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FREEDOM ON THE NET 2023

Armenia

FREE

72
/100

A. <u>Obstacles to Access</u>	19 /25
B. <u>Limits on Content</u>	28 /35
C. <u>Violations of User Rights</u>	25 /40

LAST YEAR'S SCORE & STATUS

74 /100 Free

Scores are based on a scale of 0 (least free) to 100 (most free). See the research methodology and report acknowledgements.



Overview

Although the online environment in Armenia remains open, internet freedom deteriorated slightly during the coverage period, primarily due to restrictions on the free flow of information surrounding the Azerbaijani military's incursions into Armenian territory in the second half of 2022, as well as an increase in cyberattacks. In a positive development, the government enacted a new version of the criminal code that decriminalized "grave insult," reversing the controversial introduction of that offense the previous year.

Armenia is in the midst of a significant transition following mass antigovernment protests and elections in 2018 that forced out an entrenched political elite. The government of Prime Minister Nikol Pashinyan has pledged to deal with long-standing problems including systemic corruption, opaque policymaking, a flawed electoral system, and weak rule of law. The country continues to be seriously affected by the 2020 conflict with Azerbaijan, which featured several weeks of fighting over control of the territory of Nagorno-Karabakh, and by subsequent Azerbaijani military aggression on the Armenian side of the border.

Editor's Note: Nagorno-Karabakh is not covered in this report. Certain territories that are assessed separately in Freedom House's Freedom in the World report are excluded from the relevant country reports in Freedom on the Net, as conditions in such geographical areas differ significantly from those in the rest of the country.

Key Developments, June 1, 2022 – May 31, 2023

- In September 2022, users faced disruptions in access to the video-sharing platform TikTok during clashes associated with an Azerbaijani military incursion into Armenian territory (see A3 and B1).
- In December 2022, the National Security Service (NSS) reportedly ordered a hosting provider to block the domain name and website Przdnt.am, which was promoting the play *Lay Down, Mr. President* (see B1).

- A May 2023 joint report by CyberHUB-AM, Access Now, Citizen Lab, Amnesty International's Security Lab, and independent researcher Ruben Muradyan revealed that at least 12 people from the government, media, and academic sectors had been targeted with Pegasus spyware (see C5).
- Media outlets faced more severe cyberattacks than they did during the previous coverage period (see C8).

A. Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?

5/6

Internet access is widespread in the capital, Yerevan, and is expanding throughout the country. The reliability and speed of internet connections across Armenia has generally improved in recent years. Public Wi-Fi is readily available in Yerevan but more limited in other cities.

According to the most recent data from the International Telecommunication Union (ITU), Armenia had a fixed-line broadband penetration rate of 18.4 percent and a mobile broadband penetration rate of 102 percent in 2022. ¹ The ITU also reported that 78.6 percent of individuals had access to the internet in 2021, up from 76.5 percent in 2020. ² Fourth-generation-plus (4G+) technology for mobile networks now covers 100 percent of settlements, according to 2020 data from Armenia's Public Services Regulatory Commission (PSRC). ³ In April 2023, Viva-MTS, a mobile service provider, announced the launch of a fifth-generation (5G) network in Yerevan, but at the end of the coverage period the network was only available in the city center. ⁴ In May 2023, the PSRC stated that Telecom Armenia and MTS Armenia had secured the tenders to operate radio frequencies for the provision of 5G mobile broadband in the country. The licenses state that within two years, the providers will launch 5G networks in Yerevan, Gyumri, and Vanadzor. ⁵

According to data published by Ookla's Speedtest Global Index in May 2023, the median speed of a fixed-line broadband connection was 43.12 megabits per second (Mbps), while the median speed of a mobile internet connection was 24.74 Mbps.

⁶ TEAM.Telecom Armenia had announced that it would provide connections with a speed of 10 gigabits per second (Gbps) to users in Yerevan in the second half of 2021, but this pledge had not come to fruition by the end of the coverage period. ⁷

Four internet service providers (ISPs) maintain the fiber-optic cable backbone networks that connect to the international internet via neighboring Georgia. There is also a limited fiber-optic connection through Iran, which mostly serves as a backup. ⁸ In 2019, the Armenian ISP Ucom signed a memorandum of understanding with ISPs in Iran and Qatar to build an internet transit link between the Persian Gulf states and Europe through Armenia. ⁹

The limited number of internet connections to and from Armenia present challenges in ensuring uninterrupted internet access, and unintentional damage to these connections has affected access in the past. ¹⁰

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?

2/3

In general, internet connections are affordable in Armenia. According to 2022 data from the ITU, a monthly fixed-line broadband subscription of 5 gigabytes (GB) per month costs 4.3 percent of gross national income (GNI) per capita. On the other hand, mobile packages offering at least 2 GB of data per month cost 0.94 percent of GNI per capita. ¹¹ According to World Bank survey data from 2020, there is “no significant difference in the levels of internet access by income group.” ¹² However, many lower-income households cannot afford high-speed fixed or mobile connections.

There is a minor disparity in access between residents of large population centers and people in more rural areas. By 2021, 100 percent of settlements had access to broadband internet service, and 62.7 percent had access to fixed-line broadband connections, an increase from 2020. ¹³ The quality of service may be limited outside of cities due to lack of competition between providers. As of January 2021, all 1,003 settlements in Armenia were covered by 4G+ mobile networks. ¹⁴

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?

5/6

Score Change: The score declined from 6 to 5 because users experienced disruptions in access to the video-sharing platform TikTok in September 2022.

Internet shutdowns and blocking of social media platforms are not common in Armenia, though users have reported social media blocking during periods of conflict between the Armenian and Azerbaijani militaries. In September 2022, during border clashes in which Azerbaijani forces attacked Armenian territory, users found TikTok inaccessible, ¹⁵ and the disruptions continued for a week or more depending on the provider. Previously, in October 2020, state-owned media outlet Armenpress had reported that TikTok was inaccessible to some users four days after the outbreak of the armed conflict in Nagorno-Karabakh. ¹⁶ Problems with loading the platform and posting content persisted for several weeks in that case.

The government and the PSRC, which regulates the telecommunications industry, do not interfere with the planning of network topology. Private companies plan and develop their own networks independently.

ISPs' exchange traffic is routed through an internet exchange point (IXP) operated by the ARMIX Foundation, a nonprofit organization (see A5). However, under the Law on Electronic Communication, the government is empowered to assume "responsibility for the operation and management of any or all electronic communications networks or services" during a state of emergency. ¹⁷

In December 2022, the government introduced draft legislation that would allow state authorities to restrict access to the internet, either in certain parts of the country or across the entire country, when martial law is in effect. The draft would also empower the government to block social media platforms under such circumstances (see B1 and C1). The legislation had not progressed further by the end of the coverage period. ¹⁸

A4 0-6 pts

The telecommunications market is fairly diverse, with three mobile service providers and more than 200 ISPs. ¹⁹ There are no significant constraints on entering the market. In 2013, amendments to the Law on Electronic Communication removed the requirement that ISPs obtain a license, instead requiring that they notify the PSRC before providing services or operating a telecommunications network. ²⁰

According to the PSRC, there were 204 ISPs in Armenia at the end of 2022. ²¹ However, three providers control a significant portion of the fixed-line broadband market. In the first quarter of 2023, Ucom reported 114,790 subscribers, ²² TEAM.Telecom (formerly known as Beeline) reported 92,706 subscribers, ²³ and Rostelecom reported 64,099 subscribers. ²⁴

At the end of 2020, Viva-MTS, an Armenian subsidiary of the Russian company MTS, was the largest mobile service provider, controlling 59 percent of the market, followed by TEAM.Telecom and Ucom. ²⁵ In March 2023, Viva-MTS applied to the PSRC with a request to sell the company. In April 2023, the PSRC rejected the sale because the Ministry of High-Tech Industry had warned that it could pose a national security threat. ²⁶

In January 2022, GNC Alfa, one of the largest Armenian ISPs and a subsidiary of Russia's Rostelecom, was acquired by Electric Networks of Armenia (ENA). The company set up Molitro Holdings, an offshore holding company registered in Cyprus, to manage the shares of GNC Alfa. ²⁷

In October 2020, Veon Armenia, which operated under the trademark Beeline, ²⁸ was purchased by TEAM.Telecom, ²⁹ a company established by Ucom's founders after they had a falling-out with Ucom management. ³⁰

Public access points such as cafés, libraries, schools, and community centers must be licensed if they offer internet service for a fee; free internet access points are exempt. ³¹

The PSRC operates relatively transparently, and its decisions affecting the telecommunications sector are generally fair. However, the commission's conduct—particularly with respect to public utilities like gas and water—has been marred by corruption in the past. **32** PSRC rulings are made during open meetings, in which the public can participate. **33** The regulator must submit an annual report to the National Assembly, but lawmakers cannot intervene in its decisions. The PSRC tends to focus its regulatory activities on companies with significant market power.

The PSRC is assigned responsibility for regulating the telecommunications sector under the Law on Electronic Communication. **34** Its authority, mechanisms for commissioners' appointments, and budgeting principles are defined in the Law on the Public Services Regulatory Commission. **35** One of the weakest elements of the telecommunications regulatory framework is the absence of term limits for PSRC members. The commissioners are appointed by the president based on recommendations from the prime minister that are subject to parliamentary approval. Once appointed, commissioners can be dismissed only if they are convicted of a crime, fail to perform their professional duties, or violate other rules, such as those that prohibit obtaining shares of companies regulated by the PSRC.

Though industry self-regulation remains underdeveloped, three well-established nonprofit organizations have helped shape Armenia's information and communication technology (ICT) sector. The oldest is the national chapter of the Internet Society (ISOC Armenia), which maintains the registry of country-level domain names according to best practices recommended by the Internet Corporation for Assigned Names and Numbers (ICANN), the US-based nonprofit that manages global domain name systems.

B. Limits on Content

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?

5/6

Score Change: The score declined from 6 to 5 because a security agency ordered a service provider to block a website that was promoting a play.

In general, content protected by international human rights standards is not blocked, though certain websites were blocked during the coverage period. Prior to the 2020 military conflict in Nagorno-Karabakh, blocking had typically been limited to locally hosted content that was found to contravene laws on pornography, and it was implemented by deregistering websites using the .am or .huy country code top-level domains. **36**

In December 2022, based on an order from the NSS, a hosting provider blocked the domain name and website Przdnt.am, which a Russian theater troupe was using to promote their play *Lay Down, Mr. President*. The website featured a timer that counted down the time until ticket sales opened. After the site was blocked, the play's organizers migrated their content to the Przdnt.com domain. As of the end of the coverage period, there were no restrictions on the new domain. **37**

In September 2022, as the Azerbaijani military attacked Armenian territory, users reported problems accessing TikTok, **38** but neither the government nor service providers commented on the apparent blocking. Users had previously reported disruptions in access to TikTok in October 2020, during the conflict between Armenian and Azerbaijani forces in Nagorno-Karabakh. In the same period, Azerbaijani media outlets and governmental resources with .az and .tr country codes had been inaccessible, and obstacles to access persisted for months after the November 2020 cease-fire. **39**

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?

3/4

Score Change: The score improved from 2 to 3 because the government reportedly did not force individuals to remove content during the coverage period.

The government does not frequently demand that users remove content, though it has done so in the past. For parts of 2020, the government enacted emergency measures that empowered authorities to ban or delete content related to the COVID-19 pandemic, ⁴⁰ or to the conflict in Nagorno-Karabakh later in the year. ⁴¹

In the first half of 2022, Meta did not restrict access to any content based on requests from the Armenian government. ⁴² Google did not receive any content removal requests from the Armenian government for the duration of 2022. ⁴³ Twitter has not released a content removal request report since the end of 2021. ⁴⁴

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?	3/4
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Historically, the government has rarely restricted content, though it did impose some restrictions during the military conflict in Nagorno-Karabakh in 2020.

The law permits the filtering of internet content only under a narrow set of circumstances, and decisions to block content require a court order. ⁴⁵ Courts can issue orders to block illegal content, including child sexual abuse images and material that violates intellectual-property rights. ⁴⁶ Blocking can be challenged in court by content owners, who may claim compensation if a judge finds a blocking order to be illegal or unnecessary. Appeals of content-blocking decisions can also be filed at the European Court of Human Rights (ECtHR). The government is, however, legally empowered to limit mass media, including online mass media, during states of emergency. ⁴⁷

ISPs and content hosts are shielded from liability for illegal content stored on or transmitted through their systems without their prior knowledge. ⁴⁸

At the end of December 2022, the Ministry of Justice proposed new rules that would apply when martial law is in effect (see A3 and C1), granting the government the authority to block websites, platforms, and applications. The draft provisions would also allow the government to restrict access to the internet and temporarily seize devices used by media outlets to publish content. ⁴⁹ The proposal was heavily criticized by experts, including the country's ombudsperson and civil society organizations. ⁵⁰ As of the end of the coverage period, the draft legislation had not been sent to the National Assembly.

Community standards for social media platforms, particularly Facebook, are nontransparent for Armenian users. Facebook has banned the accounts of several Armenian opinion leaders and media outlets for violating its terms of service. According to rights activists, the decisions lacked transparency, ⁵¹ and some of those banned have been accused of hate speech without evidence to support the claims. ⁵² During the 2020 war in Nagorno-Karabakh, users from Azerbaijan and Turkey reported supposed violations by the social media pages of Armenian media outlets en masse, triggering responses by the platforms that rendered the pages inaccessible. ⁵³

In March 2023, the Facebook Oversight Board announced that it would review a case involving a video that allegedly depicted Azerbaijani soldiers beating captured Armenian soldiers. Meta originally found the post to be in violation of its Coordinating Harm and Promoting Crime Policy, but allowed the content to remain on the platform with a “warning label” on the grounds that it could be important for “human rights groups and independent investigators.” ⁵⁴ In June 2023, after the coverage period, the Oversight Board upheld this decision. ⁵⁵

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?

3/4

Online journalists, commentators, and ordinary internet users do not engage in widespread self-censorship. According to the 2022 Vibrant Information Barometer (VIBE), produced by the International Research and Exchanges Board (IREX), some online journalists are wary about writing “negative stories about their company’s owners or benefactors.” ⁵⁶

Armenia's relationship with Azerbaijan and its military operations in Nagorno-Karabakh remain a sensitive topic. In the past, Armenian officials have instructed citizens to refrain from discussing the situation in the disputed territory of Nagorno-Karabakh during moments of tension between Armenia and Azerbaijan, and penalized them for breaching these constraints. **57**

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?

2 / 4

The online information landscape in Armenia is polarized, subject to political pressure, and rife with disinformation. At certain online outlets, journalists are not allowed to deviate from the editorial policies of their employers, who in some cases are linked to political parties or forces. The wife of Prime Minister Pashinyan, Anna Hakobyan, has drawn controversy for her role as chief editor of the *Armenian Times*. **58** Despite these concerns, some analysts have argued that undue political influence on the online information landscape is less prevalent than under previous governments. **59**

Disinformation about or related to Moscow's invasion of Ukraine has spread online since early 2022. For example, Russian state-controlled media and bloggers initially claimed that the Armenian government supported the full-scale invasion, which was false. **60** In addition, Armenian media linked to the political opposition, **61** Russian state-backed media, Russian government officials, and some Armenian political parties have claimed that US-run laboratories in Armenia are producing biological weapons, mirroring a disinformation narrative about similar facilities in Ukraine. In June 2022, the National Christian Party (Zartonk) organized a demonstration against the supposed presence of these laboratories. **62**

A June 2021 report from Freedom House noted that the twin crises of the COVID-19 pandemic and the Nagorno-Karabakh conflict in 2020 had "exacerbated" disinformation problems in the country. **63** A March 2021 study by the Media Initiatives Center cited "media affiliated with the previous regime, ideological groups, and Russian websites as some of the main sources of disinformation in Armenia." **64** Civil society groups have also criticized a number of news sites—including 168.am, Hraparak.am, and Analitik.am—for spreading false narratives

that, among other issues, included the derogatory term *sorosakan*, a reference to philanthropist and investor George Soros that is often used by antisemitic conspiracy theorists to smear democratic activists. ⁶⁵

Far-right political groups in Armenia also spread a significant number of dis- and misinformation narratives online through an ecosystem comprising social media accounts—especially Facebook pages and YouTube channels—and friendly websites. ⁶⁶

In February 2021, Twitter reported that it had removed 35 accounts linked to the former government of Armenia. These accounts were created to advance anti-Azerbaijan narratives. In some cases, they posed as Azerbaijan-based political figures and news entities. ⁶⁷

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish content online?

3/3

Since the 2018 Velvet Revolution, media outlets and other users have not faced arbitrary economic or regulatory constraints that would significantly affect their ability to publish online. In fact, economic and other liberalization that followed the Velvet Revolution helped drive growth in the digital media sector.

IREX's 2022 VIBE report noted that the relatively independent Armenian media are not immune to advertiser influence, in that they are highly unlikely to publish "anything that might be critical" of their clients. ⁶⁸ However, the same report found that the environment for advertising is "less politicized." ⁶⁹ According to Arsen Sultanyan, who founded the digital marketing agency Prodigy, the online advertising market in Armenia was valued at about \$9.3 million in 2022, a 17 percent decline compared with the previous year, partly due to a law that banned advertising for gambling websites. ⁷⁰

While net neutrality is not explicitly enshrined in Armenian law, a 2014 government resolution supports the principle. ⁷¹ A 2008 PSRC decision requires ISPs to inform subscribers of any discriminatory traffic-management policies on their networks. ⁷²

B7 0-4 pts

Does the online information landscape lack diversity and reliability?

3/4

Users are able to access a wide array of content online, primarily in Armenian, English, and Russian. **73** According to the Caucasus Barometer 2021–22 survey, the internet is the primary source of information for 46 percent of Armenians, matching the share of the population whose primary source is television. **74** A variety of independent and opposition web resources provide audiences with politically neutral content as well as opposition viewpoints. However, IREX’s 2022 VIBE report notes that “information quality is often poor and thereby does not provide true diversity.” **75**

The social media platforms Facebook, YouTube, Instagram, TikTok, Odnoklassniki, VKontakte, Twitter, and YouTube are among the most popular in Armenia, according to the Caucasus Barometer 2021–22 survey. **76**

B8 0-6 pts

Do conditions impede users’ ability to mobilize, form communities, and campaign, particularly on political and social issues?

6/6

Activists and protest movements rely on social media to mobilize citizens and gather support.

In December 2022, Azerbaijani protesters, with the alleged backing of the government in Baku, began blocking the Lachin Corridor, the only remaining road route connecting Nagorno-Karabakh to Armenia; the obstruction created a humanitarian crisis in Nagorno-Karabakh. **77** In response, Armenian activists launched an ongoing online campaign demanding an end to the blockade, **78** which was promoted by many celebrities and prominent figures around the globe.

Between April and June 2022, the Armenian opposition used social media to organize protests calling for the resignation of Prime Minister Pashinyan. Several protesters were detained for “refusing to obey officers’ orders,” and footage of these detentions was then shared across social media platforms. **79**

C. Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?

3/6

The constitution guarantees freedom of speech to individuals and media outlets, ⁸⁰ and Armenian criminal legislation grants journalists certain protections. According to Article 164 of the criminal code, hindering the legal professional activities of a journalist, or forcing a journalist to disseminate or withhold information, is punishable by fines or imprisonment for up to one year. The same actions committed by an official in abuse of their office is punishable by up to three years in prison and a ban on holding certain posts in the government for up to three years. ⁸¹ However, neither the criminal code nor media legislation clearly defines who qualifies as a journalist, or states whether these rights apply to online journalists and bloggers.

The 2003 Law on Mass Media adopted a unified regulatory framework for all forms of media content, including online content. ⁸²

On September 27, 2020, the government declared martial law after heavy clashes with the Azerbaijani army started on the border of Nagorno-Karabakh. ⁸³ The law was later amended to give police the authority to fine media outlets and request the removal of critical content. These measures were eased after the November 10 cease-fire agreement, but the parliament did not vote to formally end them until March 2021. ⁸⁴ In December 2022, the Ministry of Justice proposed new rules that would apply when martial law is in effect, allowing the authorities to block websites and platforms and to shut down internet service altogether, but the proposal remained in draft form at the end of the coverage period (see A3 and B3). ⁸⁵

The judiciary lacks independence and is one of the least trusted public institutions in the country. ⁸⁶ In 2019, Prime Minister Pashinyan announced that he would attempt to comprehensively reform the judiciary and improve its independence,

87 but the centerpiece of this effort, a national referendum that would have allowed him to dismiss Constitutional Court judges, was scrapped amid the COVID-19 pandemic in 2020. **88**

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?

3/4

Score Change: The score improved from 2 to 3 because of July 2022 amendments to the criminal code that decriminalized “grave insult.”

Some laws threaten the constitution’s guarantees of freedom of online expression. Criminal legislation prohibits the dissemination of speech that incites racial, religious, or national hatred, as well as calls to seize state power or change the constitutional order by force. **89** These laws apply to expression both online and offline, and some rights activists have warned that they could be used to arrest and prosecute nonviolent critics of the government.

In July 2022, the government enacted a new version of the criminal code that decriminalized “grave insult,” which had been criminalized in the 2021 version of the code. **90** This reversal followed significant criticism from civil society groups and the international community since the parliament adopted the earlier version in July 2021. **91** The law had stipulated that grave insults or comments that offend another’s dignity in an “indecent manner” and are directed at state officials, politicians, civic activists, and other public figures could be punished with a fine of up to 500,000 drams (\$1,200). Repeat offenses could have resulted in fines of between 1 million drams (\$2,400) and 3 million drams (\$7,100) and up to three months in prison. **92** In April 2022, prior to the parliament’s decision to decriminalize the offense, the Constitutional Court had upheld the legality of the 2021 provision. **93**

Armenian laws on pornography and copyright infringement generally align with European legal standards, **94** and companies have not been held liable for illegal content shared by users (see B3). The act of downloading illegal materials or copyrighted publications is not subject to prosecution unless authorities can prove that the content was stored with the intent to disseminate it.

In April 2020, the parliament adopted amendments to the criminal code that criminalized violent hate speech. Publicly inciting or justifying violence based on gender, race, skin color, ethnic or social origin, or other such characteristics is subject to penalties including fines and imprisonment for up to three years. ⁹⁵ The amendments were met with some skepticism; one opposition lawmaker asserted that “it will be very difficult to implement the law without badly affecting freedom of speech.” ⁹⁶

C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?	4/6
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Individuals are sometimes arrested or detained for their online activity.

In May 2023, Mikayel Badalyan, a pro-Russian blogger, was fined 300,000 drams (\$710) under Article 259 of the criminal code for falsely reporting a terrorist attack through his Telegram channel during antigovernment protests in May 2022 (see B8). ⁹⁷ He was arrested in May 2022 and again in July 2022, when he interrupted an anti-Russian protest, though he was released on bail. ⁹⁸

Separately in May 2023, an Armenian security agency asked the United States to extradite Vartan Ghukasyan, a former police officer who regularly criticized the government on YouTube. The Investigative Committee accused him of extortion, claiming he had ordered a businessman to give him \$110,000 in exchange for withholding information about the businessman and his wife. The committee also accused him of attempting to extort \$60,000 from a Yerevan-based nightclub owner, issuing “public calls for violence,” and “disrespecting the Armenian judiciary.” ⁹⁹ Tigran Arakelyan, an Armenia-based associate of Ghukasyan, was detained and later released. ¹⁰⁰

In October 2022, Sashik Sultanyan, the founder of the Yezidi Center for Human Rights, failed to attend a court hearing related to a 2021 charge of “incitement of hatred” and the court subsequently issued a warrant for his arrest. The charged stemmed from comments Sultanyan, who is believed to have fled the country, made about discrimination and other issues the Yezidi minority group in Armenia experience (see C7). ¹⁰¹

During the previous coverage period, a multitude of individuals were charged under the July 2021 amendments to the criminal code that stipulated fines and prison time for “grave insult” offenses. In June 2022, the government announced that these measures would be removed from the criminal code going forward, and the revised code took effect that July (see C2). As of April 2022, at least 802 cases had been opened under the now-repealed Article 137 of the criminal code concerning “grave insults” (see C2), ¹⁰² 48 of which had resulted in indictments, and six of which had led to convictions. ¹⁰³ All of the eight criminal cases that had been brought to court by the end of 2021 concerned Facebook posts insulting Prime Minister Pashinyan. ¹⁰⁴

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?	3/4
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Anonymous communication and encryption tools are neither prohibited nor restricted in Armenia. However, the law requires individuals to present identification when purchasing a SIM card, effectively requiring people to disclose personal information to use a mobile phone. ¹⁰⁵

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?	2/6
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Score Change: The score declined from 3 to 2 due to research confirming that politicians, activists, and journalists had been targeted with both Predator and Pegasus spyware products.

Electronic surveillance by state authorities remains a threat to Armenians' online privacy rights. There were several reports of spyware being used against people in the country during the coverage period. The government is widely believed to possess Russian-designed surveillance technology known as the System for Operative Investigative Activities (SORM). The NSS has lawful interception powers, and surveillance without a court order is permitted for up to 48 hours when national security is imminently threatened. ¹⁰⁶

In May 2023, a joint investigation by CyberHUB-AM, Access Now, Citizen Lab, Amnesty International's Security Lab, and researcher Ruben Muradyan found that 12 victims, including a former ombudswoman of Armenia, two journalists with the Armenian service of Radio Free Europe/Radio Liberty (RFE/RL), a United Nations official, a former spokesperson for Armenia's Foreign Ministry, and seven other representatives of Armenian civil society had been targeted with Pegasus, the commercial spyware product sold by Israel-based NSO Group. Investigators indicated that Azerbaijan's government could have been responsible for the attacks, because it allegedly operates Pegasus servers that target individuals abroad. ¹⁰⁷ Prior to the publication of this investigation, more than 20 people in Armenia had received an email from Apple informing them that they had been targeted by a state hacking effort; the warning was sent to affected individuals around the world in November 2021.

In November 2022, an investigation by Check Point Research found that Armenian "human rights organizations, dissidents, and journalists" had been targeted by a sophisticated version of OxtaRAT spyware, which enables the attacker to take control of the target's desktop. Check Point Research asserted that the "targets are consistent with Azerbaijani interests." ¹⁰⁸

In December 2021, an investigation by Citizen Lab identified customers in Armenia that were likely operating Predator, an advanced spyware tool used to target and extract information from mobile phones. The tool was developed by Cytrox, a company originally founded in North Macedonia that is affiliated with the Intellexa spyware consortium. ¹⁰⁹ Meta, Facebook's parent company, removed accounts in response to the investigation. ¹¹⁰ In May 2022 cybersecurity expert Ruben Muradyan stated he had received reports of hijacked Telegram accounts being used to disseminate links leading to Predator spyware. ¹¹¹ In the same month, Google's Threat Analysis Group reported that "likely government-backed actors" had purchased and operated Predator in Armenia, among other countries. ¹¹² In an interview, Ruben Muradyan, a cybersecurity expert who conducts forensic analysis, confirmed that Predator spyware was detected on the smartphones of several politicians and media figures in Armenia. ¹¹³

In July 2021, Microsoft reported that a spyware tool sold exclusively to governments by the Israel-based company Candiru had been used to target victims in Armenia. According to a report by Citizen Lab, the targets, including

human rights defenders, dissidents, journalists, activists, and politicians, were sent fake links to Armenian news sites. ¹¹⁴ On the same day, Google confirmed that it had identified two instances in which “zero day” exploits (high-severity vulnerabilities) in its Chrome internet browser were used to spy on targets in Armenia, who were similarly lured with fake links to news sites. ¹¹⁵

In January 2020, the parliament passed amendments to the law regulating law enforcement and intelligence activities that authorized the police to seek and obtain warrants to tap phones for surveillance purposes. Previously, the law had authorized only the NSS to tap phones. ¹¹⁶

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users’ right to privacy?	5/6
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Armenian law does not require service providers to monitor traffic or content. Moreover, the Personal Data Protection Law mandates that service providers store only the personal data required for billing purposes. ¹¹⁷

Enacted in 2015, ¹¹⁸ the Personal Data Protection Law created the Personal Data Protection Agency, which has the authority to appeal decisions by other state agencies if they potentially violate citizens’ right to privacy through the use of personal data. Under the same law, government and law enforcement bodies are allowed to collect an individual’s personal data, but only with a court order. State monitoring and storage of personal data are illegal unless required for the provision of state services. Only data obtained in line with these narrow legal requirements may be used as evidence in legal proceedings. Nonetheless, the courts generally support data collection requests from law enforcement bodies.

In March 2020, the parliament adopted a law that required telecommunications companies to provide the authorities with their subscribers’ phone records, including their phone numbers and the location, time, and date of their calls and texts, in order to facilitate COVID-19 contact tracing. ¹¹⁹ The law did not allow the government to access users’ communications, only their metadata, and it only applied for the duration of the pandemic-related state of emergency, which ended in September 2020. ¹²⁰ The metadata collected via this program were to be

deleted within one month of the end of the state of emergency. In September 2020, all collected metadata were destroyed in the presence of public officials. ¹²¹

Under the Law on Electronic Communication, providers must make customer data available to authorities “in connection with surveillance, inquest, or criminal prosecution.” ¹²² When so instructed by a court order, they must also give authorities access to “any communications equipment,” including “wiretapping devices.” ¹²³ Cybercafés and other public access points are not required to identify clients or to monitor or store personal data and traffic information.

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?

4/5

Online journalists are sometimes subject to extralegal intimidation or physical violence in retaliation for their work, though such attacks have subsided somewhat since the Velvet Revolution. In 2022, the Committee to Protect Freedom of Expression recorded 14 cases of physical violence against journalists, both offline and online, and 55 cases in which they were pressured in other ways.

¹²⁴

In July 2022, Sashik Sultanyan, the founder of the Yezidi Center for Human Rights, left the country while on trial for incitement of hatred. He had been charged a year earlier over comments he made to an online journalist in Iraq, in which he detailed the discrimination that members of the Yezidi minority group face in Armenia. He thought his comments were off the record and the journalist later published them. ¹²⁵ After Sultanyan did not appear for an October 2022 court date (see C3), the court issued a warrant for his arrest. ¹²⁶

Online hate speech toward LGBT+ people remains frequent and is mostly directed by far-right organizations and political movements. ¹²⁷

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?

1/3

Score Change: The score declined from 2 to 1 because media websites faced more severe cyberattacks than they did during the previous coverage period.

Technical attacks target both government websites and civil society groups in Armenia, and they frequently originate in neighboring Azerbaijan. The scope and pace of cyberattacks from Azerbaijan tend to increase in tandem with armed conflict between the two countries.

In October 2022, Azerbaijani hackers attacked more than 200 Armenian websites, commandeering them to publish propaganda. The hacked sites included those of the Gyumri municipal government, the South Caucasus Railway, Byurakan Observatory, and the State Conservatory. ¹²⁸

Also, that October, the Union of Informed Citizens, a nongovernmental organization, reported that three of its websites had been attacked by Azerbaijani hackers. ¹²⁹ In April 2023, the organization reported that its YouTube channel had been attacked by unidentified hackers. Both the websites and the YouTube channel were later restored. ¹³⁰

In March 2023, the Armenian media outlet Aravot had its YouTube channel hijacked by unidentified hackers, who posted promotions for cryptocurrency scams. The outlet stated that the attacks occurred as it was preparing to post a video report on the business transactions of individuals close to Prime Minister Pashinyan. The outlet recovered control over the channel shortly after the attack. ¹³¹

Footnotes

- ¹ “Fixed Broadband Subscriptions per 100 people,” International Telecommunication Union Datahub, accessed August 2023; “Mobile Broadband Subscriptions per 100 people,” International Telecommunication Union Datahub, accessed August 2023, <https://datahub.itu.int/data/?e=ARM>.
- ² “Percentage of Individuals Using the Internet,” International Telecommunication Union Datahub, accessed August 2023, <https://datahub.itu.int/data/?e=ARM>.
- ³ “PSRC 2020 Annual Report [in Armenian],” Public Regulatory Services Commission of the Republic of Armenia, 2021, <https://psrc.am/uploads/files/%D5%8F%D5%A1%D6%80%D5%A5%D5%AF%D5%A1%D5%B...>

- 4 Arka Telekom, “Viva-MTS 5G network launches in Yerevan for the first time in Armenia,” Arka Telekom, April 6, 2023, http://telecom.arka.am/en/news/telecom/viva_mts_5g_network_launches_in_...
- 5 5G technology network to be launched in Armenia, News.am, May 08, 2023, <https://news.am/eng/news/758822.html>

More footnotes



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Country Facts

Global Freedom Score

54/100 **Partly Free**

Internet Freedom Score

72/100 **Free**

Freedom in the World Status

Partly Free

Networks Restricted

No

Social Media Blocked

Yes

Websites Blocked

Yes

Pro-government Commentators

Yes

Users Arrested

Yes

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