



**Contribution to the Universal Periodic Review Mechanism
8th session of the Working Group of the Universal Periodic Review (UPR)**

**A Joint UPR Submission on the Republic of Armenia by the International
Publishers Association (IPA), International PEN (NGOs in Consultative Status with
ECOSOC) & Index on Censorship**

9 November 2009

1. The International Publishers Association (IPA), on behalf of the submitters, welcomes the opportunity provided by the Office of the High Commissioner on Human Rights to comment on the human rights situation in the Republic of Armenia. This document provides an overview of the current situation for publishers, writers, broadcasters, and journalists in particular. This joint submission also includes a set of recommendations whose aim is to improve the overall conditions for freedom of expression in the Republic of Armenia.

1. Overview of free expression & freedom to publish situation

2. The Armenian Constitution and other statutes protect freedom of expression, but in practice this right is often threatened, in particular around election times. There is no formal censorship in Armenia, but self-censorship is often described as rampant. Incidents of violence against journalists, legal limitations on broadcasting, and the bad economic situation contribute to the restriction of the free flow of information, particularly among broadcast media, the primary source of news for most Armenians. Freedom of the press and freedom to publish are less affected. Newspaper and book publishing thus remain fairly free. Overall, a wide variety of views are expressed in print media, which can be described as free and diverse. Available written content is pluralistic, but overall the media environment remains highly politicized, and the print runs extremely low. In addition, the vast majority of broadcast media and newspapers are privately-owned, mostly by politicians or businessmen with close government or opposition ties. Internet, now available to 15 % of the population, remains free.

2. The economical factor

3. The economic situation of the country helps explain the low print runs. While the monthly minimum wage is 30'000 AMD (80 USD), the cost of a daily newspaper is around 100 AMD (0.25 USD). In the countryside (where incomes are much lower than in the capital city Yerevan), some readers reportedly borrow a newspaper at newsstands for a few hours for about a tenth of the price (10 AMD, or 0.025 USD).

4. Since independence in 1991, and under these conditions, Armenians have lost the habit of reading newspapers. In Soviet Armenia, the circulation of some newspapers was above the 100'000 mark. Nowadays, the highest circulation for a daily newspaper is around 6'000. The average print run for a book is around 500. The capital city, Yerevan, has no more than 5 bookstores, while the rest of the country (two thirds of a total population of three million inhabitants) has no bookstore. As in other former Soviet Republics (e.g.: Belarus), a significant portion of the books available in bookstores are in Russian, which certainly does not help the local publishing industry, and may be viewed as a freedom of expression issue.

3. Broadcast media

5. The existence of opposition TV stations criticizing the recent Turkish-Armenian agreements are a sign that a wide variety of views can be expressed in broadcast media. However, this does not apply to every topic: Corruption cases and military issues are not covered for instance. TV journalists know which lines not to cross. At times, the Executive branch reportedly exercises pressure on TV stations with regards to their editorial line.

6. The audience of the country's 14 radio stations is limited contrary to television, which is the country's dominant medium. All but two, including H 1, are privately-owned. Out of the close to 50 local and national TV stations in the country, only one (local) TV station is described as being independent: Gala TV operating from Gyumri, Armenia's second largest city. After Gala TV aired a speech by opposition candidate Levon Ter-Petrossian in September 2007, a tax inspection started in October 2007. Charges were filed against the station's parent company. The trial resulted in a 26 million drams (approx. 67000 USD) fine in March 2008, and the loss of significant advertising revenues. Fortunately, a nation wide support campaign was organised, succeeding in raising enough money for Gala TV to pay the fine. A court case against the tax authorities is pending.

7. According to Armenian legislation, the National Commission on Television and Radio (NCTR) is an independent body. However, with half its members appointed by the President and the other half by Parliament, the body's actual degree of independence from political influence remains limited. The founder of A1+ has engaged in a legal battle with the government since the license of the A1+ television station was withdrawn and given to another company in 2002. Since then, despite filing some 10 applications for a radio or television license, A1+ remains unlicensed. In June 2008, the European Court of Human Rights (ECtHR) condemned the Armenian government to a 30'000 EUR fine for violating Article 10 of the European Court on Human Rights on this issue. A September 2008 amendment to the Law on Television and Radio imposed a two-year moratorium on the issuance of TV broadcasting licenses until 20 July 2010. The technical reason ("Digitalization") put forward by the Armenian authorities to explain the moratorium does not convince the local freedom of expression groups. In practice, this two-year moratorium further reduces the prospects for more pluralism in television until 1st January 2011. To secure the implementation of the June 2008 decision by the ECtHR, the founder of A1+, now an Internet news agency, filed a lawsuit against the Armenian government. The Noyan Tapan news agency was also denied a TV license.

8. Despite a generally pro-government bias in their coverage of the 2008 campaign period, broadcast media outlets seemingly allocated more coverage of opposition politicians and the full spectrum of political parties this time than in previous elections.

4. Print media and publishing

9. The State-owned newspapers are the government-sponsored *Hayastani Hanrapetutyun* and its Russian-language version, *Respublika Armenii*. Few private newspapers are financially self-sustainable, and it is therefore in the newspaper sector that the media environment remains the most politicized. This is a patrons' system with few advertising revenues.

10. Following the contested results of the February 2008 Presidential elections, unrest broke out in the capital city Yerevan, and a 20-day state of emergency was eventually declared from 1st to 21st March 2008. During this period, censorship applied. No news other than that provided by official sources was allowed, leading some daily newspapers (e.g.: *Aravot*) to stop operating.

11. Except during the March 2008 state of emergency, the print media generally express a wide variety of views without restriction, but remains influenced by economic or political interest groups or individuals. The authorities seem to be making use of unscheduled tax inspections of independent and opposition media, which local freedom of expression groups view as attempts to stifle freedom of expression. After the lifting of the state of emergency, the State Tax Service (STS) conducted unannounced tax inspections on a few independent and opposition media, including the *Aravot*, *Chorrord Iskhananutiun*, and *Haykakan Jamanak* newspapers. Some tax inspections ended following protests, while others resulted in the payment of fines.

12. Assaults on journalists are not uncommon in Armenia because of what many local freedom of expression groups describe as impunity. Journalist Argishti Kivirian, editor of the online news portal *Armenia Today*, was severely beaten up by a group of unknown assailants in Yerevan in April 2009, leaving him with serious injuries. In May 2009 Shant TV anchor, Nver Mnatsakanyan, was also attacked by two unknown assailants. Lusine Barseghyan of opposition newspaper *Haykakan Jamanak*, Hrach Melkumyan, Bureau Chief in Yerevan for Radio Free Europe/Radio Liberty, and Ediq Baghdasaryan, editor of the *Hetq* online magazine, and President of the Association of investigative journalists, were all attacked in similar circumstances in 2008. Heading towards his car, Ediq Baghdasaryan, was assaulted by three men on 17 November 2008. He suffered serious head injuries and was hospitalised for several days. In what many view as an encouraging move, Prime Minister Tigran Sargisian visited Ediq Baghdasaryan in hospital, expressing concern over the attack against a journalist, and promising results in the investigation. A few days later, one of the alleged assailants (out of three) surrendered to police. In June 2009, a Yerevan court convicted him to a five-year prison sentence. Throughout the process, the 20-year old alleged assailant had pleaded not guilty. Often no perpetrators are either identified or arrested. These instances of violence against media reinforce self-censorship.

13. Following a civil society campaign calling for his release, Arman Babajanian, editor-in-chief of the opposition newspaper *Jamanak Yerevan*, was released in August 2009 after

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a State commission decided that he should be allowed to receive treatment for a cancerous brain tumour in a public hospital. He had been given a four year prison sentence in 2006 for forgery and evasion of military service.

In March 2008, criminal charges for violence against a law enforcement official were brought against Nikol Pashinian, editor in chief of *Haykakan Jamanak*, and a leading member of the opposition party *Aylentrank* (Alternative). Nikol Pashinian went into hiding and turned himself to the police in June 2009. He is now awaiting trial.

14. In the field of book publishing, some freedom of expression groups have described group purchases of books that the authorities disapprove of by government NGOs, thus limiting their distribution. Book publishers are reportedly also targets of tax inspections that are often seen to be in recrimination for the publication of books not approved by the authorities. The lack of effective distribution of books and private newspaper editions outside of Yerevan may also be viewed as a freedom of expression issue.

5. Internet

15. The Internet, now available to 15 % of the population, remains free. The authorities do not block access to the Internet. The notable exception was the 20-day state of emergency in March 2008 when the authorities tried to control the Internet. In a matter of days, the number of blogs went from 800 to 5000.

6. Access to Information

16. Access to information legislation (2003) seems to be satisfactory: Journalists are often denied access to information by public officials, but legal recourses usually lead to the information being disclosed.

7. Freedom of Assembly

17. Many Armenian freedom of expression (and other civil society) groups have reportedly been denied the right to conduct meetings, discussions, and round tables on issues ranging from human rights in general to religious freedom in particular. Access to hotel meeting rooms in particular have often been denied to various civil society groups throughout 2008, even after the state of emergency was over.

8. Recommendations

18. IPA, on behalf of the submitting organisations, calls on the Armenian government to:

- End the impunity of journalists' assailants;
- Identify, arrest and judge the assailants, and those backing the attacks;
- Ensure and respect the impartiality and independence of the judiciary in order to guarantee that journalists receive a fair trial;
- End the practice of inappropriate (unnecessary) tax inspections by the State Tax Service (STS) on independent and opposition TV stations, newspapers and publishers;

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- Ensure the freedom of assembly, in particular in hotels, of freedom of expression and civil society groups meeting on Human Rights' issues;
- Repeal the September 2008 amendment to the Law on Television and Radio imposing a two-year moratorium on the issuance of TV broadcasting licenses until 20 July 2010; Draft a new law regulating the broadcasting sector to make the National Commission on Television and Radio (NCTR) a truly independent body; and Ensure a fair and transparent broadcasting license bidding process; Implement the June 2008 decision by the European Court of Human Rights (ECtHR) in the A1+ case;
- Issue invitations to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the independence of judges and lawyers.