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Freedom of the Press 2012 - Armenia

2012 Scores

Press Status: Not Free

Press Freedom Score: 65

Legal Environment: 21

Political Environment: 24

Economic Environment: 20

Despite constitutional and legal protections, press freedoms are restricted. The media environment in Armenia remains oppressive and has not significantly improved since the flawed 2008 presidential election. Although the government decriminalized libel in May 2010, eliminating imprisonment as a punishment, the move was followed by a rise in civil libel cases, of which there were up to 30, with some 11 cases opened in 2011. In most cases the plaintiffs were politicians, and the compensation sought was out of proportion to the damage allegedly inflicted. The opposition newspaper *Jamanak* was ordered to pay former president Robert Kocharian 3 million drams (\$8,250) for publishing allegations that he was involved in corrupt business deals during and after his time in office. Another opposition daily, *Haykakan Jamanak*, was ordered to pay three prominent businessmen – Samvel Aleksanian, Ruben Hayrapetian, and Levon Sargsian – a combined 6 million drams (\$16,500) for publishing allegations regarding their involvement in criminal activities. In early November, a court in Yerevan ordered that property of the newspaper *Hraparak* be seized pending a decision in a lawsuit seeking €34,000 euros (\$47,300) in compensation for allegedly slanderous readers' comments posted on the newspaper's website.

However, in a decision that brought Armenia closer to international standards on defamation, the Constitutional Court ruled on November 15 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, with an apology or other nonmaterial compensation as an alternative. The ruling stemmed from a case filed by Armenia's human rights ombudsman arguing 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. Although Armenia passed freedom of information legislation in 2003, the government has since failed to adopt a number

of regulations needed to implement the legislation.

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 December 2011, the first committee discussion of amendments to the Law on Television and Radio aimed at supporting a conversion to digital broadcasting was held in the Armenian National Assembly. The amendments, which were developed by a working group headed by the human rights ombudsman, had been submitted in May but subsequently reworked and resubmitted by several members of the group, which represented the nongovernmental sector. 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.

Armenia's perceived lack of judicial independence, climate of impunity, and violence and harassment against the media continue to result in widespread self-censorship, particularly in the broadcast sector. In March 2011, Yerevan airport immigration authorities refused to issue entry visas to four reporters with the Finnish public broadcaster YLE. The reporters were collecting information for a documentary on the sensitive Nagorno-Karabakh conflict between Armenia and Azerbaijan. In May, Nikol Pashinian, an opposition member and the editor in chief of the independent daily *Haykakan Jamanak*, was released after the National Assembly pardoned several opposition activists. Pashinian had been arrested in 2009 and sentenced to seven years in prison for inciting disorder and assaulting a police officer during the mass protests following the 2008 election. He frequently wrote investigative reports that were critical of the government.

Most of the dominant media are controlled by the government or government-friendly individuals. Television is the country's primary medium, and one of the only stations with a national reach – Public TV of Armenia – is state owned, though several dozen 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. Print media are available mostly in Yerevan and larger cities. Small state subsidies are available for private print media, but due to high distribution and licensing costs, 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 percent in 2011. Online news media and bloggers have played an important role in recent years in providing political information. The government does not require registration to access the internet or satellite television, and these are freely available.

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