



PARTNERSHIP FOR OPEN SOCIETY

Policy Brief

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Armenia's Empty Promises for Free Expression

As fears continue to rise over the government's newly-adopted strategy for transition to digital television and radio, the latest edition of Freedom of the Press survey characterized the media environment in Armenia as highly politicized and difficult for operation. The survey findings suggested that in 2010 country's press freedom status remained not free questioning the government's commitment to media pluralism and freedom of expression. Nearly one year after an implementation strategy for digitalization was drafted and amendments to the RA Law on Television and Radio adopted, Partnership for Open Society (POS) is set to assess the Armenian government's current approach to independent media outlets and the broader trends in the media environment. In an event co-sponsored by the Organization for Security and Cooperation in Europe (OSCE) and Council of Europe, POS hosted a round-table discussion, during which a panel of foremost media experts casted penetrating light on the press freedom realities and made extensive policy suggestions. The panel of experts included Mesrop Harutyunyan, Committee to Protect Freedom of Expression; Andrei Richter, director of the Media Law & Policy Centre at the Lomonosov Moscow State University; Christian Moeller, CoE expert; Levon Barseghyan, chairman of Journalists' Club Asparez; Mr. Ashot Melikyan, chairman of Committee to Protect Freedom of Expression; Anna Israelyan, journalist at Aravot daily; Artak Zeynalyan, strategic litigation expert. Public Council representative, Armen Ter-Tachatyanyan, joined the discussion to elaborate on the revised legislation. Boris Navasardian of Yerevan Press Club moderated the first session on the *Legislative Processes in 2010*, while OSF's David Amiryanyan was the moderator of the session on *Mass Media in Practice*.

In the wake of the government's announcement in June 2010 that due to technical difficulties after the transition to Digital Terrestrial Television (DTT) the number of digital channels would be only 18 in Yerevan and 10 in the regions – that's four less television channels than now, media experts formed a working group to discuss both the technical and social aspects of the digitalization process. While the digitalization of TV usually provides grounds for multiplication of TV channels and diversification of programs, the government's approach has triggered a considerable dispute over just what digitalization will entail in Armenia. The panelists downplayed the significance of frequency availability as a legitimate constraining factor while questioning the necessity to reduce the number of channels and raising salient concerns about the transparency of the process for awarding broadcast licenses. Since the issue of independence of media regulatory bodies, particularly, the National Commission on Television and Radio, has not been substantially addressed in 2010, the politicization of the licensing process is increasingly evident. Given the fact that the NCTR is dominated by the ruling party, impartiality and fairness of its decisions regarding the licensing procedure remains questionable. The media experts agreed that the current legislation, which in fact restricts broadcasters from transmitting their content via Internet, satellite and mobile phone networks without a DTT license, facilitates the government's efforts to control most of the broadcast media.

A central part of this debate concerns the government's attempt to exercise indirect censorship. In 2010, the NCTR drafted the Charter of Ethical Principles of TV and Radio Broadcasters of the Republic of Armenia, which was signed by 11 prominent TV companies.

According to Levon Barseghyan, the Charter includes vague language that seems to open the way for censorship and exacerbates further the on-going process of content regulation. Analyzing the questions surrounding this issue, the panelists argued that this initiative intends to undermine the principles of press self-regulation and provides more grounds for manipulation. Yet while the perils of this legislative failure are obvious, the way it translates into political influence and limits press freedom is more equivocal. Drawing on the recent report of the Committee to Protect Freedom of Expression, Ashot Melikyan identified the informal pressure mechanisms that are being repeatedly used by the authorities in order to maintain control over broadcast outlets. While the frequency of violent attacks on journalists diminished in 2010, the number of cases where the government exerted indirect influence increased both in scale and quality. Examining a range of cases where press freedom was limited, Melikyan suggested an ontologically significant distinction between the types of harassment. He categorizes threatening and intimidating journalists, as well as interfering in the legal procedures in an effort to curb criticism of the government as “pressure on the media and media staff,” whereas “violation of the right to seek and impart information” category incorporates cases where journalists were discouraged to obtain and disseminate politically sensitive information.

Acknowledging the existing challenges, and specifically, the government’s unpredictable reaction to open political reporting and analysis, some journalists prefer steering clear of any topics that might attract government sanction. The consequences of this self-censorship are both broad and significant. The continued suspension of the license for independent broadcaster A1+ despite the 2008 European Court of Human Rights ruling in its favor has “stifling effect” on the journalist’s coverage of sensitive political issues. The experts argued that in 2010 broadcasters continued engaging in a high degree of self-censorship in order to maintain their licenses. It is part of a troubling trend of limiting access to impartial information and a variety of viewpoints on issues of public concern, which ultimately undermines the critical role of the media in agenda setting, policy-making and holding governments accountable for policy failures and miscalculations. Notably, Mesrop Haroutyunyan effectively maintained that “the authorities perceive the broadcast media as a propaganda tool given the fact that it’s the country’s dominant medium.”

Tackling the above-mentioned fundamentally misguided policies will likely prove challenging, but the experts issued a number of recommendations that can make a difference. They called on the Armenian government to end harassment, indirect pressure, and physical attacks on journalists, to tolerate impartial reporting and analysis, to amend the RA Law on Television and Radio in order to ensure that media regulatory bodies are free from all government interference, and to engage in constructive discussions with independent media experts and the civil society. The panelists also outlined concrete steps and practical recommendations for policymakers to facilitate the process of digital switchover.

RECOMMENDATIONS

- Release the frequency audit results for public scrutiny
- Allow analog broadcasting services during the entire transition process until private multiplex operators can accommodate their digital signals
- Reverse provisions that could restrict broadcasting via satellite and cable systems without a DTT license, and advance the cause of Internet freedom by creating a more liberal atmosphere for transmission of content via the Internet and phone networks
- Endorse the simple licensing procedure for Internet-providers and satellite broadcasters
- Run an extensive nationwide awareness raising campaign in order to inform the citizens about the process of digital broadcasting, its deadlines, necessity, and importance
- Develop a comprehensive document identifying activities to be undertaken during the DTT transition period, as well as after Armenia completes its switch-off in 2015