

Online Hate Speech against Vulnerable Groups

Study

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INTRODUCTION

In recent years, both worldwide and in Armenia the manifestations of hate speech and the need to prevent them have been actively discussed. Almost everyone notices the atmosphere of hatred, especially on social networks, but not all of them contribute to the reduction of hate speech. Moreover, many provoke and encourage the use of hate speech.

Inadequate legislative regulations and political instability further contribute to the spread of hate speech. No comprehensive research on hate speech has been carried out in Armenia yet, so it is difficult to assess the causes, volume and consequences of its origin. This study does not claim to do that either. Our goal is to record hate speech against vulnerable groups and present recommendations to stakeholders on it.

In the first part of the study we have tried to define the main concepts used, to substantiate the selection of vulnerable groups, as well as to address the gaps in the legislation of the Republic of Armenia. In the second part, we introduce an expert opinion on the spread of hate speech against vulnerable groups in online space and the effective fight against it.

The following experts were interviewed within the frames of the study:

Zaruhi Hovhannisyan, human rights activist, representative of Coalition to Stop Violence against Women;

Sashik Sultanyan, human rights activist, President of “Yezidi Center for Human Rights” non-governmental organization;

Irina Sagradova-Gasparyan, human rights activist, President of the Federation of the Assyrian Organizations of Armenia “Khayadta”;

Isabella Sargsyan, expert on religious freedom, Human rights programs director at Eurasia Partnership Foundation;

Arthur Ispiryan, Head of public relations department at the Christian Religious Organization of Jehovah’s Witnesses in Armenia;

Sergey Gabrielyan, human rights activist, Prersident of “New Generation” Humanitarian NGO;

Lilit Martirosyan, human rights activist, President of “Right Side” human rights defender NGO.

PART 1

HATE SPEECH AND HATE CRIMES

1.1 Clarification of Terms

Before moving on to the main topic of the study, it is necessary to give some definitions, to explain why we have singled out certain groups and have made hate speech against them the main subject of our study. First, it is necessary to define the concept of a “vulnerable group”. In the Explanatory Dictionary of Modern Armenian Language¹ “vulnerability” is described as “to be vulnerable”, and the metaphorical meaning of the adjective “vulnerable” is presented in the same dictionary as “weakly protected, poorly armed, loose.”² In any society being “weakly protected” is relative and is conditioned by a comparison with other groups or individuals. If an individual or group is weakly protected, then there are other individuals or groups against whom their vulnerability is measured. Therefore, those who are more weakly protected are more vulnerable than those who have a relatively stronger protection in the society. Vulnerability is also conditioned by high probability of human rights violations. The Glossary on Migration defines the term “vulnerable group” as “any group or part of society at greater risk of discrimination, violence, natural or environmental disasters, or economic hardship than other groups within the state.”³ In summary, the term “vulnerable group” in this study refers to those groups in society who are most often discriminated against, whose rights are most likely to be violated, and whose rights and freedoms are relatively poorly protected.

There are many such groups in Armenia - children, women, the elderly, national and religious minorities, homosexuals, people with disabilities, etc. Due to limited resources, four groups were selected for this study: women, national minorities, religious minorities and lesbian, gay, bisexual, trans⁴ and queer⁵ (hereinafter referred to as LGBTQ) persons. Although there is no comprehensive study on the spread of hate speech and its main target groups in Armenia, based on studies of different scales implemented at different times, we can state that online hate speech is more often used against the above-mentioned groups.

¹ Explanatory Dictionary of the Modern Armenian Language, Hrachya Acharyan Language Institute, 1972, volume 2, page 579

² Ibid.

³ International Migration Law No. 30, Glossary on Migration, 2nd Edition, 2013.

⁴ The term “trans” is used as a collective name for transgender, transsexual and transvestite persons, Glossary of Terms for journalists covering LGBTQI people's issues, “New Generation” humanitarian non-governmental organization.

⁵ A queer is a person whose gender identity and behavior cannot be categorized into any group. A queer person does not define his/her identity and sexuality in any way, is against social norms, heteronormativity, “New Generation” humanitarian non-governmental organization.

According to the July-December 2018 Interim Report on Monitoring of Hate Speech by Helsinki Committee of Armenia⁶, most of all religious minorities and LGBTQs were targeted by hate speech in print and broadcast media.

There are no statistics or research data on hate speech targeting national minorities, and this study will be the first in this regard. As for women, according to the Coalition to Stop Violence Against Women, at least 30 cases of femicide were registered in Armenia in 2010-2015. And the term “femicide” in the Coalition 2016 report is used to describe the murders of women and girls, motivated by the socially entrenched belief that men have supremacy over women, and the latter belong to them⁷. Misogyny is the very basis of hate speech targeting women, which will be touched upon in more detail in the part of interviews with experts.

Having clarified the concept of “vulnerable groups”, and singled out four groups for the purpose of this study, it is necessary to explain the concept of “hate speech”. The term “hate speech” originated in the United States in the 1980's, when a group of lawyers started calling so the harmful racist speech⁸. There is no single internationally accepted definition of the concept “hate speech”. It is defined only at regional and national levels. The concept of “hate speech” is not yet enshrined in the legislation of the Republic of Armenia, nor have sufficient efforts been made to define it at the academic level.

Annex R (97) 20 of the Committee of Ministers of the Council of Europe on “Hate Speech” states that “hate speech” should be understood as “covering all forms of expression which **spread, incite, promote or justify** racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.”⁹

In this study, we will define “hate speech” as follows: hate speech is a verbal or written expression or other means of expression that conveys an extremely negative attitude and sows hatred towards any person or group based on race, ethnicity, religion, sex, gender identity, sexual orientation, social origin, or other characteristics.

Online hate speech targeting specific vulnerable groups is at the core of our study, however we will also consider the repercussions of hate speech beyond the online space.

The fight against hate speech would not be so urgent and necessary if it did not lead to hate crimes. In the OSCE Ministerial Council Decision 9/09 on Combating Hate Crimes “hate crimes” are

⁶ 2018 July-December Hate Speech Monitoring Interim Report, Helsinki Committee of Armenia, , <http://armhels.com/publications/atelutyan-xosqi-mshtaditarkum/>

⁷ Femicide in Armenia: A Silent Epidemic, Coalition to Stop Violence against Women, 2016, https://coalitionagainstviolence.org/wp-content/uploads/2016/05/Femicide_Report_ARM.pdf?x24321

⁸ What is Hate Speech? Part 1, Alexander Brown, Law and Philosophy (2017) 36: 419–468, p. 424

⁹ Council of Europe Committee of Ministers Recommendation No. R (97) 20 “On Hate Speech”, <https://rm.coe.int/1680505d5b>

described as “criminal offenses committed with a bias motive”¹⁰. That is, any crime described by the RA criminal legislation (for example, beating, rape, murder) which has been committed with biased motives, is a hate crime. And the bias is conditioned by certain characteristics of the victim of a crime - gender, nationality, religious views, sexual orientation, etc. According to the Practical Guide on Hate Crime Laws of the OSCE Office for Democratic Institutions and Human Rights, biased crimes have a deep impact on not only the immediate victim but the group with which that victim identifies him or herself¹¹.

There are no statistics on hate crimes in Armenia, thus it is impossible to provide accurate data on their prevalence. Such data are sometimes published by human rights NGOs, but these reports are not enough to get the full picture either. However, regardless of the scale of spread of hate crimes, it is clear that efforts to prevent hate speech will not only reduce the incidence of aggression and insult in online space, but also contribute to the prevention of hate crimes.

1.2 Hate Speech Regulations in the RA Legislation

After the change of power in 2018, the discussions about the need to fight against hate speech, insults, slander and threats spread online, became more and more active, but so far there have been few practical steps in that direction. And although insult, slander and threat are defined by the RA civil and criminal codes, nevertheless, the attempts to get judicial protection against online attacks have been both few and mostly unsuccessful. And one’s chances to protect him/herself from online hate speech are almost zero, as the RA legislation does not clearly define what hate speech is, and partially envisages liability for it.

The domestic legislation addresses only the incitement to racial, religious or national hatred. In particular, Article 77 of the RA Constitution prohibits the exercise of fundamental rights and freedoms for the purpose of forcibly overthrowing the constitutional order, inciting national, racial or religious hatred, or promoting violence or war. Article 226 of the RA Criminal Code prohibits inciting national, racial or religious enmity, and committing crimes on the basis of national, racial or religious hatred is considered an aggravating circumstance. However, this law, in fact, is not applied either. A quick search of the Judicial Department's annual reports has shown that not a single judicial decision under Article 226 of the RA Criminal Code has been issued since 2015¹². The draft RA Criminal Code on the agenda of the RA National Assembly, which has already been adopted in the first reading, expands the article on inciting national, racial or religious enmity, criminalizing “the act of inciting national, ethnic, racial, political, ideological or

¹⁰ OSCE Ministerial Council Decision 9/09 “On Combating Hate Crimes”, page 1, <https://www.osce.org/files/f/documents/d/9/40695.pdf>

¹¹ Practical Guide “On Hate Crime Laws” of the OSCE Office for Democratic Institutions and Human Rights, 2009, p. 11, <https://www.osce.org/files/f/documents/d/9/40695.pdf>

¹² Armenia’s hate crime, hate speech and discrimination data collection system: Recommendations for improvement and for adopting a joint approach and national situational analysis, Council of Europe, 2020, p. 78

religious enmity, hatred or intolerance, as well as intolerance or enmity towards other social groups.” The concept of “other social groups” is not explained, thus it is not exhaustive, and it may probably refer to any vulnerable group. As for the inclusion of “political intolerance” in the law, it may give rise to abuses and become a means of restraining political criticism in the hands of the Government. The definition of hate speech will not be given by the RA Criminal Code, it is envisaged to do so in the Law “On Ensuring Equality.”

As a result of the legislative changes made in 2020, the RA Criminal Code also added liability for public calls for violence, public justification or propaganda of violence (Article 226.2). Hate speech, however, is far more inclusive than any call for violence, propaganda, or justification of violence against a group or a representative of that group. According to the European Court of Human Rights (ECHR), inciting to hatred does not necessarily entail for a call to violence or other criminal acts. Attacks on persons committed by insulting, holding up to ridicule or slandering specific groups of the population can be sufficient for the authorities to favour combating racist speech in the face of freedom of expression exercised in an irresponsible manner. (Vejdeland and others v. Sweden)¹³. In other words, the ECHR also views ridicule and insults against vulnerable groups as a manifestation of hate speech.

In addition to legislative protection, vulnerable groups and individuals targeted by hate speech may also expect protection under the rules set by social networks, which, however, generally does not work or rarely works in cases of content in Armenian.

As for the media, the media legislation does not regulate hate speech either. There is a media self-regulation mechanism - the “Code of Ethics of Armenian Media and Journalists”¹⁴ developed by “Yerevan Press Club” NGO, signed by 61 media outlets (as of January 2021), which committed themselves not to spread hate speech. Article 5.2 of the Code requires the media outlets that have signed it not to promote in any way ethnic or religious hatred and intolerance, or any discrimination on political, social, sexual, and language grounds, exclude hate speech. However, the media regularly publish hate speech texts and speeches. Moreover, a survey of 9 media conducted in 2013 showed that manifestations of hate speech were more common in online media¹⁵.

The mechanisms of media self-regulation in Armenia have never been effective enough, and in parallel with the development of information technologies, in the conditions of rapid growth of the Armenian media, YouTube, Facebook and Telegram channels, and enormous flow of information it is almost impossible to monitor media content, try to reduce the manifestations of hate speech through self-regulation.

¹³ VEJDELAND AND OTHERS v. SWEDEN, Application no. 1813/07, paragraph 55, <https://www.icj.org/wp-content/uploads/2012/06/Case-Vejdeland-Sweden-trial-observation-report-2012.pdf>

¹⁴ https://ypc.am/wp-content/uploads/2014/06/Code-of-Ethics_arm.pdf

¹⁵ “Hate Speech in th Armenian Mass Media”, Final Report, Committee to Protect Freedom of Expression, 2014, p. 3

The Armenian authorities, parliamentary and extra-parliamentary political forces, civil society representatives have repeatedly spoken about the need to fight against hate speech, in spite of the fact that their views on the concept of “hate speech” are often not identical, and sometimes have been contradictory. The Standing Committee on Protection of Human Rights and Public Affairs of the RA National Assembly established a working group in December 2019 aimed at discussing the reform of the RA legislation on the fight against hate speech, within the framework of which discussions were held with civil society representatives and independent experts. The term of the working group expired on December 31, 2020, but its non-formal activities will continue. As of January 2021, the NA Standing Committee on Protection of Human Rights and Public Affairs has not yet submitted a draft law on hate speech.

PART 2

HATE SPEECH TARGETING VULNERABLE GROUPS: EXPERT OPINION

There is no comprehensive research on hate speech targets in the Armenian online space, however human rights activists manage to easily identify the vulnerable groups that are most often targeted with hate speech on the Internet. In this study, we identified four such groups: LGBTQ persons, religious minorities, national minorities and women. Moreover, if in the first three groups the targeting is obvious, then in the case of women many do not notice or deny the existence of hate speech, arguing that women as a group cannot be hated in a society where they are in the majority (according to the 2011 census)¹⁶. However, misogyny is not a new phenomenon not only in Armenia but all over the world.

2.1 Hate speech targeting women

According to **Zaruhi Hovhannisyan**, human rights activist and representative of the Coalition to Stop Violence Against Women, there has always been hate speech against women in the Armenian online space, and during the Artsakh war of 2020 it intensified against those women who tried to go beyond the image acceptable for women by the major part of the society. “Especially during the war, a woman is perceived as someone who provides sons to the homeland, and mourns the death of those sons. Any deviation from this image gives cause to target women. Moreover, both the woman who tries to delegitimize the war and, the woman who wears a uniform and tries to become a defender of the homeland (the example of Anna Hakobyan, wife of the RA Prime Minister) are targeted,” the expert thinks.

A normative society, where the woman is someone who serves, gives care and only mourns in times of disaster, does not tolerate even the slightest deviation from these roles. However, during the 2020 war, there was a different approach to different groups of women. Lesser-known women and girls, who had taken up arms for the defense of the homeland, were mostly praised and encouraged on the Internet. Of course, there have been also discouraging comments by women who downplayed the role of women, labeling them “weak”, “fragile”, etc., but they have not been predominant. The situation was completely different in the case of women with a certain political role. A vivid example of that was the public reaction to any activity of the RA Prime Minister's wife Anna Hakobyan on the Internet. Regardless of whether Anna Hakobyan would call for peace or try to defend the homeland with weapons, most of the comments on Facebook were critical, many of which contained both personal insults and hate speech against women who had dared to interfere in “men's affairs.”

Hate speech against vulnerable groups is not only recorded on social networks, but also in media, especially online media. According to Zaruhi Hovhannisyan, media do not publish hate speech as

¹⁶ https://www.armstat.am/file/article/sv_03_13a_520.pdf

directly as they provoke it towards a certain group. “Women human rights activists are especially targeted, it was especially noticeable in the framework of the actions against the Istanbul Convention. In that period there were manifestations of physical violence,” says the human rights activist. As she notes, online hate speech has increased sharply since the 2018 change of power, and the Armenian judiciary is not ready to fight hate speech. Policemen, investigators, prosecutors and judges often discriminate against women and other vulnerable groups, and hate speech is always based on discriminatory attitude. The bodies that discriminate cannot fight it effectively. As in the past, so today the issue of appropriate education of the representatives of the judicial system is urgent. According to the human rights activist, the state does not make sufficient efforts in this direction.

Apart from the legislative gaps, Hovhannisyanyan also emphasizes law enforcement practice, which, in her opinion, is flawed. “For example, the public call for violence is criminalized today, but even on those occasions the criminal cases are quashed. Strong political will is needed to fight against hate speech, but the human rights activist does not see that will in the National Assembly of the 7th convocation. “There is at least one party in the RA National Assembly that has misogynistic, homophobic views. They may deliberately provoke different types of clashes, also inciting hatred,” says Hovhannisyanyan. She believes that the majority "My Step" faction, is not homogeneous, and in terms of the fight against hate speech there are different approaches and opinions there, therefore a rapid solution to the problem cannot be expected.

2.2 Hate speech targeting national minorities

The population of Armenia is mostly monoethnic. The largest national minority in the country is the Yezidi community, Yezidis being the most visible and often the most targeted group. And although both Armenians and Yezidis at different levels clearly state that the two nations have warm friendly ties, however, even Yezidis do not manage to avoid hate speech. Hate speech towards Yezidis is spread mainly through ridicule, it is not often intended to humiliate or incite hatred, but it naturally generates negative sensation.

According to **Sashik Sultanyan**, a Yezidi human rights activist and chairman of the Yezidi Center for Human Rights, many anecdotes about Yezidis embarrass the minority. There are also popular expressions that present negatively the Yezidis. “There are extreme examples when in order to insult someone they may be compared to Yezidis. The same is true of Armenian Gypsies (Armenian exonym Boša). “Many people use the word ‘boša’ as an insult,” says the human rights activist. Hate speech against a national minority is even more pronounced when a person uses nationality to subjugate another. Moreover, this happens both in online space and in real life. “There is not a single Yezidi soldier who has not had a quarrel at least once during his service for his national identity having been humiliated,” says Sashik Sultanyan.

Sultanyan believes that hate speech against Yezidis is not generated on social networks, but goes from real life to online. The online media also sometimes deliberately and sometimes carelessly incite hatred towards Yezidis. “The inappropriate mentioning of ethnicity often leads to hate

speech, for example, choosing a headline such as 'Yezidi man kills his wife': it is obvious that this triggers negative attitude among the readers towards Yezidis," the head of the Yezidi Center for Human Rights notes.

Although the current legislation sets criminal liability for inciting hatred on national basis, the judiciary is not sensitive to the protection of the rights of national minorities. "Even a deputy candidate who had written a death threat on the Internet was called to the police, talked to, and then we were informed that he did not really have an intention to kill. Thus, the case ended before it ever started," says the human rights activist. According to Sultanyan, after the change of power in 2018, the volume of hate speech has significantly increased, but at the same time the number of people subject to liability has not increased.

There is no systemic approach to the protection of the rights of Yezidis and other national minorities, rights related issues are resolved on the basis of sentiments, subjective attitude of the current government towards the community, so any change of power can change the situation for Yezidis.

Sultanyan thinks that the problem will not be solved only by holding accountable those who spread hatred. The society should be informed and educated about the consequences of hate speech so that its volume reduces, and when prosecuting, the human rights activist suggests using widely the institution of active repentance.

Unlike the Yezidis and Boša, there is no prejudiced negative attitude towards the Assyrians. Even on the contrary, according to **Irina Sagradova-Gasparyan**, President of the Federation of the Assyrian Organizations of Armenia "Khayadta", Assyrians in Armenia have usually been considered a polite people, even elite, and there has always been a certain respect for the community. Nevertheless, there is hate speech towards Assyrians in online space and beyond as well.

The targeting of the Assyrian community has two main reasons: historical past and the current struggle for the rights of the Assyrians. The targeting based on the historical past is conditioned by the wars between the Assyrian and Armenian kingdoms, due to which Assyria is still sometimes referred to as a non-existing enemy state of Armenia. There were such mentionings also during the Artsakh war of 2020, moreover, it was not only online, but also in the speech of the RA NA Speaker Ararat Mirzoyan. "The NA Speaker also called us 'enemies', which caused tension in the community, especially because a group of men had volunteered in the first days of the war," Sagradova-Gasparyan recalls.

However, the mentionings of the historical past do not provoke as much hatred as the current struggle for the rights of Assyrians. According to the representative of the community, when the Assyrians started fighting for not handing over their church to the Armenian Apostolic Church and having a school curriculum in accordance with the needs of the children of the Assyrian community, "attacks" against them started on the Internet. "The wave of hatred mainly rises when you start talking about your rights as an Assyrian. They often write that not only have we come and live in their country, we are also presenting certain demands," says the human rights activist.

In recent years the “battles” on the Internet have moved to real life. Some of the Armenian residents of one of the villages populated partly by Assyrians have tried to organize a petition to expel the Assyrians, threatening that there might be bloodshed on the day of the Assyrian national holiday. On that day, at the request of the Assyrian community, additional police forces arrived in the village to prevent clashes.

The President of “Khayadta” thinks that there should be a liability for presenting the history of minorities in a distorted manner. And the one who spreads and incites hatred should not only be prosecuted, but also banned from holding positions in state agencies and participating in elections. Irina Sagradova-Gasparyan thinks that holding liable alone will not solve the problem, reforms are needed both in the legislative field and in the sphere of education. According to her, in order to reduce hate speech, amendments should be made to history textbooks so that there is a more respectful attitude towards the national minorities living in Armenia. “When the positive features of the Armenian people are presented, the positive aspects of the minorities must also be presented.”

2.3 Hate speech targeting religious minorities

According to the results of the 2011 census conducted in Armenia, 98% of the population of Armenia are ethnic Armenians, 92% of which consider themselves members of the Armenian Apostolic Church. The followers of other minority Christian churches are often treated negatively, which is also reflected on the Internet. On the one hand the freedom of speech and the development of information technologies opened wide opportunities for religious minorities to spread their views, increase the number of followers, and on the other hand created a new space to target them and disseminate hatred and enmity towards them.

The religious minorities are called "sects" in the articles published in the media and on social networks, as well as in the speeches of some public figures, which in itself is a negative characteristic. In Armenian explanatory dictionaries, “sect” is also presented as a deviation from the main church, a word that is perceived negatively, and the word “heretic” is mentioned as a synonym to “sectarian”. The Explanatory Dictionary of the Modern Armenian Language reads that sectarians have been ridiculed and persecuted in the past¹⁷. Moreover, the word “sectarian” is often used as an insult, without religious contexts: for example, a person who leads a very modest life may be asked “are you a sectarian, or what?”, referring not to religious views, but to strange, deviant behavior.

One of the most high-profile cases of targeting religious minorities online and inciting hostility against them is the criminal case instituted based on a text related to Word of Life Church published by “Դուխով Հայաստանի Փակասը” (“Dukhov Hayastan Open Society”) Facebook

¹⁷ Explanatory Dictionary of the Modern Armenian Language, Hrachya Acharyan Language Institute, 1969, volume 1, p. 33

http://www.nayiri.com/imaginedictionaryBrowser.jsp?dictionaryId=29&dt=HY_HY&query=%D5%A1%D5%B2%D5%A1%D5%B6%D5%A4

page and later also by “Blognews” online media. In September 2018, “Dukhov Hayastan Open Society” page, which had the image of the revolutionary leader Nikol Pashinyan on its cover, published the photo of the RA NA Speaker Ararat Mirzoyan with an accompanying text, where the letter allegedly said that Azerbaijanis are Armenians’ brothers, and that the RA national hero Monte Melkonyan is a spy. This information was published on “Blognews” with the following headline: “Monte is a traitor, the Azerbaijanis are brothers: the Word of Life, speculating on Nikol Pashinyan's name, carries out an openly anti-Armenian propaganda.” In the text “Blognews” attributed the information published on the Facebook page to the Word of Life Evangelical Church, calling it a sect. The news portal stated that the Facebook page belonged to the “Word of Life” because the phone number mentioned in the “Information” section of the page belonged to them, referring to one of their readers, who “reiterated that he had called the mentioned number, and the respondent had confirmed that the phone number and the Facebook page were theirs.”¹⁸ Following this publication, the “Word of Life” Evangelical Church of Armenia appealed to the RA National Security Service, requesting to initiate a criminal case on the grounds of inciting religious enmity, taking into consideration the publications of “Dukhov Hayastan Open Society” Facebook page and “Blognews” news portal. In April 2019, the RA NSS disseminated information that the person running the Facebook page had been arrested, a criminal case had been initiated on the grounds of sowing racial, religious and national hatred (Article 226 of the RA Criminal Code). The NSS has not provided any other details about this case as of January 2021.

The above-mentioned case is also noteworthy for the fact that criminal cases for inciting religious enmity are seldom initiated in Armenia, and in recent years there has been a certain decrease in hate speech against religious communities. According to **Isabella Sargsyan**, Director of Human Rights Programs at Eurasia Partnership Foundation, Expert on religious freedom, there is a certain negative attitude, even antipathy to religion as such in some circles of the Armenian society. Such an attitude extends not only to minority religious organizations and groups, but also to the Armenian Apostolic Church. There is, of course, also targeting and labeling of relatively new “non-traditional” religious confessions, which, however, is not always expressed through hate speech. “Various studies show that hate speech has generally decreased to some extent, many of the media have become relatively sensitive, the years of work with journalists have yielded certain results. Added to that, there have been lawsuits, which are also a deterrent,” the expert says.

In Sargsyan’s opinion, ethno-religious minorities in Armenia, such as Yezidis, Assyrians, Jews, are not mainly targeted based on religion, although during the 2020 Artsakh war some anti-Semitic manifestations were observed caused by Israel's arms sales to Azerbaijan. Hate speech against Islam and adherents of Islam intensified during the war, but the Armenian minorities were generally not targeted, though it was expected that such a thing could happen.

¹⁸ Monte is a traitor, the Azerbaijanis are brothers: the Word of Life, speculating on Nikol Pashinyan's name, carries out an openly anti-Armenian propaganda (photo), www.blognews.am, 15.09.2018
<https://blognews.am/arm/news/563067/monten-davatchan-adrbejancinery-exbayr%E2%80%A4-kyanqi-khosqy-shaharkelov-nikol-pashinyani-anuny-bacahayt-hakahaykakan-qaroz-e-anum-photo.html>

According to the expert, one of the reasons for the decrease in hate speech was the restraint of religious organizations during the active spread of the coronavirus, when many of them (also the Armenian Apostolic Church) refused to hold crowded liturgies. The expert on religious issues has registered positive changes in Armenia in the last ten years . “Currently the situation is not good, but it is better than before. Armenia is not the only one facing this problem. Our situation is quite similar to that of many other countries.”

Isabella Sargsyan is against criminalizing hate speech, believing that it can do more harm than good. “Maybe there is a need to clarify the RA Criminal Code, but if we choose the way of imposing severe punishments, it could be used to silence people, not serving its purpose,” the expert says.

Non-exhaustive legislative formulations often allow judges to be self-willed in relation to certain criminal cases, and, in the expert's opinion, the police inaction is not conditioned by imperfect legislation; political will is needed to neutralize provocative groups. “The law enforcement bodies should be active, their job should not be just initiating a case, but finding out which groups are constantly inciting hatred and restrain them,” EPF Director of Human Rights Programs notes.

The expert suggests the use of non-repressive methods as a solution to reduce hate speech online, in particular, using media self-regulation mechanisms, for example, to agree to filter comments, and to actively work on social networks to block hate speech, and also to instill public intolerance towards hate speech targeting any group.

Arthur Ispiryan, Head of the public relations department of the Christian Religious Organization of Jehovah's Witnesses in the Republic of Armenia, has also noted that in recent years hate speech against religious minorities has slightly decreased, and this was the tendency before the 2018 change of power. Ispiryan believes that one of the reasons for that is that they filed a lawsuit against false information about Jehovah's Witnesses issued on the air of the Armenian Public Television in 2010, as a result of which the TV Company broadcast a denial. “Jehovah's Witnesses are often used in the context of unverified or false information. And after that trial, the spread of hatred towards our religious organization in the media decreased,” Ispiryan says.

The representative of the religious organization thinks that another reason for the decrease in hatred was the recommendations on religious freedoms addressed to Armenia by international and regional organizations. At present, the media show more restraint, and the manifestations of hate speech and targeting are still noticeable on social networks. The media actively replicate negative information on religious minorities, and instead are less inclined to publish positive or neutral information. “Neutral, objective information is hardly spread by the media, but the positive thing is that at least hate speech, slander and disinformation are not spread as much as before,” Ispiryan says.

Hate speech against Jehovah's Witnesses is often expressed through irony and ridicule, sometimes they “appear” in humorous programs presented with negative connotations. “We do not exclude that the disinformation may be directed by the groups that, to put it mildly, do not like us. However, there is a certain misunderstanding or lack of information: these are the consequences

of lack of knowledge. Sometimes things circulated about us in the media years ago are attributed to us. In general, all this contributes to the sowing of dislike of us,” says the Head of the public relations department of the Christian Religious Organization of Jehovah's Witnesses in Armenia.

After the publication of any new negative information in the online space, the religious minorities feel the expression of negative attitude of people and increase of violence in real life. For example, people may approach and argue in the street or even kick the stands of Jehovah's Witnesses. The representative of the religious organization believes that the situation can be changed through education and enhancing media literacy. “Education should not dispose people to conversion, but provide purely neutral information so that people do not live in fear and ignorance. It would contribute to pluralism laying a solid foundation in our society.” However, taking into account the positive changes of recent years, Arthur Ispiryan thinks that the day is not far away when we will have a significant reduction in hate speech on social networks.

2.4 Hate speech targeting LGBTQ persons

As we have already noted, there is no comprehensive study on the manifestations of hate speech in the online space. However, based on various reports and our observations, we can claim that LGBTQ persons are most targeted with hate speech in the Armenian online space. Moreover, the targeting of the LGBTQ community seems to have become more pronounced after the change of power in 2018, in spite of the fact that human rights activists had different expectations.

According to **Sergey Gabrielyan**, President of “New Generation” Humanitarian NGO, the force that won the majority of votes did not serve to protect the rights of all groups of society, violence against the LGBTQ community and non-governmental organizations representing their interests continued to go unpunished, and the volume doubled. The human rights activist mentions a new source of hate speech: TikTok app, which has become a means of entertainment for a lot of teenagers, is used by many as a platform for swearing, threatening and calling for violence against the LGBTQ community.

The issue of LGBTQ rights and freedoms has always been exploited against the government under both the former and current authorities. “When the opponents of the government want to criticize them, instead of arguing their criticism they attribute to the government things that do not exist, in particular, in any law or action they may find a tendency to support and sponsor homosexuals,” says Gabrielyan. The human rights activist is convinced that both the media and some users of social networks always have on their agenda the goal of regularly targeting the LGBTQ community. In addition to political purposes, this is also an easy way of getting views, which is beneficial to the media in terms of advertising. The more views, the more one pays for the ads on that website.

In the online space, hate speech against LGBTQ people is manifested in the form of both irony and ridicule, as well as threats and calls for violence. Moreover, sometimes these threats are put into practice. Hate crimes are most often committed against this group, which, according to Gabrielyan, similar to hate speech, often remain unpunished. The “New Generation” receives

numerous alarms that a homosexual has been subjected to violence because of his/her sexual orientation. “Right now we have placed two people in a shelter, because there is also violence against them by the family. Violence also takes place in the police, in prison.”

In order to reduce hate speech, the human rights activist proposes to impose high fines (up to 3 million drams), the execution of which will cause significant damage to the person who incites hatred. Gabrielyan also suggests suspending the activities of the organization or the media if it continuously deliberately propagates hatred towards any group. And **Lilit Martirosyan**, President of “Right Side” human rights defender NGO, proposes to fine the person for spreading hate speech for the first time, and in case of recurrence, to arrest him/her. In her opinion, in this way it will be possible to curb the waves of hatred regularly targeting the trans community.

Any information about the trans community, be it negative or neutral, serves a ground for spreading hate speech. And most of the media, according to the human rights activist, deliberately refer to trans people so that their media receives attention and has high visibility. “Even the media that used to receive grants from Western countries and did not write anything negative about the LGBTQ community in that period, started targeting LGBTQ persons after their funding was cut off” Martirosyan says. Lilit Martirosyan herself has been a victim of hate speech and verbal violence many times because of her gender identity, especially after her speech¹⁹ in the RA National Assembly, which inflamed passions in various circles of the society for days.

Hate crimes against trans people are committed often, and in many cases the perpetrators remember their faces from the Internet, and when they see them on the street, they immediately attack. Trans people consider themselves very vulnerable in Armenia, as the police do not make sufficient efforts to protect them from violence . “The police show inaction, and the courts consider it not a serious danger, for example, the fact that someone had published my address, calling to take physical revenge on me. Many trans people had to buy self-defense equipment and keep it with them all the time,» says the President of the "Right Side" NGO.

Martirosyan knows thousands of examples of online hate speech, threats, and calls for violence, but she cannot recall a single case of a person being held liable. “An armed group went live and made threats. But today we do not have a single case, when a person was brought to justice on the grounds of online hate speech or threats.” According to the human rights activist representing the interests of the trans community, the volume of online hate speech increased after the change of power in 2018, especially after Prime Minister Pashinyan spoke about a trans person²⁰ in the National Assembly. The volume of hate speech has significantly increased, but the toolkit for bringing to justice for it has not. Martirosyan thinks that it is necessary to hit the perpetrator’s pocket so that others do not freely incite hatred on the Internet. Only in case of consistent struggle is it possible to reduce online hate speech targeting vulnerable groups.

¹⁹ Transgender woman spoke from the NA rostrum, Naira Zohrabyan was angry, April 2019, https://www.youtube.com/watch?v=KaWfXaE3_WQ&t=43s

²⁰ Mel Daluzyan is under my personal protection, RA Prime Minister, November 2019 <https://www.youtube.com/watch?v=8fNol0H9IC4>

CONCLUSION

The term “hate speech” was first used more than 30 years ago, but its international definition does not yet exist, and attempts to do so at the regional level are still in the process of crystallization. Efforts to combat hate speech are currently being made in almost all countries, there are different approaches, it will take some time to be able to assess which option is more effective or more convenient for Armenia. The experts interviewed in this study state that, with the exception of religious minorities, hate speech against other vulnerable groups has increased since the 2018 change of power. On the one hand, this was conditioned by political changes, on the other hand, by the increase in the number of Armenian users on social networks and the increase in the activity of the already registered users.

The definition of “hate speech” will be given by the RA legislation in the near future, which will probably become a subject of long discussions and criticism, as there is no common approach to hate speech among the deputies of different factions. And this despite the fact that everyone is unanimously dissatisfied with the atmosphere of hatred, but not everyone understands the meaning of the term “hate speech”. There are objective and subjective reasons for this. The objective reason is the lack of definition, the lack of clear formulation of “hate speech” in international human rights agreements. And one of the subjective reasons is that often people with a certain public role present the personal insults addressed to them as a manifestation of hate speech, confusing journalists and the public.

This uncertainty can be eliminated when the RA legislation clarifies what “hate speech” is and entails responsibility for those abusing freedom of speech, which is encouraged by the European Court of Human Rights. However, the existence of a law does not always guarantee the protection of vulnerable groups from attacks against them. The only article in the RA Criminal Code, which refers to inciting hatred and enmity, has not actually been applied, has not protected the representatives of the groups included in the given law. On the other hand, there is a legal responsibility for insult and slander, but this does not prevent social network users from openly insulting and slandering different individuals and groups.

Alongside the legislative changes, it will be necessary to train the representatives of the judiciary, especially law enforcement bodies, whose sensitive, effective and active intervention will only make it possible to reduce the volume of online hate speech. At the same time, it is necessary to inform and educate the society. Criminal liability should be envisaged for hate speech, giving citizens the opportunity to apply to law enforcement bodies to reveal the data of fake users. If the issue is regulated by civil law, the fight against hate speech cannot be effective in the presence of many fake social network accounts, people with fake names. Added to that, the number of insults and slander on the Internet suggests that most citizens are not afraid of the risk of being liable for monetary compensation under a Civil Court act, and most victims of insults and slander simply do not go to court, which can lead to an increase in numbers of lynching and crimes.

Envisaging criminal liability for hate speech, however, does not necessarily imply detention as a sanction. The law should be clear, enabling the law enforcement bodies to assess the potential impact of hate speech on the victim and the group with which the victim identifies

himself/herself. Hate speech that causes severe repercussions should be severely punished; milder punishments may be imposed for spreading hate speech for the first time, and stricter punishments for repeated hate speech.

No matter what the forthcoming legislative change will be, it is obvious that only with the real political will to fight hate speech and the readiness of the judiciary, it will be possible to reduce its volume, to protect vulnerable groups from this type of discrimination.

RECOMMENDATIONS

To the RA Government and National Assembly

- ∠ To reform the RA legislation, creating an opportunity for all vulnerable groups targeted with hate speech to receive legislative protection;
- ∠ to define the concept of “hate speech” as clearly and unambiguously as possible, include broadly and comprehensively the defensive features;
- ∠ to entail criminal liability for hate speech, envisaging a variety of legal punishments (a wide range of fines, months/years of detention);
- ∠ to train law enforcement officers to effectively investigate hate speech and hate crimes;
- ∠ to implement reforms in the judiciary to reduce the case overload of judges, which will allow, among other things, to also hear hate speech cases within a reasonable time;
- ∠ to refrain from expressions of hate speech, insults, aggression in public speeches and interviews, contribute to the reduction of abuses of freedom of speech in the online space.

To the RA Human Rights Defender, civil society, higher education institutions

- ∠ To carry out annual monitoring of manifestations of hate speech in the online space to identify the most frequently targeted vulnerable groups, to study the causes and consequences of hate speech;
- ∠ to prepare a handbook for combating hate speech for politicians, public figures, media, bloggers, individuals with certain influence on social networks;
- ∠ inform the public about hate speech and the liability envisaged for it;
- ∠ to organize hate speech courses for lawyers, journalists and public relations professionals;
- ∠ to establish mechanisms for monitoring the spread of hate speech on social networks;
- ∠ to develop groups and mechanisms to combat online hate speech.

BIBLIOGRAPHY

1. Explanatory Dictionary of the Modern Armenian Language, Hrachya Acharyan Language Institute, 1969, volume 1
2. Explanatory Dictionary of the Modern Armenian Language, Hrachya Acharyan Language Institute, 1972, volume 2
3. International Migration Law No. 30, Glossary on Migration, second Edition, 2013
4. 2018 July-December Hate Speech Monitoring Interim Report, Helsinki Committee of Armenia, 2019
4. Femicide in Armenia: A Silent Epidemic, Coalition to Stop Violence against Women, 2016
5. Council of Europe Committee of Ministers Recommendation No. R (97) “On Hate Speech”
6. OSCE Ministerial Council Decision 9/09 “On Combating Hate Crimes”
7. Practical Guide “On Hate Crime Laws” of the OSCE Office for Democratic Institutions and Human Rights, 2009
8. Armenia’s hate crime, hate speech and discrimination data collection system: Recommendations for improvement and for adopting a joint approach and national situational analysis, Council of Europe, 2020
9. Code of Ethics of Armenian Media and Journalists, Yerevan Press Club NGO, 2007
10. “Hate Speech in the Armenian Mass Media”, Final Report, Committee to Protect Freedom of Expression, 2014
11. The following cases of the European Court of Human Rights:
Gunduz v. Turkey, Application no. 35071/97,
Pavel Ivanov v. Russia, Application no. 35222/04,
Belkacem v. Belgium, Application no. 34367/14,
Norwood v. the United Kingdom, Application no. 23131/03,
Vejdeland and others v. Sweden, Application no. 1813/07
12. What is Hate Speech? Part 1, Alexander Brown, Law and Philosophy 36, 2017
13. Defining Hate Speech, Andrew Sellars, Boston University School of Law; Berkman Klein Center for Internet & Society, Publication No. 2016-20, 2016
14. Factsheet - Hate Speech, European Court of Human Rights, 2017
15. “Hate Speech” Explained, A Toolkit, Article 19, 2015 Edition

16. Hate speech and hate crime in the EU and the evaluation of online content regulation approaches, European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs, 2020

17. Manual on Hate Speech, Anne Weber, Council of Europe, 2009