

Statement Regarding the Amendments to the Article 1087. 1 “Order and Conditions of Compensation of Damage to the Honor, Dignity and/or Business Reputation” of the RA Civil Code

March 14, 2014

The initiative of a group of deputies of the RA National Assembly to amend Article 1087.1 of the RA Civil Code, aimed at countering the so-called “fake accounts” (i.e., anonymous users or users hiding under falsified names) have raised serious concerns among the media and active Internet users. We believe that this initiative will cause new problems, rather than solve existing ones.

Most of those conflicts, which legislative changes mentioned above are intended to settle down, may be solved within the framework of the current legislation, judicial precedents and relevant comments of the RA Court of Cassation, as well as through mechanisms of appealing, which exist in social networks.

At the same time this legislative initiative is fraught with serious risks for freedom of speech, the right of citizens to receive and disseminate information, and the protection of personal data. It cannot have a significant impact on the flow of information that contains libel, insult and invasion to privacy. However, amendments to the law will have a chilling effect on honest participants of the information process, and Armenian Internet users will be forced to “migrate” to the segments of the virtual space, which are inaccessible to national jurisdiction. They will also create conditions for selective application of the law and persecution of citizens for subjective reasons.

Despite the fact that the draft law makes certain specification in regulating the behavior of users of social networks, its possible positive effect commensurate with the threats that are evident not only for freedom of speech, but also for development of communication technologies in Armenia, business in the areas of web hosting services, national domain space and e-commerce, which is one of the most dynamic fields of modern business.

We call on:

- Authors of the amendments to withdraw the draft law from circulation;
- RA National Assembly to dedicate the upcoming March 31 parliamentary hearings to conceptual approaches to the regulation of the Internet, without which certain legislative initiatives cannot be effective;
- The legislative and executive branches of Armenian government to prepare legislation covering the scope of modern communications, solely in the context of full compliance with the standards developed and adopted by the European institutions;
- All interested individuals and organizations to realize the importance of self-regulation in the field of information and contribute to the development of its mechanisms in Armenia.

Yerevan Press Club
Media Diversity Institute-Armenia
Committee to Protect Freedom of Expression
Media Initiatives Center (former Internews Armenia)
Freedom of Information Center
“Asparez” Journalists’ Club
Public Journalism Club
Media Ethics Observatory
Information Disputes Council