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2013 Scores

Press Status: Not Free

Press Freedom Score: 61

Legal Environment: 19

Political Environment: 22

Economic Environment: 20

Despite constitutional and legal protections, press freedom is restricted, and the media environment remains dominated by political influence. However, improvements since the flawed 2008 presidential election were apparent in 2012, with media coverage of the May parliamentary elections proving more balanced than in previous election years.

Although the government decriminalized libel in May 2010, eliminating imprisonment as a punishment, the move was followed by a rise in civil libel cases. The plaintiffs in most cases were politicians, and the compensation sought was out of proportion to the damage allegedly inflicted. However, the Constitutional Court ruled in November 2011 that media outlets cannot be held liable for "critical assessment of facts" and "evaluation judgments," and that courts should avoid imposing hefty fines on media outlets, suggesting an apology or other nonmaterial compensation as an alternative. The ruling stemmed from a case filed by Armenia's human rights ombudsman, who argued that Article 1087.1 of the civil code, establishing monetary fines in libel cases, was unconstitutional. The court stopped short of such an absolute finding.

In accordance with the Constitutional Court ruling, the number of defamation cases dropped in 2012, with 16 complaints submitted to the courts, compared with 36 in 2011. Monetary fines were also reduced significantly, and pending cases that were initiated in 2011 were resolved. In March 2012, a Yerevan court rejected a lawsuit filed against the newspaper *Hraparak*, whose property had been seized in November 2011 pending a decision regarding allegedly libelous readers' comments posted on its website. The court found that the newspaper was not responsible for the comments, and that the individuals who had written them could not be identified. The decision was upheld after

several subsequent appeals by the plaintiff. In July, in a separate civil suit against *Hraparak*, the plaintiff – an employee of the local nongovernmental organization (NGO) *Zinvor* – accepted a public apology from the newspaper and reduced the compensation claim from 2 million drams (\$4,900) to 14,000 drams (\$35).

After freedom of information legislation was enacted in 2003, the government stalled in the adoption of a number of regulations needed to implement the law. However, authorities were more responsive to freedom of information requests in 2012. On numerous occasions, courts upheld the right of access to information, even in cases against major political parties during an election campaign. In October, after an NGO asked a court to rule on the unresponsiveness of the Prosperous Armenia party – the country's second-largest political party and a former member of the ruling coalition – to its request for information on its preelection finances, the party supplied the information before the first court hearing. In another case, the Democratic Party was fined 100,000 drams (\$250) by a court in December for refusing to supply similar information on its preelection campaign finances. Several NGOs have played an active role in educating the public on the law. By 2012, the Freedom of Information Center in Armenia had placed 246 bulletin boards in 53 urban and rural communities to inform the public on which information the authorities are obliged to disclose.

The licensing and regulatory framework has been used to limit media freedom and diversity. Armenia officially began its transition to digital broadcasting with 2010 amendments to the *Law on Television and Radio* that were criticized by local and international groups for further restricting media pluralism. However, in 2012 the government announced that analogue frequencies would continue to operate until 95 percent of Armenian households had switched over to digital broadcasting. The license of broadcaster A1+ remains suspended, despite a 2008 ruling by the European Court of Human Rights that the government had improperly revoked the license in 2002. In September 2012, A1+ returned to the airwaves after reaching an agreement with Armnews to broadcast a 20-minute news program five days a week on the latter's frequency. The contract with Armnews is for one year with the possibility of renewal. Meanwhile, A1+ continues the legal battle for its own license. Separately, the local television station Gala, based in Gyumri, has been under government pressure since it broadcast speeches by an opposition presidential candidate in 2007. In July 2011, the Court of Cassation upheld a lower court's decision ordering Gala to stop using the Gyumri television tower and to dismantle its transmitter. The station had to relocate its transmitter to another site. Gala has so far been denied a digital license and could be forced off the air when analogue broadcasting ends.

During the May 2012 parliamentary elections, substantial coverage was given to the six major parties, including via interviews and televised debates. The public broadcaster offered the most neutral coverage, while private stations exhibited some political divisions. Campaign material was at times improperly broadcast as news content, particularly favoring the ruling Republican Party and Prosperous Armenia. Political parties – especially from the opposition – and election monitoring groups actively used the internet and new media to disseminate campaign materials and record electoral violations, respectively. Media watchdogs played an important role in demanding that the Central Electoral Commission adhere to human rights standards, successfully blocking a regulation that would have barred journalists who had been convicted of a premeditated criminal offense, including libel, from covering the elections. The voting took place under a new electoral code that included improved regulations on campaign coverage, free airtime, and paid advertisements, resulting in lower advertising rates.

Armenia's perceived lack of judicial independence, climate of impunity, and violence and harassment against the media all contribute to widespread self-censorship, particularly in the broadcast sector. The Committee to Protect Freedom of Expression (CPFE) observed a decline in violence against journalists, with only four incidents in 2012, as well as a drop in pressure on media workers. There were a total of seven incidents of interference in journalistic activities during the election period, compared with 18 in 2008. However, in contrast to 2011, there was an increase in violations of the right to receive and impart information. Many of these incidents involved authorities seizing or destroying cameras and other equipment, and in some cases physically attacking journalists while they were attempting to cover events on election day. Journalist Naira Nalbandyan and her cameraman, Tigran Gasabyan, were reportedly beaten by the chairman of the electoral commission after being denied entry to the commission's office on election day. Nalbandyan reported the incident to police, who refused to pursue a criminal case due to the "absence of evidence of crime." CPFE noted that authorities had made no effort to identify or charge the perpetrators of any of the reported crimes against journalists by year's end.

Most of the dominant media are controlled by the government or government-friendly individuals. Print media are available mostly in Yerevan and larger cities. Although most print outlets are privately owned, they tend to reflect the political and ideological leanings of their owners and do not provide balanced views. Television is the country's leading medium, and one of the only stations with a national reach – Public TV of Armenia – is state owned, though almost 100 other private stations operate. Russian and minority-language media are widely available. State and public media receive preferential treatment, with primary access to official news and the lion's share of government advertising. Small state subsidies are available for private print media, but due to high distribution and licensing costs, the vast majority of newspapers are not profitable. Most media are dependent on narrow advertising resources and have little guarantee of editorial independence.

The internet penetration rate was 37.9 percent in 2012. Online news media and bloggers have played an important role in recent years in providing diverse and alternative political information. The government does not require registration to access the internet or satellite television, and these are freely available.

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