

Statement Regarding the Draft Law “On Introducing an Addition to the RA Law ‘On Television and Radio’”

September 9, 2008

The Government of the Republic of Armenia has proved once again that its initiatives in media domain are aimed not at ensuring the constitutional right to free receipt and dissemination of information, not at the improvement of the domain, not at the implementation of the commitments to the Council of Europe and recommendations of PACE resolutions, but at retaining and strengthening the total control over broadcasters, currently practiced.

We are induced to make such a statement by the draft law “On Introducing an Addition to the RA Law ‘On Television and Radio’”, approved at the session of the RA Government of August 28, further submitted to the National Assembly on September 3, introduced into the NA session agenda without an assessment from the specialized Committee on September 8 and hastily discussed at the session of September 9, and by the justification of the RA Government regarding the necessity of the law adoption.

According to this draft, till July 20, 2010 the broadcast licensing competitions will not be announced. That is, till January 2011 no broadcaster will be able to gain a license.

We find the draft law unacceptable for a number of reasons:

a) The Government, despite the numerous assurances that no media draft law will be put into circulation without a discussion with the stakeholders, once again did this secretly, and the draft became available to public only on September 8, the day when the NA session was launched. This hide-and-seek games show that the Government itself realized the vulnerability of the document.

b) No matter how hard the draft authors tried, they failed to give a rational explanation as to why the broadcast licensing competitions should be suspended till July 20, 2010 exactly and not, say, till 2012. Which program requires Armenia to start the digitalization in 2010, where and when was it discussed and approved, what is the timeline for the transition? We know that a tentative version of such a program did go through a certain stage of discussions and was strongly criticized by both local and international experts. After this, no documents regarding digitalization was publicized.

c) The terms of broadcast licensing competitions held to this day failed to ensure fair treatment and transparency. This was stated also by the European Court of Human Rights in its ruling of June 17, 2008 on the case of “A1+” TV Company. As a result, Armenia has a broadcast domain which, as numerous opinion polls and monitoring show, does not ensure pluralistic and impartial information, does not enjoy public trust. Broadcasters make numerous violations of the legislation that are not penalized by competent bodies. The trends for monopolization of the domain are obvious. Under the circumstances, the Government with its proposal to suspend the competition process in fact contributes to retaining the status, unacceptable for the society and a democratic country.

d) The draft authors suggest to do something that is in direct opposition to the requirement of the PACE Resolution 1620 (2008). The Resolution is explicit in saying: “The Assembly recalls that there is a need for a pluralistic electronic media environment in Armenia and, referring to the decision of the European Court

concerning the denial of a broadcasting license to the television channel “A1+”, calls on the licensing authority to now ensure an open, fair and transparent licensing procedure, in line with the guidelines adopted by the Committee of Ministers of the Council of Europe on 26 March 2008, and with the case law of the Court.”

We, representatives of journalistic NGOs, state that this initiative of the Government has nothing to do with either the protection of the broadcasters, consumers, state or “with ensuring equal opportunities and prevention of market upheavals” (as noted in the governmental justification), but is only an attempt to get rid of the broadcast licensing competitions as of an unnecessary headache.

The adoption of such laws will result in a situation when we shall enter the era of digital broadcasting with low-quality broadcaster that does not meet the public demand and international standards, is monopolized and hence is easy to control.

The Conclusion of “Media Diversity in Armenia” international conference, held in Yerevan on July 8 this year, noted that the problems in the media “were a consequence of inconsistent reforms and insufficient attention to the recommendations of local and foreign experts, representatives of reputable international organizations”.

We once again call on the authorities, proceeding from the complexity of media issues, to display a systemic approach to reforms and, before approving a draft law, to hold a transparent, representative, multilateral discussion with the involvement of local and international organization. Only in this way both the competitions and the digitalization and other reforms will serve the interests of the society.

We urge the deputies of the RA National Assembly to vote against the draft presented.

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