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EXPERT OPINION OF MEDIA ETHICS OBSERVATORY

Regarding the complaint by the Commission on Television and Radio against specific remarks made during the May 5 and 6, 2024 issues of “Hayeli Akumb” program cycle, as well as the May 11, 2024 issue of “Prof Fact” program aired on the “Second Armenian TV Channel”

A. FACTS

- On May 14, 2024, the Commission on Television and Radio (CTR) submitted a complaint with Media Ethics Observatory. The CTR attached to the complaint the transcripts of several remarks made by guest Edgar Ghazaryan during the May 5 (*starting from 20:39*) and May 6 (*starting from 17:57*) issues of “Hayeli Akumb” program cycle, and by guest Vazgen Petrosyan during the May 11 issue of “Prof Fact” program, both aired on the “Second Armenian TV Channel” (H2). The CTR requested MEO’s position on these remarks.
- Upon receiving the CTR complaint, MEO sent a letter to H2 TV Channel on May 15 to obtain their position. In their response, H2 mentioned the following: “Freedom of speech plays a key role in a democratic society and can only be restricted in exceptional cases. The sole acceptable reason to restrict freedom of speech is when it is used against democracy itself. Therefore, in this case, overt censorship disguised as a violation of ethical norms is unacceptable.”
- Taking into account the multiple violations of the Code of Ethics of Armenian Media and Journalists by the “Second Armenian TV Channel” over the past two years, the disregard for the MEO judgments on these violations, the failure to meet the commitments as a member of the Self-Regulation Initiative, and the incompatibility of the TV channel’s leadership views about freedom of speech with the internationally accepted principles adopted by the Initiative, the May 17-18, 2024 MEO General Meeting decided to terminate the membership of H2 TV Channel to the Self-Regulation Initiative. Considering this circumstance and guided by point 4.13 of the MEO Regulations, MEO reached out to H2 again and received their consent to proceed with the examination of this case and prepare an expert opinion.

B. LEGISLATIVE AND ETHICAL NORMS

I. RA CONSTITUTION

Article 3, Paragraph 1: The human being shall be the highest value in the Republic of Armenia. The inalienable dignity of the human being shall constitute the integral basis of his or her rights and freedoms.

II. RA Law “On Children’s Rights”

Article 9: Every child has the right to protection from all forms of violence (physical, moral and other).

It is prohibited for any person, including parents or other legal representatives, to subject a child to violence or punishment that degrade their dignity or other similar treatment.

III Code of Ethics of Armenian Media and Journalists

... editors and journalists are obligated:

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

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;

6.3. to admit mistakes and to be ready to correct them;

4.2. in case of a conflict between the freedom of expression and other fundamental human rights, the media independently decides what to give preference to, and bears responsibility for its decision.

IV. MEO Regulations

4.6. In relation to ethical issues concerning the activities of audiovisual media service providers, the Commission on Television and Radio (according to the RA Law “On Audiovisual Media”) shall be recognized as an appropriate applicant as a state body regulating the sphere, which is also authorized to monitor the observance of professional ethics norms by these media. The appeals received from the CTR shall be reviewed in accordance with the existing procedure. In cases where the dispute concerns a TV or radio company that signed the Code, MEO shall issue a judgment, whereas in other cases an expert opinion or a statement shall be provided.

5.3. Complaints regarding the publications by non-member media of the Self-Regulation Initiative 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

Following the review of the complaint by the CTR regarding a number of remarks made during the May 5 and 6 issues of “Hayeli Akumb” program cycle, as well as the May 11 issue of “Prof Fact” program, both aired on the “Second Armenian TV Channel”,

MEO states:

- The programs disseminated hate and discriminatory speech (in particular, the guests called for illegal actions against public officials, law enforcement officers and their relatives), which contradicts the ethical principles outlined in paragraph 5.2 of the Code. Moreover, the hosts of the programs made no effort to interrupt the spread of hate speech or comment on it.
- During the first episode described in the complaint (the May 5 issue of “Hayeli Akumb”), there was a dissemination of hate speech and discriminatory remarks against children, which contradicts the ethical principles outlined in paragraph 4.3 of the Code.
- On previous occasions, H2 TV Channel has been cited for multiple similar violations, such as speech inciting hate, violence and discrimination, as recorded in a number of MEO documents (in particular, MEO judgments dated [29.08.2023](#), [25.06.2023](#), [22.06.2022](#), [02.02.2022](#), [12.07.2021](#), and the clarification dated [17.04.2023](#)).
- By failing to draw any conclusions from the previous MEO judgments, H2 has repeatedly violated paragraph 6.3 of the Code, which they signed, committing “to admit mistakes and to be ready to correct them.” This eventually led to their expulsion from the Self-Regulation Initiative.

MEO reminds once again that the free expression of opinions is not an absolute right and can be restricted, in particular, for the purposes of protecting the rights, freedoms, honor and good reputation of others, as well as public peace, and value judgments should not devolve into insults or hate speech.

***Adopted on July 12, 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.