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JUDGMENT OF MEDIA ETHICS OBSERVATORY

Regarding the complaint by “Artsakh Union” NGO about the content of two reportages broadcast by Armenian Public Television’s “Lurer” program

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A. FACTS

- On June 29, 2024, Artak Beglaryan, President of “Union for the Protection of the Interests and Rights of the People of Artsakh” NGO (abbreviated as “Artsakh Union”), submitted a complaint to Media Ethics Observatory. The complainant sought a judgment from MEO regarding the content of two reportages broadcast by Armenian Public Television’s “Lurer” program.
- Beglaryan pointed out that the main [issue](#) of “Lurer” program published on YouTube on May 24 was titled in a manner that brought attention to the reportage in question: *“They Were Financially Stimulated to Participate in the May 26 Rally.”* The piece featured a conversation between two men speaking in the Artsakh dialect, through which it was understood that they were talking about the participation in the upcoming rally of “Tavush for the Motherland” movement. Their conversation particularly focused on the issue of allocating money to cover food and accommodation expenses. The President of “Artsakh Union” drew attention to the fact that the anchor, while referencing the original source of the recording, also highlighted the headline of the publication, which read: *“Gharabaghtsis [ed. Karabakh residents] Are Recruiting People for Money to Participate in the May 26 Rally.”* According to the complainant, this “trick” highlighted their identity as “Gharabaghtsi” and made generalizations. As a result, a criminal act was attributed to “Gharabaghtsis”. The complainant believed that through this approach the media incited discrimination and hatred towards the people of Artsakh among those with negative attitude towards the given rally. Furthermore, the complainant argued that this, in a broad sense, ascribed a criminal conduct to “Gharabaghtsis”.
- Added to that, Artak Beglaryan noted that in the reportage, the symbol of the Russian ruble was displayed on the screen when referring to money, despite the fact that there was no mentioning of the ruble in the piece. Beglaryan believed that through this “trick” the media tried to create an artificial link between the “criminal act of the “Gharabaghtsis” and Russia. He suggested that considering the scale of the current negative sentiments towards Russia in the RA, this approach also generated additional negative attitude towards “Gharabaghtsis” and the rally.

- The June 6 [reportage](#) titled “*Prices Are Falling: 5 Thousand Drams to Participate in the Rally*” once again featured a telephone conversation in the Artsakh dialect. In addition to again highlighting the Artsakh dialect and the people of Artsakh, the commentator of the program translated ‘vnnaman’ (‘shoe’ in the Artsakh dialect) as ‘to take’, implying taking money. According to the complainant, this significantly distorted the content, stirring negative sentiment towards the people of Artsakh. Beglaryan pointed out that despite the media issuing a refutation after public backlash, it could not entirely neutralize the informational and psychological impact of the error.
- Taking into account the above-mentioned facts, “Artsakh Union” requested MEO to review and determine whether the Public Television of Armenia violated the [Code](#) of Ethics of Armenian Media and Journalists with those episodes.
- The day after receiving the complaint, on June 30, MEO Coordinator contacted Artak Beglaryan to inquire whether he had addressed his complaint to the management of the Public Television Company prior to reaching out to MEO. Beglaryan responded that he considered it pointless to apply to the PTA, as it was evident to him that the issues outlined in the complaint were not accidents, but rather the policies of the First Channel. He added that although he had only complained about two specific pieces, there were a number of similar publications.
- Upon reviewing the complaint of “Artsakh Union”, on June 30, MEO sent a letter to Hovhannes Movsisyan, Executive Director of the Public Television Company, requesting his position regarding the submitted complaint. Movsisyan replied on August 20, stating that in the news pieces in question, the Public TV had broadcast the official communications issued by the Investigative Committee.
- Additionally, MEO decided to examine the social media posts related to the news pieces in question, scrutinizing the relevant posts of the Facebook page of the Public Television Company’s “Lurer” program along with the comments.

B. LEGISLATIVE AND ETHICAL NORMS

I. RA Constitution

Article 29. 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 Investigative Committee”

Article 8, paragraph 1. The Investigative Committee provides information to the public about its activities, ensuring the confidentiality of preliminary investigations, as well as the protection of state, service or other legally protected secrets.

III. RA Law “On Mass Communication”

Article 9. Liability of the implementer of media activities

1. Implementing media activities with violations of law results in liability as provided by legislation.
2. The implementer of media activities shall be exempt from liability for the dissemination of information if:
- 3) it is a verbatim or bona fide reproduction of the information contained in a public speech, official documents of state bodies, another media or any work of authorship, and contains a reference to the original source.

IV. Code of Ethics of Armenian Media and Journalists

... editors and journalists are obligated:

- 1.6.** to ensure that the reports, photo, video and audio materials correspond to the reality...;
- 2.2.** to the extent possible, avoid using confidential sources of information...;
- 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;
- 4.1.** to respect and protect the human right to private life, including respect to personal and family life, residence, property, health condition, correspondence;
- 4.7.** to respect the presumption of innocence: when publishing the names of crime suspects before the trial, to consider the public need for doing so - strike a balance between the presumption of innocence, the right of crime suspects to fair trial, and the right of the public to be informed;
- 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.

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 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.

VI. Guidelines on Reporting on Forcibly Displaced Persons from Artsakh

- ...Any group - national, regional, religious, gender-based, etc. - is united only outwardly. Within these groups, there are always individuals who do not share the views of the majority or the leading, publicly known layer. Therefore, generalizations should be avoided, particularly when covering vulnerable groups, in this case, forcibly displaced Artsakh citizens. It is essential to remember that “everyone” cannot be the same; each person is unique. Generalizations should be especially avoided when covering

individual cases.

- Just as in the case of any other identity (ethnic, religious, gender, political, social, regional, etc.), it is unnecessary to highlight a person's Artsakh origins, if the topic of the journalistic piece is not directly related to that identity. This is especially important if the story carries a negative tone.
- Do your best to refrain from including videos/photos in the news piece that may contribute to reinforcing the stereotypes about Artsakh citizens (or any forcibly displaced group).
- Armenian media and journalists, some of which are to a certain extent affiliated with various political currents and forces, sometimes succumb to the temptation of using Artsakh citizens in internal political struggle. Moreover, this applies to both pro-government and opposition media. Such practices not only contradict the principles of objective journalism, but also place persons forcibly displaced from Artsakh in a more vulnerable position, reinforcing certain stereotypes about them. Thus, it is necessary to abandon this style of work.

VII. 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 outlet has not noticed the comments containing obvious hate speech, incitement to violence, or obvious insults, but the person to whom they were addressed has notified the editor about it, then we recommend removing such comments within a reasonable time after notification.

C. MEO JUDGMENT

Media Ethics Observatory,

after reviewing the complaint by "Artsakh Union" regarding the 2 reportages broadcast in the May 24 and June 6 issues of the Public TV Company's "Lurer" program and published on the TV company's website and social media channels,

examining the reactions to those reportages posted on the official "Lurer" social media channel,

relying on the legal and ethical norms outlined in section “B” of this judgment, along with relevant guidelines, states that:

- The report titled “They Were Financially Stimulated to Participate in the May 26 Rally” broadcast on May 24 during the Public Television’s “Lurer” program is an almost verbatim reproduction of the official communication issued by the Investigative Committee. This release by the CC violated Article 8, paragraph 1 of the Law “On Investigative Committee,” failing to ensure the confidentiality of the preliminary investigation, as well as other state or legally protected secrets. In this case, the CC failed to change the voice of the individuals speaking on the phone, which constitutes personal data and is protected under the RA Law “On Personal Data Protection.”

Even though in this context the Public Television Company is regarded as a “verbatim or bona fide reproducer” under Article 9, paragraph 2, point 3 of the Law “On Mass Communication,” in addition to adhering to the letter of the law, the media has nonetheless committed to abiding by the norms set by the Code of Ethics of Armenian Media and Journalists, especially when it has sufficient technical capability to change voices and render them unrecognizable. By not taking these steps and broadcasting the CC communication as it was, the Public TV Company violated paragraph 4.1 of the Code of Ethics, which calls “to respect and protect the human right to private life...”

In this regard, **MEO underscores** that:

- Informational materials distributed by state bodies may contain content that contradicts the principles of journalistic ethics. While MEO does not have the authority to evaluate the actions of state bodies, it can assess whether the direct dissemination of such content by the media complies with ethical norms. The media, including and especially the Public Television Company, which have committed to disseminating ethical information, need to be careful when reproducing official texts.
- By broadcasting the CC communication without editing, the Public Television Company also violated paragraph 5.1 of the Code, as this contributed to generating a negative attitude towards a group with certain political views. Furthermore, the broadcast unnecessarily emphasized the Artsakh origin of the alleged crime participants by using the word “Gharabaghtsis,” which carries a certain negative connotation in this context, thereby perpetuating negative stereotypes towards people of Artsakh origin and putting them in a more vulnerable position.
- The above is particularly supported by the examination of the Facebook post related to the reportage and the accompanying comments. The video, which gained 42 thousand views on Facebook, sparked mostly negative reactions, reflected in a number of negative, often aggressive and hateful comments directed at the people of Artsakh.¹
- Thus, the Public TV Company also violated paragraph 3.5.6 of the

¹ MEO has kept the links and screenshots of negative comments targeting the people of Artsakh (among others). These are not included as hyperlinks in this Judgment to avoid the unnecessary spread of hate speech.

Code and failed to moderate the comments on its social media pages. It did not remove comments that promoted hate speech, violence and other illegal actions, and that contained apparent insults.

- By re-broadcasting the CC communication without changes, along with the display of Russian ruble banknotes, while Armenian dram was being discussed in the recording, Public Television violated the requirement of paragraph 1.6 of the Code, which calls “to ensure that the reports, photo, video and audio materials correspond to the reality...”
- MEO appreciates the fact that regarding the June 6 reportage titled “Prices Are Falling: 5 Thousand Drams to Participate in the Rally” the “Lurer” editorial team admitted their mistake and issued an apology. MEO is hopeful that such slip-ups reflecting a biased attitude towards Artsakh people or any other group will be avoided in future broadcasts by the Public Television.
- At the same time, regarding the June 6 reportage, MEO notes that there was a violation of the requirement to moderate social media comments containing discriminatory and hateful speech.
- MEO finds perplexing the fact that the Public Broadcaster responded to the MEO’s letter only after 51 days. MEO hopes that the readiness for cooperation expected from a member of the Media Self-Regulation Initiative will be more evident in the future. In this regard, although complainant Artak Beglaryan himself did not find it appropriate to discuss the issue directly with the media, the Public Television Company, given its status, had sufficient opportunity and time to contact the author of the complaint, especially since Beglaryan is the former Ombudsman and the former State Minister of the NKR, who, following the forced displacement of Artsakh people, is still involved in dealing with the community's problems. Thus, the management of the Public TV could have tried to resolve the dispute immediately, without third-party intervention. MEO would have commended such a resolution of the information controversy.

MEO reminds that the media that have signed the Code (including the Public TV) acknowledge the authority of MEO to review the compliance of their actions and publications with the provisions of that Code. They express their readiness to publish the specific parts extracted from the Media Ethics Observatory judgments that relate to violations of the Code, without adding any editorial remarks. They also commit to notifying MEO by providing a link to the particular publication.

**Adopted on August 26, 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.