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POLICE-MEDIA RELATIONS IN THE REPUBLIC OF ARMENIA

Report





POLICE-MEDIA RELATIONS IN THE REPUBLIC OF ARMENIA

Summary Report

FOR THE SAKE OF TRUST-BUILDING

National Center for Legal Researches

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Subject Matter and Significance of the Study

The subject matter of the present study pertains to the relationship between the police and the media, related problems and measures that may lead to improvement of the relationship. It is not unknown that certain tension and intolerance currently exist between the two institutions. Thus, to prevent the situation from escalation, the *National Center for Legal Researches NGO*, in co-operation and with the support of the *Yerevan Office of the Organization for Security and Cooperation in Europe (OSCE)*, initiated and conducted in 2009 in all provinces of Armenia a series of *Improvement of Police-Media Relations* roundtables, with the involvement of the local police and media representatives.

The roundtables went on in an uninhibited and constructive atmosphere, with due appreciation of the significance of reciprocal tolerance and co-operation; targeted discussions took place over topics of mutual concern. The participants reached concrete agreements aimed to intensify their relations, both sides voiced requests to work out topical methodology guidelines, to organize trainings on the applicable best international practices and on specifics of legal regulations and their enforcement, and to conduct regular joint meetings, workshops and similar roundtables.

Legal Framework of Police-Media Relations in Armenia

Democratic developments in Armenia that started in 1991, when the country gained independence necessitated fundamental changes to the active laws, which brought to the adoption of the Constitution of 1995. According to Article 27 thereof everyone shall have the right to freely express his/her opinion and the right to freedom of expression including freedom to search for, receive and impart information and ideas by any means of information regardless of the state frontiers. A similar provision is enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms (Convention). The media plays a core role in the process of implementation of the mentioned rights by creating the necessary prerequisites. Therefore this vital field becomes a subject of legal regulation, which, however, entails certain limitations as well. Such limitations are specified in Article 10 of the Convention, namely “The exercise of the above freedoms may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime”.

The key national legal instruments regulating the media-related field are the RA Laws ‘On the Freedom of Information’ and ‘On the Mass Media’. The RA Law ‘On the Freedom of Information’ regulates relations pertaining to the freedom of information, while the RA Law ‘On the Mass Media’ provides for relations connected with provision of mass information, defines the safeguards for the freedom of information in the information field, stipulates norms for journalists’ accreditation, rights to refute and respond to a published piece of information etc.

Another important aspect of the field is the Internet and related issues, and, although the Internet is considered a medium of communication, rather than of mass information, websites also represent a source of information. While print media, TV and radio essentially allow for a one-way contact with public, the Internet affords everybody with an opportunity to establish a multi-channel, full-scale and prompt communication. Consequently, it can be argued that the law-makers’ attention should be drawn to the regulation of the Internet sphere as well.

However, irrespective of the fact that the above Laws should be subjected to a revision they nevertheless offer a legal groundwork for an efficient work and for the exercise of the constitutional human rights mentioned above. Yet, mere

fictitious measures for the establishment of a legal basis or ensuing conditions cannot translate the above human rights into action.

The RA Human Rights Defender in his 2008 Annual Report has pointed to serious challenges for the freedom of information in Armenia. The state agencies, which are supposed to collaborate and contribute to due exercise of the mentioned human rights and to efficient performance of the media, play a definite role in this situation. A subject of particular scrutiny should become the media-police relations, due to a very specific role of the two structures in the societal life. Today people perceive the police as a military structure comprising an intricate and opaque system – which is indeed the case – rather than a service-provider acting in a transparent and accountable manner.

Certain problems occur during a practical enforcement of legal instruments regulating the police activities and the RA Laws ‘On the Freedom of Information’ and ‘On the Mass Media’, which arise from inconsistencies between various concepts and approaches regulating the fields. To tackle the situation it is important to not only harmonize the legal acts, but to ensure their proper understanding and enforcement. Particularly, it refers to the cases when the police hinder the media activities without legal substantiation, such practices should be precluded.

Problems between the two institutions are diverse, and such situation is idiosyncratic mostly for developing countries like Armenia, where state agencies often seek to trespass the boundaries of public oversight, whereas the media, on the contrary, try to narrow that boundaries down as far as their scope allows.

According to the RA Criminal Procedures Code, mass media reports publicizing crime-related information may serve as a ground for instituting a criminal case. Moreover, RA Criminal Code provides for criminal liability for hindering legitimate professional activities of journalists. However, if a state fails to display adequate level of will to bring such guarantees to life, they may bear a fictitious nature. Thus, the Human Rights Defender’s report qualifies as a regrettable fact the cases of violence against journalists committed in an effort to hinder their professional activities. Ana Karlsreiter, Advisor to the OSCE Representative on Freedom of the Media at a 2008 Conference on Human Rights in Armenia stressed that the media in Armenian is not free, journalists cannot freely pursue their professional activities and regularly become targets of violent attacks. As a result, police and media representatives keep tossing blames at each other, it escalates the atmosphere of mutual mistrust, which, in turn, negatively affects the police reputation above all.

Overview of the Police-Media Relations in the Armenian Provinces

The situation in the Armenian provinces in terms of diversity of media outlets, adequacy of their resources and intensity of activities is uneven and extremely polarized.

The most critical situation is in Vayots Dzor and Aragatzotn provinces, which have no local TV or radio stations, while newspapers are issued once or, at best, twice a month. In the provinces of Kotayk, Gegharkunik, Syunik, Ararat and Armavir the situation is relatively more dynamic, in spite of certain financial problems, there operate one or two TV stations and a number of newspapers. Shirak and Lori provinces are distinct in terms of advanced level of media development – there function several local TV companies and newspapers, and besides, Public Radio of Armenia, Radio Liberty and Armenpress News Agency deploy their correspondents in the provinces.

Although most of the provinces run local TV companies, the level of their technical sophistication does not allow for a full coverage of the entire territories of provinces, while the scant print media outlets rarely reach the remotest communities.

Main Obstacles for Police-Media Relations and their Possible Solution: Opinions of the Representatives of both Structures

The *Improvement of Police-Media Relations* roundtables, organized in 2009 in the Armenian provinces by the *National Center for Legal Researches*, with the support of the OSCE, hosted in total 277 participants, including 146 police officers from provincial police departments, 118 media representatives and 13 representatives of other agencies.

The roundtables have helped surface the problems between the two structures and identify possible solutions. It is a demanding task to give a general characteristic of police-media relations all across Armenia, but it can be maintained that a culture of collaboration per se between them is still non-existent. Moreover, from the time Armenia gained independence, there was no progress whatsoever in their relations, while in many respects there was even a regress.

There are host of factors hindering the present-day police-media relations, and the situation requires an in-depth and exhaustive analysis, since one-sided studies or short-term and superficial solutions might be counterproductive.

During the roundtables both the police and media representatives raised a number of fundamental problems connected with retrieving and conveying information, restriction of video and audio recordings at crime scenes, hindering legitimate professional activities of journalists, publication of unreliable information, non-observance of the principles of presumption of innocence and inviolability of private life, etc.

The necessity to establish a close co-operation between the two institutions has been highlighted by all participants. It is noteworthy that a similar format of an open discourse between provincial police high-rankers and journalists was unprecedented. These roundtables were the first of a kind and participants emphasized their positive impact and significance. The participants also concluded that a positive result is achievable only given consistent solutions to the raised problems. Police officers pointed out the police's inability to perform all their duties single-handedly, stating that it would be possible only with an active public support, which, in turn, can be gained with an open, transparent and lawful police work. To that end, as reported by the police, in 2008 the RA Police leadership held 17 press conferences and 12 ad-hoc meetings to inform about the covered work and pending problems. The police website has also greatly contributed to the transparency of the RA Police, since in 2008 alone some 34.000 (32% from foreign countries) made use of it.

Journalists' Opinions about the Police

- The Police either do not provide information altogether or the information is belated and incomplete.
- The level of police-media collaboration is inadequate, creating a prevailing atmosphere of mutual mistrust and tension, which journalists attribute to the non-transparent work style of the police.
- The police remain a structure, which is closed and inaccessible for public and journalist; provincial police units never hold open days or other events jointly with journalists.

- Police exercise discrimination against media outlets, i.e. '02' weekly newspaper and TV programme are regarded as the main source of police-related information for the public.
- Any kind of video or audio recordings at crime scenes are banned by the police under the pretext of lacking permissions.
- Police representatives do not know at all or know very vaguely about legal acts regulating media field; they are completely ignorant of journalists' rights and specifics of their work.

Police Officers' Opinions about Journalists

- Journalists do not co-operate with the police and never inform the public about difficulties and challenges of the police work. The key reason for weak police-media co-operation is a lack of clear-cut mechanisms for that. More often than not journalists themselves are reluctant to co-operate with and support the police during their work. Besides, journalists tend to belittle the police image, which is detrimental for the public trust in the police.
- The information on criminal cases, which journalists inquire from the police exceeds the necessary and permitted limits, breach the principles of pretrial confidentiality, presumption of innocence and inviolability of private life as well as can thwart police operations. Moreover, if the police do provide the inquired information, even by breaching the named principles, it may play into the hands of criminals and help them sophisticate their methods.
- Journalists' approach to the relations with the police is non-professional and undermines any attempt to fruitful cooperation. Journalists are, as a rule, ignorant of the specifics and challenges of the police work, and ill-informed about the principles of criminal procedures, professional terminology and police-related laws in general.

Recommended Solutions

- Conduct press conferences on a regular basis, i.e. monthly, quarterly or biannually.
- Rule out any interference in the work of on-duty police officers, and possibly strengthen the co-operation with the police.
- Establish in all provincial police departments a cadre of a commissioned police officer responsible for information and public relations (press officer), or else assign one of the incumbent police officers to provide journalists with inquired information.
- Organize topical training courses for both journalists and provincial police officers.
- Organize regular TV programme series, live broadcasts, interviews with participation of police officers to discuss problems and solutions of police-media co-operation.
- Encourage reciprocal respect between police and media representatives.
- Organize regular roundtables and workshops for police and media representatives.



ԱՍՈՂԻԿ

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