



Justice for Journalists
Foundation for International
Investigations of Crime against Media

4 October 2021

**Stakeholder Submission
to the UN Human Rights Committee Review of Armenia
(133rd Session, 11 October 2021 - 5 November 2021)**

Justice for Journalists Foundation and Committee to Protect Freedom of Expression are pleased to offer this submission to the Human Rights Committee ahead of the consideration of Armenia's report at its 133rd Session.

Justice for Journalists Foundation (JFJ) is a British non-governmental organisation created in 2018. JFJ has been monitoring, analysing, and publicising attacks against media workers¹ that took place since 2017 in 12 post-Soviet states, including Armenia. The monitoring is based on content analysis of open sources in Armenian, English and Russian. In addition, expert interviews with media workers are used to monitor cases that have not been publicly reported. All information is verified using at least three independent sources. JFJ also funds journalistic investigations into violent crimes against media workers and helps professional and citizen journalists to mitigate their risks.

Committee to Protect Freedom of Expression (CPFE) is an Armenian non-governmental organisation registered in 2003. CPFE monitors the situation with the freedom of expression in Armenia, defends the rights of journalists and media outlets, including before courts, drafts legislative proposals and submits them to the Parliament.

The focus of this submission is the **situation of media workers and media outlets since the consideration of Armenia's second periodic report in July 2012** and Armenia's compliance with its obligations enshrined in **Article 19 of the International Covenant on Civil and Political Rights (ICCPR)**.

We refer to Armenia's third periodic report (CCPR/C/ARM/3, Paragraphs 206-209), list of issues (CCPR/C/ARM/Q/3, Paragraph 20) and Armenia's replies to the list of issues (CCPR/C/ARM/RQ/3, Paragraphs 110-117).

Section I contains brief information about the environment and the main risks for media workers and media outlets. For additional details and examples, please see reports on JFJ's website.² For a detailed analysis of court cases involving media workers and media outlets, identified problems, as well as our proposals, please see CPFE's report prepared with JFJ's

¹ In this submission, the term "media workers" refers to journalists, camerapersons, photojournalists, and other employees and managers of traditional and digital media, as well as bloggers and online activists.

² https://jfj.fund/report-2020_3/#arm, <https://jfj.fund/attacks-on-journalists-bloggers-and-media-workers-in-armenia-georgia-and-moldova-2017-2019/#armenia>

support.³ For the risks of media workers and media outlets in Nagorno-Karabakh, please see JFJ’s risk map (we document these separately and do not include respective numbers in our data for Armenia or Azerbaijan).⁴

Sections II-IV outline relevant Concluding Observations of the Human Rights Committee, Universal Periodic Review (UPR) recommendations, and recent concerns of the Special Procedures. Finally, in Section V, we propose key recommendations.

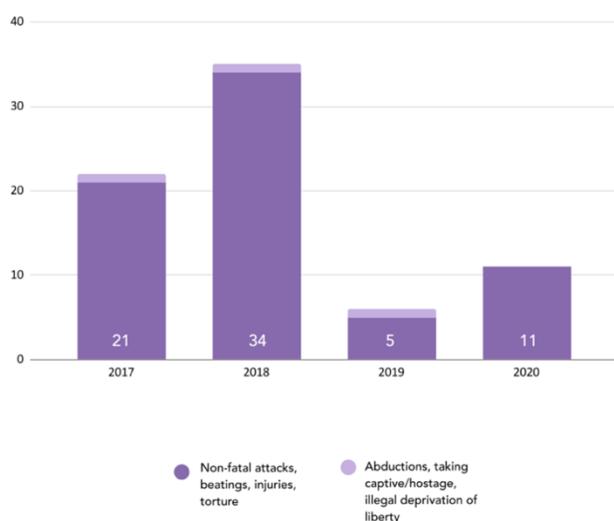
I. Situation of media workers and media outlets (Article 19)

Since consideration of Armenia’s previous periodic report in 2012, the environment for journalism has generally improved, both online and offline. The country has gained 11 positions in Reporters Without Borders’ World Press Freedom Index and ranks 63 out of 180 countries (“problematic situation”).⁵ Freedom House’s Internet Freedom Score for Armenia has also slightly improved, from 70 (“free”) in 2016, when it was first measured, to 71 (“free”) in 2021, despite some fluctuations in between.⁶

Nevertheless, in 2017-2020, Justice for Journalists Foundation documented 640 cases of pressure on media workers and media outlets in Armenia. Seventy-four of them were physical attacks and threats, 136 – non-physical attacks and threats online and offline, and in 430 instances, judicial and economic means were used to exert pressure. In a significant number of cases (about 34%), the perpetrators were representatives of the authorities.

The graphs below illustrate the distribution of cases over the years and the most widely used types of pressure within each category:

a) Physical attacks and threats



³ <https://jfi.fund/court-cases-against-media-outlets-and-journalists-in-2019-2020-media-monitoring-report/>

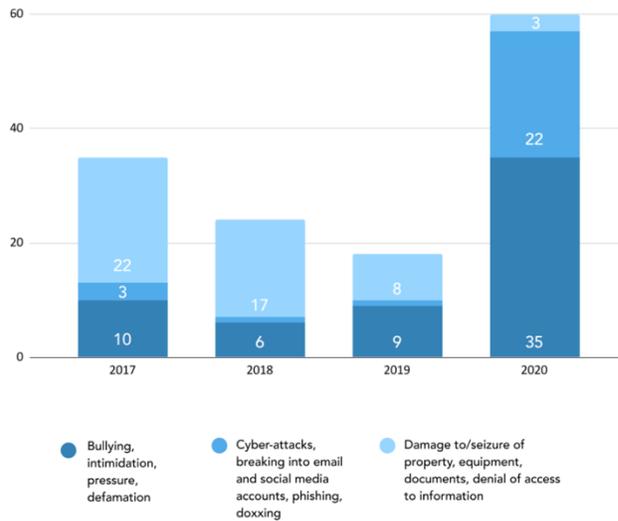
⁴ <https://jfi.fund/risk-map/>

⁵ <https://rsf.org/en/ranking/2012>, <https://rsf.org/en/ranking/2021>

⁶ <https://freedomhouse.org/country/armenia/freedom-net/2016>, <https://freedomhouse.org/country/armenia/freedom-net/2021>

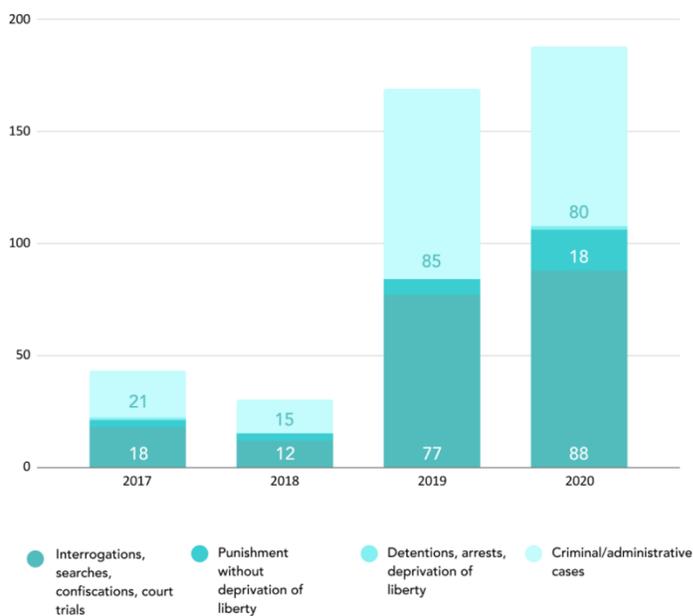
Media outlets and media workers perceived as having certain political views are reportedly less likely to be protected from the attacks, as well as to have attacks and threats against them effectively investigated.

b) Non-physical attacks and threats online and offline



It is essential to note that, in 2020, some of attacks – especially those online – originated from outside the country (for example, during the war in Nagorno-Karabakh in 2020, Azerbaijani and Turkish hackers attacked Armenian media websites).

c) Use of judicial and economic measures



In 2021, at least 28 physical attacks and threats, 45 non-physical attacks and threats online and offline, and 107 instances of judicial and economic attacks have been documented as of 29 September 2021.

Some of the significant recent developments included:

1) Increasing use of legal claims against media outlets and media workers

We are concerned that the increasing number of legal claims against media outlets and media workers for their publications, in conjunction with prohibitively high damages, may have a chilling effect on freedom of expression.

The following factors drive the steady increase in the number of legal claims. First, the political situation in the country is characterised by an acute struggle between the former and current political powers. After the revolution of 2018, the political struggle has spilled over to the media. Aggressive rhetoric, lies, and manipulation began to be actively used in the news space. Secondly, those named in publications started turning to the courts more often to defend their honour and dignity. As defamation and insult are decriminalised, claimants find it easy to use Article 1087.1 of the Civil Code (“defamation and insult”) for both settling scores with the media and being awarded damages.

The draft legislative amendment, which has been passed by the Parliament and is currently being considered by the Constitutional Court, increases the maximum damages for defamation to 6 million drams (approximately \$12,400) from 2 million drams (approximately \$4,100), while increasing the penalty for insult to 3 million drams (approximately \$6,200) from 1 million drams (approximately \$2,000).⁷ For comparison, the average monthly salary in Armenia is about 206,000 drams (approximately \$430).⁸

2) COVID-19 restrictions

On 16 March 2020, Armenia introduced a state of emergency in connection with the spread of COVID-19.⁹ Restrictions were introduced on the movement of citizens and public events and gatherings, including marches, demonstrations, and protests.

Four of the items in the government decree concerned media activity on covering the pandemic. Journalists were prohibited from disseminating anything other than official information and from publishing materials that could evoke panic among the population. The requirements had been worded with insufficient clarity and precision and left broad scope for subjective interpretation. The government entrusted control over the implementation of the decree to the police.

After journalists’ organisations criticised the decree in a joint declaration, the government noticeably relaxed the restrictive measures on 25 March 2020, and on 13 April 2020 lifted

⁷ <https://www.civilnet.am/news/590234/as-armenia-raises-libel-penalties-civil-society-warns-of-chilling-effect/?lang=en>

⁸ <https://www.armstat.am/en/>

⁹ <https://www.icnl.org/covid19tracker/?location=5&issue=9&date=&type=>

them altogether. However, during the period that the four mentioned items of the government decree were in effect, we documented 26 instances of pressure on the media.

3) Martial law

Between 27 September 2020 and 24 March 2021, martial law was in place in Armenia. It was declared from the outset of the armed conflict in Nagorno-Karabakh and lasted for a few months after the 10 November 2020 ceasefire agreement due to the political crisis that followed signing the agreement.

Some of the restrictions introduced during this martial law period and subsequently lifted on 2 December 2020 concerned the media. In particular, it was required that nothing but official information be published in the coverage of military operations and topics directly related to them. In addition, materials that criticised or cast doubt on the government's policy and the army leadership's decisions were prohibited.

The authorities forced the media outlets to remove prohibited materials and pay a fine of 700,000 drams (approximately \$1,400) for their publication. Thirteen Armenian media outlets encountered such problems.

II. Relevant Concluding Observations of the Human Rights Committee

In its 2012 Concluding Observations (CCPR/C/ARM/CO/2), the Human Rights Committee expressed concern about "information received on threats and attacks on journalists and human rights defenders (art. 19)" (Paragraph 26).

In this connection, the Committee recommended that Armenia should "ensure the protection of journalists and human rights defenders from threats and attacks, the immediate and thorough investigation of all allegations of such acts, the prosecution and sanction of perpetrators, as well as the access to reparation for the victims" (Ibid.).

III. Relevant UPR Recommendations

Recommendations made during the third cycle of the UPR of Armenia in January 2020 included the following:

- 153.108 Intensify efforts in creating a safe and enabling environment for civil society, human rights defenders and journalists and ensure that threats and attacks against journalists and human rights defenders, notably those working in the field of anti-discrimination and women's rights, are duly investigated (Lithuania) (Supported; A/HRC/44/10/Add.1);
- 153.110 Step up the efforts to enact comprehensive media regulations, including by adopting the legal measures to ensure media ownership transparency and independence of public broadcasters (Czechia) (Supported; A/HRC/44/10/Add.1);

- 153.111 Guarantee freedom of expression and freedom of the press by ensuring the protection of journalists and human rights defenders (France) (Supported; A/HRC/44/10/Add.1); and

- 153.109 Sign the Global Pledge on Media Freedom, and commit to international efforts to create a safer environment for journalists worldwide as a member of the Media Freedom Coalition (United Kingdom of Great Britain and Northern Ireland) (Noted; A/HRC/44/10/Add.1).

IV. Relevant Concerns of the Special Procedures

Since the consideration of the previous periodic report, the Special Procedures have sent two communications to Armenia. They concerned the allegations of excessive use of force by the police against journalists, their arrest and detention following the dispersal of a peaceful demonstration in Yerevan (AL ARM 1/2015, dated 3 July 2015), as well as allegations of injuring journalists during the military operation against Azerbaijan (AL ARM 1/2021, dated 2 February 2021).

V. Recommendations

We encourage the Human Rights Committee to urge the government to:

- Ensure prompt, effective, independent and impartial investigations into the reports of attacks on, or threats against, all media workers and media outlets regardless of their perceived or actual opinions, bring those responsible to justice, including those with direct and supervisory responsibility, and ensure the victims appropriate forms of redress;
- Ensure that high damages for defamation and insult are not used to silence critical voices and do not create a chilling effect on freedom of expression; and
- Avoid the adoption of any further laws and regulations that may threaten the freedom of expression and the media and contravene international human rights norms and standards.