

# XIX

## ARTICLE 19

6 October 2008

### STATEMENT

#### Armenia: Legislative Change in Spite of the ECtHR Decision

**ARTICLE 19** is seriously concerned about the recent amendments to the Armenian Law on Television and Radio<sup>1</sup> introducing a moratorium on the granting of broadcasting licences until mid-2010 due to the planned digital switchover which, despite the recent judgment of the European Court of Human Rights (ECtHR),<sup>2</sup> will further prevent the TV station A1+ from returning to air.

These legislative amendments were adopted on 10 September 2008 in an extraordinary session of the Armenian Parliament without any prior consultations with relevant stakeholders. The amendments are largely believed to be directed against A1+, contrary to the ECtHR decision. A1+ is an oppositional TV company, which lost its broadcasting licence in a controversial tender in 2002 and has been unable to regain it in the twelve consequent tenders ever since.

Following lengthy and unsuccessful domestic litigation, the case of A1+ subsequently came before the ECtHR, which in June 2008 held that the company's right to freedom of expression had been violated as a result of domestic legislation that lacked any explicit requirement for the national regulatory authority to provide reasons for its decisions on refusal of broadcasting licences.

While fully appreciating the endeavours of the Armenian government to keep abreast with countries in the vanguard of technological progress, ARTICLE 19 asserts that legislative amendments that prevent rather than contribute to restoring the rights of A1+ against the findings of the ECtHR do little to improve the protection of freedom of expression in Armenia. ARTICLE 19 calls on the authorities in Armenia to lift the moratorium on the licensing procedure and to ensure that A1+ participates in an open, transparent and fair tender prior to the planned digital switchover.

ARTICLE 19 notes that Armenia has ratified the International Covenant on Civil and Political Rights and the European Convention on Human Rights and Fundamental Freedoms (ECHR), which in Article 19 and Article 10 respectively guarantee the fundamental human right to freedom of expression. Accession to the ECHR implies,

---

<sup>1</sup> The RA Official Bulletin, N58 (648), 17 September 2008, 942, p 5.

<sup>2</sup> *Meltex Ltd and Mesrop Movsesyan v Armenia*, Application no. 32283/04, 17 June 2008, <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Armenia%20%7C%2010%20%7C%20Meltex&sessionid=14363560&skin=hudoc-en>

*inter alia*, unequivocal compliance with the judgments of the ECtHR. ARTICLE 19, therefore, urges the Armenian authorities to remain mindful of their international commitments on freedom of expression by taking measures that uphold rather than depart from them.

ARTICLE 19 further urges the Armenian authorities to undertake more profound reform of its legislation to bring about greater independence, pluralism and diversity of its audiovisual services.

In particular, ARTICLE 19 calls on the Armenian government to explore the mechanisms and approaches to amend the Constitution to ensure greater independence of the country's regulatory authority, since the current practice whereby appointments to the regulatory body are made solely by the President and the Parliament falls foul of international standards on the independence of the regulatory authorities.

**FURTHER INFORMATION:**

- For more information: please contact Anoush Begoyan, [Anoushb@article19.org](mailto:Anoushb@article19.org) +44 207278 9292,
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.