

Statement Regarding the Updated Package of Amendments to Broadcast Legislation

February 3, 2009

Discussion of the updated package of amendments to broadcast legislation is on the agenda of the regular session of National Assembly of Armenia. The quality of that document has exceeded our worst expectations: the number of lexical, logical and legal lapses has made it useless to subject it to detailed analysis especially since our organizations, for the last years, have been consistently and constructively responding to all the legislative initiatives in the area of the mass media, comprehensively assessing all the official legislative drafts and promoting their own suggestions. In particular, in December, 2008 Yerevan Press Club and Internews submitted their detailed comments on the previous version of that legislative package to the relevant parliamentary commission. Virtually, none of our crucial remarks were taken into consideration. Instead, new provisions appeared in the draft amendments to the RA Law "On Television and Radio", a part of them deserving to be called nothing more than "nonsense".

In November, 2008 representatives of our organizations were invited to become members of the working group on media legislation at the Standing Commission of NA on Science, Education, Youth issues and Sport. The first meeting of the group took place on November 20. On December 19, 2008 the National Assembly organized hearings on some aspects of broadcast media regulation. However, those undertakings, apparently, were of no benefit. As for the new version of the legislative package, NA did not even find it necessary to present it to the working group. In that case, why the group was formed for at all? Once again, we have to state that various civilized forms of legislative process have an exclusively "decorative" function here. In such a situation, and taking into consideration the quality of the document that was proposed for discussion at the parliamentary session, further serious work at that document would mean expressing disrespect to our own professional dignity.

Not going into the details, indicative of the drafters' incompetence and negligence, we will take the liberty of pointing at the main methodological mistakes (or deliberate tricks?) that have appeared in the updated package, in addition to the already-existing ones. To begin with, it is a matter of crude substitution of concepts. Since the first day of the adoption of the Law "On Television and Radio" in 2000, local experts and representatives of international organizations have been talking about the need for legislative guarantees of social-political diversity at the Council of Public Television and Radio Company. Instead, the drafters suggest professional diversity (expert in journalism, expert in broadcasting or telecommunications, business or finance manager, etc.) Secondly, the drafters have invented an oath for the members of the Council, as well as the National Commission on Television and Radio, without devising any real guarantees for the independence of those bodies, the necessity of which is being constantly talked about. The demand to take an oath of devotion to civil society, freedom of information and other lofty principles, in the absence of reliable mechanisms contributing to independence, pluralism and accountability to the society, only increases the concentration of hypocrisy that is already a big problem in our public life. Once again, the two above-mentioned crucial shortcomings of the legislative package are but a small part of unacceptable provisions and absurdities contained in it.

In its Resolution 1643 (2009), Parliamentary Assembly of Council of Europe calls upon the authorities of Armenia "to fully implement the forthcoming recommendations of the Council of Europe experts" in

regard to the independence of the media regulatory bodies in the country. We don't know about the contents of the latest recommendations of CE experts, although the members of the above-mentioned working group, probably, should have been notified of them (otherwise, how can they help the specialized commission?) However, there is no doubt about the fact that PACE Resolutions 1609 (2008) and 1620 (2008), as well as the numerous appeals of the OSCE Representative on Freedom of the Media concerning broadcast legislation, have not been adequately reflected in the draft laws proposed for discussion.

Besides, the provision of Resolution 1643 on canceling all tenders for broadcasting frequencies until July 20, 2010 has been totally ignored. PACE emphasized that "the technical requirements for the introduction of digital broadcasting should not be used by the authorities to unduly delay the holding of an open, fair and transparent tender for broadcasting licenses, as demanded by the Assembly." Meanwhile, the related amendment to the Law "On Television and Radio", adopted on September 10, 2008 in defiance of all the democratic and procedural norms, underwent no changes by the package drafters.

Unfortunately, everything happening around broadcast legislation indicates that NA deputies simply have not realized the necessity of learning a lesson from the situation when the delegation of Armenian parliamentarians faced the real threat of losing the right to vote at PACE. Reassuring themselves and people around them with exorcisms about gradualness of reforms, including in the area of freedom of speech, as well as the impossibility of approaching European standards in a brief period of time, they continue to discredit the very concept of reforms in the sphere of information, harming the reputation of the country and the prospects of its democratic development.

Here are some facts to back up our statement. The first version of the legislative package that gave rise to this statement emerged in June, 2008. Since then, the apparent shortcomings in the draft laws not only have not been removed but have been supplemented with new, more glaring lapses. Not to mention that drastic improvement of broadcast legislation has been on the agenda for more than eight years. Is it what we call gradual reforms?

Under the circumstances we have no choice but to urge the deputies of the National Assembly to quickly forget the package proposed for discussion for the current four-day session, return to one of its previous versions and work at the fundamental revision of the document, taking into account the numerous remarks and suggestions of the working group members, as well as the recommendations of international organizations and their experts.

Yerevan Press Club
"Internews" Media Support NGO
Media Diversity Institute-Armenia
Committee to Protect Freedom of Expression