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Freedom on the Net 2022 - Armenia

FREE

74

/ 100

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LAST YEAR'S SCORE & STATUS

71 / 100 Free

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

Overview

Internet freedom in Armenia improved during the coverage period, largely due to the lifting of restrictions on the free flow of information that the government implemented in the previous coverage period during the armed conflict between ethnic Armenian and Azerbaijani forces in Nagorno-Karabakh. Additionally, media outlets faced less significant cyberattacks than they did in the previous coverage period. However, the government amended the criminal code to criminalize grave insult in July 2021, which led to a multitude of charges against those who criticized Prime Minister Nikol Pashinyan. After the coverage period, the government announced it would not include the measures in the new criminal code.

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 Pashinyan has pledged to deal with long-standing problems including systemic corruption, opaque policymaking, a flawed electoral system, and weak rule of law. Concerns about political interference in the judiciary and hostile rhetoric toward the media from government officials persist. The country continues to be seriously affected by the 2020 conflict with Azerbaijan, which saw several months of fighting over control of the territory of Nagorno-Karabakh.

Editors Note: This report's coverage period ended before the Azerbaijani military launched attacks on Armenian territory in September 2022. The text does not reflect internet freedom-related developments that

occurred during the attacks.

Key Developments, June 1, 2021 - May 31, 2022

- Access to websites and social media platforms were not restricted, as they were during the military conflict in Nagorno-Karabakh from September to November 2020 (see A3 and B1).
- In July 2021, the government criminalized “grave insults” and by April 2022 had opened at least 802 cases under the new measure. After receiving significant criticism from civil society and international groups, the government announced the measure would not be included in the new criminal code, after the coverage period (see C2 and C3).
- In December 2021, Citizen Lab, a research center at the University of Toronto, reported that Predator, a spyware tool developed by the Israeli company Cytrox, had allegedly been used by clients in Armenia (see C5).
- Media outlets faced less 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 Armenia’s capital, Yerevan, and is expanding throughout the country. The reliability and speed of internet connections across Armenia has generally improved in recent years. In Yerevan, public Wi-Fi is widely available, while other cities in Armenia have more limited access to Wi-Fi in public places.

According to the International Telecommunications Union (ITU), in 2021 Armenia had a fixed broadband penetration rate of 16.7 percent and a mobile broadband penetration rate of 95.8 percent.¹ Per the ITU’s most recent data, from 2020, 76.5 percent of individuals had access to the internet, up from 66.5 percent in 2019.² According to World Bank survey data from 2020, 96 percent of households in Armenia had access to the internet.³ Fourth-generation-plus (4G+) technology for mobile networks now cover 100 percent of settlements, per 2020 data from the Public Services Regulatory Commission of the Republic Of Armenia.⁴ Mobile operators have expressed interest in the establishment of fifth-generation (5G) networks, but little progress has been made.⁵

According to data published by Ookla’s Speedtest Global Index in May 2022, the median speed of a fixed broadband connection was 36.6 megabits per second (Mbps), while the median speed of a mobile internet connection was 21.5 Mbps.⁶ TEAM.Telecom Armenia announced that it would provide 10 gigabits per second (Gbps) internet connections for users in Yerevan in the second half of 2021.⁷

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

The limited number of internet connections to and from Armenia present challenges in ensuring uninterrupted internet access. On September 21, 2020, Beeline, one of the primary ISPs and a subsidiary of TEAM.Telecom Armenia, announced that its fiber-optic cables in the Sevan-Dilijan and Ashtarak-Aparan regions of the operator's network had been damaged by road construction work, which caused Beeline subscribers to lose access to the internet and negatively affected the quality of internet connection nationwide.¹⁰ Earlier, on March 22, 2020, users experienced disruptions for several hours due to problems with information and communications technology (ICT) infrastructure in Georgia.¹¹ Similar problems resulted in disruptions in early 2019.¹²

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 2021 data from the ITU, a monthly fixed broadband subscription of 5 gigabytes (GB) per month costs 3.51 percent of gross national income (GNI) per capita. On the other hand, mobile packages offering at least 2 GB of data per month cost 1.05 percent of GNI per capita.¹³ According to World Bank survey data from 2020, there is "no significant difference in the levels of internet access by income group."¹⁴ However, many lower-income households cannot afford high-speed fixed broadband and mobile connections.

There is a minor digital divide between large population centers and more rural areas. By 2021, 100 percent of settlements had access to broadband internet, with 62.7 percent having access to fixed broadband connections, an increase from the coverage in 2020.¹⁵ The quality of service may be limited outside of cities due to lack of competition between providers. In contrast to the diverse market in Yerevan, some villages have only one or two mobile broadband services from which to choose. As of January 2021, all 1,003 settlements in Armenia were covered by 4G+ mobile networks.¹⁶

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity? 6 / 6

Score Change: The score improved from 5 to 6 to because there was no repetition of reported issues accessing social media platforms as there was during the previous coverage period.

Internet shutdowns and blocks to social media platforms are not common in Armenia and there were no reported restrictions on access during the coverage period.

However, on October 1, 2020, four days after the outbreak of the armed conflict in Nagorno-Karabakh, state-owned Armenpress reported that TikTok was inaccessible to some users, while others had trouble downloading videos or watching videos they had already downloaded.¹⁷ Issues loading the platform and uploading content persisted for several weeks. However, neither the government nor service providers confirmed whether there was an official order to block the platform.

The government and the Public Services Regulatory Commission (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.¹⁸

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers? 5 / 6

The telecommunications market is reasonably diverse, with three mobile service providers and dozens of ISPs.¹⁹ There are no significant constraints on entering the market. In 2013, amendments to the Law on Electronic Communication removed requirements 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 183 ISPs in Armenia as of the end of 2020.²¹ However, three operators control a significant portion of the fixed-broadband internet market. In the first quarter of 2021, Ucom reported 150,647 subscribers²² and Beeline reported 55,127 subscribers,²³ while Rostelecom had 58,493 subscribers by the end of 2020.²⁴

At the end of 2020, Vivacell-MTS, a Russian company, was the largest mobile service provider, controlling 59 percent of the market, followed by TEAM.Telecom and Ucom.²⁵

In January 2022, GNC Alfa, one of the largest Armenian ISPs and a subsidiary of Rostelecom, was acquired by the Electrical Networks of Armenia CJSC. The company set up Molitro Holdings, an offshore holding company registered in Cyprus, to manage the shares of GNC Alfa.²⁶

In October 2020, Veon Armenia, which operates under the trademark Beeline, ²⁷ was purchased by TEAM.Telecom, ²⁸ a company established by Ucom’s founders after they had a falling-out with Ucom management.²⁹

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.³⁰

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner? 2 / 4

The PSRC operates relatively transparently, and its activities in the telecommunications sector are generally fair. However, the body’s past conduct—particularly with respect to public utilities like gas and water—has been marred by corruption.³¹ The body’s decisions are made during open meetings, in which the public can participate.³² The PSRC must submit an annual report to the National Assembly, but the parliament 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 in the Law on Electronic Communication.³³ Its authority, mechanisms for commissioners’ appointments, and budgeting principles are defined under the Law on Public Service Regulation Commission.³⁴ One of the weakest elements of the telecommunications regulatory framework is the absence of term limits for commissioners. 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 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 nonprofit that manages global domain name systems.

B Limits on Content

B1 0-6 pts

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? 6 / 6

Score Change: The score improved from 4 to 6 because websites and social media platforms were not blocked as they were during the previous coverage period.

In general, content protected by international human rights standards is not blocked, though users reported issues accessing certain websites during the previous coverage period. Prior to the military conflict in Nagorno-Karabakh, blocking had typically been limited to locally hosted content found to contravene laws on pornography and implemented by deregistering websites using the .am or .huy country code top-level domains.³⁵

From the second half of October 2020 until the ceasefire agreement on November 10, a number of Turkish and Azerbaijani media outlets and governmental resources with .az and .tr domains were inaccessible. Issues with accessing the sites continued for months after the ceasefire.³⁶ There was no official recognition of the blockage by ISPs or the Armenian government.³⁷ Also in October 2020, users reported problems accessing TikTok, though the government similarly did not acknowledge any blocking of the platform (see A3).

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? 2 / 4

The government does not frequently demand that users remove content, although it has in the past. For periods in 2020, the government enacted emergency measures that empowered authorities to ban or delete content related to the COVID-19 pandemic and to the conflict in Nagorno-Karabakh, respectively. Previously, occasional deletions resulted from authorities and nonstate actors using complaint mechanisms to prompt Facebook to block the accounts of political opponents.

The government implemented martial law by decree on September 27, 2020, when the armed conflict between Armenia and Azerbaijan in Nagorno-Karabakh erupted. The designation placed a number of restrictions on media outlets (see C1, B3, and C3). As of November 9, 2020, when a trilateral statement ending the hostilities was signed, authorities had reported 401 articles banned under martial law, 196 of which were posted by media outlets and 205 of which were posted on social media. Additionally, 13 news sites, which police did not list publicly, were fined 700,000 drams (\$1,400). There were also occasional instances of police ordering individuals to remove content related to the conflict.³⁸

In September 2020, the Armenian government lifted a state of emergency³⁹ that began on March 16, 2020, in response to the outbreak of the COVID-19 pandemic. The state of emergency regime included restrictions on mass media and on social media users, with restrictions that only permitted individuals

to refer to official statistics about the pandemic; unofficial statistics posted in violation of the order would be deleted.⁴⁰ Under Article 182.3 of the code of administrative violations, those deemed in breach of these restrictions could be fined between 500 and 800 times the monthly minimum wage.⁴¹ Additionally, outlets and users could be fined the equivalent of \$1,000 to \$2,000 for refusing to remove unofficial information within 24 hours.⁴² By March 23, 2020, the authorities had contacted 22 media outlets and an unspecified number of individuals, asking them to edit or remove information that was inconsistent with “official information,” according to Hayk Mhryan, the deputy chief of police.⁴³ The government provisionally lifted these conditions on April 13, 2020, amid criticism, though the state of emergency remained in place until September.⁴⁴

In 2021, Facebook did not restrict access to any content based on requests from the Armenian government.⁴⁵ Twitter,⁴⁶ and Google⁴⁷ did not receive any content removal requests from the Armenian government.

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the 3 / stated aims, or an independent appeals process? 4

Historically, the government of Armenia had rarely restricted content, though it did restrict some content during the military conflict in Nagorno-Karabakh in 2020.

For example, the government refused to publicly list the 13 media outlets it fined after declaring martial law in September 2020, claiming that doing so would jeopardize the protection of individuals’ personal data (see B2 and C3).

Armenia permits the filtering of internet content only under a narrow set of circumstances, and decisions to block content require a court order.⁴⁸ Legally, Armenian courts can issue orders to block illegal content, including child sexual abuse images and content that violates intellectual property rights.⁴⁹ Orders to block content can be challenged in court by content owners, who may claim compensation if a judge finds the 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.⁵⁰

ISPs and content hosts are shielded from liability for illegal content stored on or transmitted through their systems without their prior knowledge.⁵¹

In July 2022, after the coverage period, former General Prosecutor Artur Davtyan wrote a letter to the government encouraging it to enact laws that would enable regulators to block websites, citing Russia’s Roskomnadzor as an example.⁵²

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, and some of those banned have been accused of hate speech without evidence to support the claims.⁵³ During the conflict in Nagorno-Karabakh, users from Azerbaijan and Turkey massively reported social media pages of Armenian media outlets, rendering them inaccessible. In October 2020, the YouTube channel of 5th Channel TV, an Armenian news outlet, was taken down because of such mass reporting, according to editor Harutyun Harutyunyan.⁵⁴ Also, CyberHUB-AM, a nongovernmental organization (NGO), reported that several journalists and online media outlets came

to them for help when their Facebook and Twitter accounts were suspended under similar circumstances.

In December 2021, Facebook users and pages that mentioned Monte Melkonian, an Armenian revolutionary and commander in the First Nagorno-Karabakh war, began reporting that they had been blocked or had restrictions placed on their accounts. Arman Tatoyan, the ombudsman of Armenia, criticized these measures and sent a letter to Facebook explaining that Melkonian is considered a national hero.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 International Research and Exchanges Board's (IREX) 2022 Vibrant Information Barometer (VIBE), 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 topic of sensitivity. 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. The martial law designation issued at the outbreak of the 2020 Nagorno-Karabakh conflict eventually included potential fines for individuals and media outlets deemed to endanger national security by contradicting official statements (see B2 and C1).⁵⁷

In 2018, in the wake of Armenia's Velvet Revolution, a group of prominent journalists, including several from online media outlets, issued a statement decrying an "atmosphere of intolerance" on social media platforms and denouncing online incitements to violence, including by supporters of the revolution, against the media in reaction to unfavorable reporting.⁵⁸ In the highly polarized postrevolutionary media landscape, "critical friends" of the Pashinyan government, often members of Armenia's vibrant civil society, are sometimes loath to speak online for fear of being co-opted by members and supporters of the old regime.⁵⁹

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other 2 / powerful actors to advance a particular political interest? 4

The online information landscape in Armenia is polarized, subject to political pressure, and rife with disinformation. At certain outlets, online 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 the chief editor of the *Armenian Times*. In a 2018 interview with Radio Free Europe/Radio Liberty, Hakobyan vowed that she and her staff would "criticize everyone."⁶⁰ However, some observers have noted that the *Armenian Times* has had privileged access in reporting a "suspiciously large number" of breaking stories since Pashinyan took power.⁶¹

Despite these concerns, some analysts argue that undue political influence on the online information landscape is less prevalent under Pashinyan. ⁶²

During the coverage period, disinformation about or related to Russia's invasion of Ukraine spread online. For example, following the invasion of Ukraine, Russian state-controlled media and bloggers claimed the Armenian government supported the Russian invasion of Ukraine, which is

false.⁶³ Additionally, Armenian media linked to the political opposition,⁶⁴ Russian media, Russian government officials, and Armenian political parties, have claimed that American-run laboratories in the country are producing biological weapons, mirroring a claim that was made about similar facilities in Ukraine. In June 2022, after the coverage period, the National Christian Party (Zartonk) organized a demonstration against the alleged presence of these laboratories.⁶⁵

A June 2021 report from Freedom House noted that twin crises of the COVID-19 pandemic and the Nagorno-Karabakh conflict “exacerbated” disinformation issues in the country.⁶⁶ Additionally, a March 2021 study by the Media Initiatives Center counted “media affiliated with the previous regime, ideological groups, and Russian websites as some of the main sources of disinformation in Armenia.”⁶⁷ Civil society groups have also criticized a number of news sites—including 168.am, Hraparak.am, and Analitik.am—spreading false narratives that, among other issues, included the term *sorosakan*, a reference to influential philanthropist and investor George Soros that is often used by antisemitic conspiracy theorists.⁶⁸

Far-right political groups in Armenia also spread a significant number of dis- and misinformation narratives online through an ecosystem comprising social media accounts (notably, Facebook pages and YouTube channels) and friendly websites.⁶⁹

Both the governing My Step Alliance and the opposition Prosperous Armenia party have previously been accused of using fake accounts on social media platforms to spread partisan narratives.⁷⁰ Armenian political movements continually accuse each other of leveraging troll factories on social media to disseminate favorable narratives.

In February 2021, Twitter reported that it removed 35 accounts linked to the government of Armenia. These accounts were created to advance anti-Azerbaijan narratives. In some cases, the fake accounts posed as Azerbaijan-based political figures and news entities.⁷¹

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish 3 / content online? 3

Since the Velvet Revolution, media outlets and other users have not faced arbitrary economic or regulatory constraints that would significantly impact 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 2021 VIBE notes that the relatively independent Armenian media, though editorially somewhat independent, is not immune to advertiser influence in that they are highly unlikely to publish “anything that might be critical” of their client.⁷² While the advertising market remains small, it is less politicized than before the revolution. According to Arsen Sultanyan, who founded the digital marketing agency Prodigy, the online advertising market in Armenia was valued at about \$11.2 million in 2021, a 24 percent increase compared to the previous year.⁷³

While net neutrality is not explicitly enshrined in Armenian law, a 2014 government resolution supports the principle.⁷⁴ A 2008 PSRC decision requires ISPs to inform subscribers of any discriminatory network traffic management policies.⁷⁵

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.⁷⁶ According to the Caucasus Barometer 2021–22 survey, the internet is the primary source of information for 46 percent of Armenians, the same population share as television.⁷⁷ A variety of independent and opposition web resources provide audiences with politically neutral content as well as opposition viewpoints. However, IREX’s 2022 VIBE notes that “information quality is often poor and thereby does not provide true diversity.”⁷⁸

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.⁷⁹

During the 2020 armed conflict between Armenia and Azerbaijan in Nagorno-Karabakh, the government withheld information from front line sources, which facilitated the spread of misinformation and reduced the public’s trust in information from official sources.⁸⁰

B8 0-6 pts

Do conditions impede users’ ability to mobilize, form communities, and campaign, 6 / particularly on political and social issues? 6

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

Between April and June 2022, the Armenian opposition used social media to organize protests calling for the resignation of Prime Minister Pashinyan. A number of protestors were detained for “refusing to obey officers’ orders” and footage of these detentions was shared across social media platforms.⁸¹

In August 2020, the Armenian Public Front launched the #SaveAmulsar campaign, protesting construction of the Amulsar gold mine.⁸²

After border skirmishes between Azerbaijan in Armenia in July 2020, users posted Fancams, or video close-ups popularized by fans of South Korean pop music (K-pop), to raise awareness about the conflict. Likewise, in the same month, both Armenian and Azerbaijani activists used the hashtags #wordsnottwords to advocate for a peaceful resolution to the conflict. ⁸³

Earlier, in July 2019, journalist Lucy Kocharyan helped kick-start a reckoning with sexual violence by collecting and publishing stories from anonymous survivors of assault on Facebook using an Armenian hashtag that translates to #Voices of Violence.⁸⁴

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 3 / to information, and press freedom, including on the internet, and are they enforced by a 6 judiciary that lacks independence?

The constitution guarantees freedom of speech to individuals and media outlets,⁸⁵ and Armenian criminal legislation grants journalists certain protections. According to Article 164 of the criminal code, hindering the legal professional activities of a journalist, as well as 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.⁸⁶ However, neither the criminal

code nor media legislation clearly defines who qualifies as a journalist, or 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.⁸⁷

On September 27, 2020, Armenia declared martial law hours after heavy clashes with the Azerbaijan army started on the border of Nagorno-Karabakh.⁸⁸ In October, Armenia amended the martial law to give police the authority to fine media outlets and request the removal of content (see B2, B3, and C3). The amendment specifically concerns reports “criticizing” or “refuting actions of state and local self-government bodies and officials” as it relates to national security. Martial law measures were eased after the November 10 ceasefire agreement, but the parliament did not vote to formally end them until March 2021.⁸⁹

Armenia’s judiciary lacks independence and is one of the least trusted public institutions in the country.⁹⁰ In 2019, Prime Minister Pashinyan announced that he would attempt to comprehensively reform the judiciary and improve its independence,⁹¹ 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.⁹²

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly 2 / those that are protected under international human rights standards? 4

Score Change: The score declined from 3 to 2 because of July 2021 amendments to the criminal code that make “grave insult” a criminal offense.

Some laws threaten the constitution’s guarantees of freedom of online expression. Armenian 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.⁹³ These laws apply to expression both online and offline, and some rights activists fear that they could be used to arrest and prosecute critics of the government. Moreover, during the coverage period, the parliament passed harsher penalties for defamation and insult cases, even though defamation was decriminalized in 2010,⁹⁴ and in 2011 the Constitutional Court ruled that courts should avoid imposing large fines on media outlets for defamation.⁹⁵

In July 2021, the parliament passed amendments to the criminal code stipulating that grave insults or comments that “offend other’s dignity in an ‘indecent manner’” directed at state officials, politicians, civic activists, and other public figures are punishable with a fine of up to 500,000 drams (\$1,000). Repeated offenses will result in fines between 1 million drams (\$2,000) and 3 million drams (\$6,000) and up to three months in prison.⁹⁶ Although the Constitutional Court upheld the legality of the provision in April 2022,⁹⁷ in June 2022, after the coverage period, Minister of Justice Karen Andreasian announced that the measure would not be included in the forthcoming criminal code, effectively repealing the law, which had received significant criticism from civil society groups and the international community since it passed in 2021.⁹⁸

Armenian laws on pornography and copyright infringement generally align with European legal standards,⁹⁹ 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 prosecutors can prove the content was stored with intent to disseminate it.

In April 2020, the parliament adopted amendments to the criminal code that criminalize violent hate speech. Accordingly, publicly inciting or justifying violence based on gender, race, skin color, ethnic or social origin, or other characteristics is subject to penalties including fines and imprisonment for up to three years.¹⁰⁰ There was only one case heard under this provision during the coverage period and the court acquitted the defendant (see C3).¹⁰¹ 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.”¹⁰²

In 2019, a member of Parliament introduced a bill that, if passed, would punish the dissemination of “false information” with prison terms of up to two years, but it has not since been voted on.¹⁰³

C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected under 4 / international human rights standards? 6

During the coverage period, a multitude of individuals were charged under July 2021 amendments to the criminal code that stipulate fines and prison time for “insult.” In June 2022, after the coverage period, the government announced that these measures would be removed from the criminal code going forward (see C2).

As of April 2022, at least 802 cases related to Article 137 of the criminal code concerning “grave insults” had been opened, ¹⁰⁴ 48 of which were criminal cases, with 6 people found guilty.¹⁰⁵ By the end of 2021, eight criminal cases were taken to court under this provision. All eight cases that were sent to court concerned Facebook posts allegedly insulting Prime Minister Pashinyan.¹⁰⁶ Examples of charges placed on defendants under the amendment include:

- In February 2022, Sona Aghekyan, the cofounder of the Yerevan Alternative Municipality Initiative, was charged for insulting the prime minister through a Facebook post. ¹⁰⁷
- In February 2022, Karine Ayvazyan was charged for a Facebook post that allegedly criticized the prime minister, though Ayvazyan has claimed that the post did not refer to Pashinyan.¹⁰⁸
- In February 2022, Marina Danielyan was charged under Article 137 of the criminal code.
- In February 2022, Narine Hayrapetyan was charged under Article 137 of the criminal code for a comment she left on prime minister Pashinyan’s Facebook page, which allegedly constituted a grave insult. ¹⁰⁹
- In February 2022, the Court of General Jurisdiction of the City of the Yerevan opened criminal cases against Mushegh Shushanyan under Articles 137 and 226 of the criminal code. Shushanyan called for called Pashinyan a “traitor” and called for his death in a Facebook post.¹¹⁰
- In February 2022, Manuel Manukyan was charged under Article 137 of the criminal code for insulting the prime minister on Facebook. The trial was postponed to April.¹¹¹

In June 2021, a court heard a case against Aram Harutyunyan, who made a Facebook post criticizing Prime Minister Pashinyan that allegedly violated April 2020 amendments to the criminal code that criminalize violent hate speech (see C2); he was acquitted.¹¹²

In February 2021, a Yerevan Court sentenced Ara Saghatelian, the former parliamentary chief of staff, to two months in prison for inciting violence and engaging in other illegal behavior through a fake Facebook account. The account, which operated under the name “Gagik Soghomonyan,” regularly

criticized the Armenian government. Saghatelyan's lawyer said there was no factual evidence supporting the charge, except that the internet protocol (IP) address associated with posts from "Gagik Soghomonyan" was shared with that of a virtual private network (VPN) server. Later, all defendants in the case were released, though an investigation was ongoing. In May 2021, Ara Saghatelyan reported that the National Security Agency still had his electronic devices, as well as the computer of his wife and the phone of his teenage son.¹¹³

In October 2020, the authorities fined Yerevan Today 700,000 dram (\$1,400) under provisions of the martial law designation for republishing an article from 7or.am, a news site, because it "threatened the security of the state".¹¹⁴

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption? 3 / 4

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.¹¹⁵

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy? 3 / 6

Electronic state surveillance remains a threat to Armenians' online privacy rights and during the coverage period, there were several reports of spyware being used to target people in the country. Armenia is widely believed to possess Russian-designed System for Operative Investigative Activities (SORM) electronic surveillance capabilities. The National Security Service (NSS) has lawful interception powers, and surveillance without a court order is permitted for up to 48 hours when national security is imminently threatened.¹¹⁶

In December 2021, an investigation by CitizenLab, identified customers in Armenia that were likely operating Predator, a spyware tool with advanced capabilities used to target and extract information from mobile phones. The tool is developed by Cytrox, a member of Intellexa, which bills itself as the "Star Alliance" of spyware.¹¹⁷ Meta, Facebook's parent company, removed accounts in response to the investigation.¹¹⁸ In May 2022 cybersecurity expert Ruben Muradyan stated he had received reports of hijacked Telegram accounts, that are used to disseminate links leading to Predator spyware.¹¹⁹

In November 2021, people across the world, including in Armenia, received a letter from Apple notifying them they had been targeted by a state hacking effort.¹²⁰ According to CyberHUB-AM, more than 20 people in Armenia received this email. Arthur Vanetsyan, the former director of the National Security Service and the current leader of the "I Have Honor" opposition movement, and former minister of high-tech industry Vahagn Khachatrya¹²¹ reported they received a warning from Apple. Muradyan stated that two months prior to Apple's disclosure, he found traces of NSO group's Pegasus spyware in Vanetsyan's smartphone.¹²²

In July 2021 Microsoft reported that Candiru, a spyware tool sold by an Israel-based company exclusively to governments, was used to target victims in Armenia. According to the report by Citizen Lab, targets, including human rights defenders, dissidents, journalists, activists, and politicians, were sent fake links to Armenian news sites.¹²³ On the same day, Google confirmed that it identified two instances where Google Chrome Zero Day exploits (which are high severity vulnerabilities in the browser), disguised as links to news sites, were used against targets in Armenia.¹²⁴

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 authorized only the NSS to tap phones.¹²⁵

In 2019, a Eurasianet report revealed that the Pashinyan government was continuing negotiations with Huawei to bring the Chinese company's "Smart City" technology to Yerevan.¹²⁶

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

Armenian legislation does not require service providers to monitor traffic or content. Moreover, the Personal Data Protection Law mandates that service providers store only personal data required for billing purposes.¹²⁷

Enacted in 2015, the Personal Data Protection Law¹²⁸ created the Personal Data Protection Agency, which has the authority to appeal decisions by 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 is illegal unless it is 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 requires 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.¹²⁹ The law did not allow the government to access users' communications, only their metadata, and only applied for the duration of the state of emergency, which ended in September 2020.¹³⁰ The metadata collected via this program was to be deleted within one month of the end of the state of emergency. In September 2020, all collected metadata was destroyed in the presence of representatives of the government, National Assembly, and three mobile operators. All hardware devices on which the information was stored were also physically destroyed.¹³¹

Under the Electronic Communications Law, providers must make customer data available to authorities "in connection with surveillance, inquest, or criminal prosecution."¹³² Upon a court order, they must also give authorities access to "any communications equipment," including "wiretapping devices."¹³³ Cybercafés and other public access points are not required to identify clients or to monitor or store personal data and traffic information.

In January 2022, it was revealed that Armed, an application developed by the National Electronic Healthcare Operator to check personal information about COVID-19 vaccination and testing, displayed the owner's passport data. After public discussion and media coverage, the government hid the passport details in the application. ¹³⁴

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 2021, the Committee to Protect Freedom of Expression recorded 18 cases of physical violence against journalists, both offline and online, and 108 cases where they were pressured in other ways.¹³⁵ During the first quarter of 2022, one violent incident was recorded, during which a journalist was detained while covering an opposition protest; 12 cases of journalists experiencing “pressure” were also documented.¹³⁶

In November 2020, a crowd of around 40 men attacked the office of Azatutyun, the Armenian Radio Free Europe/Radio Liberty (RFE/RL) affiliate, after the government signed a ceasefire deal with Azerbaijan. The men accused the journalists of being traitors and threatened to destroy the outlet’s servers to prevent journalists from working.¹³⁷

Online hate speech towards LGBT+ people remains frequent and is mostly directed by far-right organizations and political movements.¹³⁸

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users 2 / subject to widespread hacking and other forms of cyberattack? 3

Score Change: The score improved from 1 to 2 because media websites faced less severe cyberattacks than they did in the previous coverage period.

Technical attacks target both government websites and civil society groups in Armenia. These attacks frequently originate in neighboring Azerbaijan. The scope and pace of cyberattacks from Azerbaijan increased during the armed conflict in Nagorno-Karabakh in 2020.

During the coverage period, there were several hacking attacks against websites and social media pages of Armenian media outlets. For example, 7or.am was hacked in August 2021 and 1news.am was hacked in November 2021. In both cases, hackers displayed messages in support of Azerbaijan on the websites’ home pages.¹³⁹

In the previous coverage period, the media faced more intense cyberattacks. After skirmishes broke out between ethnic Armenian and Azerbaijani forces in July 2020, dozens of websites were hacked, including several prominent news sites.¹⁴⁰ When armed conflict broke out in Nagorno-Karabakh later in the year, many Armenian news sites experienced continuous distributed denial-of-service (DDoS) attacks, which, in some cases, lasted even after the ceasefire agreement. Several sites went offline from time to time, but they were mostly available due to their use of DDoS mitigation tools. Cybersecurity specialists detected massive attacks from Azerbaijani IP addresses, including the Academy of Science of Azerbaijan. ¹⁴¹

Additionally, on September 27 when the war broke out, Armenian websites, including a dozen popular news sites, were redirected to show Azerbaijani propaganda for several hours.¹⁴² The attacked sites included prominent news outlets News.am, Armenpress.am, 1inam, Hetq.am, and A1Plus.am.¹⁴³

In March 2020, cybersecurity researchers reported that hacking group Turla (which is possibly sponsored by the Russian government) targeted four Armenian websites—those of the consular section of the embassy of Armenia in Russia, the Armenian Deposit Guarantee Fund, the Armenian Institute of International and Security Affairs (an independent organization), and the Ministry of Nature Protection and Natural Resources of the unrecognized Republic of Artsakh (Nagorno-

Karabakh). The websites were compromised and infected with malware that could spread to visitors' computers.¹⁴⁴

In 2019, forrights.am, the website of the NGO Journalists for Human Rights, was subjected to a DDoS for two weeks.¹⁴⁵ The website's editor, Zhanna Alexanyan, stated that she believed the attack was related to the NGO's investigation into the relatives of a politically influential Armenian, whose name she did not disclose.¹⁴⁶

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