

**OSCE HUMAN DIMENSION IMPLEMENTATION MEETING
Warsaw, 28 September – 9 October 2009**

STATEMENT OF THE REPRESENTATIVE OF THE REPUBLIC OF ARMENIA

**Working session 12 (specifically selected topic):
Freedom of expression, free media and information**

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Mr. Moderator,
Ladies and Gentlemen,

The effective promotion and protection of human rights implies the right to freedom of opinion and expression which is fundamental for safeguarding the full enjoyment of human rights and fundamental freedoms.

I would like to share with you some reflections on the process of implementation of the right to freedom of expression in my country and inform you about challenges in the process. Some of these challenges are rather common for post-Soviet countries syndrome, such as the absence of traditions of free press, which certainly limit development of freedom of the media. In the meantime, after gaining their independence, the newly independent states in Central and Eastern Europe adhered to various international instruments, such as the Helsinki Final Act, thus committing themselves to certain obligations, including promotion and protection of freedom of expression.

My country recognizes the great significance of improvement of the institutional settings and legislative frameworks for the promotion and protection of human rights in Armenia, a precondition for establishment of democratic and rule-of-law society, and this is not merely a good intention. By transforming the judicial and legislative systems, we have taken seriously our obligations under the core international human rights treaties, as well as commitments related to our membership in the OSCE and the Council of Europe. Among fundamental factors for development of the mass media, one can note political, legal, social and economic aspects which all significantly affect the independence of the media. Despite all the technical, financial and economic constraints, Armenia has undertaken measures to guarantee the free flow of

information and access to for the society as a whole, including different social groups such as minorities, refugees, and the Armenian Diaspora.

Mr. Moderator,

I would like to briefly introduce the dynamics of the development of legal basis in this area. One of the first laws passed by Armenia after independence in 1991 was the law on the press and other means of mass media. In 2003, the law was re-drafted and replaced the previous one. This new law guaranteed freedom of expression in the mass media. Simultaneously, in 2003 the law on “Freedom of information” was adopted by the parliament; which guaranteed the right to obtain information. Another legal act that was linked with the implementation of the rights to freedom of expression was the law on radio and television, which ensured freedom of choice, production and distribution of TV and radio programmes, as well as abolished censorship. Within this context, it is important to mention the Law of Armenia on regulations of the National Commission on Television and Radio, which introduced proper procedures for the creation and operation of the National Commission as an independent body. I also would like to mention that clear guarantees of freedom of expression were introduced when the amended 2005 Armenian Constitution came into force. Constitutional amendments expanded the rights of citizens and assured the legal protection of individuals’ rights, including those to access of information and protection of private data.

Mr. Moderator,

I have listed only a few national legal instruments related to the implementation of the right to freedom of expression, and those listed show that the relevant legislation underwent dramatic development in the last few years. Still certain gaps persist and require further attention of the law – and policy-makers; we see these legislative changes as a process of constant struggle for improvement. One of the issues that requires further attention is that of preparation of professional journalists. Free press does not mean irresponsible spread of unverified information in the society. In order for the press to claim its rightful place in being considered the “fourth branch of power”, as we very often refer to them, it has to yet learn to be trustworthy. Another important area where further improvements can be made is creating viable guarantees for journalists to carry out their professional duties, who on their turn will also follow certain norms of professional ethics. Visible progress has been made in this area. There are organizations actively working in this direction, among these I would like to mention the Yerevan Press Club.

It is the first professional association of journalists in Armenia, established since its independence. The YPC is a non-profit, non-governmental organization that unites journalists, publishers, media leaders and experts, irrespective of their political views and affiliations. Its members are guided by the ethical code of the Yerevan Press Club. This is an example of a good practice that must be further encouraging.

Mr. Moderator,

The rapid development of new technologies has a great capacity to promote free expression. In this respect, the on-line technologies which are rapidly becoming the most widely used means of communication, should also be guided by international standards and be guaranteed to enjoy adequate protection alongside the traditional forms of media. In the meantime, propaganda of violence and war, dissemination of pornography, racism and hate speech and other activities or ventures that have negative effects on society must be forbidden. We appreciate the work done by the OSCE Representative on Freedom of the Media, particularly his early warning activities. In this regard, Armenia would like to call upon the OSCE Representative on Freedom of the Media to pay more attention – on a regular basis – to the cases and trends when media is used – or rather abused – for dissemination intolerance and hate propaganda.

Thank you for your attention.