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Armenia

	2013	2014		
Internet Freedom Status	Free	Free	Population:	3 million
Obstacles to Access (0-25)	8	7	Internet Penetration 2013:	46 percent
Limits on Content (0-35)	9	9	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	12	12	Political/Social Content Blocked:	No
TOTAL* (0-100)	29	28	Bloggers/ICT Users Arrested:	No
			Press Freedom 2014 Status:	Not Free

* 0=most free, 100=least free

Key Developments: May 2013 – May 2014

- Access to the internet improved during the coverage period, with internet penetration increasing from 39 percent in 2012 to 46 percent by the end of 2013 (see **Obstacles to Access**).
- Improvements in the mobile market included the introduction of a mobile number portability (MNP) system in April 2014, allowing consumers to switch more easily between providers, and the licensing of a fourth mobile network provider, due to take effect in 2015 (see **Obstacles to Access**).
- On November 9, 2013, an amendment to the copyright law went into force that requires print publications, online media, and other websites to cite the original source of republished content, including the news outlet's title and an active hyperlink to the original content where appropriate. Journalists and editors hope the new regulation will improve the quality of the media in Armenia (see **Limits on Content**).
- An online campaign surrounding pension reforms succeeded in generating a national policy change, eliminating the proposed requirement for mandatory pension contributions (see **Limits on Content**).

Introduction

The internet penetration rate in Armenia has continued improving over the past few years, accompanied by fewer restrictions on online content and increased efforts to make the communications regulatory body, the Georgian National Communications Commission (GNCC), more independent. Additionally, citizen groups and NGOs have made use of online communication tools to organize campaigns and promote policy changes in the country.

Obstacles to Access

Internet access in Armenia has increased, particularly in the past few years. According to the International Telecommunication Union, the internet penetration rate in Armenia stood at 46 percent in 2013, compared with 39 percent in 2012 and just 6.2 percent in 2008.¹ Other estimates place the internet penetration rate somewhat higher: the Public Service Regulatory Commission estimated internet penetration in Armenia at 60.6 percent,² while the Internet Society chapter in Armenia (ISoc Armenia) reported 56.9 percent,³ and the Caucasus Research Center placed the rate at 53 percent.⁴ These statistics generally vary due to differences in methodology used to calculate internet penetration rates.

The Armenian mobile phone penetration rate reached 112.4 percent in 2013, compared to 111.9 percent in 2012 and 48.4 percent in 2008.⁵ According to research conducted by Samvel Martirosyan, approximately 1.5 million mobile phones were connected to the internet as of February 2014, out of a total of 3.35 million mobile phone subscriptions.⁶ Technologies for wireless internet access in Armenia include 3G networks, WiMAX, and Wi-Fi. Access to mobile broadband is available throughout the majority of the country and is affordable for much of the population. Mobile broadband tariffs and limitations have become more affordable, and the networks more reliable, particularly for users in rural areas.⁷

All three current mobile operators offer 2G and 3G+ networks, and one operator offers 4G (LTE) network services. In contrast to the diverse market in Yerevan, the capital city, many villages have only one or two mobile broadband services from which to choose. Approximately 60 percent of rural towns are covered by landline broadband. According to official information from mobile operators,⁸

1 International Telecommunication Union (ITU), "Percentage of individuals using the Internet," 2008, 2012 & 2013, accessed July 25, 2014, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

2 Public Services Regulatory Commission of the Republic of Armenia, accessed April 25, 2014, <http://www.psrc.am>.

3 Internet Society of Armenia, Study on the Internet Penetration and Usage in Armenia, accessed April 26, 2014, http://www.isoc.am/publ/penetration_ru.pdf.

4 Caucasus Research Resource Centers, "Internet Usage and Popularity in Armenia", published September 2, 2013, <http://crrc-caucasus.blogspot.com/2013/09/internet-usage-and-popularity-in-south.html>.

5 International Telecommunication Union, "Mobile-Cellular Subscriptions", 2013, 2012, 2008, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

6 Samvel Martirosyan, "Mobile internet consumption in Armenia," February 18, 2014, <http://www.banman.am/2014/02/mobile-consumption-in-armenia.html>.

7 Mobile operators providing mobile internet plans with guaranteed speed up to 50 Mbps for limited data volume (up to 50 Gb) and reduced speed (up to 512 Kbit/sec) after exceeding the limit.

8 This information was derived from reports published on several mobile operators' websites, including MTS ([Mts.am](http://mts.am)), Beeline ([Beeline.am](http://beeline.am)), and Orange Armenia ([Orangearmenia.am](http://orangearmenia.am)).

3G services are available to almost 100 percent of the population, covering 90 percent of the country (excluding mostly unpopulated mountainous regions).

In 2013, there were 58,000 fiber-optic network (FTTx) subscribers. The geographical range of these services mainly covers Yerevan and Abovyan. In 2012, the Russian-based company Rostelecom invested funds in "Fiber to the Home" technology in 11 towns across Armenia. In December 2013, it launched services in three additional towns: Abovyan, Ashtarak, and Gyumri. Rostelecom's fiber network covers nearly 80 percent of Armenia's territory and is connected with Iran and Georgia. Landline broadband access provided using ADSL technology is available in most cities and some villages.

Strong competition among the three primary mobile service providers and internet service providers in Armenia has resulted in fair market prices for both wireless and landline broadband services. ADSL connections with speeds of 3 Mbps are available for US\$15 per month, optical landline connections with speeds of 12 Mbps are available for US\$20 per month, and the price for a minimal volume (2 GB) package of mobile broadband service costs US\$9 per month. Internet costs are relatively high when compared to the minimum salary in Armenia, which is US\$125 per month. At the same time, considering that the average public utilities bill can vary from US\$50 to US\$100 in the summer and US\$100 to US\$300 in the winter, the cost of internet access is affordable for the majority of the population, whose average income is approximately US\$380 per month.⁹ Additionally, the availability of free access points in the capital and almost all major cities makes internet services accessible for the majority of the urban population.

There have been some efforts to improve community access to the internet in the regions of Armenia; however, digital literacy remains somewhat low. On October 31, 2012, GNC-Alfa CJSC, in cooperation with the municipality of Yerevan, launched free public internet access in six public parks. In 2011, the municipality, in cooperation with several telecom operators and internet providers, enabled free Wi-Fi access at many public transport bus stations. Mobile operators also provide limited access in public spaces such as cafes and public transportation locations. Public access centers have now been launched in 11 cities, the centers of each of Armenia's administrative districts (*marzes*).¹⁰ All schools in the regions of Armenia operate as public access points for communities. Moreover, every day from 2 PM (after school hours), access to social networks, such as Facebook and Odnoklassniki, are enabled for both schoolchildren and community representatives.

In practice, the Armenian government and the telecommunication regulatory authority, the Public Services Regulation Commission (PSRC), do not interfere with or try to influence the planning of network topology. Operators plan and develop their networks without any coordination with either the government or the regulatory authority. Moreover, the regulatory authority requires service providers to indicate any technological restrictions in their public offers. Armenian internet users enjoy access to internet resources without limitation, including peer-to-peer networks, voice and instant messaging services such as Skype and Google Talk, and popular social networks such as Facebook, YouTube, and Odnoklassniki.

The continuous spread of broadband and high-speed internet access in the regions of Armenia, and the entrance of a new player in the mobile communications market, has increased the level of mar-

9 The RA National Statistical Service, accessed April 27, 2014, <http://armstat.am/en/?nid=126&id=08001>.

10 Armenian territorial divisions include 10 *marzes* and Yerevan, the capital of Armenia, which also has a status of *marz*.

ket competition, although the market for internet access in Armenia is still mostly concentrated in the capital city of Yerevan, which contains one third of the country's population.

There are currently three mobile telephone network operators in Armenia: Armentel/Beeline, whose owner is VimpelCom Ltd., one of the largest mobile network operators in Russia; VivaCell/MTS, a brand of MobileTeleSystems; and Orange Armenia. In 2013, Ucom Telecommunications Company was licensed as a fourth mobile network provider and is expected to launch on January 1, 2015. Under the terms of the Public Services Regulatory Commission's award, Ucom will deliver wireless broadband internet coverage in the capital Yerevan and its adjacent areas, as well as cover 80 percent of Armenia's provinces with mobile voice and mobile internet services in those areas.¹¹ The license came into effect in November 2013 and will be valid until August 6, 2018.

On January 31, 2014, the Public Service Regulatory Commission adopted a measure allowing for customers to switch mobile operators while maintaining their current phone number. The Mobile Number Portability (MNP) system, which went into effect on April 1, 2014, allows subscribers to switch operators and keep their number free of charge, and has the potential to increase competition among mobile phone service providers by allowing customers to switch to better providers more freely.¹²

The regulatory authorities in Armenia primarily focus on companies with significant market power. Armenia was one of the first post-Soviet countries to privatize the telecommunication industry. In 1997, the incumbent Armenian operator was sold to a Greek state-owned company with a 13-year monopoly on basic telephone and international data transmission services, including internet. In 2005, the Armenian government revised the incumbent's license and granted a second GSM license; by 2007, all exclusive rights of the incumbent had been abolished. Since then, Armenian users have been able to choose from three mobile service operators and more than 100 ISPs, though an analysis of service providers' official reports shows that the five leading operators together control approximately 90 percent of the market for internet access.

Armenian legislation requires that providers obtain a license for either the provision of internet services or the operation of a telecommunication network.¹³ Procedures for obtaining licenses differ: a service license is obtained through a simplified licensing procedure (purchased for an amount equivalent to approximately US\$250), while a network operation license requires verifying the professional and technical capacity of the company and is issued six months after filing the application with the regulatory authority. In 2012, the Armenian government undertook radical reforms of the telecommunication regulatory framework to simplify the market entry procedures of both network operation and services. According to the Amendments to the Law on Electronic Communication, adopted

11 TeleGeography, "Ucom to spend 'millions of dollars' in mobile network build-out", November 6, 2013, <http://www.telegeography.com/products/commsupdate/articles/2013/11/06/ucom-to-spend-millions-of-dollars-in-mobile-network-build-out/>.

12 Lagir.am, "Mobile number portability to be introduced in Armenia from 2014 April", published February 1, 2014, <http://www.lagir.am/index/eng/0/economy/view/31847>.

13 Public Services Regulatory Commission of the Republic of Armenia, "Law on Electronic Communication," Article 15 of Law of the Republic of Armenia on Electronic Communication, adopted by the national assembly on July 8, 2005, accessed April 29, 2014, <http://psrc.am/en/?nid=69>.

in April 2013, service providers will no longer be required to obtain a license but will simply need to notify the regulatory authority.¹⁴

Public access points such as cafes, libraries, schools, universities, and community centers are not required to obtain a license for offering internet access unless they offer services for a fee. In general, according to the Licensing Law, nonprofit entities are not required to obtain a license for the provision of internet services regardless of their legal status.¹⁵

Mobile telecommunication companies are granted a license through regular network operation licensing procedures, but are also required to obtain permission for the use of radio frequencies, which is usually granted through an open auction. An exception can be made if no alternative applicant is interested in a particular frequency, or for frequencies and equipment that do not interfere with other operators' activities (such as radio relay communication). For cases in which an entity applies for a non-auctioned frequency, the service provider is required to carry out a test for electromagnetic compatibility.

The concept of an independent regulatory authority was implemented in 2006 with the adoption of the Law on Electronic Communication. Armenia has chosen a multi-sector regulatory model in which there is one body, the PSRC, which is in charge of the regulation of energy, water supply, and telecommunications services. The PSRC's authority, mechanisms of commissioners' appointments, and budgeting principles are defined under the Law on State Commission for the Regulation of Public Services.¹⁶

The members or commissioners of the PSRC are appointed by the president of Armenia and in accordance with the recommendations of the prime minister. Once appointed, a commissioner can be dismissed only if he or she is convicted of a crime, fails to perform his or her professional duties, or violates other restrictions in the law, such as obtaining shares of regulated companies or missing more than five PSRC meetings. The PSRC is accountable to the National Assembly in the form of an annual report, but the parliament merely takes this report into consideration and cannot take any action.

The Law on Electronic Communication contains provisions guaranteeing the transparency of the decision-making procedures of the commission: all decisions are made during open meetings with prior notification and requests for comments from all interested persons posted on the website.¹⁷ However, one of the weakest provisions of the Armenian regulatory framework is the absence of term limits for commissioners: every commissioner can be appointed multiple times, making his or her appointment dependent on current political leaders. In practice, the regulatory bodies in Armenia lack independence due to the strong dependence of the commissioners' career on political

14 Law of the Republic of Armenia on Changes and Amendments to the Law on Electronic Communication. Adopted on April 29, 2013, entered into the legal force on June 15, 2013. Official Bulletin No 05/29(969), June 5, 2013.

15 Article 43 of the Law of the Republic of Armenia on Licensing. Adopted by the National Assembly of the Republic of Armenia on May 30, 2001 with several amendments from 2002-2012.

16 The Law on Public Services Regulation Commission was adopted by the National Assembly of the Republic of Armenia on December 25, 2003.

17 Article 11 of the Law of the Republic of Armenia on Public Service Regulation Commission.

leadership of the country.¹⁸ For example, in 1995, the broadcasting license of the independent television company A1+ was suspended for refusing to broadcast only pro-government material, and in 2002 its broadcasting frequency was awarded to another company. Despite a ruling by the European Court of Human Rights in 2008, which stated that the regulatory authority's refusal to reinstate the company's broadcasting license amounted to a violation of freedom of information, the license was never reinstated.¹⁹ In September 2012, A1+ began broadcasting on the airwaves of Armnews. During this time, A1+ was nonetheless able to continue publishing news content on its website.

In spite of three well-established ICT-related nonprofit associations, self-regulation of the industry is significantly undeveloped in Armenia. The oldest nonprofit institution is the Internet Society (ISoc), which is the national chapter of the worldwide ISoc network. At the early stage of internet development in Armenia (1995 through 1998), ISoc Armenia was the primary internet policy advocate and industry promoter. It served as a forum where internet service providers discussed their problems, developed policy agendas, and resolved industry conflicts. However, after the establishment of the independent regulatory authority, ISoc no longer plays as much of a regulating role, as most industry disputes are filed with the PS C. Nevertheless, ISoc continues to maintain the registration of domain names, and despite the lack of formal dispute resolution policies (such as, for example, domain name disputes resolution procedures), it carries out the registry function effectively with minimal influence from government authorities or the regulator.

The Armenian ICT market enjoys a liberal and non-discriminatory domain name registration regime. ISoc Armenia registers domain names according to ICANN recommendations and best practices. Although formally, members of the Armenian Internet Society are individuals, the organization's board is composed of service providers' managers, and in general, the Society's policy agenda is strongly influenced by the interests of traditional providers that started their business in the mid-1990s.

Another well-established industry association is the Union of Information Technologies Enterprises (UITE).²⁰ Though industry self-regulation is one of the main goals of the Union, so far it has not developed any significant policies for industry regulation. Both ISoc Armenia and UITE are founders of a third notable nonprofit institution, the AmEx Foundation, which was established with the sole purpose of creating a local data traffic exchange point. Other founders include leading ISPs, mobile and landline telecommunication operators.

Limits on Content

The Armenian government does not consistently or pervasively block users' access to content online. The only significant case of online blocking was reported in March 2008 during post-elections events, immediately after clashes between an opposition rally and police resulted in at least eight people

18 There are three independent regulatory authorities in Armenia that are part of the executive, but not a part of the government. These three authorities are the public utilities regulator, the broadcasting regulator, and the competition authority. There is also a civil service commission, which, however, is different from the concept of independent regulatory bodies.

19 Case No32283/04, Meltex LTD and Mesrop Movsesyan vs. Armenia, June 7, 2008, accessed April 26, 2014, http://echr.coe.int/Documents/CLIN_2008_06_109_ENG_843572.pdf.

20 Union of Information Technology Enterprises, "UITE History," accessed April 30, 2013, <http://uite.org/en/about-us/uite-history>.

killed and hundreds of people injured.²¹ The government declared a state of emergency and restricted certain media publications, including independent internet news outlets. The security services demanded that the Armenian domain name registrar suspend the domain names of opposition and independent news sites, and requested that ISPs block certain outside resources, such as some opposition pages on social network platforms (particularly LiveJournal, which was the most popular social network used by opposition and civil society activists for blogging and reporting). Armenian authorities were strongly criticized by international observers for their reaction to the post-elections crisis, including the restrictions on access to internet resources.²² After the events of 2008, Armenian authorities have been very cautious about restricting internet content, and no instances of politically-motivated filtering or blocking have been recorded since that time.

Due to the fact that some internet users in Armenia receive filtered traffic from Russian ISPs, there have been a few cases where a website that is blocked in Russia is incidentally blocked for users in Armenia. For example, in 2012, Armenian users reported that they were not able to access Kavkazcenter.com, a Chechen-based website that reports on events in the Islamic world, particularly the ongoing conflict in the North Caucasus. The website was added to the Russian federal list of extremist materials by a court decision in September 2011. However, after Armenian bloggers and journalists reported on this issue, the telecom operator implemented measures to unblock the website within Armenia.²³

During 2014 there were reports of five other websites being blocked due to filtering in Russia by Roskomnadzor, the Russian telecommunications regulator.²⁴ There was no explanation provided or information found about the reasons these websites were blocked in Armenia, and there are no apparent political reasons behind the blockings; ISPs explained the blocks as a technical problem and consistently took steps to remedy the issue after it was reported. Blocked websites usually contain no politically-sensitive information for Armenia or about Armenia, and usually websites that are blocked in Russia are available in Armenia.

According to article 11 of the Law on Police,²⁵ law enforcement authorities have the right to block particular content to prevent criminal activity; in practice, such blocking cases have been limited to locally-hosted, illegal content such as illegal pornography and copyright-infringing materials. For example, in 2012 the Armenian police blocked the website Armgirls.am for disseminating pornographic content and for hosting bulletins of women working in the Armenian sex industry.²⁶

Service providers involved in transmitting illegal content (such as child pornography, or content related to online crime or cyberterrorism) are not liable for the content they make available to their

21 "Special Mission to Armenia," Council of Europe Commissioner for Human Rights, Reports on the number of people killed vary; according to the official report from the Council of Europe, eight people were killed. March 12-15, 2008, <https://wcd.coe.int/ViewDoc.jsp?id=1265025>.

22 Parliamentary Assembly of the Council of Europe, "Observation of the Presidential Election in Armenia," published April 8, 2008, <http://www.assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=11961&Language=EN>.

23 Media.am, "Armenia Subject to Censorship from Russia," December 25, 2012, <http://media.am/en/blocked-website-in-armenia>.

24 The five blocked websites included Spigotmc.org (a forum website), www.35jobsworth.com (a jobs site), Electra.am (unknown), Rutor.org (a forum website), and Centrasia.ru (a news aggregating website). The website blockings were reported by blogger Samvel Martirosyan.

25 According to Article 11 of the Law of the Republic of Armenia on Police (adopted on 16 April 2001, Official Bulletin No 15(147) of 31 May 2001) the police authorities have a general obligation to undertake measures to prevent crime.

26 News.am, "Owners of contacts published on armgirls.am were called to the police station," published March 27, 2012, <http://news.am/arm/news/98714.html>.

customers, provided that they had no prior knowledge of the content. Any decision of a law enforcement body to block particular content can be challenged in court by the resource or content owners, and if the court rules that the measure was illegal or unnecessary, the resource or content owners may claim compensation. Additionally, Armenia is a signatory to the European Convention on Human Rights; therefore, any such decision can also be challenged at the European Court of Human Rights.

While currently intermediaries are not liable for the content they host or transmit, in March 2014, members of parliament introduced draft legislation that could establish legal liability for websites that republish or host defamatory comments from anonymous or fake users. Drawing from the European Court of Human Rights ruling in October 2013 that established intermediary liability for third-party comments,²⁷ the proposed legislation aimed to minimize the number of fake accounts on social networks whose defamatory or offensive content is often republished in media outlets. Members of parliament argued that the bill would reduce the frequency with which media outlets reproduce and disseminate slanderous or offensive comments from anonymous users. Critics of this measure, on the other hand, believe it amounts to censorship and that the pressure exerted on media outlets would restrict press freedom. The legislation was ultimately postponed for one year.

Currently, self-censorship is not a widespread practice in the online sphere. The Armenian government and the ruling political elite have avoided the application of any extralegal measures to prevent political opponents or independent internet resources from publishing online content. However, similar to traditional media outlets such as television or printed press, Armenian internet news resources are exposed to political pressure. In some cases, for example, journalists of a particular online media outlet are not allowed to deviate from the editorial policy of the outlet, which is often linked to one of the political parties. Such pressure has the potential to affect the overall situation of freedom of speech in the country, but it is worth noting that online publishers and individual bloggers strongly resist self-censorship. Indeed, there is a wide diversity of opinion in social media, and virtual battles between pro- and anti-government bloggers are often observed. A variety of independent and opposition web resources provide Armenian internet audiences with politically non-biased, neutral, or oppositional opinions.

Two Armenian journalists—Kima Yeghiazaryan (of the newspaper Hayots Ashkharh) and Armen Dulyan (from Shant TV)—were fired from their jobs for Facebook posts in March and June of 2013, respectively. In both cases, the journalists expressed personal opinions that did not correspond with the policy of the media outlet that they represented. Kima Yeghiazaryan criticized the government, and Hayots Ashkharh is considered to be pro-governmental newspaper.²⁸ Armen Dulyan criticized the Russian television media and made parallels with Armenian media, characterizing the representatives of both sides as “primitive.” Neither of the media outlets have a social media policy. Shant TV issued a statement — incidentally, also published on Facebook²⁹ — saying that future collaboration with commentator Armen Dulyan could not be considered acceptable, since he displayed a “disrespectful

27 European Court of Human Rights, “Case of Delfi AS v. Estonia”, published October 10, 2013, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-126635#i%22itemid%22:%22001-126635%22>).

28 Media.am, "Facebook Posts Reason for Firing Journalist", published April 03, 2013, <http://media.am/en/social-media-policy-for-journalists>.

29 Shant TV Facebook page, published June 13, 2013, <https://www.facebook.com/photo.php?fbid=571266172916723&set=a.378359588874050.87196.127471660629512&type=1>

attitude" toward the TV station.³⁰ Both journalists' employers either overtly or indirectly stated that their employee's behavior on social media ran counter to their editorial policies. However, aside from these two incidents, the behavior of journalists on social media is generally not regulated in Armenian media.³¹

An amendment to the law on Copyright and Related Rights took effect on November 9, 2013 and regulates the procedure and conditions³² for online news media to republish content.³³ The legislation requires print media and websites to cite the original source when republishing excerpts of news and other content. The law also states that content providers must print the name of the original media outlet and, if the original content is from a website, include an active hyperlink. Compensation for damages is defined as 100 to 200 times the amount of the minimum salary (or approximately US\$245 to US\$490).

The Armenian government is very cautious about media freedom issues and tries to avoid direct pressure that may raise criticism from international organizations and local civil society activists. However, both the ruling political elite and the opposition party do have some influence over traditional and new media outlets. According to accounts from media professionals and civil society activists, most media outlets are either linked with a particular political party or periodically receive financial support from politicians, aside from two or three online media resources funded by foreign and international donor organizations.³⁴ However, the extent to which this has a direct influence over the content of these media outlets cannot be easily assessed.

The financial model of Armenian online news resources is very similar to the model of the traditional print and broadcast media, in that the political elite may lend support to certain outlets through the channeling of advertising of government-loyal businesses. At the same time, websites such as the A1+ news editorial (A1plus.am) and Lragir Daily (Lragir.am), both of which publish articles that are critical of the government, are quite popular and have been able to survive economically. There are neither formal nor practical barriers to receiving domestic or foreign aid or advertisements, but foreign financial support is usually limited to modest grants, and foreign advertisers are usually not interested in the Armenian media market. A significant portion of advertising comes from mobile operators, banks, car dealers, and consumer electronics sellers.

The emergence of online media has caused a significant increase in journalistic activities in Armenia. Armenian media has traditionally been economically unsustainable due to the limited audience, high operational costs, and small advertising market. Even at the peak of media production in Armenia, daily newspapers usually published around 5,000 copies per day and few weekly outlets had more

30 Media.am, "News Anchor Armen Dulyan Fired for Facebook Post", published June 11, 2013, <http://media.am/en/Armen-Dulyan-fired-from-Shant-TV>.

31 Media.am, "On the Lack of Social Media Policies in Armenian News Organizations," published June 12, 2013, <http://media.am/en/social-media-guides-need-for-armenian-media>.

32 Media.am, "Armenian Online News Media Set Rules of the Game," published June 21, 2013, <http://media.am/en/armenian-online-media-statement>.

33 Media.am, "Law on Regulating Copyright in Armenian News Media Passed," published November 14, 2013, <http://media.am/en/Copyright-law-passed>.

34 Based on the interviews carried out with representative of Internews Armenia and the Center for Information Law and Policy.

than 10,000 readers.³⁵ The audience for television and radio was larger but still limited to the leading producers: five of the almost thirty television channels accounted for 76 percent of viewers.³⁶ Early online news outlets such as A1+ enjoyed significant growth in the number of daily visitors during the first few years of production.

Armenian online news resources started growing from 2001 to 2005 when internet services became relatively affordable. However, the main increase in production of online content—particularly video and audio content—started in 2008 after the liberalization of the market and the decrease in the cost of broadband. Today, there are at least 30 leading online news outlets covering political, economic, and social issues. Since 2011, Armenia has seen the emergence of Armenian-language online television programs. Although online video news services are still underdeveloped and underused in Armenia, the public's interest toward online video content is growing, and today at least three leading web resources—A1+ Online, Civilnet.am, and Azatutyun.am—offer on-demand video news and live-air reporting on major political and social events.

The majority of the population uses the internet mainly for social networking and as a cheaper alternative for voice and visual communication with relatives abroad. While those who use the internet in Armenia mainly visit news websites or social networks, given the overall low levels of daily internet use among the Armenian population, most Armenians still receive their news from television programs.³⁷ Nevertheless, the population's interest toward online news resources is growing, and the number of visitors to the leading news websites exceeds the number of the leading newspapers' readers.³⁸ Print copies of the leading Armenian newspapers—Aravot, Hraparak, and Iravunk—usually do not exceed 4,000 issues, whereas online news websites collect more than 700,000 unique visitors per day.

Armenian blogs and online communities are highly politicized and are likely to respond to most political events. During the last three years, social media—Facebook in particular—has been actively used for political and civil mobilization by the opposition and civil society activists. Besides Facebook, tools such as Livestream and Ustream are used by media outlets, NGOs, and online television stations (such as Civilnet.am, Azatutyun.am, and A1plus.am). These tools were used effectively during civic movements and protests against the rise in public transportation prices in July 2013 and during the ongoing movement against pension reforms, initiated by Dem.am in November 2013, which succeeded in changing the mandatory components in the legislation.³⁹ NGOs have also used live-streaming tools to broadcast press conferences, discussions, debates, and other public events.⁴⁰ For example, Levon Barseghyan, the director of the media NGO "Asparez," live-streams sessions as a member of the local government's city council, enabling the public to access information that was not previously available.

Another positive example of online mobilization is the iDitord (iObserver) project, a crowdsourced

35 1996–1998 could be referred to as a peak of Armenian post-Soviet print press production according to press activities and establishment of new press enterprises. Afterward the development of both television and press slowed down significantly.

36 AGB Nielsen Media Research, Armenia, 2011, <http://www.agbnielsen.am>.

37 All 10 top websites in Armenia are either online news services or television news video portals. "Armenian web resource ratings," Circle.am, accessed April 30, 2014, <http://circle.am/>.

38 "Armenian web resource ratings," Circle.am, accessed April 23, 2014, <http://circle.am/>.

39 The website of Dem.am Civic Initiative, accessed April 23, 2014, <http://dem.am/>.

40 Media Center, accessed April 26, 2014, <http://media-center.am/en>.

election monitoring project launched in advance of parliamentary elections in May 2012.⁴¹ The website received about 400 reports during the presidential elections of February 2013 and more than 400 reports from citizens, NGOs, and political parties during the Yerevan municipal elections of May 2013, mostly related to bribes, problems with the activities of local electoral commissions, violations of advertisement laws, and mistakes in electoral lists. The police and the Central Electoral Commission officially responded to some reports and claimed that others were not confirmed or were misinformed.⁴²

Violations of User Rights

Article 27 of the Constitution of the Republic of Armenia guarantees freedom of speech irrespective of the source, person, or place. The constitutional right to freedom of speech is universal and applicable to both individuals and media outlets, with some restrictions. In 2005, Armenian media legislation changed significantly with the adoption of the Law of the Republic of Armenia on Mass Media (also referred to as the Media Law).⁴³ One of the most positive changes in Armenian media legislation was the adoption of unified regulation for all types of media content irrespective of the audience, technical means, or dissemination mechanisms. The Television and Radio Law contains additional requirements toward content delivery, but it does not regulate news delivery and only addresses the issues of broadcasting erotic or violent programs, as well as the time frame for advertising, the mandatory broadcast of official communications, and the rules on election coverage and other political campaigns. Content delivered through a mobile broadcasting platform or the internet is subject to the same regulations.

Armenian criminal legislation grants journalists certain protections related to their profession. According to Article 164 of the criminal code, hindering the legal professional activities of a journalist or forcing a journalist to disseminate information or not to disseminate information, is punishable by fines of 50-150 times the minimum salaries, or correctional labor for up to one year. The same actions committed by an official abusing their position is punishable by correctional labor for up to two years, or imprisonment for the term of up to three years, and a ban on holding certain posts or practicing certain activities for up to three years.⁴⁴ However, neither criminal law nor media legislation clearly defines who qualifies as a journalist or whether these rights would apply to online journalists or bloggers.

In May 2010, the Armenian National Assembly passed amendments to the administrative and penal code to decriminalize defamation, including libel and insult, and introduced the concept of moral damage compensation for public defamation.⁴⁵ The initial result was an increase in civil cases of def-

41 Internews, "Armenian elections monitoring: Crowdsourcing + public journalism + mapping", published August 28, 2012, <https://innovation.internews.org/blogs/armenian-elections-monitoring-crowdsourcing-public-journalism-mapping>.

42 Reports from municipal elections available on the main page <http://iditord.org> and reports during presidential elections available here: <http://iditord.org/2013-presidential-elections/>.

43 The Law of the Republic of Armenia on Mass Media. Adopted by National Assembly on December 13, 2003. Official Bulletin, 29 January 2004 No 29/6(25), accessed April 23, 2014, <http://www.parliament.am/drafts.php?sel=showdraft&DraftID=312&Reading=0>.

44 Special Investigatory Service of the Republic of Armenia, Article 164, Criminal Code of the Republic of Armenia as amended on January 6, 2006, accessed April 30, 2014, <http://www.investigatory.am/en/criminal/>.

45 Concept of compensation for moral damage caused by defamation was introduced by adding Article 1087.1 to the Civil Code of the Republic of Armenia. Official Bulletin of the Republic of Armenia, 23 June 2010 No 28(762).

amation, often with large fines as penalties. In November 2011, the Constitutional Court ruled that courts should avoid imposing large fines on media outlets for defamation, resulting in a subsequent decrease in the number of defamation cases. Defamation is widely used by Armenian politicians to restrict public criticism, but it has not necessarily been used to combat oppositional viewpoints or media independence. However, the principle of requiring politicians to be more tolerant of public criticism is not a widely adopted legal practice in Armenia. According to the Committee to Protect Freedom of Expression (CPFE), in 2013 there were 26 civil defamation and insult suits against journalists (including as a third party) and the media. Of these 26 cases, 17 included media outlets that also have an online presence.

Since 2003, when the concept of cybercrime was first introduced in the Armenian criminal code,⁴⁶ criminal prosecution for crimes such as illegal pornography or copyright infringement on the internet demonstrates that Armenian law enforcement authorities generally follow the practices of the European legal system, and neither service providers nor content hosts have been found liable for illegal content stored on or transmitted through their system without their actual knowledge of such content. Armenia is a signatory to the Council of Europe's Convention on Cybercrime, and further development of Armenian cybercrime legislation has followed the principles declared in the Convention.

Armenian criminal legislation also prohibits the dissemination of expressions calling for racial, national, or religious enmity, as well as calls for the destruction of territorial integrity or the overturning of a legitimate government or constitutional order.⁴⁷ As mentioned previously, the Armenian legal system is based on the principle of universality, meaning that laws are applicable online as they are offline. Therefore, all crimes conducted on the internet are prosecuted similarly to those that are conducted offline. Regarding liability for content published on websites hosted in other jurisdictions, Armenian legal theory and practice follows the principle of "place of presence," meaning that the person is liable if he or she acts within the territory of that country.

No cases of imprisonment or other criminal sanctions or punishments for online activities were recorded over the past year. However, cases of civil liability, such as moral damages compensation for defamation, have been recorded several times over the past few years.⁴⁸ The downloading of illegal materials or copyrighted publications is not prosecuted under Armenian legislation unless it is downloaded and stored for further dissemination, and the intention to disseminate must be proved.

Anonymous communication and encryption tools are not prohibited in Armenia; however, the use of proxy servers is not that common due to the fact that since 2008, internet users have not faced problems with website blocking or traffic filtering. Individuals are required to present identification when purchasing a SIM card for mobile phones. No registration is required for bloggers or online media outlets, though tax authorities may question bloggers or media outlets on revenue-related issues (advertisements or paid access).

⁴⁶ Cybercrime was defined under the new Criminal Code of the Republic of Armenia, adopted on April 18, 2003. The first prosecution case for the dissemination of illegal pornography via the internet was recorded in 2004.

⁴⁷ Special Investigatory Service of the Republic of Armenia, Articles 226 and 301 of the Criminal Code of the Republic of Armenia, accessed April 30, 2014, <http://www.investigatory.am/en/criminal/>.

⁴⁸ Media.am, "Demanding Financial Compensation from Armenian News Outlets is Becoming Trendy," published March 3, 2011, <http://media.am/en/media-attacks>.

The collection of an individual's personal data by the government is allowed only in accordance with a court decision in cases prescribed by the law. The monitoring and storing of customers' data is illegal unless it is required for the provision of services. Personal data can be accessed by law enforcement bodies only with a court decision. Nonetheless, the courts support most data requests from law enforcement bodies, which usually file motions on data requests while investigating crimes; however, motions must be justified, and if not, the defense attorney may insist on the exclusion of evidence obtained as a result of such action.

Armenian legislation does not require access or hosting service providers to monitor transmitted traffic or hosted content. Moreover, the Law on Electronic Communication allows operators and service providers to store only data required for correct billing. Cybercafes and other public access points are not required to identify clients, or to monitor or store their data and traffic information.

Cases of physical violence toward online journalists or other staff have not been recorded, though such instances have occurred with journalists from traditional media outlets.

DDoS attacks were not prevalent in Armenia until the start of the campaign period for the 2012 parliamentary elections. Blognews.am, an Armenian blogosphere aggregator, was attacked on the morning of April 20, 2012. Later, the iDitord.org website that covered election violations suffered from a DDoS attack. As a result, iDitord.org went down for several hours on election day; however, as a result of external DDoS mitigation services, the website was able to resume normal functioning after four hours of inaccessibility while attacks continued. The culprits of the DDoS attack are still unknown. During election day, iDitord was the only Armenian web site which came under DDoS attack.⁴⁹ Additionally, during the presidential election on February 18, 2013, the opposition media website Galatv.am suffered from a DDoS attack.⁵⁰ The staff at Haynews.am believed their website suffered from a DDoS attack on December 24, 2013 after they published a series of stories related to internal political life of Armenia, though the DDoS attack was not confirmed. The website was back online shortly thereafter.

49 Media.am, "DDoS attacks becoming customary in Armenia?" published May 8, 2012, <http://m.media.am/en/DDos-attacks-on-websites>.

50 ArmInfo, "Website of Gala TV undergoes DDoS attack," published February 18, 2013, <http://arminfo.am/index.cfm?objectid=A313ACE0-79EA-11E2-83EBF6327207157C>.