been unable to obtain any information. Regarding the child's identification, the editorial team stated that his name was not mentioned in the piece, the video was of poor quality and filmed from a distance, and the child's face was not visible. To

maintain the balance, Oragir.News expressed their readiness to interview the child's mother and present her point of view.

- Following further dialogue with the complainant, MEO obtained additional information, specifically regarding the initiation of criminal proceedings against the child's father for suspected psychological abuse towards the child.
- MEO reached out to the Information Disputes Council for legal advice regarding the complaint.

B. LEGISLATIVE AND ETHICAL NORMS

I. RA Law “On Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace”

Article 22.1. Information about private life obtained by competent authorities in relation to cases of violence within the family and/or offenses related to victims or alleged victims of violence within the family is confidential. Disclosure of information about a victim or an alleged victim of violence within the family without his/her consent through media or other channels that may lead to his/her identification is prohibited unless otherwise stipulated in the Republic of Armenia legislation.

II Code of Ethics of Armenian Media and Journalists

... editors and journalists are obligated:

4.1. to respect and protect the human right to private life, including respect to personal and family life, residence, property, health condition, correspondence;

4.3. to be especially tactful when the sources of information or the heroes of publications are children or minors;

4.4. when preparing materials concerning/involving children follow the Principles and Guidelines for Ethical Reporting on Children, developed by UNICEF media group;

4.5. to obtain permission from the child and his/her guardian for all interviews, videotaping and for documentary photographs. When possible and appropriate, this permission should be in writing. Permission must be obtained in circumstances that ensure that the child and guardian are not coerced in any way and that they understand that they are part of a story that might be disseminated locally and globally;

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.

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

- 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;

- 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;
- 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;
- 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.

IV 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

After reviewing the complaint, obtaining further clarifications from the parties and consulting with the Information Disputes Council, Media Ethics Observatory:

- states that despite the chief editor of Oragir.News claiming that due to the video's quality or distance it is impossible to identify the child and his mother, MEO believes that identification is feasible. This could be achieved through factors such as location, the child's clothes, his facial contours and the interviewed father.
- According to the opinion provided by the Information Disputes Council, legal regulations explicitly prohibit the publication of any information regarding alleged victims of domestic violence without their consent, whether through media or any other means that would enable the disclosure of their identity. In this sense, in response to Zaruhi Hovhannisyan's request to remove the contentious video, the IDC indicates that the issue of legal violation and the expediency of removing the news piece could be subject to judicial review.
- Regarding the assertion about the one-sided nature of the piece, MEO takes note of Oragir.News' clarification that the journalist made efforts, but was unable to present the perspective of the child's mother because contact could not be established. In this sense, it is also acceptable that the news site is ready to provide the child's mother an opportunity to share her perspective. Despite

the video solely featuring the conversation with the child's father, MEO positively evaluates the inclusion of clarifications by the head of the Health and Social Affairs Department of Shirak Province Administration in the accompanying text, as well as the attempt to present clarifications from the child's school administration.

- In the comments section of the YouTube video accompanying the discussed piece, there are numerous manifestations of hate speech, calls for violence, and insults directed at the child's mother that were not moderated by the media. After receiving this complaint and, in fact, becoming aware of these contentious comments, they were not removed either (as of the expert opinion's publication, they are still present), which contradicts the requirements set forth by the ECHR case law of “Delphi v. Estonia”, which is also incorporated into Armenian legislation.

Usually, MEO urges the media to disseminate the judgments or expert opinions released on the case. In this case, however, considering the sensitive nature of the issue in terms of the child's best interests, MEO refrains from urging to disseminate this expert opinion. For the same reasons, MEO advises the editorial team of Oragir.News to consider removing the contentious piece from the Internet.

***Adopted on June 3, 2024
by the following MEO composition:***

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[Media Ethics Observatory](#) was established by the media, joining the self-regulation initiative, which make 82 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 May 18, 2024 general meeting of the media that joined the self-regulation initiative.