

THE LAW OF THE REPUBLIC OF ARMENIA

ON MASS MEDIA

*Adopted by the National Assembly
13 December 2003*

Article 1. The scope of regulation of the following Law

This law regulates relations pertaining to the implementation of media activities, defines the guarantees of ensuring the right of freedom of speech in the sphere of the media, the main provisions for the accreditation of journalists, the right of reply and refutation, and the grounds for which the implementers of media activities are not subject to liability.

Article 2. Legislation on mass media

Relations pertaining to mass media activity are regulated by the Constitution of the Republic of Armenia, international agreements of the Republic of Armenia, the Civil Code of the Republic of Armenia, this law, and other laws as well as by other legal acts regulating relations based on them and in the framework defined by them.

Article 3. Basic definitions

In this law the terms below shall be defined as follows:

1. The dissemination of information (hereinafter referred to as the "information") — the release of information, accessible to an unlimited number of persons, the main purpose of which is to ensure a person's Constitutional right to seek, receive and disseminate information or ideas freely, regardless of state boundaries.

The information is disseminated through mass media.

2. Mass media product (hereinafter referred to as the "media product")— an information product that is disseminated through or without subscription, on a paid basis or free of charge, including:

- 1) media product issued on material medium, with a circulation of a hundred or more copies of a single issue (possessing the same content), permanent name, edition number and date;
- 2) television and radio broadcasts;
- 3) public, joint telecommunication network (network media product)— accessible to an undefined number of persons, as an information storage with permanent address, irrespective of the frequency of updates, the duration of information maintenance or other criteria.

A periodical release by a news agency or any similar organizations directed to the implementers of media activities shall also constitute a media product, irrespective of the medium, the quantity of the issues and any other criteria.

3. Implementer of media activity - legal or natural person, including private entrepreneur, who disseminates a media product on his/her own behalf.

If a person implementing media activity in the Republic of Armenia accomplishes certain phases of that activity through transactions with other persons (disseminator, publisher, etc.) then the latter, for the purpose of this law, are not implementers of media activity.

4. Journalist – a natural person implementing media activities, a representative of an implementer of media activities who based on a labor contract or another contract with them seeks, gathers, receives, prepares or edits the information.

Article 4. Guarantees of the freedom of speech in the sphere of the media

1. Implementers of media activity and journalists shall operate freely in compliance with the principles of equality, legitimacy, freedom of speech (expression) and pluralism.

Conducting his/her legitimate professional activities a journalist, as a person performing a social duty shall be protected by the RA legislation.

2. Media products are produced and disseminated without prior or current state registration, licensing, declaration or notice to any state body.

The licensing of TV and radio broadcasting is conducted according to the RA legislation on television and radio.

3. The following is prohibited:

1) censorship;

2) to compel the implementer of media activity or a journalist to disseminate or refrain from the dissemination of information;

3) interfering with the legitimate professional activities of a journalist;

4) discrimination in public circulation of appliances and materials necessary for dissemination of information;

5) restriction of a person's right to exploit media products of his/her choice, including those issued and disseminated in other countries.

Article 5. Protection of sources of information

1. The persons implementing media activity and the journalists shall not be obliged to disclose their sources of information, with the exception of the cases set forth in the 2nd part of this Article.

2. The implementer of media activity or a journalist can be obliged to disclose the source of information by the court decision, in the course of a criminal proceeding with the aim of revealing heavy or most heavy crimes, if societal interest in law enforcement overweighs the societal interest in protecting the sources of information, and all other means to protect public interest are exhausted. In such cases, at the petition of the journalist, the court proceedings can be held in camera.

Article 6. Accreditation of journalists

1. Implementer of media activity has the right to apply to state bodies to get accreditation for his/her journalists.

State bodies shall grant accreditation to journalists within a five day period according to both this law and the accreditation procedures established by those bodies.

The absence of accreditation procedures is not a basis for refusing to accredit.

2. The accreditation procedures at state bodies shall contain the following:

a) the general requirements subject to which a journalists representing it is accredited (type of the media product, dissemination territory, number of issues, etc.) is accredited;

b) rules on the organization of the work of accredited journalist, including conditions aimed at ensuring the effectiveness of his/her work;

c) requirements conditioned by specific nature of the activities of the given body.

3. Accreditation procedure shall not contain provisions (and if they do, those shall not have legal force) that:

1) restrict the right of an accredited journalist to take part in sessions of the given body and its subdivisions, other events with the exception of the cases when they are closed;

2) exclude the timely notification of journalists of the planned events by the given reasonably in advance;

3) create unequal conditions for accredited journalists;

4) restrict the rights of a journalist to obtain information as defined by law.

4. The model procedure of accreditation at state governing bodies is defined by the RA government.

5. The accreditation of a journalist can be terminated at the request of the implementer of media activities that had applied for accreditation of that journalist.

6. An accredited journalist shall organize his/her work in conformity with accreditation procedures and the working rules of the given body.

7. To a reasonable extent working conditions must be supportive and non-discriminatory for all accredited journalists in the given body.

Information subject to be released to media shall be made available to all accredited journalists concurrently, with notification of the exact time and venue of planned events reasonably in advance.

8. In the territory of the Republic of Armenia the accreditation procedures for representatives of implementers of media activity acting under the foreign legislation shall be defined by the Ministry of Foreign Affairs.

9. The absence of accreditation procedure is not a basis for refusing to provide a journalist with information as stipulated by law.

Article 7. Restrictions of the freedom of speech in the sphere of the media

1. It is prohibited to disseminate secret information as stipulated by law, or information advocating criminally punishable acts, as well as information violating the right to privacy of ones' personal or family life.

2. It is prohibited to disseminate information obtained by video and audio recording conducted without notifying the person of the fact or recording, when the person expected to be out of sight or earshot of the implementer of video and audio recording and has taken sufficient measures to ensure it, with the exception of situations when such measures were obviously not sufficient.

3. The dissemination of information related to one's personal or family life as well as those mentioned in the second part of this Article is allowed if it is necessary for the protection of public interest.

Article 8. Right to refutation and response

1. A person has a right to demand that the implementer of media activity refute factual inaccuracies in the information disseminated by the implementer of media activity if the latter does not prove the truth of those facts.

The demand for refutation has to be presented within a one month period following the day of publication of the information subject to refutation.

2. Within one week after the receiving a refutation demand the implementer of media activity must notify the refuting party of the time of the dissemination of refutation or send a written refusal to publish the refutation.

3. The refutation shall be disseminated by the same media product, or if it is impossible, then an other acceptable means for the person demanding a refutation shall be identified.

The refutation is to be published within a period of one week following the day of its receipt. If within this period the media product is not issued or the subsequent issue has already been endorsed for publication, the refutation is to be published and disseminated in the nearest issue of the media product.

Refutation is placed under the title *Refutation*. Its placement, layout, font size and type, the time of broadcasting should not be different from the information being refuted.

4. During elections of state and local self-government bodies the refutation of information about candidates shall be effected within 24 hours. If less than 24 hours remain until the commencement of voting, the refutation shall result immediately upon its receipt. If the dissemination of the refutation is impossible, it has to be disseminated within the timeframe stipulated in this article.

5. Along with refutation, a person has the right to demand publishing of a response.

The implementer of media activities may choose to accompany or not the publishing of the response along with refutation. By publication of the response the right to refutation is considered fulfilled.

6. The publication of the response is carried out according to the rules of refutation as stipulated by this Article.

The response shall not contradict to the requirements of this law and shall refer solely to the actual inaccuracies in the information subject to response. It shall not contain criticism of the person who had prepared or disseminated the information, any other person or its activities if it is not directly pertinent to that information.

The volume of the response shall not exceed the volume of the material being responded to. If the refuted information is a separate, clearly divisible section from the whole volume of the material, than the response volume must not exceed the volume of that section.

The response shall be published free of charge.

7. A demand for a refutation and/or a response shall be denied if it is

- 1) anonymous;
- 2) contradicts a court decision that entered in a legal force.

A demand for publishing a response along with refutation shall be denied, if the response does not conform to the requirements of article 7 of this law.

8. The demand for refutation or response may also be denied if

- 1) the term stipulated by part 1 of this article has not been complied with;
- 2) the demand is related to such information that has been disseminated with a reference to a public speech, official documents of state bodies, other media product or work of authorship and the original source has not disseminated a refutation.

A demand for publishing a response along with the refutation is subject to denial if the response does not conform to the requirements of this law.

9. If an implementer of media activities refuses to publish the refutation or the response, or infringes the terms and procedures of their dissemination as provided by this law, the person whose rights are violated has a right to file a lawsuit demanding to disseminate the refutation or response.

Article 9. Responsibility of the person implementing media activity

1. Implementing media activity with violations of law results in liability as provided by legislation.

2. The implementer of media activity shall be exempt from liability for dissemination of information if:

- 1) the information has been received from a news agency;
- 2) the information originates from a public statement or a reply made by the contesting party or a representative thereof or documents pertaining thereto;

3) the information is a literal or conscientious reproduction of the information contained in a public statement, official documents of state bodies, other media product or work of authorship and contains a reference to the original source.

3. The implementer of media activity is not liable for dissemination of secret information as stipulated by law, provided the information in question was lawfully obtained, or it was not apparent that the information was secret according to the law.

If the implementer of media activity has disseminated information the secret nature of which has been evident, it will be exempt from liability if dissemination of information was done for the sake of protecting public interest.

Article 10. Name of the media product

1. The name of a media product shall be acceptable for the public from the viewpoint of public morals and shall be distinctive and not be confusingly similar to the name of another media product, including the name of a media product which has not been disseminated within the last two years, unless the latter is disseminated by the same implementer of media activity.

2. The name of a famous person or a part thereof may be used in the name of a media product only upon written consent of that person and, in the event of a deceased person, upon the written consent of his/her heirs.

If a person or, in the event of a deceased person, his/her heir, maintains that the operation of the media product injures the reputation of the person in question, he/she may file a claim with the court to deprive the media product the right to use the name of that person in its name.

3. Different cases of the word *Armenia* and their translation can be used as defined by the procedures established by the Republic of Armenia Government.

4. With the purpose of legal protection of the name of a media product, it may be registered as a trademark.

5. The requirements of this article concerning the name of the media product are applied to the headlines of a media product, as well as the address of a network media product.

Article 11. Submission of issue data

1. Every issue of media product must contain:

1) the name of the media product;

2) the full name of the legal person implementing media activity, the type of legal organization and location address, the number and date of its (or its detached branch, acting in its name) state registration certificate; and in case the person implementing media activity is a natural person, then his/her name, last name, address, and in case he/she is an individual entrepreneur, then the number and date of state registration certificate is also required;

3) the name (as in the passport) of the person responsible for the given issue of a media product;

4) the year, month and day of publishing;

5) contain the total number of the copies of the given issue.

2. Issue data of the media product can include other information not mentioned in the following article.

3. Television and radio broadcast data shall be submitted according to the legislation of the Republic of Armenia on Television and Radio.

Article 12. Transparency of funding sources

The implementer of media activity, engaged in periodical publishing must, by March 31 of the current year, publish under the title of *Annual Report* the financial report of the preceding year on activity pertaining to the operation of the media product, by specifying the gross income and the portion of donations in it.

Article 13. Mandatory copies and the administrative registry of media products

1. In the Republic of Armenia, two copies of media products issued on material medium and disseminated on the territory of the Republic of Armenia, are sent free of charge to the RA Ministry of Justice, The National Library of the Republic of Armenia and Book Chamber of the Republic of Armenia.

2. The media products, according to the data issued on their mandatory copies, are registered with the Republic of Armenia Administrative Registry, which operates within the Republic of Armenia Ministry of Justice and operating procedures of which are established by the Republic of Armenia Minister of Justice.

Article 14. Closing provision

Upon the entry of this Law into effect, the Law of the Republic of Armenia N° N-0420-I “On the Press and other Media Products,” dated October 8, 1991, shall become null and void.