



4.2. Armenia (AM)⁶⁸ (Country report B⁶⁹)

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In addition, the analyses presented in this report cannot in any way be considered as representing the point of view of the members of the European Audiovisual Observatory or of the Council of Europe.

KEY FINDINGS

- Armenia updated its audiovisual media legislation in 2020 – replacing the Law on Television and Radio (2000), with the Law on Audiovisual Media (2020).
- Various international organisations and experts expressed concerns regarding the 2020 Law on Audiovisual Media and its alignment with European standards. The government has since established a working group to develop amendments to the Law on Audiovisual Media (2020), and they published a draft set of amendments on 6 June 2022. Several amendments to the Law have been introduced in 2022 (June, October, December) and 2023 (March), the most pertinent of which are those related to accessible content and to provisions on non-discrimination.
- The Mass Media Law (2003) is also relevant in terms of general principles and key values such as freedom of expression and transparency of media ownership.
- A new Criminal Code entered into force in July 2022, which addresses discrimination, incitement to hatred, incitement to violence, incitement to terrorism and child pornography.
- Regarding general principles and key values, most are clearly outlined in the legislative framework, with rules on transparency of media ownership being particularly strong.

⁶⁸ The country report on Armenia incorporates the feedback received from Alla Tumanyan, Coordinator for International Relations at the Commission on TV and Radio of Armenia (CTR), during the checking round with the national regulatory authorities.

⁶⁹ Country report B summarises the findings of Questionnaire B in relation to Group III, which includes Armenia.



- Currently the obligations regarding accessibility for people with disabilities are limited.
- Issues raised by the national expert regarding freedom of expression are outlined in the text.
- The list⁷⁰ of countries participating in the Creative Europe Programme 2021 – 2027 was recently amended, in February 2024.

4.2.1. Introduction

Armenia was one of the European Neighbourhood Policy (ENP) countries that could benefit from a derogation within the Creative Europe regulation. To participate partially in the MEDIA strand of the Creative Europe programme, they had to fulfil general conditions and thus comply with general principles and key values promoted by the Audiovisual Media Services Directive 2010/13/EU, as amended by Directive (EU) 2018/1808 (hereafter referred to as the AVMS Directive or AVMSD).

This derogation concerns ENP countries satisfying the following conditions: essential minimum standards balancing freedom of speech and protection of citizens/vulnerable viewers underpinning the AVMSD such as prohibition of incitement to hatred or violence and protection of minors; and the independence of audiovisual media regulators.⁷¹

Relations between Armenia and the European Union are based on the EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA), which entered into force on 1 March 2021.⁷²

4.2.1.1. Relevant legal framework: current status and developments

The table below outlines the national legislative framework for the audiovisual media sector, including mainly those acts of most relevance to the issues addressed in this country report. It is important to note that this country report does not outline the national rules related to the entire AVMS Directive, but focuses on a selection of issues: definitions,

⁷⁰ https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/crea/guidance/list-3rd-country-participation_crea_en.pdf

⁷¹ Regulation (EU) 2021/818 of the European Parliament and of the Council of 20 May 2021 establishing the Creative Europe Programme (2021–2027) and repealing Regulation (EU) No. 1295/2013: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32021R0818&from=EN>. Chapter 19 of the agreement covers cooperation in the audiovisual and media fields, including: (*inter alia*) dialogue regarding the development of audiovisual and media policies and reinforcing the independence and professionalism of the media; and also audiovisual and media cooperation, including cooperation in the field of cinema.

⁷² EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA), which entered into force on 1 March 2021: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22018A0126\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22018A0126(01)&from=EN)



jurisdiction, freedom of reception and retransmission, and a range of general principles and key values including freedom of expression, independence of the national regulatory authority (NRA), the protection of minors, the promotion of the rights of people with disabilities to access audiovisual content and the transparency of media ownership.

All relevant links appear in this first table. There are a range of regulatory acts but, for the sake of clarity, only those that relate to the issues addressed in this country report are included in the table. Others may be added in the footnotes where appropriate.

Table 34. Legal framework

Title	Status	Relevance	Link
Constitution of the Republic of Armenia 2015 Հայաստանի Հանրապետության Սահմանադրության Փոփոխություններ (Armenian)	In force	Fundamental rights	In Armenian: https://www.arlis.am/DocumentView.aspx?DocID=143723 In English: https://www.president.am/en/constitution-2015/
Mass Media Law, 2003 Չանգվածային լրատվության մասին օրենք (Armenian)	In force	Covers all media and issues of freedom of the media Covers transparency of media ownership	In Armenian: https://www.arlis.am/documentview.aspx?docid=1379 In English: https://mediainitiatives.am/wp-content/uploads/2017/11/RA-Law-on-Mass-Media_EN.pdf
Law on Audiovisual Media, 2020 Տեսալսողական մեդիայի մասին օրենք (Armenian)	In force	The main relevant legislation on audiovisual media covering traditional broadcasters; non-linear audiovisual media service providers; and, partly, (telecom) network operators	In Armenian: https://www.arlis.am/documentview.aspx?docid=145079 In English: https://bit.ly/3IVSpfb
Law of the Republic of Armenia On amendments and additions to the Law “on Audiovisual Media” (October 26, 2022)		Provisions on accessibility and non-discrimination	In Armenian https://www.arlis.am/documentview.aspx?docid=170539
Law on Advertising, 1996 Գովազդի մասին օրենք (Armenian)	In force	The main source of legislation/regulation on audiovisual commercial communications	In Armenian: https://www.arlis.am/DocumentView.aspx?DocID=75427 In English: http://www.parliament.am/legislation.php?sel=show&ID=1707&lang=eng



Title	Status	Relevance	Link
(New) RA Criminal Code Նոր Զրեական օրենսգիրք, (Armenian) հոդված	In force from 01/07/2 2	Provisions on discrimination, incitement to hatred, to violence, and incitement to terrorism	In Armenian: https://www.arlis.am/DocumentView.aspx?DocID=153080&fbclid=IwAR3coLwfWcCONlp004pKUCqJa1VkKRj5siXfb8kt7_jRPs51gTgxnNTPUQ In English: https://bit.ly/3LkSLxM

Source: Response of national expert of Armenia to European Audiovisual Observatory standardised survey

The new Law on Audiovisual Media (2020) replaced the outdated Law on Radio and Television and was intended to reflect the significant changes in the nature of content production and dissemination in the digitally transformed media environment. It covers the activities of linear and non-linear audiovisual media service (AMS) providers and, to some extent, (telecommunication) network operators. Local and international experts expressed concern regarding the law.

Local journalism organisations criticised the law for the low level of participation of the civil society in the drafting process, and for the poor quality of the bill. In a statement (disseminated on behalf of ten journalism organisations),⁷³ dated 8 July 2020, the Committee to Protect Freedom of Expression (CPFE) pointed out shortcomings in the bill. These related to issues such as: the development of Digital Terrestrial Television (DTT) and of local television channels on DTT; the failure to update the licensing procedure; and the fact that the transparency of broadcast media ownership was not ensured. They also noted that the document did not implement the necessary reforms in the sector and would not contribute to the solution of existing problems.

An expert analysis carried out for the Office of the Representative on Freedom of the Media at the Organisation for Security and Co-operation in Europe (hereafter, the OSCE Expert Report) highlighted several serious concerns about the compatibility of the law with international standards regarding freedom of expression.⁷⁴

A 2022 report of the Parliamentary Assembly of the Council of Europe (PACE), called on the Armenian authorities to adopt a comprehensive approach to reform of the media sector, including further alignment of the Law on Audiovisual Media with international standards on freedom of expression and other Council of Europe instruments.⁷⁵ The Ministry

⁷³ Statement of the Committee for Protection of Freedom of Expression (CPFE), July 2020, disseminated on behalf of ten journalism organisations, including the CPFE, the Yerevan Press Club, the Media Initiative Centre, the Freedom of Information Centre and others. In Armenian only:
<https://khosq.am/2020/07/08/հայտարարություն-58/>.

⁷⁴ “Legal Analysis of the Law of the Republic of Armenia ‘on Audiovisual Media’” (Adopted On 16 July 2020) from the Office of the OSCE Representative on Freedom of the Media. Prepared by Dr. Joan Barata Mir. Available at: <https://www.osce.org/files/f/documents/0/a/493522.pdf>, page 5.

⁷⁵ PACE Report 2022. ‘The functioning of democratic institutions in Armenia’: Report by the Council of Europe’s Parliamentary Assembly; Doc. 15432, 10 January 2022; available at: https://pace.coe.int/en/files/29803_p.125.



of High-Tech Industry recently established a working group by governmental decree to develop a package of amendments to the law. The national regulatory authority (NRA), the Commission of Television and Radio of the Republic of Armenia (CTR), is actively involved in the process and has prepared many recommendations and suggestions for consideration. On 6 June 2022 the Ministry of High-Tech Industry officially circulated a new draft of the amendments to the Audiovisual Law, which has been perceived as controversial by the local journalism organisations.⁷⁶

Several amendments to the Law were introduced in 2022 (June, October, December) and 2023 (March). They addressed a range of issues such as regulating electronic programme guides (EPGs) and details of Digital Terrestrial Television (DTT) licensing. The most relevant to the alignment with the AVMS are those related to accessible content and to provisions on non-discrimination (of October 2022), which have been added to the Factsheet below.

4.2.1.2. Definitions and alignment with the AVMS Directive

The table below provides an overview of the definitions used in the Armenian legislative framework and the extent to which they align with the AVMS Directive.

Table 35. Definitions

Definitions (Article 1 AVMSD)	In line with the AVMSD	References
Audiovisual media service	No definition in the laws.	
Programme	Partially – aligned with both the 2010 and 2018 AVMSD. It does not include the phrase “within a schedule or a catalogue established by a media service provider”.	Law on Audiovisual Media, Article 3 (paragraph 1), point 19
Editorial decision	No definition in the laws.	
Editorial responsibility	No definition in the laws.	
Media service provider	This is close to alignment with the 2018 AVMSD. It lacks the phrase whereby the AVMS provider determines the manner in which it (the content) is organised. It covers AVMS provider (and Broadcaster, audio media service provider, and audio programme broadcaster).	As above, Article 3 (paragraph 1), point 1

⁷⁶ Text of the draft amendments: https://www.e-draft.am/projects/4418/about?fbclid=IwAR2vvi3Cptl8X_g-V1cNtKBGICHN_5JdYx2U5a8ThyE5fBRA-C3EO9EX12M

Text of the statement from journalism organisations:

<https://khosq.am/2022/06/20/%d5%b0%d5%a1%d5%b5%d5%bf%d5%a1%d6%80%d5%a1%d6%80%d5%b8%d6%82%d5%a9%d5%b5%d5%b8%d6%82%d5%b6-98/>



Definitions (Article 1 AVMSD)	In line with the AVMSD	References
Television broadcasting or television broadcast	No definition in the laws.	
Broadcaster	Same as for Media Service Provider.	As above, Article 3 (paragraph 1), point 1
On-demand audiovisual media service	Yes – it aligns closely with the 2018 AVMSD – but describes on-demand content rather than an on-demand service.	Law on Audiovisual Media, Article 3 (paragraph 1), point 17
Audiovisual commercial communication (ACC)	The field is regulated by the law on Advertising, however, there is no clear definition of ACCs.	
Television advertising	Yes – similar to the 2018 AVMSD but entitled “audiovisual advertising”.	As above, Article 3 (paragraph 1), point 22
Surreptitious ACC	No definition in the laws.	
Sponsorship	Yes – this is aligned with the 2010 AVMSD, but not with the 2018 AVMSD: it lacks reference to video-sharing platform (VSP) services and user-generated videos.	As above, Article 3 (paragraph 1), point 22
Teleshopping	Definition of teleshopping is not available – but this article provides general regulations of TV advertising.	Law on Advertising Article 9
Product placement	No definition in the laws.	
European works	No definition in the laws.	
Independent producer	No definition in the laws.	
Definition of harmful content (or equivalent such as violation of integrity, or violation of dignity)	<p>There are no clear definitions of harmful content.</p> <p>The Mass Media Law prohibits the dissemination of information that advocates criminally punishable acts, as well as information that violates the right to privacy of ones’ personal or family life.</p> <p>***</p> <p>The Law on Audiovisual Media prohibits the dissemination, through audiovisual programmes, calls for any acts prohibited by the law under Article 9 (1). Article 9 (7) prohibits audiovisual programmes from promoting or containing information that promotes discrimination based on national, racial, gender or religious affiliation.</p>	<p>Mass Media Law, Article 7</p> <p>***</p> <p>Law on Audiovisual Media, Article 9 (1) Article 9 (7)</p>
Definition of incitement to hatred (or equivalent)	The new Criminal Code (in force since 1 July 2022) has a new Article 329 on hate speech, which criminalises any action aimed at the incitement of national, ethnic, racial, political, ideological or religious hostility, hatred or intolerance, as well as the incitement of hatred, intolerance or hostility against another social group.	New Criminal Code of the Republic of Armenia, Article 329



Definitions (Article 1 AVMSD)	In line with the AVMSD	References
	<p>***</p> <p>As noted above, it is prohibited for audiovisual programmes to promote, or contain information that promotes, discrimination based on national, racial, gender or religious affiliation. Article 9 (7).</p>	<p>***</p> <p>Law on Audiovisual Media, Article 9 (7)</p>

Source: Response of national expert of Armenia to European Audiovisual Observatory standardised survey

The Armenian legislative framework includes definitions for programmes, (audiovisual) media service providers, on-demand services, television advertising and sponsorship, most of which are aligned with the AVMS Directive. It lacks more detail on ACCs in a broader sense (although there is a specific law that addresses new advertising techniques) and on definitions relative to VSPs in the 2018 AVMSD. The concepts of editorial decision and editorial responsibility are also not defined – although editorial responsibility is included in the definition of media service provider. Due to the new Criminal Code, there is a definition of, and prohibition of, incitement to hatred.

4.2.1.3. Jurisdiction, and the principle of freedom of reception and retransmission

4.2.1.3.1. Jurisdiction

There is no alignment in the Armenian legislative framework with the concept of establishment of jurisdiction as outlined under Article 2 of the 2018 AVMSD. An expert review carried out on behalf of the OSCE highlighted several concerns about the compatibility of the Law on Audiovisual Media with international standards. The main arguments included the need to incorporate the jurisdiction criteria recommended by regional and comparative standards, focusing on the country of origin and main establishment of the AVMS providers.⁷⁷ Although not obliged to in the provisions of the law, the NRA does keep a list of audiovisual media services.

4.2.1.3.2. The principle of freedom of reception and retransmission

The right to freedom of expression in the Constitution of the Republic of Armenia includes the right to seek, receive and disseminate information and ideas through any media, without the interference of state or local self-government bodies and regardless of state frontiers. Types of prohibited content in programming are outlined in Article 9 of the Law

⁷⁷“LEGAL ANALYSIS OF THE LAW OF THE REPUBLIC OF ARMENIA ‘ON AUDIOVISUAL MEDIA’” (ADOPTED ON 16 JULY 2020) Commissioned by the Office of the OSCE Representative on Freedom of the Media and prepared by Dr. Joan Barata Mir. Available at: <https://www.osce.org/files/f/documents/0/a/493522.pdf>, page 5



on Audiovisual Media. They pertain to content which: instigates national, racial and religious hostility or spreads conflicts; campaigns for a war; or has the purpose of glorifying violence and cruelty. However, no reference is made to content provided on services received in the Republic of Armenia but established outside its jurisdiction. This omission can also be linked to the lack of a clear set of jurisdiction criteria focusing on the country of origin and main establishment (as noted above), and to the fact that Armenia is not a party to the European Convention on Transfrontier Television (ECTT),⁷⁸ where the concept of freedom of reception and retransmission is enshrined.

4.2.2. General principles and key values promoted by the AVMS Directive

The table below provides an overview of some of the general principles that are not dealt with in more detail in later sections of the country report – namely: non-discrimination, the prohibition of incitement to hatred and violence, and the prohibition of criminal content.

Table 36. General principles and key values

General principle/key value	Relevant provision/provisions	References
Principle of non-discrimination	<p>The Constitution of the Republic of Armenia, under Article 29, prohibits discrimination on the basis of various grounds, affiliations and personal characteristics: sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances.</p> <p>***</p> <p>The new (as of July 2022) Criminal Code gives a complete definition of discrimination and makes it a criminal liability.</p> <p>It defines discrimination as: a differential treatment, which degrades the person's honour and dignity or their rights and freedoms or by which the person gets advantages, absent of any objective grounds or reasonable explanation. The grounds are based on those outlined in the Constitution. The provision includes punishments via fines, public works or a maximum of two years' imprisonment (Article 203 (1)).</p> <p>Article 203 (2) focuses on discrimination exercised by the use of authority or official powers or influence, and outlines a range of punishments including fines, public works, deprivation of the right to occupy certain posts, or imprisonment for a maximum of two years.</p>	<p>Constitution of the Republic of Armenia, Article 29</p> <p>***</p> <p>(New) Criminal Code, (1 July 2022)</p> <p>Article 203 (1) and (2)</p> <p>***</p> <p>Law on Audiovisual Media, Article 9 (7)</p> <p>***</p> <p>Law of the Republic of Armenia On amendments and additions to</p>

⁷⁸ <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=132>



General principle/key value	Relevant provision/provisions	References
	<p>***</p> <p>The Law on Audiovisual Media, prohibits audiovisual programmes from promoting or containing information that promotes discrimination based on national, racial, gender or religious affiliation Article 9 (7)).</p> <p>***</p> <p>Recent amendments adjusted Article 9 (7) to include the promotion of discrimination based on “disability”</p> <p>Under Article 22 (6c) broadcasters should also provide programmes aimed at overcoming stereotypes that contain discrimination based on nationality, race, religion, age, disability, or other grounds of a personal or social nature.</p>	<p>the Law “on Audiovisual Media” (October 26, 2023), Amending Article 9 (7)</p> <p>Article 22 (6c)</p>
<p>Prohibition of incitement to hatred and incitement to violence</p>	<p>The Constitution prohibits the use of basic rights and freedoms for the purpose of violent overthrow of the constitutional order, incitement of national, racial or religious hatred or propaganda of violence or war (Article 77).</p> <p>***</p> <p>Under the new (from July 2022) Criminal Code, a new article on hate speech criminalises any action aimed at the incitement of national, ethnic, racial, political, ideological or religious hostility, hatred or intolerance, as well as the incitement of hatred, intolerance or hostility against another social group (Article 329).</p> <p>***</p> <p>The Armenian Criminal Code currently legislates against hate speech under Article 226 which prohibits actions aimed at the incitement of national, racial, ethnic or religious hostility, racial superiority or humiliation of national dignity. This offence is aggravated if it is committed, <i>inter alia</i>, publicly or by mass media. In April 2020, a new and more complex Article 226.2 was introduced which prohibits the public call for violence against a person or group of persons (based on the grounds outlined in the Constitution). This includes acts such as publicly justifying or advocating such violence.</p> <p>(This Article is in the new Criminal Code as Article 300).</p>	<p>The Constitution of the Republic of Armenia, Article 77</p> <p>***</p> <p>Acting Criminal Code, (Until July 2022)</p> <p>***</p> <p>New Criminal Code, (as of July 2022)</p> <p>Article 329, 300</p>
<p>Prohibition of criminal content: provocation to commit a terrorist offence; child pornography; racism and xenophobia; incitement to terrorism</p>	<p>The Criminal Code of Armenia prohibits the distribution and preservation via computer systems of child pornography materials (Article 263 of the current code and Article 300 of the new Criminal Code). Provocation to commit a child pornography act is prohibited under the Article 202 of the new Criminal Code. The new Criminal Code also prohibits provocation to commit acts of racism and xenophobia (Article 329) and incitement to terrorism (Article 313)</p>	<p>Acting Criminal Code, (until July 2022)</p> <p>Article 263</p> <p>***</p> <p>New Criminal Code, Articles 202, 300, 239, 313</p> <p>***</p>



General principle/key value	Relevant provision/provisions	References
	In the Law on Audiovisual Media, it is prohibited to disseminate, through audiovisual programmes, calls for any acts prohibited by the law (Article 9, clause 1).	Law on Audiovisual Media, Article 9 (7)

Source: Response of national expert of Armenia to European Audiovisual Observatory standardised survey

Each of these first three principles: non-discrimination, the prohibition of incitement to hatred and violence, and the prohibition of criminal content are covered in the legislative framework. With the introduction of a new Criminal Code (as of July 2022), the legislative framework has strong provisions regarding non-discrimination, hate speech, incitement to hatred, incitement to violence, and child pornography. In the Law on Audiovisual Media, it is prohibited for audiovisual programmes to promote or contain information that promotes discrimination based on national, racial, gender or religious affiliation. Recent amendments (October 2022) included the grounds of “disability” to the other characteristics. More broadly, the Law on Audiovisual Media prohibits the dissemination via audiovisual programmes of calls for any acts that are prohibited by the law.

According to the national expert, Armenia currently lacks any civil law measures directly prohibiting hate speech. Whilst there are provisions which outlaw insult and defamation, they do not explicitly include hate speech. So, whilst some civil disputes may involve hate speech under the Civil Code, the claim must be formulated on the basis of insult or defamation. There is also a distinct absence of a comprehensive non-discrimination legal framework. The draft law on Ensuring Legal Equality has yet to be adopted, and any progress with its implementation appears to be suspended. This is a major gap in the legislation which substantially weakens the redress mechanisms against hate speech.

There is also an absence of any administrative law provisions on hate speech. Administrative law can play an effective role in curbing hate speech practices where the severity and public danger of hate speech do not reach the minimum threshold of the criminal law, but where there is still a general need to regulate it in the interests of public order and peace. Administrative sanctions are also less onerous and stigmatising than those meted out in the criminal law, and so can help when trying to undertake the delicate balancing act between freedom of expression and the protection of society against hate speech.

4.2.2.1. Freedom of expression, freedom of the media and prohibition of censorship

Freedom of expression, freedom of the media, and the prohibition of censorship are all dealt with in the legislative framework: in the Constitution, the Law on Audiovisual Media, and the Law on Mass Media.

**Table 37. Freedom of expression**

General principle/key value	Relevant provision/provisions	References
Freedom of expression/freedom of the media	The Constitution protects the right to freedom of expression, and the right to seek, receive and disseminate information and ideas through any media, without the interference of state or local self-government bodies and regardless of state frontiers (Article 42 (1)). Article 42 (2) also guarantees the freedom of the media. The state should guarantee the independence of public television and radio (Article 42 (3)).	The Constitution of the Republic of Armenia, 2015, Article 42 (1, 2, 3)
Prohibition of censorship/protection of the independence of broadcasters	Censorship is prohibited under Article 4 of the Law on Audiovisual Media. It also guarantees the right to freedom of choice and the production and distribution of audiovisual information. Article 17 also prohibits interference in the activities of broadcasters and operators, except in the cases prescribed by law.	Law on Audiovisual Media, 2020, Article 4, Article 17
Freedom of the media/freedom of expression/prohibition of censorship	Article 4 (3) guarantees freedom of speech. The following is prohibited: censorship; compelling media workers or journalists to disseminate or refrain from the dissemination of information; interfering with the legitimate professional activities of a journalist; discrimination in the public circulation of appliances and materials necessary for the dissemination of information; the restriction of a person's right to exploit media products of his/her choice, including those from other countries.	Mass Media Law, 2003, Article 4 (3)

Source: Response of national expert of Armenia to European Audiovisual Observatory standardised survey

As can be seen from the table above, the principles of freedom of expression and freedom of the media are clearly enshrined in the national legislative framework. However, according to the national expert, there have been a number of issues in recent years in relation to the protection of freedom of expression and freedom of the media. Armenia has dealt with a major national crisis in recent years: the 2020 Nagorno-Karabakh war, which led to an unprecedented level of disinformation and hate speech. This has led the authorities to severely restrict the independence of journalists and freedom of expression, albeit temporarily,⁷⁹ and has prompted legislative responses that lacked the necessary consensus-building to ensure the quality and ownership of these responses. During the war, on 27 September 2020, the government issued a decree that included the requirement for journalists to disseminate only official information on military operations. There were penalties (fines and potential prison sentences) for infringements, i.e. the publication or

⁷⁹ "The Functioning of Democratic Institutions in Armenia", PACE Report, 2021, available at: <https://assembly.coe.int/LifeRay/MON/Pdf/TextesProvisoires/2021/20211217-ArmeniaInstitutions-EN.pdf>, paragraph 119.



dissemination of information during the period of martial law, defined as “causing harm to the legitimate rights”.⁸⁰

During the COVID-19 pandemic, amendments to the Criminal Code and the Administrative Code were discussed by the National Assembly, proposing that any organisation engaged in journalism would only be able to publish information on Coronavirus once this information had been published by official sources, namely by the authorities. Fines would be introduced for failure to comply. Press representatives and the OSCE Representative on Freedom of the Media criticised the disproportionate nature of this restriction on freedom of expression and pointed to the role of media outlets in combating the dissemination of false information.⁸¹ In April 2020, the contested provisions were withdrawn, and no media outlets were fined.

The PACE report noted that in reacting to both the dissemination of false information and publications likely to cause panic in the context of the Coronavirus pandemic and the restrictions imposed by martial law, the authorities tended to take drastic measures which were manifestly excessive in view of the curbs they placed on freedom of expression, even if the aim pursued was legitimate.⁸² Both of these events – the COVID-19 pandemic and the war – have led to a rise in hate speech and other illegal content on social platforms and in traditional media. Disinformation became widespread, and distrust in policymakers and politicians increased. The government was forced to devote its energy to responding to falsehoods instead of communicating information of public interest. Disinformation, both in the traditional media, and especially on the internet became a major concern as reported by civil society organisations (CSOs) and other media watchdogs.⁸³ Regarding hate speech, several professional unions have attempted to self-regulate in order to prohibit hate speech. Professional NGOs and media organisations have launched various programmes and platforms, with the aim of tackling disinformation.⁸⁴

The safety of journalists is a concern in Armenia, although the professional rights of journalists are protected under Article 164 of the Criminal Code. Physical violence and attacks against journalists have decreased in recent years but in 2021, several cases of violence against journalists were registered. Attacks of previous years have not been properly followed up, and not one person has been found criminally liable for attacking journalists in 2020 or 2021. This impunity emboldens the perpetrators of the crimes and, at the same time, has a chilling effect on society, including journalists.

Other concerns regarding the right to freedom of information, as highlighted by the national expert, include digital security, with frequent hacking of the websites and the

⁸⁰ Decree No. 1586-N of the Government of the Republic of Armenia of 27 September 2020 on “Declaring martial law in the Republic of Armenia”: <https://rm.coe.int/16809f8c> and its Annex: <https://rm.coe.int/16809f8d>

⁸¹ “Coronavirus response should not impede the work of the media in Armenia, says OSCE Media Freedom Representative”, 24 March 2020: <https://www.osce.org/representative-on-freedom-of-media/449098>

⁸² PACE Report 2022. ‘The functioning of democratic institutions in Armenia’: Report by the Council of Europe’s Parliamentary Assembly; Doc. 15432, 10 January 2022, available at: <https://pace.coe.int/en/files/29803>, p. 125

⁸³ The Mapping of the Media in Armenia in the Context of the Fight Against Dis/Misinformation, Freedom of Information Centre, December 2021: <http://www.foi.am/en/research/item/2184/>

⁸⁴ Developed by organisations such as the Freedom of Information Centre, various Armenian universities and schools, the Public Journalism Club, CivilNet, Armenian Public TV, Factor TV, the Media Initiatives Centre.



official Facebook pages of media outlets; access to information for the media and the lack of effective enforcement mechanisms.

Amendments to the Law on Mass Media in 2020 and 2021 introduced a new concept – that of “unidentified sources of information” which, according to the national expert, has generated a high degree of legal uncertainty and created risks of unnecessary restriction on journalists’ right to protect their sources of information. Overall, the current legal framework regulating the media sector is considered outdated and insufficient to enhance freedom of expression and the media, according to the national expert.

There was widespread concern regarding the adoption in 2021 of an amendment to the Republic of Armenia Criminal Code, which defined “grave insult” (new Article 137.1) and stipulated fines (approximately EUR 2 500 to EUR 5 000) and a maximum prison sentence of three months.⁸⁵ The Human Rights Defender of Armenia applied to the Constitutional Court to check the constitutionality of this article on “grave insult”. The court session was scheduled for 26 April 2022.⁸⁶ According to news reports of 14 June 2022, the Minister of Justice, Karen Andreasyan, announced the cancellation of the article criminalising grave insults.⁸⁷ Thus, “grave insult” will no longer be a criminal offence in Armenia from 1 July 2022. More than 800 criminal cases had already been filed on the basis of this article, and it is unclear what will happen with these cases, or with the cases already examined, or with people already convicted under this provision.

The Council of Europe experts concluded that the growing trend on criminalisation of speech incidents in Armenia is clearly not aligned with international legal, including Council of Europe, standards. They noted that the response to political tensions during the war and its aftermath, alongside the societal challenges during the pandemic, amounted to criminalising certain speech and was legally disproportionate and inadequate in terms of the policy.⁸⁸

4.2.2.2. The independence of national regulatory authorities in the media sector

The Commission on Television and Radio of the Republic of Armenia (CTR) is the NRA for the audiovisual sector. The CTR is engaged, *inter alia*, with the licensing and authorising of audiovisual media services, the authorisation of digital terrestrial television (DTT) multiplexes, the monitoring of content including during elections, the handling of complaints and the development of policies.

⁸⁵ A new article 137.1 was added to the Criminal Code, which provided the definition and the criminal liability for it.

⁸⁶ The constitutional court decided that the article was in line with the Constitution. <https://www.azatutyun.am/a/31827364.html>

⁸⁷ Armenia decriminalizes “grave insults”: <https://jam-news.net/armenia-decriminalizes-grave-insults/>

⁸⁸ Armenian Media Sector Needs Assessment Report - 2022 Update, Overview of the National Legislative Framework Covering Media Freedom, Freedom of Expression, Public Service Media and its compliance with Council of Europe Standards, CoE, page 27.



Table 38. Independence of the National Regulatory Authority (NRA)

The AVMSD and the independence of NRAs (Article 30)	In line with the AVMSD	References
NRAs should be legally distinct from, and functionally independent of government.	Yes – aligned with the 2018 AVMSD. The Constitution under Article 196 (1) states, <i>inter alia</i> , that the CTR shall be an independent state body, which ensures the freedom, independence and plurality of broadcasting media.	The Constitution of the Republic of Armenia, Article 196 (1)
NRAs should exercise their powers impartially and transparently.	Yes – aligned with the 2018 AVMSD. The NRA should carry out its activities on the basis of the principles of legitimacy, democracy, equality, impartiality, independence, collegiality and publicity (Article 33). Members of the Committee also take an oath that includes a commitment to impartiality and honesty (Article 34(6)). The NRA submits an annual report to the National Assembly each year (Article 36(6)).	Law on Audiovisual Media, Articles 33, 34(6) and 36(6)
Clear definition of the competences and powers of the NRAs outlined in the law.	Yes – aligned with the 2018 AVMSD. The activities, competences and powers of the NRA are outlined in detail in Article 32.	As above, Article 32
NRAs should have adequate financial and human resources and enforcement powers to carry out their functions, and have their own budgets.	Yes – aligned with the 2018 AVMSD. Article 38 (3) ensures the financial independence and stability of the NRA. The request for budget funding of the state regulatory body shall be included by the government unchanged, where adopted, and changed – in the case of objections – in the draft state budget.	As above, Article 38 (2)
Clear conditions and (transparent and non-discriminatory) procedures for the appointment and dismissal of the heads of NRAs/members of governing bodies are laid out in the law.	Yes – aligned with the 2018 AVMSD. This covers professional requirements for candidates, and other issues that influence qualification: conflict of interest, links with political parties, etc. (Article 34). Article 35 outlines in detail the procedures for selection of the members of the NRA. They are voted on by the Assembly on the basis of a committee recommendation. The chairperson of the NRA is elected by the regulatory body from its own members. Conditions that could lead to the termination of powers (both of members and the chairperson) are: violations regarding incompatibility requirements; illness or incapacity; failure to attend meetings; failure to inform regarding non-participation; refusing to participate in voting – aside from exceptions provided for in the law (Article 37). Conditions that could lead to dismissal (both of members and the chairperson): expiry of the term of powers; expiry of term; loss of citizenship; criminal conviction; loss of legal capacity; resignation; death (Article 38).	As above, Articles 34, 35, 37 and 38



The AVMSD and the independence of NRAs (Article 30)	In line with the AVMSD	References
Existence of effective and independent appeal mechanisms.	Partially aligned: according to the national expert there is no clear procedure for appeal and revision of decisions of the NRA. The only appeal procedure is a court appeal which might take years and hence lack impact. ⁸⁹ Article 32 (13) states that the NRA shall examine and give a response or conclusion with regard to complaints, suggestions and inquiries on the activities of the broadcasters, operators and distributors. The CTR also works on the basis of other laws such as the Law on Administration Bases and Administrative Proceedings and according to Chapter 10 of this Law, anyone can appeal a decision of the CTR. They can also appeal directly to the Commission, or they can appeal to the court.	Article 32 (13) Law on Administration Bases and Administrative Proceedings
Provisions in the law that support cooperation between NRAs.	Yes – aligned with the 2018 AVMSD. Under Article 31 (3) the NRA shall, within the scope of its competence represent the Republic of Armenia in other states and international organisations. The NRA may cooperate with the relevant establishments of other states and interested international organisations.	Law on Audiovisual Media, Article 31 (3)

Source: Response of national expert of Armenia to European Audiovisual Observatory standardised survey

The table above indicates that the Armenian legal framework incorporates the provisions of the 2018 AVMS Directive regarding the independence of the NRA. The status and independence of the CTR are specifically addressed under the Armenian Constitution – defining the scope of authority of the NRA, as well as its composition and rules on the appointment of members. The Law on Audiovisual Media (2020) stipulates the specific rules on the status and powers of the NRA, and also establishes the details of the procedures for the nomination and election of the members of the Commission.

While the NRA was provided with *de jure* independence in the Law on Audiovisual Media, it was recommended (in the OSCE Expert Report) that the law should also include some additional provisions; these would include, for example, engaging civil society, journalistic organisations and other relevant organisations in the nomination and/or appointment process for the members of the board of the NRA.⁹⁰ The same review also stressed that the law should

require accredited knowledge and top-level professional experience, or technical, journalistic or economic experience connected to media legal and ethical matters, as well

⁸⁹ For example, a relevant case is the appeal of the A1plus TV station which was deprived of its license in 2002 and whose appeal is pending before the ECtHR.

⁹⁰ OSCE Expert Report, p. 4



as high ethical standards (absence of previous criminal convictions in cases related to corruption or management of public or private companies, for example).⁹¹

Regarding financial security, it has been recommended that it is necessary to provide for further legislative guarantees for the NRA so that it can count on sufficient funds in order to perform its activities in an efficient, proper and independent manner.⁹² A further recommendation is to employ a system comprising of a long-term, five-year budget, with an indexation for inflation. According to the national expert, the need for reinforcing the *de facto* independence of the NRA is an imperative for good media governance in Armenia. Moreover, the NRA will need support in various forms to further professionalisation and adherence to the regulatory challenges faced by all regulators in the Council of Europe member states with regard to platform regulation and other emerging trends.

4.2.2.3. The protection of minors

This section outlines the legislative framework for the protection of minors and the extent to which it aligns with the AVMS Directive is examined in relation to obligations on AVMS providers to protect minors from harmful content; with regard to protecting minors from harm in the context of ACCs; and to protect minors from prohibited/restricted advertising.

Table 39. The protection of minors

The AVMSD and the protection of minors (Articles 6a, 9, and 11)	In line with the AVMSD	References
Obligations to protect minors from harmful content, via a watershed/scheduling, age verification tools or other technical measures	<p>Yes – Aligned with the 2010 AVMSD Article 9 (3) prohibits the broadcast of programmes with erotic content and films containing horror and explicit violence, as well as programmes with potential negative impact on the health, mental and physical development of minors outside of the timeframe of 24:00 to 6:00 Article 57 deals with penalties for violation of the above.</p> <p>***</p> <p>Two CTR decisions from July 2021 provided clarity regarding the criteria for identifying audiovisual programmes having a possible negative impact on the health, mental and physical development of minors; and audiovisual programmes containing erotic content, horror and obvious violence.⁹³</p>	<p>Law on Audiovisual Media, Article 9 (3), 57</p> <p>***</p> <p>Decision of the CTR of 1 July 2021 on the criteria for audiovisual programmes having possible negative impact on the health, mental and physical development of minors⁹⁴</p> <p>***</p> <p>Decision of the CTR of 1 July 2021 on the criteria</p>

⁹¹ OSCE report, page 17.

⁹² OSCE Expert Report, p. 4.

⁹³ Based on these decisions, on 24 March 2022 two administrative cases were filed by the Commission against two TV stations, “TV 5” and “Nor Hayastan” (New Armenia) and a fine was imposed in the amount of AMD 400,000 for violating the set standards.

⁹⁴ <http://tvradio.am/wp-content/uploads/2021/06/109-21.pdf>



The AVMSD and the protection of minors (Articles 6a, 9, and 11)	In line with the AVMSD	References
		for erotic content and horror and films containing obvious violence ⁹⁵
Prohibition against the commercial use of personal data of minors collected when implementing these measures	Not mentioned in the relevant laws or regulations.	
Informing viewers about potentially harmful content (content rating systems, visual or acoustic signals)	Yes – Aligned with the 2018 AVMS Two CTR decisions from July 2021 provided clarity regarding the criteria for identifying audiovisual programmes	See decisions above
Bans or prohibitions (or limitations) regarding certain products: cigarettes, tobacco products, and electronic cigarettes, alcoholic beverages, etc. and provisions to effectively reduce the exposure of minors to ACCs for alcoholic beverages	Yes – Aligned with the 2018 AVMS Article 57 (8) prohibits ACCs for strong alcoholic beverages (with 20% or more alcohol) and ACCs for tobacco and tobacco production in the period between 06:00 and 22:30 It also prohibits the direct or indirect use or display of tobacco or types of tobacco products in audiovisual programmes for children and youth. *** Article 14 of the Law on Advertising bans the placement of advertisements for alcoholic drinks and tobacco in radio and TV programmes for children and teenagers. ⁹⁶ The use of images of minors in audio or any other form in advertisements is prohibited, unless it refers to products intended for minors (Article 14, clause 3). Article 15 prohibits addressing minors directly in the advertisement of alcoholic beverages and tobacco.	Law on Audiovisual Media, Article 57 (8) *** Law on Advertising, Articles 14 and 15
Requirement that ACCs shall not cause physical, mental or moral detriment to minors	Yes – Aligned with the 2018 AVMS Article 14 (1) of the Law on Advertising bans advertising where b) there is content that can cause moral or physical harm to minors; c) or where there is a violation of the trust between minors and parents/ educators.	Law on Advertising, Article 14 (1)
Effectively reduce the exposure of children to ACCs for such foods and	No regulation is available.	

⁹⁵ <http://tvradio.am/wp-content/uploads/2021/06/110-21.pdf>

⁹⁶ In print media targeting persons under the legal age, as well as in children's, educational, medical, cultural, sports organisations, institutions and on their territories.



The AVMSD and the protection of minors (Articles 6a, 9, and 11)	In line with the AVMSD	References
beverages containing fat, trans-fatty acids, salt or sodium and sugars (HFSS)		
Prohibition against product placement in children's programmes	Not specifically, aside from the ban on the advertising, display or use of certain products before the watershed – namely alcohol and tobacco.	Law on Audiovisual Media, Article 57

Source: Response of national expert of Armenia to European Audiovisual Observatory standardised survey

The national framework includes obligations to protect minors from harmful content, with a particular emphasis on rules around the watershed and scheduling. It does not yet reflect the need for additional tools in the age of digital media such as age verification tools or other technical measures. The framework is well aligned with regard to prohibitions (or limitations) on certain products such as cigarettes, tobacco products (although not e-cigarettes), alcoholic beverages, etc. In fact, there are strong rules that should effectively reduce the exposure of minors to ACCs for alcoholic beverages. However, the legislative framework does not yet address the issue of reducing the exposure of children to ACCs for such foods and beverages containing fat, trans-fatty acids, salt or sodium and sugars (HFSS).

According to the national expert, there needs to be more monitoring on the part of the Armenian regulator (the CTR) to detect violations regarding harmful content; this would need to be resourced. In addition, self-regulation would need to be further supported and strengthened. Regarding self-regulation and the protection of minors, the most relevant organisation is the Media Ethics Observatory (MEO). The Observatory, established under the professional media ethics initiative, resolves disputes between individuals and media entities that voluntarily signed up to the Code of Ethics.⁹⁷ The MEO Code of Conduct contains several provisions regarding the protection of minors. These mainly focus on the participation of minors in the media – where information is published about minors, where minors are the focus of a news report – issues of identification and privacy, permissions from the minor and his/her guardian, and the avoidance of causing any harm to minors in interviews.

In February 2022, a memorandum was signed between the MEO and the CTR to cooperate within the framework of ethical standards.⁹⁸ There are a number of ongoing media and information literacy initiatives, however they do not specifically deal with the

⁹⁷ As of April 2022, the Code of Ethics of the MEO has been signed by 69 Armenian media outlets and the initiative is supported by eight journalism associations. Media representatives who have signed the Code of Ethics acknowledge the right of the MEO to examine the conformity of their acts and publications to the provisions of the Code and state their willingness to publish decisions of the MEO in their media.

⁹⁸ Armenian text of the Memorandum from the CTR website:

<http://tvradio.am/wp-content/uploads/2022/02/%D5%80%D5%A1%D5%B4%D5%A1%D5%A3%D5%B8%D6%80%D5%AE%D5%A1%D5%AF%D6%81%D5%B8%D6%82%D5%A9%D5%B5%D5%A1%D5%B6-%D5%B0%D5%B8%D6%82%D5%B7%D5%A1%D5%A3%D5%AB%D6%80.pdf>



protection of minors, but rather focus on media literacy and fact-checking in the media, and the fight against dis/misinformation. The Freedom of Information Center,⁹⁹ in cooperation with the government, is developing a comprehensive strategy and action plan for the fight against disinformation in Armenia to be ready by June 2022. The issue of protection of minors will be covered in the framework of the strategy.¹⁰⁰

4.2.2.4. The promotion of the rights of people with disabilities to access audiovisual content

The 2018 AVMS Directive strengthens the obligations for AVMS providers to provide accessible audiovisual media content. EU member states are now expected to ensure “without undue delay” that services are made “continuously and progressively more accessible”.

Table 40. Accessibility

The AVMSD and the accessibility of audiovisual media services (Article 7)	In line with the AVMSD	References
<p>Ensuring – without undue delay – that services provided by media service providers are made continuously and progressively more accessible.</p>	<p>Aligned with the 2010 AVMSD.</p> <p>There are provisions for broadcasters who broadcast children’s and/or news audiovisual programmes: they are obliged to broadcast at least one children’s programme and one news audiovisual programme with sign language interpretation or with Armenian subtitles, during the hours prescribed by the state regulatory body. These hours were outlined in the following decision.</p> <p>***</p> <p>The decision states that news with sign language translation or Armenian subtitles must be broadcast between 17:00 and 22:00.</p> <p>Children’s programmes with sign language translation or Armenian subtitles must be broadcast on weekdays between 16:00 and 21:00 and at weekends between 10:00 and 17:00.</p> <p>***</p>	<p>Law on Audiovisual Media, Article 6</p> <p>***</p> <p>Decision of the CTR#82-U dated 28 August 2020¹⁰¹</p> <p>***</p> <p>Law of the Republic of Armenia On amendments and additions to the Law “on Audiovisual Media” (October 26, 2023), Amending Article 6 (4) Article 22, new paragraph 4</p>

⁹⁹ <http://www.foi.am/en/>.

¹⁰⁰ The “National Strategy Against Disinformation” was made public on 6 July 2022. In English: http://www.foi.am/u_files/file/DOCs%202022/Strategy_FOICA_CIFE_ENG.pdf.

¹⁰¹ Decision of the National Commission of TV and Radio #82-U dated on 28 August <https://www.arlis.am/DocumentView.aspx?docid=145690&fbclid=IwAR3vsgwDs9BX-m4msg6LMjZn1cCOqnRtNV90DnyUWgsLFWY4E9J7HIGsaLY>.



The AVMSD and the accessibility of audiovisual media services (Article 7)	In line with the AVMSD	References
	<p>Article 6 (4) was amended to include obligations for Broadcasters who also broadcast children’s films. They are now also obliged to ensure accessibility during the day of at least one film with a translation in sign language or with Armenian subtitles, at the hours established by the regulatory government body and in accordance with the minimum technical requirements.</p> <p>Additional requirements regarding accessibility are included in Article 22 (4).</p> <p>Subtitles in Armenian or sign language translation should be added to: at least one programme per week of an educational, health, cultural and entertainment nature; also to live broadcast of events organised on holidays and memorial days of the Republic of Armenia; and to live speeches, messages and pre-scheduled interviews of the Prime Minister, Chairman of the National Assembly, President of the Republic etc.; and in social advertising</p>	
Reporting to the NRA and developing action plans in this area; these should be communicated to the NRAs.	No specific regulations and obligations are defined in the Armenian legislation.	
States should provide a public online point of contact for providing information and receiving complaints.	No –no such regulation is provided by the law. The Code for Administrative Proceedings which contains regulations on the submission of applications and complaints.	
Emergency information should be in accessible formats.	<p>Yes – aligned with the AVMSD 2018</p> <p>Amendments from October 2022 included a requirement to provide subtitles or sign language translation for special issues broadcast during state of emergency and martial law.</p>	Article 22, new paragraph 4

Source: Response of national expert of Armenia to European Audiovisual Observatory standardised survey

Regarding the provision of accessible audiovisual content for people with disabilities, the obligations are quite limited. They rather reflect the 2010 AVMS Directive with the requirement to “encourage” audiovisual media services to provide accessible content, with no particular obligations. The Law on Audiovisual Media places obligations on broadcasters that broadcast children’s and/or news audiovisual programmes as outlined in the table above. However, amendments introduced in October 2022 expanded the programming requirements and also introduced a provision regarding accessibility of emergency information.



In September 2020, a Government decree announced a broad annual programme for the social inclusion of persons with disabilities for 2021.¹⁰² Section 2.4 dealt with television programmes and the need to provide sign language translation in Armenian within these programmes. The strategy was to reach agreements with the broadcasters and the NRA on this issue. This action plan towards ensuring accessibility of information for people with disabilities does not place specific obligations on the private broadcasters and the NRA to fulfil this action plan; rather, it is more voluntary in character.

4.2.2.5. Transparency of media ownership and the promotion of media pluralism

The 2018 AVMS Directive emphasises (recital 15) that “[t]ransparency of media ownership is directly linked to freedom of expression, a cornerstone of democratic systems”. The AVMS Directive requires a minimum of public information about services (Article 5), and national lists of audiovisual media services (Article 2). This section outlines the legislative framework regarding transparency of ownership.

Table 41. Transparency of media ownership

AVMSD and transparency of media ownership (Article 5, Article 2)	In line with AVMSD	References
Requirement for a service provider to provide publicly accessible information on the following: its name, the address at which it is established, its email address or website, the state having jurisdiction over it and the competent NRA.	Partly aligned with the 2018 AVMSD The press sector has to do this, but the broadcasting sector must provide this information to the CTR only.	Law on Mass Media, Article 11
Requirement for states to establish and maintain up-to-date lists of the national AVMS providers.	Although there is no legal requirement, the CTR maintains an up-to-date list of the national AVMS providers.	
Other national legislation/regulations/rules regarding transparency of media ownership.	Yes - aligned with the 2018 AVMSD Broadcasters and operators are obliged to ensure the transparency of their financing sources, publish their annual financial statements and information on their annual income, as well as publishing information on the founders and participants.	Law on Audiovisual Media, Article 19 (2)
Other national legislation/regulations/rules	This requires all companies (including media) to submit beneficial ownership declarations to the State Registry according to a set timetable.	Law on State Registration of Legal

¹⁰² Government decree # N1601-L dated 29 September 2020: <https://www.arlis.am/DocumentView.aspx?docID=146444>.



regarding the transparency of media ownership.		Entities and Individual Entrepreneurs 2021
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Source: Response of national expert of Armenia to European Audiovisual Observatory standardised survey

The Armenian legal framework only requires the press sector to make public details regarding a service provider's name, the address at which it is established and its email address or website, etc. Broadcasters have to share this information with the NRA. In addition, broadcasters are required to ensure the transparency of their financing sources, publish their annual financial statements, and (regarding ownership) publish information on the founders and participants. In this sense, the transparency of ownership requirements are stronger than those outlined in the AVMS Directive.

The current Law on Mass Media reflects amendments made in 2021 following 2019 recommendations from Council of Europe experts that new requirements to guarantee full ownership transparency, as well as to avoid excessive concentration and anti-pluralistic behaviour in the media sector in general should be established.¹⁰³ The legislative amendments of 2021 to the Law on Mass Media aimed to address the urgent need for media transparency in Armenia. The law (under Article 12) laid down the possible and eligible sources of media funding (paragraph 1) and extended the rules on transparency on mass media revenues to online media outlets, also introducing more detailed financial reporting requirements to provide information on the financial sources of the media outlet (paragraph 2).

In addition, further legislation¹⁰⁴ was introduced requiring all companies (including media) to submit beneficial ownership¹⁰⁵ declarations to the State Registry according to a set timetable. These amendments could ensure the necessary legal framework for media transparency and accountability, but the new rules need to be implemented and enforced in order to bring about meaningful transparency in the media sector. The feedback from the national expert stressed that there may be some challenges to the implementation of this. These include a combination of uncertainty on the part of the media sector who fear that the initiative, if not used correctly, could be used as an instrument to pressure the media and a lack of capacity within the state system to deal with the registers. It would be advisable to give CSOs the possibility to use the data to assess the pluralism of ownership in the market.

With regard to media pluralism, Article 4 of the Mass Media Law ensures a general principle of pluralism in the media. It states that the media and journalists shall operate freely in compliance with the principles of equality, legitimacy, freedom of speech (expression) and pluralism. Article 22 of the Law on Audiovisual Media ensures that public broadcasters shall be guided by the principles of objectivity, democracy, impartiality,

¹⁰³ See the 'Armenian Media Sector Needs Assessment Report – Overview of National Legislative Framework Covering Media Freedom, Freedom of Expression, Public Service Media and its compliance with the Council of Europe standards' by Dr Joan Barata Bjorn Erichsen, Dr Krisztina Rozgonyi and David Sandukhchyan (Jan 2020), p. 33.

¹⁰⁴ Law on State Registration of Legal Entities and Individual Entrepreneurs 2021.

¹⁰⁵ Beneficial ownership is defined as 20% of ownership.



diversity and pluralism and that they shall ensure freedom of expression, conscience, thought, belief and creation. However, this concept is not applied to private broadcasters.

4.2.3. Concluding remarks and summary of findings

The Armenian legislation was updated in 2020. The Law on Audiovisual Media (2020) is partially aligned with the AVMS Directive and, in addition, the law has been the subject of concern from international experts and organisations regarding its alignment with European standards. The Armenian government has moved forward with a working group to develop amendments to the law. Regarding general principles and key values promoted in the Directive, most are clearly outlined in the legislative framework, with rules on transparency of media ownership being particularly strong.

The Constitution, the Law on Audiovisual Media (2020), the Mass Media Law and the Criminal Code are the important sources of provisions dealing with general principles such as freedom of expression, transparency of media ownership and the prohibition of discrimination, incitement to hatred, incitement to violence, incitement to terrorism, and child pornography. The new Criminal Code, in particular, has introduced strong provisions on incitement to hatred.

The legal framework for audiovisual media lacks the incorporation of the concept of jurisdiction and the principle of freedom of reception and retransmission. In addition, a strengthening of obligations regarding the provision of accessibility for people with disabilities would be welcome, but it should be noted that the amendments of October 2022 have improved the obligations regarding accessible content – which indicates some level of progression. The national expert also discussed in detail various issues impeding the exercise of freedom of expression and freedom of the media – which became more problematic in the context of the 2020 Nagorno-Karabakh war and the COVID-19 pandemic. From the discussion in the text, it appears that civil society, the Human Rights Defender of Armenia and several international organisations play an important role in the drive to reform the country's media legislation. As noted above, the government has been working on amendments to the law, partly in response to the comments and reports emanating from these organisations. On 6 June 2022 the Ministry of High-Tech Industry officially circulated a new draft of the amendments to the Audiovisual Law; this was perceived as controversial by the local journalism organisations. They disseminated an announcement criticising this new legal initiative of the government and demanded that it be withdrawn.¹⁰⁶

¹⁰⁶ Text of the draft amendments: https://www.e-draft.am/projects/4418/about?fbclid=IwAR2vvi3Cptl8X_g-V1cNtKBGICHN_5JdYx2U5a8ThyE5fBRA-C3EO9EX12M. Text of the statement from journalism organisations: <https://khosq.am/2022/06/20/%d5%b0%d5%a1%d5%b5%d5%bf%d5%a1%d6%80%d5%a1%d6%80%d5%b8%d6%82%d5%a9%d5%b5%d5%b8%d6%82%d5%b6-98/>.



4.2.4. The list¹⁰⁷ of countries participating in the Creative Europe Programme 2021 – 2027 was recently amended, in February 2024. List of relevant documents, reports, opinions, etc.

Table 42. Relevant documents, reports and opinions

Title	Main topics/ themes	Link if available
Council of Europe (2022): <i>Armenian Media Sector Needs Assessment Report – 2022 Update, Overview of the National Legislative Framework Covering Media Freedom, Freedom of Expression, Public Service Media and its compliance with Council of Europe Standards</i>	Media Freedom, Freedom of Expression, Public Service Media	
PACE Report (2021): <i>The Functioning of Democratic Institutions in Armenia</i>	A broad review of the functioning of democratic institutions from the Parliamentary Assembly of the Council of Europe	In English: https://assembly.coe.int/LifeRay/MON/Pdf/TextesProvisaires/2021/20211217-ArmeniaInstitutions-EN.pdf
Freedom of Information Center (December 2021): <i>The Mapping of the Media in Armenia in the Context of the Fight Against Dis/Misinformation</i>	Dis/misinformation	In English: http://www.foi.am/en/research/item/2184/
OSCE (2020): <i>Legal Analysis of the Law of the Republic of Armenia on Audiovisual Media</i> (Adopted on 16 July 2020). Prepared for the Office of the Representative on Freedom of the Media, by Joan Barata	Opinion on the 2020 Law on Audiovisual Media and its alignment with European standards	In English: https://www.osce.org/files/f/documents/0/a/493522.pdf
Council of Europe (2020): <i>Armenian Media Sector Needs Assessment Report – Overview of National Legislative Framework Covering Media Freedom, Freedom of Expression, Public Service Media and its compliance with the Council of Europe standards</i>	Media Freedom, Freedom of Expression, Public Service Media	

¹⁰⁷ https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/crea/guidance/list-3rd-country-participation_crea_en.pdf



Title	Main topics/ themes	Link if available
Report prepared by Dr Joan Barata, Bjorn Erichsen, Dr Krisztina Rozgonyi and David Sandukhchyan		

Source: Response of national expert of Armenia to European Audiovisual Observatory standardised survey

4.2.5. Data compilation

This country report is based on information and materials supplied by the national expert Shushan Doydoyan, founder and director of the Freedom of Information Center of Armenia (FOICA).