



# ARMENIA

	2012	2013
<b>INTERNET FREEDOM STATUS</b>	N/A	<b>FREE</b>
<b>Obstacles to Access (0-25)</b>	n/a	8
<b>Limits on Content (0-35)</b>	n/a	9
<b>Violations of User Rights (0-40)</b>	n/a	12
<b>Total (0-100)</b>	<b>n/a</b>	<b>29</b>

**POPULATION:** 3.3 million  
**INTERNET PENETRATION 2012:** 39 percent  
**SOCIAL MEDIA/ICT APPS BLOCKED:** No  
**POLITICAL/SOCIAL CONTENT BLOCKED:** No  
**BLOGGERS/ICT USERS ARRESTED:** No  
**PRESS FREEDOM 2013 STATUS:** Not Free

\* 0=most free, 100=least free

## KEY DEVELOPMENTS: MAY 2012 – APRIL 2013

- Internet access in Armenia significantly increased over the past few years due to decreased cost of connectivity and improved network coverage, though internet use remains somewhat low in comparison to other countries in the region (see **OBSTACLES TO ACCESS**).
- New amendments to the Law on Electronic Communication removed the requirement for internet and mobile phone service providers to obtain a license from the regulatory authority before operating (see **OBSTACLES TO ACCESS**).
- Crowdsourcing websites such as iDitord.org were used to monitor election violations during the 2012 parliamentary elections (see **LIMITS ON CONTENT**).

## INTRODUCTION

Access to the internet in Armenia has significantly improved over the past few years, with the internet penetration rate increasing from approximately 6 percent in 2007 to 39 percent in 2012. At the same time, however, there have been minimal efforts to improve community access to the internet and digital literacy remains somewhat low, with television remaining the predominant source by which people receive news and information.

In the wake of riots and protests after the 2008 disputed presidential election, the government declared a state of emergency and imposed a media blackout, forcing the removal of the domain name registration of several websites hosted within Armenia, including several opposition sites and independent news outlets. Since this one incident in 2008, however, the government has engaged in minimal blocking or deletion of online content.

In May 2010, the Armenian National Assembly passed amendments to the administrative and penal code to decriminalize defamation, including libel and insult. The initial result was an increase in civil cases of defamation, often with large fines as penalties. In November 2011, the Constitutional Court ruled that courts should avoid imposing large fines on media outlets in defamation cases, resulting in a subsequent decrease in the number of defamation cases.

## OBSTACLES TO ACCESS

Internet access in Armenia has increased substantially, particularly in the past few years. According to the International Telecommunication Union, the internet penetration rate in Armenia stood at 39.2 percent in 2012, compared to 32 percent in 2011 and just 6 percent in 2007.<sup>1</sup> From 2005 to 2007, the Armenian government undertook radical steps toward the liberalization of the information and communications technology (ICT) sector, which involved introducing a new regulatory framework that eliminated the existing telecommunication company's monopoly over the market. Today, the telecommunications sector in Armenia is relatively liberal, but still not mature enough to meet the market demands and communication needs of the entire population. A primary obstacle is the absence of diverse services available in rural areas and small cities, due to operators' lack of interest in the development of unprofitable areas. Nevertheless, access to mobile broadband is available throughout the majority of the country and is affordable for much of the population. Mobile broadband tariffs limitations<sup>2</sup> and less reliable wireless connectivity (compared with landline services) are also problems in the telecommunication infrastructure in Armenia, though to a lesser degree. Landline broadband access provided using ADSL technology is available in most cities and some villages.

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<sup>1</sup> International Telecommunication Union (ITU), "Percentage of individuals using the Internet," 2006, 2011 & 2012, accessed June 25, 2013, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

<sup>2</sup> Known as fair use policy: widely used by mobile operators and provides guaranteed speed for limited data volume (usually 1GB – 10GB) and reduced speed (usually 14.4 Kbit/sec) after exceeding the limit.

The market for internet access in Armenia is concentrated in the capital city of Yerevan, which contains one third of the country's population. ISPs offer bandwidth connections with speeds varying from 512 Kbps to 50 Mbps.<sup>3</sup> All three mobile operators offer 2G and 3G networks (EDGE, UMTS/WCDMA) and one operator offers 4G network services (LTE), but only in the capital city. In contrast to Yerevan's diverse market, only one or two mobile broadband services are usually available in villages and approximately 60 percent of rural towns are covered by landline broadband. According to official information from mobile operators,<sup>4</sup> 3G services are available to almost 90 percent of the population, covering 85 percent of the country. The total number of mobile broadband subscribers in Armenia is about 210,000, in addition to 195,000 landline connections, accounting for approximately 45 percent of households or 13 percent of the population.<sup>5</sup> The number of dial-up connections in Armenia has rapidly decreased during the last five years and by the end of 2012 there were fewer than 2,500 users.

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 1Mbps are available for \$11 per month and the price for a minimal volume (3GB) package of mobile broadband service costs \$15 per month. Internet costs are relatively high when compared to the minimum salary in Armenia, which is \$80 per month. At the same time, considering that the average public utilities bill can vary from \$50 to \$100 in the summer and \$100 to \$200 in the winter, the cost of internet access is affordable for the majority of the population, whose average income is approximately \$600 per month. 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.

From 2005 to 2010, a number of nonprofit and community organizations implemented a series of projects aimed at establishing free public internet access centers. In particular, Project Harmony connected all Armenian schools to the internet with financial support from the U.S. State Department, Open Society Institute, and later from the World Bank.<sup>6</sup> Currently, this project is funded from the state budget. Another large-scale internet connectivity project has been implemented by the UNDP mission in Armenia. Recently, the municipality of Yerevan launched free public internet access points that are available throughout a significant portion of the city, in addition to universities and schools. Mobile operators also provide limited access in public spaces such as cafes and public transportation. Public access centers have now been launched in 11 cities, the centers of each of the Armenia's administrative districts (*marzes*).<sup>7</sup>

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

<sup>3</sup> MTS, "Internet Express Tariff Plans," accessed July 30, 2013, <http://mts.am/en/individual-customers/internet-and-tv/internet-express-%284g%29/-internet-express-tariff-plan>.

<sup>4</sup> This information was derived from reports published on several mobile operators' websites, including MTS (<http://www.mts.am>), Beeline (<http://www.beeline.am>), and Orange Armenia (<http://www.orangearmenia.am>).

<sup>5</sup> This number indicates only large screen (notebooks, netbooks, computers and tablets) service packages and does not include small screen (mobile phones and smart phones) users of broadband connectivity.

<sup>6</sup> Project Harmony, "Armenia School Connectivity Program," accessed July 30, 2013, [http://www.ph-int.org/what\\_we/pr58/](http://www.ph-int.org/what_we/pr58/).

<sup>7</sup> Armenian territorial divisions include 10 *marzes* and Yerevan, the capital of Armenia, which also has a status of *marz*.

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 LiveJournal.

The regulatory authorities in Armenia primarily focus on companies with significant market power. Armenia was one of the first post-Soviet countries to privatize telecommunication companies. 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, however, 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 can choose from three mobile service operators and more than 100 ISPs, though analysis of service providers' official reports shows that the five leading operators together control approximately 90 percent of the internet market.

Armenian legislation requires that providers obtain a license for either the provision of internet services or the operation of a telecommunication network.<sup>8</sup> Procedures for obtaining licenses differ: a service license is obtained through a simplified licensing procedure (purchased for an amount equivalent to approximately \$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 recently adopted Amendments to the Law on Electronic Communication, service providers will no longer be required to obtain a license but will simply need to notify the regulatory authority.<sup>9</sup>

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.<sup>10</sup> It is worth noting that both for-profit and nonprofit service providers in Armenia enjoy free use of the low-energy Wi-Fi spectrum: use of 2.4 GHz frequency does not require permission unless it exceeds 0.1 watts of power. However, the use of 2.4 GHz for more powerful devices requires permission granted without auction or tender, but taking into account electromagnetic compatibility with other devices in range.

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

<sup>9</sup> 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.

<sup>10</sup> 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.

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 Armenia in 2006 with the adoption of the Law on Electronic Communication, which was developed with substantial expert contribution from the World Bank, as well from U.S. and European Union consultants. 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.<sup>11</sup>

The members or commissioners of the PSRC are appointed by the President of the Republic of Armenia according to 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. In cases of dismissal for professional failure, the PSRC makes a decision and reports to the President of the Republic of Armenia for action. 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.

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 leadership of the country.<sup>12</sup> 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.<sup>13</sup> 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.

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<sup>11</sup> The Law on Public Services Regulation Commission was adopted by the National Assembly of the Republic of Armenia on December 25, 2003.

<sup>12</sup> There are three independent regulatory authorities in Armenia that are part of executive, but not a part of 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.

<sup>13</sup> Case No32283/04, Meltex LTD and Mesrop Movsesyan vs. Armenia, June 7, 2008, [http://echr.coe.int/Documents/CLIN\\_2008\\_06\\_109\\_ENG\\_843572.pdf](http://echr.coe.int/Documents/CLIN_2008_06_109_ENG_843572.pdf)

The Commission's budget is formed in accordance with the Law on Public Service Regulation Commission and is composed of licensing and regulatory fees that companies pay to the state budget. The amount of regulatory fees is defined by the Commission in accordance with the procedure set up under the relevant provision of the law. 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.<sup>14</sup>

In spite of three well-established ICT-related nonprofit associations, self-regulation of the industry is significantly underdeveloped 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 a 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 a self-regulating role as most industry disputes are filed with the PSRC. Nevertheless, ISOC continues to maintain the registration of domain names, and in spite of lacking 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 and 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).<sup>15</sup> 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 ArmEx 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 internet filtering and blocking was recorded in March 2008 during post-elections events, immediately after clashes between an opposition rally and police

<sup>14</sup> Article 11 of the Law of the Republic of Armenia on Public Service Regulation Commission.

<sup>15</sup> "UITE History," Union of Information Technology Enterprises, accessed July 30, 2013, <http://uite.org/en/about-us/uite-history>.

resulted in at least eight people killed and hundreds of people injured.<sup>16</sup> 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 restriction of the access to internet resources.<sup>17</sup> After the events of 2008, Armenian authorities have been very careful regarding restrictions on internet access and no instances of politically-motivated filtering or blocking have been recorded since that time.

In spite of the fact that according to Article 11 of the Law on Police,<sup>18</sup> 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. Service providers involved in the transferring or provision of technical access to illegal resources (such as child pornography, propaganda of crime or cyberterrorism) are not liable for content they make available to their customers provided that they have 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 and content owners may claim compensation. Additionally, Armenia is a member of the European Human Rights Convention; therefore, any such decision can also be challenged at the European Court of Human Rights.

Currently, self-censorship is not a widespread practice online. The Armenian government and ruling political elite have avoided the application of any extralegal measures to prevent political opponents or independent internet resources from publishing particular 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

<sup>16</sup> Reports on the number of people killed vary; according to the official report from the Council of Europe, eight people were killed. "Special Mission to Armenia," Council of Europe Commissioner for Human Rights, March 12-15, 2008, <https://wcd.coe.int/ViewDoc.jsp?id=1265025>.

<sup>17</sup> "Observation of the Presidential Election in Armenia," Parliamentary Assembly of the Council of Europe, February 19, 2008, <http://www.assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=11961&Language=EN>.

<sup>18</sup> According to the 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.

non-biased, neutral, or oppositional opinions, and there are only a few state-owned media enterprises in Armenia.<sup>19</sup>

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.<sup>20</sup> 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 part of advertising comes from mobile operators, car dealers, and consumer electronics sellers.

Armenian telecommunication regulations conform to the principles of technological neutrality, meaning that regulations address legal issues rather than the use of a particular technology, service type, or conditions. Naturally, some laws and regulations contain recommendations or applicable standards, but there are no technology restrictions on bandwidth, protocols, or routing.

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 than 10,000 readers.<sup>21</sup> 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.<sup>22</sup> 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 service became relatively affordable. However, the main increase in production of online content—particularly

<sup>19</sup> The only state owned newspaper is *Hayastani Hanrapetutyun* (“Republic Armenia”), which publishes governmental and private announcements and the Official Bulletin (also publishes the Bulletin of Government). There is also a news website for publishing general announcements and procurement information of the government, [www.azdarar.am](http://www.azdarar.am).

<sup>20</sup> Based on interviews carried out with representative of Internews Armenia and the Center for Information Law and Policy.

<sup>21</sup> 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.

<sup>22</sup> AGB Nielsen Media Research, Armenia, 2011, <http://www.agbnelsen.am/>.

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 collecting more than 20,000 daily visitors—four times more than the leading press outlet—and 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 two leading web resources, Civilnet.am and Azatutyun.am, offer on-demand video news and live-air reporting on major political and social events.

As of May 2013, there were more than 225 online media outlets and traditional media webpages registered in Armenia.<sup>23</sup> Generally speaking, there are no formal or technical restrictions to accessing different internet resources with diverse opinions. However, the extent to which a particular news resource is well-known often depends on the financial support it receives. In other words, despite the ability to access different outlets, choice is often predetermined by the ratings and popularity of a given media outlet, which depend on investments that are usually political in nature.

The majority of the population uses the internet mainly for social networking and as a less-expensive 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.<sup>24</sup> Nevertheless, the population’s interest toward internet news resources is growing, and the number of visitors to the leading news websites exceeds the number of the leading newspapers’ readers.<sup>25</sup> Print copies of the leading Armenian newspapers—*Aravot*, *Hraparak*, and *Iravunk*—usually do not exceed 5,000 issues, whereas online news websites collect more than 50,000 unique visitors per day. At the same time, the audience for television and radio is still larger than that of online news and video programming due to the absence of unified technical solutions.<sup>26</sup>

Armenian online communities, especially blogs, 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. For example, environmental activists have used internet resources for environmental alerts such as forest cutting or illegal construction in green areas.<sup>27</sup> Another positive example of online mobilization is the iDitord (iObserver) project, a crowdsourced election monitoring project

<sup>23</sup> “Armenian web resources rating,” Circle.am, accessed June 26, 2013, <http://circle.am/?cat=news&for=today&by=visits>.

<sup>24</sup> Most of the top 10 websites in Armenia are either online news services or television news video portals. “Armenian web resource ratings,” Circle.am, accessed July 30, 2013, <http://circle.am/>.

<sup>25</sup> “Armenian web resource ratings,” Circle.am.

<sup>26</sup> According to interviews with Armenian media and telecommunication experts, such as the staff at Internews Armenia and the Center for Information Law and Policy, there are two major obstacles for penetration of online video and television: legislative barriers preventing telecommunication operators with foreign capital from carrying out broadcasting activities, and the lack of unified technical solutions for IPTV subscriptions.

<sup>27</sup> “Save the trees: trees without borders,” accessed July 30, 2013, <http://kanach.am/>.

launched in advance of the May 2012 parliamentary elections.<sup>28</sup> The website received more than 1,000 reports from citizens, NGOs, and political parties, 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. In contrast, mobile phones (bulk SMS or voice messages) are not used during political campaigns due to the limited peak capacity of networks.

## VIOLATIONS OF USER RIGHTS

Article 27 of the Constitution of the Republic of Armenia guarantees freedom of speech irrespective of the source, person, and place. The right to freedom of speech declared in the constitution is universal and applicable to both individuals and media editorials. In 2005, Armenian media legislation changed significantly with the adoption of the Law of the Republic of Armenia on Mass Media<sup>29</sup> (also referred to as the Media Law). One of the most positive changes in Armenian media legislation was the adoption of unified regulation for all types of media content irrespective of audience, technical means, and 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 and horror 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 are not subject to specific regulation.

Armenian criminal legislation grants journalists protection of their professional rights. According to Article 164 of the Criminal Code of the Republic of Armenia, “hindrance to the legal professional activities of a journalist, or forcing the journalist to disseminate information or not to disseminate information, is punished with a fine in the amount of 50-150 minimal salaries, or correctional labor for up to 1 year. The same actions committed by an official abusing one’s official position, is punished with correctional labor for up to 2 years, or imprisonment for the term of up to 3 years, by deprivation of the right to hold certain posts or practice certain activities for up to 3 years.”<sup>30</sup> However, neither criminal law nor media legislation clearly defines who qualifies as a journalist, whether he or she must be an employee of a media outlet, or if he or she could be an individual or freelance reporter or a blogger.

In 2010, Armenia abolished criminal liability for insult and slander<sup>31</sup> and introduced the concept of moral damage compensation for public defamation.<sup>32</sup> However, even before these amendments, no

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

<sup>29</sup> 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).

<sup>30</sup> Article 164, Criminal Code of the Republic of Armenia as amended on January 6, 2006.

<sup>31</sup> Official Bulletin of the Republic of Armenia 2 May 2003, No 25(260).

<sup>32</sup> 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).

criminal cases against journalists were recorded since the adoption of a new criminal code in 2003. 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.

Since 2003, when the concept of cybercrime was first introduced in the Armenian criminal code,<sup>33</sup> criminal prosecution for crimes such as illegal pornography or copyright infringements on the internet demonstrates that Armenian law enforcement authorities follow the best practices of the European legal system, and neither service providers nor hosting service owners 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 legitimate government or constitutional order.<sup>34</sup> Libeling or insulting an official has not been criminally prosecuted since 2008, when the relevant provision of the criminal code was excluded. 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 elsewhere. 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 on the territory of that country.

So far no cases have been recorded of imprisonment or other criminal sanctions or punishments for individuals accessing or disseminating information online. However, cases of civil liability, such as moral damages compensation for defamation, have been recorded several times.<sup>35</sup> 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 is not prohibited in Armenia; however, it is up to the website administrator to allow or prohibit anonymous communication to or from a resource. No registration is required for bloggers and online media outlets, though tax authorities may question bloggers or media outlets on revenue-related issues (advertisements or paid access). The use of encryption software by individuals or corporate users is not prohibited. However, the use of proxy

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<sup>33</sup> 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.

<sup>34</sup> Articles 226 and 301 of the Criminal Code of the Republic of Armenia.

<sup>35</sup> "Demanding Financial Compensation from Armenian News Outlets is Becoming Trendy," Media.am, March 3, 2011, <http://media.am/en/media-attacks>.

servers is not that common, due to the fact that since 2008, internet users have not faced significant problems with website blocking and traffic filtering.

The collection of an individual's personal data by the government is allowed only in accordance with a court decision in cases proscribed 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 in accordance with a court decision; however, in most cases courts usually support requests from law enforcement bodies for data retention. Law enforcement bodies usually file motions on data retention 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 and hosting service providers to monitor transmitted traffic or hosted resources. Moreover, the Law on Electronic Communication allows operators and service providers to store only data required for correct billing. Cybercafes and other access points are not required to identify clients, or to monitor or store their data and traffic information.

Cases of physical violence towards online journalists or other staff have not been recorded, though such cases have happened 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 the day of polling; 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. Interestingly, during election day, iDitord was the only Armenian web site which came under DDoS attack.<sup>36</sup> Additionally, during the presidential election on February 18, 2013, the opposition media website Galatav.am suffered from a DDoS attack.<sup>37</sup>

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<sup>36</sup> "DDoS attacks becoming customary in Armenia?" Media.am, May 8, 2012, <http://m.media.am/en/DDos-attacks-on-websites>.

<sup>37</sup> "Website of Gala TV undergoes DDoS attack," Arminfo, February 18, 2013, <http://arminfo.am/index.cfm?objectid=A313ACE0-79EA-11E2-83EBF6327207157C>.