[AM] New Statute on Mass Information

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On 14 January 2004, the President of Armenia signed the Statute of the Republic of Armenia "On Mass Information". This statute was adopted on 12 December 2003 by the National Assembly (Parliament) of Armenia. The new act replaces the Statute "On the Press and Other Mass Media" of 8 October 1991.

The Statute regulates relations in the field of mass information, provides for guarantees for the right to freedom of speech, of accreditation of the press and of the right to refutation and reply. It also establishes the grounds for relief of a mass medium from liability.

The Statute defines a mass medium as a medium that disseminates information by means of physical carriers, broadcasting or public telecommunication networks (Article 3). According to these provisions, any web-site is considered as a form of mass media and subject to regulation under the Statute.

The most significant innovation of the Statute is the abolition of the institution of preliminary registration of mass media. A mass medium shall not be obliged to notify any governmental bodies before it becomes operational. The Ministry of Justice of the Republic of Armenia draws up the Administrative register of the existing mass media based on the compulsory deposit copies of mass media products.

The Statute prohibits dissemination of information under certain conditions (Art. 7). It is not allowed to disseminate information on state secrets, information inciting to commit criminal offences or information infringing on the private life of a person. At the same time, unlike the previous act the new Statute does not stipulate conditions for the suspension and termination of functioning of a mass medium.

The Statute regulates in detail the accreditation of journalists (Article 6). A mass medium entity has the right to submit an application to any governmental body for the accreditation of its journalists, and the governmental bodies are obliged to accredit such a journalist within five days. The absence of rules of accreditation in a governmental body cannot serve as grounds for a refusal to accredit the journalist.

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As compared with the old law, the new law establishes more grounds for relief of the mass media outlets from liability (Art. 9). A mass medium entity can be released from liability for dissemination of any kind of information if this information originally came from a news agency; if this information is the literal or fair reproduction of public speeches, of official governmental documents, of the texts from other mass media, or represents "author's works" all requiring due reference to the source of information.

One of the important innovations in the Statute is the introduction of the concept of public interest. According to Article 4 the journalist is admitted as an "executor of public duty" and is "under the protection of the legislation of the Republic of Armenia". A mass medium outlet and a journalist have the right to refuse to disclose a source of information in a criminal court if the public interest prevails in undisclosing this source (Article 5). It is also permitted to disseminate information that was obtained with the use of a hidden camera or information concerning the private life of any person if it is necessary for the protection of the public interest (Article 7). A mass medium outlet shall be released from liability for the dissemination of secret information if the dissemination of such information is necessary for the protection of the public interest (Article 9).

Statute of the Republic of Armenia "On Mass Information", Zakonodatelstvo i praktika mass-media. Armeniya. # 1, 2004

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