



**Permanent Mission
of the Republic of Azerbaijan
to the UN Office and other
International Organizations**

GENEVA

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The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the Latter's request dated 23 January 2018 has the honour to transmit herewith information prepared by the Ministry of Transport, Communications and High Technologies of the Republic of Azerbaijan on online content regulation in social networks and search platforms in Azerbaijan.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 4 pages



Geneva, 26 March 2018

Office of the United Nations

High Commissioner for Human Rights

GENEVA

Information on the online content regulation in social networks and search platforms

- **Legislative measures, administrative regulations, judicial decisions, and other policies and measures that impose obligations on social media and search platforms and/or platform users to remove, restrict, or otherwise regulate online content**

Owner of Internet information resource is free to identify the content of information posted on that information resource and also to define the rule of its posting pursuant to the changes made to the *Law of the Republic of Azerbaijan "On Information, Informatization and Protection of information"* in March, 2017. The owner of Internet information resource and its domain name should ensure functioning of this information resource in accordance with applicable legislation and is liable for it. The owner of Internet information resource and its domain name should avoid distribution of the following information in the information resource:

1. *Propaganda and financing of terrorism, tools and means for realization of terrorist acts, terrorism- based trainings, as well as public calls relating to the terrorism;*
2. *Propaganda of the act of violence and religious extremism, national, racial or religious hostility, forced change of the constitutional structure of the state, violation of the territorial integrity, illegal possession of the authority, public calls for organization of mass disorders;*
3. *Information, which is a State secret;*
4. *Preparation methods of fire arms, its certain parts, military supplies, explosive materials and devices;*
5. *Preparation methods and illegal possession of narcotic drugs, psychotropic substances and their precursors and cultivation places of narcotic drugs;*
6. *Pornography, as well as child pornography;*
7. *Organization of gambling and other illegal games and participation in these games;*
8. *Propaganda of suicide, justifying to commit suicide and also for the purpose of organizing suicide of a group of persons or information describing methods of the suicide process;*
9. *Abusive or slander information, as well as information violating personal immunity;*
10. *Information violating intellectual property rights;*
11. *Other information prohibited by the relevant legislation of the Republic of Azerbaijan.*

In case when owner of Internet information resource and its domain name discover any prohibited information in its information resource or if he (or she) receives a request in this

concern, the owner should remove this information. If the host provider discovers any prohibited information in its information resource or if he (or she) receives a request in this concern, the provider should immediately take certain measures to ensure that the owner of the information resource will remove any such information.

Pursuant to the Article 13.3 (Prevention of distribution of prohibited information in Internet information resources) of the Law of the Republic of Azerbaijan "On Information, Informatization and Protection of Information", in case relevant executive authority directly discovers any prohibited information in the Internet information resource or defines such kind of information on the basis of reliable sources received from the physical, legal entities or state authorities, relevant executive authority sends a written notification to the owner of Internet information resource and its domain name and the host provider as well. If the prohibited information is not removed from the Internet information resource within 8 hours from the time when a notification is given, relevant executive authority appeals to the district (city) court to restrict any access to this Internet information resource.

In urgent cases when there is a threat to the state's and society's interests protected under the legislation and a real danger to the people's lives and health, access to the Internet information resource can be temporarily restricted by the decision of relevant executive authority, at the same time, it can be appealed to the court in order to restrict any access to the Internet information resource. In this case a decision on temporary restriction of access to the information resource is valid until the decision will be reviewed or the decision will be reversed by the court. Herewith the Ministry of Transport, Communications and High Technologies is authorized to implement tasks of relevant executive authority.

The court reviews the appeal on restriction of access to the Internet information resource within 5 days and adopts a decision. When a decision is adopted, it immediately becomes valid and the decision in case of any complaint continues to be implemented.

If the court adopts a decision on restriction of access to this Internet information resource or the executive authority makes a decision on temporary restriction of access to this Internet information resource *pursuant to the Law of the Republic of Azerbaijan "On Information, Informatization and Protection of Information",* relevant executive authority includes this information resource into the "List of information resources where prohibited information is posted". In view of the above-mentioned, relevant executive authority defines the content of the listed information, controls over application of information and the rules on establishment of mutual contacts with the host provider and Internet providers.

Host provider and Internet providers should restrict access to the Internet information resource and inform the owner of Internet information resource that the mentioned Internet information resource is included into the "List of information resources where prohibited information is posted".

In case that the owner of Internet information resource and its domain name discovers any prohibited information in that information resource or he (or she) receives any request in this regard and doesn't remove any such information and there is valid court decision regarding the removal, relevant executive authority includes this information resource into the "List of information resources where prohibited information is posted" upon personal request. Host provider and Internet providers should restrict access to the Internet information resource and inform the owner of that resource in this regard that the above-mentioned Internet information resource is included into the "List of information resources where prohibited information is posted".

The owner of Internet information resource and its domain name, host provider and Internet providers are liable under the law on posting prohibited information in Internet information resource.

The Ministry of Transport, Communications and High Technologies is authorized to implement tasks of relevant executive authority.

Slandering or insulting of persons via false user names or accounts in Internet information resource is punished by the Criminal Law. Thus, *the Article 148-1 of the Criminal Code of the Republic of Azerbaijan* declares that dissemination of any information by using false user names, profile and invoices that slander and endures insult to anybody is accepted to be a criminal act. Herewith "false user names, profile and invoices" mean user names, profile and invoices, which do not enable to identify personality of the user in Internet information resources and social networks, i.e., accepted to be false information about the user's name, surname, as well created without agreement of the other person by using his (or her) personal information.

- **Requests or demands, informal or formal, to these platforms to voluntarily remove, restrict or otherwise regulate content**

Moreover, in accordance with the *Article 323 of the Criminal Code* actions or personal insult, defamation or slander to the honor and dignity of the Head of Azerbaijan state - the President of the Republic of Azerbaijan in public statement, publicly shown product, mass

media or any Internet information resource shall be considered as criminal acts.

In view of the above-mentioned, Cyber Security Service by the Ministry of Transport, Communications and High Technologies sends official notifications to the social network administrators together with the information highlighting violation of rules and provisions of relevant social network and violation of relevant legislation of the Republic of Azerbaijan as well. Whereupon the social network administrator investigates the official request and confirms a real violation, he (or she) removes any kind of information which violates rules and provisions of the social network.

It should be noted that official requests in the social network and search platforms made by the Cyber Security Service in terms of removing any information, mainly, were submitted to the Google search platform and other social networks, such as Facebook, Instagram, Odnoklassniki, Twitter, Vkontakte.