**Written submission to**

**UN Special Rapporteur on the Promotion and Protection of**

**Freedom of Opinion and Expression**

**GENDER JUSTICE AND THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION**

Submitted by

**Women’s Resource Center NGO**

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**Information about the author of the submission**

Women’s Resource Center Armenia (WRCA) was founded in 2003 and works in the area of women’s human rights, women’s empowerment, reproductive and sexual rights. WRCA is a member of several local and international networks and coalitions.

Since 2006 the organization has submitted shadow reports and stakeholders report to different UN treaty bodies.

Address: 50g Baghramyan ave., apt 2,

Yerevan, Armenia

Website: <https://womenofarmenia.org/>

Email: womenofarmenia@gmail.com

Tel.: +374 94 565626

**KEY QUESTIONS**

* 1. **What barriers, challenges and threats do women in the public sphere face in exercising their freedom of opinion and expression online and offline?**

Women in the public sphere, particularly women human rights defenders (WHRD) and climate justice activists experience various and challenges, such as involuntary limitations of their human rights work, economic barriers from large industries and online and offline threats from far right groups. Patriarchal structure of the society, prevailing sexist discourse, non-effective legal regulations and shortcoming is work of law-enforcement bodies are factors that deepen those barriers.

Some of the examples, illustrating challenges and threats, experienced by WHRD are presented below:

* On 8 March 2019, WHRD Lara Aharonian, co-founder and director of the Women Resource Centre (WRCA), delivered a public address at the Civil Society and Armenian Parliament Cooperation Platform. In her address, she expressed concerns over domestic violence and the challenges faced by women with disabilities, ethnic and sexual minorities in Armenia. Immediately after her speech she received rape and death threats online. She reported the threats to the police and requested that the perpetrators be identified and held accountable. There is no one held accountable until this day, and many women and LGBT activists, like her, need to ensure their own safety using their own resources, since the state does not have any specific mechanisms to protect HRDs and their human rights work.
* In May 2019, the Sexual Assault Crisis Center (SACC) held a public event launching a book named «My body is private» on prevention of sexual assault against children in one of the local bookstores «Bookinist» to raise awareness among parents on the issue. A group of nationalists and far rights groups members attacked the participants and the responsible of the event by shouting loudly calls for violence and throwing eggs on the organizers from the SACC and insulting them publicly to disrupt the public event. This resulted in an uproar on social media where a new wave of sexist, misogynistic and homophobic attacks started against women’s rights defenders. Following this event, another public library annulled a similar event hosted by the SACC, fearing the same kind of attacks on their premises. Despite a report to the police, no case was initiated, and no one was held accountable.
* In 2019 WRCA website on sexuality education has been specifically target by far right groups that sent complaints to the Police to review the website for spreading pornography. The website was reviewed by the Police and a criminal case was initiated by the decision of the RA Prosecutor’s Office. No evidence of spreading pornography was found.
* In 2019 Ani Khachatryan, the climate justice woman activist, protesting against mining industry destroying villages and resulting in environmental damages, was sued for revealing information about the mining industry (Lydian Armenia) and requested to pay approximately 2300 USD.
* During the 16 days activism against gender-based violence in 2019, the Coalition to Stop Violence Against Women held several public events in Yerevan, raising awareness on SGBV and domestic violence. Several individuals from alt-rights/anti-gender group attended the event, disturbing the event with violent calls, hate speech and intimidation of participants. Organizers approached the police several times asking for protection from threats and open calls to violence. The police had a dismissive and passive approach. The participants and organizers of the public actions had to shorten the event and change the place for their own safety.
	1. **What are the distinct challenges faced by those who experience multiple and intersecting forms of discrimination?**

LGBTI women or WHRD-s publicly speaking about sexual minorities rights, women with disabilities experience additional challenges. Their sexual orientation, gender identity and/or disability are targeted, along with sexist comments. Case of Lilit Martirosyan[[1]](#footnote-1), transgender woman and human rights activist, can serve as an example, illustrating those additional barriers. After giving a speech in Parliament on tragic situation of transgender people in Armenia on April 5, 2020, she was disrupted by the head of Human rights commission of the Parliament, had to leave Parliaments’ building and received hundreds of threats online and offline afterwards. She had to change her address and be out of public attention for a long period of time for security purposes.

1. **Can you provide examples or information on ways in which freedom of opinion and expression has been abused or appropriated to undermine women’s human rights?**

After the Velvet revolution in 2018, there has been an exponential rise in anti-gender movements in Armenia that advocate for restrictions on women’s rights, sexuality education, and GBV awareness-raising campaigns. Specifically, in 2019-20 there has been a targeted and well-organized campaign by conservative and right-wing groups against the ratification of the 2011 CoE Istanbul Convention. In 2019-20 there has also been a campaign against the ratification of the 2007 CoE Lanzarote Convention. In both cases, the opponents of the conventions argued that these are against national and family values. Those groups abuse their freedom of expression to restrict WHRD-s and to make obstacles for their work.

Hate speech overall and especially against WHRD-s in Armenia has arisen after the war in September-November 2020, unleashed by Azerbaijan. In the context of post-war escalations WHRD-s are targeted even harsher. Publicist Hovhannes Ishkhanyan, writer Vahan Ishkhanyan and online newspaper Ankakh constantly publish texts, which contain hate speech against feminists, WHRDs and women who express their opinion on political events in Armenia. Their human rights work and feminist approach are specifically targeted[[2]](#footnote-2).

1. **What in your view are the key elements of a gendered perspective on the human right to freedom of opinion and expression? What would a feminist perspective add to the understanding of this right?**

Gendered perspective of the human right to freedom of opinion and expression has 2 perspectives: gender of the person who is expressing opinion (sexism) and topics discussed. Women generally are targeted for their outlook, their behavior in personal life, it is widespread to discuss if she is “enough feminine or not”, if her expressions are in consistence with the role of “Armenian woman”.

Example of Tatevik Revazyan, head of Armenian Civil Aviation Committee illustrates the way a woman can be targeted just for being an active woman, who holds public position. After delivering a baby girl, Artyom Khachatryan, publicist, published a FB status[[3]](#footnote-3) which was republished by different medias, calling Tatevik Revazyan “a bitch” whose girl should be a bitch too, as according to his falsely presented information Tatevik was not married.

It is also a wide practice to shame women by sexual private content, blackmailing them , especially women in politics or other active women. Such an example was a case of Ejmiatsin municipality head Diana Gasparyan[[4]](#footnote-4), who had to publicly refute, that a women in a sex tape, spread in social media is not her.

 Second perspective is the content and topics of the speaker, where, as presented above, feminist ideas, sexuality education, GBV awareness-raising campaigns are described as “perversion”, “destruction of family values” and even “pornography”.

1. **Do you see any legal gaps, inconsistencies or controversies that should be clarified in this report, e.g. between protecting the right to freedom of expression and protecting women from ICT violence? Please indicate any specific issues in the international legal framework that in your view would benefit from further analysis in this report.**

A survey based on 750 ICT companies in 2018 by Entreprise Incubator Foundation[[5]](#footnote-5) has shown that although women are more and more present in the ICT sector, but still have lower representation in technical positions (68% men vs 28% women), as well as women are almost non-present and their needs not included in the internet governance processes in the country, the sector is still mostly dominated by men, and online harassment and GBV is not a priority topic discussed and almost not tackled in the annual Internet Governance Forums taking place[[6]](#footnote-6). In our vision, it is important to stress the issue of inclusion of women and women’s civil society in the Internet Governance Processes in the country to make it more gender-responsive and aware as well as inclusive of the needs of the most vulnerable and high-risk groups targeted with online abuse systematically. Furthermore, promotion of women internet security specialists would also be an important issue. Currently internet security specialists in Armenia are only males.

* 1. **What legislative, administrative, policy, regulatory or other measures exist in your State to promote and protect women’s freedom of opinion and expression online and offline? To what extent do these measures take into account intersectionality?**

Such regulations, specifically promoting and protecting women’s freedom of opinion and expression are not in place in Armenia.

1. **What legal administrative, policy or other measures exist in your State to protect women from sexual and gender based violence and harassment online? How effective are they? What impact have they had on women’s empowerment and public participation, including freedom of expression?**

In 2020 an article (226.1) was added to Criminal Code, which stipulates criminal responsibility for public calls to violence against people on different ground, including gender. Article has not been used yet for the protection of women’s freedom of opinion and expression. Online sexual harassment is not regulated in Armenian legislation: the only article which specifically mentions usage of electronic tools as an aggravating circumstance is article 142 on child molestation.

1. **What do you believe States should do to a) uphold women’s human right to freedom of opinion and expression b) protect women from violence, harassment and intimidation online and offline and c) promote women’s public participation?**

In our opinion, online sexist hate speech and online sexual harassment should be regulated by law. Law enforcement bodies should be trained to identify sexist hate speech and online sexual harassment, as well as to effectively investigate threats against WHRD-s. Moreover, vague regulations on pornography give a space for initiating criminal cases to interpret sexuality educational materials as pornography, which makes women’s rights activists vulnerable and limits their freedom of expression. Those regulations should be clarifies with effective criteria.

1. **B) To what extent do you find measures, taken by internet intermediaries to be fair, transparent, adequate and effective in protecting women’s human rights and promoting women’s empowerment?**

It is worth to mention, that during the investigation of online threats against WHRD Lara Aharonian, described above, the criminal case was suspended, as Facebook didn’t provide information on fake users to our investigative bodies. In our opinion, internet intermediaries policies should be amended to support investigation of threats against WHRD-s.

1. **What do you think internet intermediaries should do to protect women’s right to freedom of opinion and expression and make the online space safe for women?**

In our opinion, it is crucial to improve reporting mechanisms and make them more gender sensitive. As an example, we can mention, that when WHRD Lara Aharonian’s FB account was banned due to mass reports by far right groups and she was not able to use her account for a while. Gender sensitive regulations would have prevented such cases.

1. **What role has legacy media played in aggravating or addressing the challenges women face in exercising their freedom of expression?  What do you think the legacy media can do to empower women and make the public space safe for them, especially for women journalists?**

In Armenia legacy media, print media, film studios, broadcasting, and television companies, is primarily owned by economic elites. These elites are usually conservative hardliners and have the power to shape public discourse in the country. After the Velvet revolution and with the rise in anti-gender movements in Armenia freedom of expression especially on issues concerning gender and sexuality have become highly controversial topics thanks to the coordinated efforts of the abovementioned groups. While the ruling administration is not restricting freedom of expression other powerful organizations that are a part of these anti-gender groups do.

Another issue is representation of women in the media and the ways in which it is done. While women are widely represented across the above mentioned fields, they are usually deprived of agency and/or presented in gender stereotyping, misogynist and sexist terms. One of the most popular TV shows in Armenia is a comedy sketch show called Women’s Club, its production company has over a half million subscribers on YouTube and their videos on average receive over a half a million views, with the most popular ones getting over three million views. The sketches are performed by a cast of women, however, they are written and produced by men. The sketches usually oversexualize cast members, make fatphobic remarks, pit the women against each other perpetuating the misogynist stereotype that women are in a competition with each other. One other issue is TV dramas and soap operas that normalize violence against women, toxic and unhealthy relationships and use domestic violence storylines as a mere tool for over-the-top, dramatic storytelling.

1. <https://eurasianet.org/armenia-roiled-by-transgender-womans-speech-in-parliament> [↑](#footnote-ref-1)
2. <https://www.ankakh.com/hy/article/50558> [↑](#footnote-ref-2)
3. <https://www.facebook.com/akhachaturian1/posts/10222000681548816> [↑](#footnote-ref-3)
4. <https://lurer.com/?p=302124&l=am> [↑](#footnote-ref-4)
5. <https://www.eif.am/eng/researches/report-on-the-state-of-the-industry/> [↑](#footnote-ref-5)
6. <https://www.isoc.am/en/armenian-internet-governance-forum> [↑](#footnote-ref-6)