

Armenian Media Law Hangs in Balance

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Is a new media law a step forward for the Armenian press or a secret weapon in the hands of the government?

Nearly a month after a much-criticised new media bill was passed by the Armenian parliament, President Robert Kocharian has not yet signed it into law.

Initiated nearly two years ago and criticised by journalists and politicians alike, the legislation has gone through many changes and the final version, passed in a third reading last month, has received a far more positive verdict from domestic and international media organisations.

However, in a climate where the opposition media is having increasing problems, some of the law's more vaguely-worded articles are arousing suspicions.

Two parliamentary opposition factions, Spravedlivost (Justice) and Natsionalnoe Yedinenie (National Unity) say they are still worried by the law. Both boycotted the December vote.

"If Armenia were a democracy ruled by law, we might not have to be so circumspect," said Spravedlivost deputy Shavarsh Kocharian. "But knowing the environment where this law will be enforced, and how bureaucrats can manipulate its provisions to curb free press, we have to be very careful."

"The new legislation says nothing about the rights and duties of journalists," echoed Victor Dallakian of the same faction. "Some of the wording is so vague it allows for arbitrary interpretation."

Pro-government deputies dismiss these claims. "This is a very sound and progressive piece of legislation that will give Armenia real press freedom," said Armen Rustamian, a Dashnaktsutiun member who chairs the parliamentary commission on international relations.

"There has been too much press freedom, or irresponsible journalism, if you know what I mean," he told IWPR. "Free press is about the freedom to tell the truth, not to write whatever you want."

Government officials are adamant that the legislation has undergone careful international scrutiny. The chair of the parliamentary commission on science, education, culture, and youth, Granush Akopian, who presented the bill to parliament, also told IWPR that the bill might be changed yet again.

"This is a new field for us, so we cannot say the text is final and not subject to change," she said.

Akopian and deputy justice minister Ashot Abovian, who drafted the law, both insist they have taken into account the views of the Council of Europe, the London-based media watch group Article 19 and the German aid organisation GTZ.

However, two of those institutions, while welcoming some changes, still have reservations.

Luitgard Hammerer, Europe Programme Director of Article 19 said that following a detailed memorandum criticising many points in a previous draft, “a substantial part of our recommendations were taken into account”. However, other proposals, such as creating an independent body to manage one uniform procedure for accrediting journalists, appear not to have been incorporated.

Article 19 has yet to see a translation of the final version of the bill.

Council of Europe experts also wrote in their most recent opinion that, “While the latest draft is better, and more elaborate than the previous version of April 2002, the bill overall raises serious concerns about the future of free press.”

The Council of Europe asked Armenia to draft a new media law when it joined the organisation in 2001.

One of the council’s requests – that the legislation needed the consensus of the journalistic community – certainly has not been met.

The proposed bill has caused a rift in Armenia’s journalistic community. Three journalistic organisations, the Yerevan Press Club, the Armenian Press Union, and Internews, now broadly support the bill.

Boris Navasardian, who heads the Yerevan Press Club, has one concern about the article in the bill demanding full financial transparency from media organisations.

“In present-day Armenia it is very dangerous to demand financial transparency, which will enable [the government] to determine political influences on the media,” he said. “That is a blow to the opposition press.”

However, Navasardian said the new law as a whole was a big step forward, “This law will not add any new restrictions on press freedom to those already in existence. On the contrary, the bill will consolidate and safeguard the freedom of press.”

But the National Press Club, NPC, is still firmly against, and its leaders complain their concerns have been simply ignored.

NPC chair, Narine Mkrtchian, is concerned that too many provisions in the new law are worded vaguely, such as the article saying it is “inadmissible to abuse the freedom of the press”. She claims that, with Armenia’s judicial system fully controlled by the government, the law could be manipulated to shut down independent media outlets.

Another example of ambiguous wording is cited by Gagik Manvelian, editor of the pro-government newspaper Golos Armenii. He notes that the new law contains an article saying that, “A journalist is deprived of his accreditation if the information prepared by him discredits the work of the organ which has given the accreditation.”

Manvelian said that the phrase “discredit” could easily be used as a weapon against journalists.

The National Press Club drafted an alternative media bill, entitled “On Freedom of Press,” but parliament

refused to put it on its agenda.

Many journalists are worried that the government will try to use the new law against the small sector of opposition press still operating in Armenia.

Already, the electronic media is mostly under government control. Two opposition-minded television stations, Noyan Tapan and A1+, have been kept off the air under various pretexts for more than 18 months. The new Television and Radio Law gave the president exclusive discretion to appoint the chief executives of the governmental regulatory bodies responsible for these media.

Avetik Ishkhanian, who chairs the Armenian Helsinki Committee, is worried that the same kind of pressure will now be put on the print media, "Only one or two papers dare disagree with the government, but I fear they may not last much longer."

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