**Information on the developments in the ICT sector in Armenia**

**Provided pursuant to the letter of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression for the study of “The responsibilities of the Information and Communication Technologies sector to protect the right to freedom of expression in the digital age”**

The development of information society and knowledge-based economy within the last years has been a vital lever for the improvement of the competitiveness and productivity of economy, as well as for development of management, innovation and R&D systems and corresponding infrastructure in Armenia.

Today the ICT sector is one of the most developed sectors of the Armenian economy, and the Government, jointly with the private sector, continues efforts towards its further development. The ICT sector doesn’t miss out from the development trends of global economy, and the Armenian ICT companies continue providing modern, complete and complex solutions for global markets.

In 2008, the Government adopted a new IT industry development 10 years’ strategy (Concept Paper) focused on infrastructure, workforce, education, venture financing, e-society and other areas. The aims of the strategy are:

* Sustainable information society with advanced ICT infrastructure, high-level computer literacy, high level of computer saturation and internet access, extended use of e-services systems, existence of large local IT market and progressive knowledge-based industry,
* Developed and internationally recognized Information Technology sector, with companies creating big surplus value and providing complex engineering solutions and services, local IT products competitive in international markets.

In 2010, the Government approved a roadmap for 3 years on forming an e-society in Armenia. The roadmap had several stages: provide with high-speed internet access, increase population’s computer literacy, implement some activities on cyber security and develop new e-government services. In the framework of the above-mentioned strategy, efforts have been undertaken supporting universal access to the internet in Armenia. As a result, almost all cities and towns/settlements are connected to the network (with wireless/wired communication channels).

The Wireless Internet Access Points project has recently been undertaken in Armenia. The main objective of the project is the supply and installation of wireless (Wi-Fi) internet access points in the Armenian villages located in the remote and bordering areas, mountainous and high altitude regions and having population of up to 1000 people. The aim is to increase access to affordable broadband services for the citizens, businesses and public institutions, to equip them with a tool for identification and authentication for electronic transactions and to increase access to affordable computers, content and e-services for citizens.

The e-Gov.am portal was launched in 2010, which brings together the electronic governance tools and databases of the Armenian state agencies as well as provides comfortable environment for their use. Currently this website provides e-gov services such as e-license, e-payment, e-cadastre, e-register, e-notification, e-procurement, e-tax, e-visa, e-signature, e-auction system of the compulsory enforcement service, Information Search System of the Intellectual Property Agency etc. At present the Government is taking some activates to develop other e-gov services such as e-health, e-archive, e-construction, etc. In 2014, the Government adopted the E-Government Strategy Program which is aimed at developing other e-gov services including e-health, e-education, e-archive, e-construction, digital Civil Status Registry, etc.

The minimum requirements towards official web sites of the public institutions are also stipulated by the 1521-N Decree of the Government of the Republic of Armenia dated from 26 December 2013. The goal of the aforementioned Decree is the stipulation and assignment of technical and organizational common demands, united mechanisms for security provision, content requirements towards official sites, as well as ensuring information freedom and publicity for the republican executive authorities in the internet network. All public authorities have functioning official web sites that provide daily information about the implemented or expected projects and events. Information on the most important matters is disseminated through press conferences and relevant press releases. At the same time, the amendments to the law of the Republic of Armenia on “Protection of Personal Data” were adopted, which allow the publication of a series of information as provided by law.

Some institutions that store movable cultural values of Armenia (museum, gallery, archive, library, etc.) have digitalized a great part of data on their collections. The aforementioned institutions present the digitalized information about collections to the society through web-sites and sensor screens located at their exhibitions.

All general educational institutions in the Republic of Armenia are connected through one network and have access to internet. Primary and vocational educational institutions are also included in the network. The portal dasaran.am was launched, where Armenian language textbooks are posted and regularly updated, as well as interactive communication is carried out between pupils, teachers and parents.

The Armenian public organization “Wikimedia” was established in 2013, which unites the fillers of Wikipedia encyclopedia content. Today the number of articles of Armenian language Wikipedia exceeds 193000 and continues to increase.

According to the Government decision N211 dated March 6, 2008 a program on development of computer skills has been implemented for the disabled people of the first group of disability having visual impairments and for disabled children.. With the purpose of ensuring further implementation of this program the Government decision N1096 dated October 10, 2013 was adopted, which envisages provision of computers and training for the unemployed job seekers with visual impairments in the framework of the program on workplace adjustment.

The Law of the Republic of Armenia on Copyright and Related Rights is updated in compliance with the international agreements of the field. After accession to the WIPO Internet Treaties in 2005 the provisions of WCT and WPPT were included in the Law regulating the use of works on the Internet.

In accordance with the protocol decision N34 of the Government of Republic of Armenia on “Approval of Internet Governance Principles”, an interagency group “Internet Governance Forum of the Republic of Armenia” was created, which includes representatives of state, private and public sectors. The main aim of the group is to submit proposals for the promotion of industry to solve the problems in a coordinated and comprehensive way. The first “Internet Governance Forum” conference was organized in 2015, in Armenia.

*Opportunity to access is realized through:*

* development of Internet in Armenia, solving problems for access, based on the cooperation of public-private sector,
* increasing the users' level of computer proficiency based on the educational process, as well as training and promotion of internationally recognized certification and volunteer involvement.
* broadband Internet access.

*Steps to ensure security in the Armenian Internet environment:*

* Achieving a high degree Internet security requires close cooperation between public, private and non-governmental organizations. The complexity and diversity of existing systems, their continuous development and improvement goes beyond the system of step-by-step implementation, and requires a quick response along with the emergence of new challenges.
* At present to ensure security, besides the measures set by the law, cooperation between the State and society is offered through cooperation with Computer Emergency Response Team/CERT/. To involve the public into the process of ensuring Internet security, carrying out inter-state cooperation by the competent authorities under Legislation and the Convention on Cybercrime.
* Professional capacity building support to managers of electronic communications infrastructure, service providers, database managers.
1. cooperation support to State, private, public, academic, industry, network Emergency Response Teams (CERT) and other International organizations of the kind through Increasing the level of education and awareness of the users,
2. to take measures through public-private sector partnership to prevent terrorism, public calls aimed at overthrow of the constitutional order, pornography, trafficking, ethnic strife preaching as well as the distribution of spam (anonymous, unsolicited mass electronic communication), fraud-purpose electronic messages and malicious programs in Armenian domain,
3. ensuring safety by the state authority for state information repository, internet combination of state information and information located on the Internet
4. compliance with the inter-governmental agreements of legislation of the Republic of Armenia and the international legal acts regulating the sector ratified by the Republic of Armenia, which will allow to have more advanced and flexible legislative acts for regulating the security sphere.
5. Creation of reserve channels using the satellite channels, which will allow to provide the route for the flows of the most important information independent of channel failures in neighboring countries.

According to article 33of the Constitution of the Republic of Armenia (Freedom and Privacy of Communication) everyone shall have the right to freedom and confidentiality of correspondence, telephone conversations and other means of communication. The confidentiality of the communication may be restricted only by the law for a certain period by court decision with the aim of preventing the commission of a crime or or preventing danger to the life, health and property of a person, protecting the state security and the fundamental rights and freedoms of others, as well as by the decision of the court, except when it is necessary to protect public safety and it is conditioned by the special statutory status of communicators.

In line with the article 42 of the Constitution, freedom of expression of opinion was defined as a constitutional norm. Everyone shall have the right to freely express his/her opinion. This right shall include freedom to hold own opinions, as well as to seek, receive, and impart information and ideas by any means of information without interference by state or local self-government bodies and regardless of state frontiers. The freedom of the press, radio, television and other means of information are also guaranteed by this article.

The protection of information in the spheres of information and communication of RA are regulated by the law on “Mass Media” and law on “Television and radio Broadcasting”. The first article of the law on “Mass Media’’ (hereinafter referred to as the Law) regulates relations pertaining to the implementation of media activities, defines the guarantees of ensuring the right of freedom of speech in the sphere of the media, the main provisions for the accreditation of journalists, the right of reply and refutation, and the grounds for which the implementers of media activities are not subject to liability.

The 4th article of the Law defines that implementers of media activity and journalists shall operate freely in compliance with the principles of equality, legitimacy, freedom of speech (expression) and pluralism.

Conducting his/her legitimate professional activities a journalist, as a person performing a social duty shall be protected by the legislation.

The same article prohibits the following:

* censorship;
* compelling the implementer of media activity or a journalist to disseminate or refrain from the dissemination of information;
* interfering with the legitimate professional activities of a journalist;
* discrimination in public circulation of appliances and materials necessary for dissemination of information;
* restriction of a person's right to exploit media products of his/her choice, including those issued and disseminated in other countries.

According to the 1st paragraph of article 5 of the Law the persons implementing media activity and the journalists shall not be obliged to disclose their sources of information, with the exception of the cases set forth in the 2nd part of this Article. In line with the 2nd paragraph the implementer of media activity or a journalist can be obliged to disclose the source of information by the court decision, in the course of a criminal proceeding with the aim of revealing heavy or most heavy crimes, if societal interest in law enforcement overweighs the societal interest in protecting the sources of information, and all other means to protect public interest are exhausted. In such cases, at the petition of the journalist, the court proceedings can be held in camera.

 The Constitutional Court of the Republic of Armenia addressed to the issue by the DCC-1234 decision of 20 October 2015. According to the 7th provision of the decision.

After the analysis of the case of conformity of part 2, article 5 of the RA law on the Dissemination of Mass Information the Constitutional Court defines that:

1. Disclosure of the source of information can be obliged only by the decision of the court;

1. It can only be done in the course of criminal procedure;

3.The aim must be the revealing of heavy or most heavy crimes;

4.Societal interest in law enforcement should overweigh the societal interest in protecting the sources of information;

5. All other means to protect public interest should be exhausted.

In the mentioned recommendation No. R (2000) 7 of the Council of Europe Committee of Ministers the criteria that can be applied to the maintenance of restriction on the protection of sources of information are clarified, in particular:

* Reasonable alternative measures to the disclosure have been exhausted;
* Legitimate interest overweighs;
* Meanwhile, the overweighing legitimate interest supposes:
* The need for the protection of person’s life;
* The need to prevent the heavy crime;
* The need for legal defense of a person convicted of a serious crime.

**Therefore, the legitimate interest of the disclosure of the source of information can be considered as overweighing the societal interest in cases when the disclosure of the source is needed for the protection of person’s life, for the prevention of heavy crime or for legal defense of a person convicted of a serious crime.**

In line with the article 7 of the Law (Restrictions of the freedom of speech in the sphere of media) it is prohibited to disseminate secret information as stipulated by law, or information advocating criminally punishable acts, as well as information violating the right to privacy of ones’ personal or family life. It is prohibited to disseminate information obtained by video and audio recording conducted without notifying the person of the fact or recording, when the person expected to be out of sight or earshot of the implementer of video and audio recording and has taken sufficient measures to ensure it, with the exception of situations when such measures were obviously not sufficient.

Article 26 of the Law on “Television and radio Broadcasting” (The Status and the Principles of the Operation of Armenian Public Television) defines that the Public television and radio functions are based on the principles of democracy, objectiveness, unbiased and provide freedom of speech and creativeness.

The legislation also stipulates responsibility for illegal restrictions of the right of freedom of speech in the spheres of information and communication.

In line with the Article 164of the Criminal Code responsibility for hindering the journalist’s professional legal activity is stipulated. In particular, obstructing 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 200- 400 minimal salaries.

According to the Article 144 of the Criminal Code information which is considered to be a personal or family secret used without one’s consent or dissemination by public speeches, publicly demonstrated works or through mass media, or collecting or keeping, unless this is envisaged by the law, is punished with a fine in the amount of 200 to 500 minimal salaries, or correctional labor for up to 1 year, or with arrest for the term of 1 to 2 months.