

Global Information Society Watch

2016



Global Information Society Watch 2016

Economic, social and cultural rights and the internet

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This work was carried out with the aid of a grant from the International Development Research Centre (IDRC), Ottawa, Canada, as part of the APC project “A rights based approach to internet policy and governance for the advancement of economic, social and cultural rights”.

More information at: <https://www.apc.org/en/projects/internet-rights-are-economic-social-cultural-rights>



APC would like to thank the Swedish International Development Cooperation Agency (Sida) for its support for Global Information Society Watch 2016.



Published by APC and IDRC

2016

Printed in USA

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Global Information Society Watch 2016 web and e-book

ISBN 978-92-95102-70-5

APC-201611-CIPP-R-EN-DIGITAL-260

ARMENIA

THE BATTLE AGAINST THE KREMLIN'S ONLINE HOMOPHOBIC PROPAGANDA



KEYWORDS: **gender, culture**

Olya Azatyan and Arthur Minasyan

Introduction

In spite of the fact that economic, social and cultural rights (ESCRs) in Armenia are guaranteed by the Armenian constitution¹ as well as by the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Armenia ratified in June 1993, recent Amnesty International² and Human Rights Watch³ reports highlight that discrimination against lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) individuals is a concern. This is particularly the case in the absence of gender-specific anti-discrimination legislation and amid widespread reports of hate speech. Armenia lacks any internet-related legislation and this area is out of the government's "direct and lawful" control.

This report suggests how active discrimination against any group is the first barrier that needs to be overcome for a country to fully realise its obligations to the ESCR covenant.

Internet access in Armenia

The Armenian internet space has been successfully expanding in the last several years. According to General Data for Armenia 2016 Quarter 2⁴ country statistics, the total number of internet subscriptions stands at 2,155,428 out of a population of 2.9 million. The number of subscriptions has increased by 28,712 since 2014. The report puts broadband subscriptions at 261,784 (up 15,395 since 2014), mobile broadband subscriptions at 231,698 (down 25,912 since 2014), and mobile phone internet users at 1,661,946 (up 39,229 from 2014). Currently there are five companies which provide an international internet gateway to Armenia, while there are 71 internet service providers (ISPs) operating in the country. The number of daily Facebook users

is 650,000, with a total of one million people registered on the social media site. While there are 110,000 Instagram users, Twitter is not widely used. Several online media platforms, especially Facebook and YouTube, have become quick, first-hand information sources for Armenians. Social media has opened up the potential for citizen journalism in the country. Activists, NGOs and sometimes even opposition parties also use social media on a daily basis for their campaigns, to organise events, and to live stream.

Political background

Armenia is considered as a semi-authoritarian state, with a controlled media and internet. While the Armenian constitution bans discrimination in its various expressions, the list does not include discrimination based on sexual orientation and gender identity. The country also does not have a stand-alone piece of legislation dealing with discrimination. While same-sex relationships were decriminalised in Armenia in 2003, same-sex marriages or unions are not recognised by law. "Gender equality" is interpreted explicitly as a term referring to the equality of men and women in the eyes of the law. As a result, the protection of the rights of LGBTQI people is not reflected in law, and alternative cultures and lifestyles are constantly at risk of retaliation without recourse for the victims.

Homophobia, intolerance and a discriminatory attitude towards LGBTQI people are widespread among the population. For the past 15 years, fuelled by a negative public attitude, we have witnessed the rise of a national conservative ideology promoted by the people in power – and here national means ethno-cultural nationalism. As part of this rise, the authorities have increasingly allowed the Armenian Apostolic Church to influence state functions, violating the principles of secularism in the state. This can be seen most clearly in the education system. In this context it is unacceptable to the current authorities for LGBTQI rights to be recognised by law.

Another decisive factor when it comes to LGBTQI rights in Armenia is the country's dependence on the Kremlin. The best example of this is when the Armenian authorities, after years of negotiations

1 concourt.am/armenian/constitutions/index2015.htm

2 <https://www.amnesty.org/en/countries/europe-and-central-asia/armenia/report-armenia>

3 <https://www.hrw.org/world-report/2016/country-chapters/armenia>

4 www.media.am/Social-networks-in-Armenia-2016-autumn

with the European Union (EU) on integration, made an abrupt turn, scrapping the country's European integration agenda and joining the Kremlin-led Eurasian Economic Union. Among current Eurasian Economic Union member states,⁵ universal values identified as "European" are described as going against Eurasian values, which are considered the only true values.

The Armenian authorities have reinforced this identity online by creating groups, platforms and media resources that promote the Union's identity and ideology. The Pan-Armenian Parents' Committee – identical to the Pan-Kremlin Parents' Committee – is one of those platforms. The committee includes members of parliament from the ruling Republican Party such as Artashes Geghamyan, Hayk Babukhanyan and others. The latter is the head of the editorial board of the newspaper *Iravunk*.⁶ This is the newspaper which published a list of people promoting and protecting the rights of LGBTQI people, openly calling for people to discriminate against them. The citizens whose names appeared on the list took the case to the court. However, the court ruled against them.

www.stop-g7.com

For a long time, *Iravunk* was the most prominent promoter of hate speech against LGBTQI communities, both in print and online. However, in 2016, an Armenian-language website called [stop-g7.com](http://www.stop-g7.com) appeared on the internet. It was run by Arman Ghukasyan, the head of an NGO called International Humanitarian Development which works closely with the Pan-Armenian Parents' Committee. The website campaigns against stand-alone legislation dedicated to discrimination and domestic violence, arguing that such laws promote "perversion" and the "spread of European values" in the country. An anti-LGBTQI campaign is also under way on various online media platforms, in different ways linked to the authorities. Most of them also promote their content via their social media channels.

The participation of drag queen Conchita Wurst⁷ at the 2015 Eurovision Song Contest created another wave of debate on Armenian social media regarding LGBTQI rights. During the exchanges, *Iravunk* created another list of Facebook users who demanded LGBTQI rights with hyperlinks to their profiles, labelling them as "enemies of the state and nation". The newspaper also called on

employers not to hire them, and asked people not to communicate with them. Given that *Iravunk* is a registered legal entity, the citizens appearing on the list took the editor-in-chief of the newspaper to court. While the courts again dismissed the case, the issue received widespread public support, both locally and internationally, which created a series of problems for the authorities, including a negative impact on their international reputation.

To avoid any future court proceedings, those promoting homophobia and hate crimes turned to different tactics – www.stop-g7.com. The website has no legal registration in Armenia and, besides Ghukasyan, who is the editor, its editorial board remains unknown. Moreover, the website's domain is .com and not .am, a move probably also aimed at avoiding any legal responsibility. The website's name is a pun: for any English-speaking person it can be seen as a campaign against G7 countries, while in the Armenian language, G7 sounds like "gyot" ("yot" means 7) which is the equivalent of the English word "faggot".

Arguably the wordplay was aimed at bypassing the attention of non-Armenian ISPs, in the hope that they might consider the site a political initiative aimed at the G7, rather than a hate speech site that might have to be shut down.

This website consists of several sections:

- Country/regional sections for the United States (US), EU and former Soviet countries.
- A section referencing countries "spreading perversion with subversion", including lists of individuals and local and international NGOs.
- A section for supporters, with lists of individuals and local and international NGOs.
- A section on religion, which deals with sins, obscenities and conversion.
- A section on laws, with sub-sections on laws that address the issues of gender, domestic violence and anti-discrimination.

It is clear that the aim of this website is to oppose the adoption of any legislation protecting the rights of LGBTQI people and to identify and shame individuals and organisations promoting "perversion" in Armenia. Website content is also posted on Facebook⁸ and other social media networks such as YouTube, Twitter, VKontakte (VK)⁹

5 Russian Federation, Armenia, Belarus, Kazakhstan and Kyrgyzstan.

6 www.iravunk.com

7 https://en.wikipedia.org/wiki/Conchita_Wurst

8 [https://www.facebook.com/](https://www.facebook.com/Stop-G7-in-Armenia-1577810829183104)

[Stop-G7-in-Armenia-1577810829183104](https://www.facebook.com/Stop-G7-in-Armenia-1577810829183104)

9 <https://vk.com/feed>

and Odnoklassniki.¹⁰ This information is often re-shared by homophobic media outlets, including *Iravunk*. According to credible media sources, the NGO run by Ghukasyan receives state grants from the Russian Federation.

The counter narrative of the LGBTQI community and its supporters

Local human rights defenders, organisations and activists protecting and promoting LGBTQI rights and values have formed an Anti-Discrimination Coalition and use their own websites and social media to promote the rights of LGBTQI communities. There is also LGBTnews.am, which regularly covers LGBTQI issues, using social media pages and online networks effectively. Apart from this, there are numerous closed or secret groups on Facebook where the LGBTQI community, NGOs and supporters jointly discuss online and offline actions, share news, and debate and discuss many specific points on the protection and promotion of LGBTQI rights.

The appearance of stop-G7.com united the LGBTQI community, which organised a closed online discussion on ways to neutralise hate speech, and how to assert the right to participate in national cultural formation and promote a different, non-mainstream culture.

The activists decided to:

- Launch a campaign that exposes homophobic social media pages. This would also involve sharing information on who is behind stop-g7.com, what their objectives are, and how they are funded.
- Share all the international treaties and covenants which Armenia has signed and which ban discrimination on any grounds.
- Publish articles on the Armenian constitution to increase awareness that LGBTQI rights are protected by the constitution.
- Publish articles that highlight the regressive and conservative nature of homophobia.
- Send an email to all media legally registered in Armenia reminding the editors of Armenian legislation and the European Court of Justice precedents on sharing discriminatory content, including hyperlinks to discriminatory content (so far, this part of the campaign has been quite successful).
- Launch an online “comments campaign” where activists respond to homophobic comments posted online with an explanation of the

dangers and consequences of homophobia and hate speech and promoting the rights of LGBTQI people.

- Create an e-poster asking Armenian Facebook users to “unfriend” Facebook users circulating homophobic content for political purposes.
- Alert the international community about stop-G7.com. The US and EU embassies were advised not to provide visas to the people who could be identified as being involved. The diplomatic community was also encouraged to discuss and raise concerns about the website with Armenian authorities.

The results of the above interventions were positive: although the site still continues, there was a sense that stop-G7.com became significantly less influential in the Armenian public space.

Conclusion

Enacting and enjoying ESCRs in Armenia – rights that require specific financial investments by the state, the development of an action plan and strong independent institutions – can sound like a dream. It is not encouraging that Armenia took 11 years (from 2000 to 2011) to present its 2000 progress report to the UN Committee on Economic, Social and Cultural Rights (CESCR).

General Comment 21 of the CESCR highlights an interpretation of the ESCR covenant that is clearly missing in Armenia. On the issue of “adaptability” the comment concludes that “States should adopt a flexible approach to cultural rights and respect the cultural diversity of individuals and communities.” Culture cannot be “a justification for practices that discriminate against specific groups or violate other human rights.”¹¹ Furthermore, as a guardian of the freedom necessary to enjoy cultural rights, states are required to practice “both abstention (i.e. non-interference with the exercise of cultural practices and with access to cultural goods and services) and positive action (ensuring preconditions for participation, facilitation and promotion of cultural life, and access to and preservation of cultural goods).”¹²

The limited freedom of expression enjoyed by the LGBTQI community, and the culture of shaming and hate speech it has to endure, reveal the absence of mechanisms in Armenia to protect and realise the ESCRs of LGBTQI people in the country.

¹¹ <https://www.escr-net.org/resources/cultural-rights>

¹² tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f21&Lang=en

¹⁰ <https://ok.ru>

This goes beyond cultural rights: discrimination impacts negatively on access to social services and employment and on the mental health of those affected, all of which are rights defined by the ESCR covenant.

At the moment Armenia lacks the necessary political will to secure the rights of affected communities, a situation which is aggravated by the ideological baggage in the opposition set up between European and Eurasian values. If there is a ground zero, after signing and ratifying the ESCR convention, Armenia is there in terms of its inability to create a positive environment for cultural diversity to flourish. In this context, the internet has become uncharted territory to reinforce stereotypes and prejudices, and to serve as a tool of the Kremlin's anti-European mandate. As this report shows, LGBTQI activists have also used the internet to push back against this discrimination, with some success. But this comes with a price, including physical danger – an indication of the extent to which people are prepared to go to deprive the LGBTQI community of their rights, and to reinstate the so-called “natural order”.

Action steps

There are several key areas which require urgent improvement to enable the full exercise and protection of LGBTQI rights in Armenia.

As the CESCR has recommended, Armenia should “adopt comprehensive anti-discrimination legislation, guaranteeing protection for all against discrimination in the enjoyment of economic, social and cultural rights, as stipulated in article 2, paragraph 2, of the Covenant.”

Civil society should use the forthcoming CESCR reporting cycle to emphasise the discrimination of the LGBTQI community in Armenia, and to point out how this impacts negatively on their ESCR rights. It should also advocate for Armenia to adopt the Optional Protocol to the ICESCR. This would provide access to an additional mechanism in support of litigation and as a strategic tool and tactic to access justice in a society which is severely controlled and hampered by widespread corruption in all state institutions, including the judiciary.

Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an “inventory of things” that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers’ rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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