

AZERBAIJAN

	2009	2011
INTERNET FREEDOM STATUS	n/a	Partly Free
Obstacles to Access	n/a	15
Limits on Content	n/a	15
Violations of User Rights	n/a	18
Total	n/a	48

POPULATION: 9.1 million
INTERNET PENETRATION 2009: 27 percent
WEB 2.0 APPLICATIONS BLOCKED: No
SUBSTANTIAL POLITICAL CENSORSHIP: No
BLOGGERS/ONLINE USERS ARRESTED: Yes
PRESS FREEDOM STATUS: Not Free

INTRODUCTION

As Azerbaijan's internet usage has exploded in recent years, the authorities have attempted to exercise greater control over the medium, though it remains much less restricted than print and broadcast media, which are the main sources of news for most citizens. In early 2010, the government expressed its intent to require internet-service providers (ISPs) to obtain licenses and sign formal agreements with the Ministry of Communications and Information Technology, although those plans seem to have been put on hold.¹ There have sporadically been blocks imposed on certain websites and some officials have also called for the licensing of websites, including online news outlets. The authorities have used the criminal justice system to limit online expression, and two bloggers were imprisoned in 2009; the pair was released in November 2010 following an international campaign on their behalf.

The first e-mail message in Azerbaijan was sent in 1991 at the Institute of Information Technologies (Azerbaijan National Academy of Sciences), and the first internet connections were established in 1994. However, open access for all citizens was made available only in 1996. The government began implementing policies aimed at lowering prices in 2007, and the internet is now somewhat more accessible for businesses and certain segments of the population.² However, despite the notable increase in internet penetration, quality remains

¹ "Lisenzia: Çixiş Yolu, Ya Təhlükə?" Media Forum, April 16, 2010, http://www.mediaforum.az/articles.php?article_id=20100416110158693&lang=az&page=04.

² "Beynəlxalq Telekomunikasiya İttifaqı: Azərbaycan mobil rabitə tariflərinin azaldılması üzrə lider-ölkədir" APA, February 24, 2010, <http://az.apa.az/news.php?id=178885>.

low, as most people still use slow dial-up connections. The first license for third-generation (3G) mobile telephony was issued in mid-2009 to Vodafone-Azerfon, but prices for high-speed mobile internet are still very high.

OBSTACLES TO ACCESS

According to the International Telecommunication Union, 27 percent of the population had access to the internet in 2010, a significant increase from 2008, when the penetration rate was roughly 14 percent.³ However, only 12 percent of Azerbaijanis own a computer. Many people use computers at work, school, or internet cafes, which are particularly popular in smaller towns and less affluent areas.

High cost remains a key obstacle to access, although other factors—such as education, lack of computer literacy, socioeconomic status, and gender—also play a role. Average monthly prices range from 20 to 50 Azerbaijani manats (US\$25 to US\$62) for unlimited access at 1 Mbps speed via ADSL broadband technology.⁴ While these prices are significantly lower than several years ago, they are still out of reach for many Azerbaijanis; the average monthly salary is estimated to be 304 manats (US\$378).⁵ Consequently, only 5.9 percent of the population have fixed internet subscriptions, and just over 1.1 percent subscribe to broadband access.⁶ Moreover, ADSL users typically must pay for their own modems, which start at US\$25. According to official statistics, 90 percent of internet subscribers use dial-up connections with speeds of no more than 56 Kbps, particularly those living outside of Baku.⁷ Among different demographic groups, young, urban men are most likely to have access to the internet.

Access to advanced web applications like the social-networking site Facebook and the microblogging service Twitter is not restricted. In fact, social-networking sites are routinely used to disseminate content that is critical of the government. The number of registered Facebook users has grown from approximately 105,000 at the beginning of 2010 to over 279,000 as of the end of December.⁸ Because most users access the internet at painfully slow dial-up speeds, they have significant difficulties accessing material on some websites, especially photos, audio and video recordings, and streaming audiovisual content.

³ International Telecommunication Union (ITU), “ICT Statistics 2009—Internet,” <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx>, accessed February 16, 2011.

⁴ “Internet Prices in Azerbaijan Equal to Other Countries of Region,” ABC.az, April 14, 2010, http://abc.az/eng/news_14_04_2010_44154.html.

⁵ Nijat Mustafayev, “Average Salary Rises 4% in Azerbaijan During January–March,” Azeri-Press Agency (APA), April 20, 2010, <http://en.apa.az/news.php?id=120385>.

⁶ International Telecommunication Union, “ICT Statistics 2009—Internet,” <http://www.itu.int/ITU-D/icteye/Indicators/Indicators.aspx#>, accessed August 1, 2010.

⁷ “Azərbaycanda 3,7 milyon internet istifadəçisi var? Azadliq, July 4, 2010, <http://azadliq.info/cemiyet/1982.html>.

⁸ Facebakers, “Facebook Statistics Azerbaijan,” <http://www.facebakers.com/countries-with-facebook/AZ/>, accessed January 1, 2011.

Delta Telecom is the main ISP and serves as the backbone for the country's 30 retail-level ISPs, but the company's ownership structure is not transparent. The largest ISP operating outside of Baku is the state-owned Aztelecom. Another company, Azertelecom, is currently working to create its own fiber-optic network, and in the future it could be a major competitor for Delta Telecom's business.

Usage of mobile phones in Azerbaijan has been growing steadily. In 2009, there were nearly 88 mobile subscriptions per 100 inhabitants.⁹ There are three mobile-service providers using the globally dominant GSM standard: Azercell, Azerfon, and Bakcell. Another company, Catel, uses the alternative CDMA standard. In 2009, Azerfon, in a partnership with Britain's Vodafone, became the only company to obtain a license for 3G service. The use of the internet through mobile phones has so far been limited, due in part to the high cost of subscriptions.

Azerbaijan does not have an independent regulatory body for the telecommunications sector. Currently, the basic regulatory functions are performed by the Ministry of Communications and Information Technology pursuant to the 2005 Law on Telecommunications. Internet domain names in Azerbaijan cannot be obtained online and require an in-person application, subjecting the process to bureaucratic red tape and possible corruption.

LIMITS ON CONTENT

The Azerbaijani government does not engage in widespread censorship of the internet. However, domestic observers reported that on several occasions during 2009, the government temporarily blocked public access to websites that were popular for lampooning the president. There were reportedly greater restrictions on the internet in the autonomous exclave of Nakhchivan, where residents claimed they were unable to view the websites of the opposition newspapers *Azadliq* and *Bizim Yol*. Access has also been denied to the website of Radio Free Europe/Radio Liberty's Azerbaijani service, www.azadliq.org. Each episode of blocking lasted only a few days. In 2009, just before municipal elections, authorities also blocked public access to two websites of an independent nongovernmental organization (NGO), the Election Monitoring Center, although the sites remained accessible from abroad. Since the government does not officially admit to blocking websites, there is no established process through which affected entities can appeal.

There has been an incredible growth in blogging since 2007. Thanks to the introduction of Azerbaijani-language blogging platforms, a new generation of bloggers has appeared and started writing on issues that have never been covered by traditional media.

⁹ International Telecommunication Union, "ICT Statistics 2009—Mobile Cellular Subscriptions," <http://www.itu.int/ITU-D/icteye/Indicators/Indicators.aspx#>, accessed August 1, 2010.

There are about 27,000 blogs in Azerbaijan, most of which are written in the Azerbaijani language. Only 1,000 blogs are written in English, Russian, and other languages. Many bloggers, such as Ali Novruzov, Arzu Geybullayeva, and Ilgar Mammadov, are well known for their independent views.

Youth are the most active bloggers in Azerbaijan, and have encountered the first censorship efforts associated with blogging. Two activists from the OL! and AN youth movements, Emin Milli and Adnan Hajizade, were arrested in 2009. They were convicted on dubious charges of hooliganism, having been attacked by two men at a restaurant in what was apparently a government-organized provocation, but the real reason for their arrest is thought to be their posting of a satirical piece on the video-sharing site YouTube. The video mocked the government's reported decision to import donkeys at exorbitant prices, suggesting that donkeys are treated better than ordinary people in Azerbaijan.¹⁰ Internet campaigns calling for the two men's release were blocked several times by the authorities. The pair was released in November 2010 following international and domestic pressure for their release,¹¹ but they remain prohibited from leaving the country. While traditional media journalists practice extensive self-censorship, expression in the online sphere has been freer, though the two bloggers' arrest had a chilling effect on other internet users.

Youth activists, organizations, and movements are widely represented in social media. They provide information, organize activities and events, and arrange flash mobs via the internet. Opposition parties, traditional NGOs, and state organizations started to use these tools in advance of the November 2010 elections, but their efforts are still very weak. Although many Baku-based candidates used the internet for campaigning, the use of such methods in other regions was seen as less effective.

VIOLATIONS OF USER RIGHTS

Article 47 of the constitution guarantees freedom of thought and speech.¹² In addition, Article 50 stipulates that everyone has the right to distribute information, that freedom of the mass media is guaranteed, and that censorship is prohibited. In practice, however, the authorities aggressively use various forms of legislation to stifle freedom in the print and broadcast media. Libel is a criminal offense and traditional media journalists who criticize the authorities are frequently prosecuted and imprisoned. The judiciary is largely

¹⁰ The video is available at <http://www.youtube.com/watch?v=Aaecvg7xClk>.

¹¹ Reporters without Borders, "Interview with the newly-released video blogger and netizen Adnan Hajizade," November 30, 2010, <http://en.rsf.org/azerbaijan-interview-with-the-newly-released-30-11-2010,38922.html>; Freedom House, "Release of Bloggers a Positive Step for Freedom of Expression in Azerbaijan," November 19, 2010, <http://www.freedomhouse.org/template.cfm?page=70&release=1280>

¹² The constitution is available in English at <http://www.president.az/azerbaijan/constitution/?locale=en>.

subservient to the executive branch.¹³ Under the Law on Mass Media of 1999, the internet is designated as part of the mass media. Therefore, all rules applied to traditional media, which press freedom advocates consider problematic, could be used for internet regulation as well.¹⁴ To date, however, the only known case of prosecution for online expression has been the above mentioned two bloggers, charged under laws related to hooliganism. In November 2010, it was announced that the government-controlled Press Council will start monitoring online news sources for their compliance with the rules of professional journalism.¹⁵

It is unclear to what extent security bodies track user data in Azerbaijan. However, some state universities warn students that they will encounter problems if they participate in online political activism. Students are instead urged to be very active in defending the government and its positions in their posts and comments on Facebook and other social media. It is widely believed that the internet communications of certain individuals are monitored, especially foreigners, known activists, and business figures. Moreover, most users do not have licenses for the software on their computers, which leaves them vulnerable to security threats like viruses and other malicious programs that could be used to monitor their activity, among other functions. According to some estimates, pirated programs account for 80 percent of the software market in the country.

In one recent case, student Parviz Azimov was expelled from Lankaran State University early 2009 after writing a blog post on corruption during exams, which was later republished by one local and two national newspapers. Protests near the Ministry of Education in Baku by the Dalgha youth movement, to which Azimov belonged, combined with pressure from international organizations, led to a court decision allowing him to return to the university.

Ali Abbasov, the minister of communications and information technology, called in April 2010 for a licensing system that would apply to news websites. He claimed that such a system would help eliminate unspecified “illegal activities,” noting that “there is no mechanism today to influence” such sites. The head of the country’s National Television and Radio Council made similar comments later that month, proposing stronger controls on internet radio and television outlets,¹⁶ although in July, another government official said that the government did not have any immediate plans to introduce such measures.

¹³ Karin Karlekar, ed., “Azerbaijan,” *Freedom of the Press 2010* (New York, Freedom House 2010) <http://www.freedomhouse.org/template.cfm?page=251&year=2010>

¹⁴ “Law of the Republic of Azerbaijan “About Mass Media,” Azerbaijan National Academy of Sciences, http://ict.az/en/index.php?option=com_content&task=view&id=477&Itemid=95.

¹⁵ “Control Over Online Sources and Facebook-like sites in Azerbaijan,” Today.az, November 27, 2010, <http://www.today.az/view.php?id=77287>.

¹⁶ Mina Muradova, “Azerbaijani Government Pondering Ways to Control the Web,” Eurasianet.org, May 13, 2010, <http://www.eurasianet.org/node/61060>.

Wrongful access to a computer, for instance through viruses and security breaches, is punishable under Chapter 30 of the criminal code.¹⁷ Internet security is also dealt with in the Law on National Security of 2004 and the Law on Protection of Unauthorized Information of 2004. Hacking attacks aimed at the Azerbaijani internet often come from Armenian internet protocol (IP) addresses. The timing of such attacks typically coincides with politically sensitive dates related to the unresolved territorial conflict between the two countries. Sometimes attacks occur after high-profile political statements. The apparently Armenian-based attacks have targeted the websites of entities like the Ministry of Communications and Information Technology, the National Library, and the public television broadcaster. It is very rare for local hackers to attack Azerbaijani websites. The Anti-Cybercriminal Organization is the main body working against cyber attacks in Azerbaijan. The country ratified the Council of Europe's Convention on Cybercrime in March 2010, and it took effect in July.

¹⁷ An unofficial English translation of the criminal code is available at <http://www.legislationline.org/download/action/download/id/1658/file/4b3ff87c005675cfd74058077132.htm/preview>.