



August 22, 2014

**To: Working Group on the issue of human rights and transnational corporations and other business enterprises**  
**Re: Azerbaijan Country Visit and ICT Sector**

Dear Mr. Addo, Ms. Guáqueta, Ms. Jungk, Mr. Selvanathan, and Mr. Sulyandziga,

We are writing to express support for the Working Group's present visit to Azerbaijan, undertaken at the request of the government. Despite the invitation to the UN experts, the Working Group should not be misled: Azerbaijani authorities have systematically demanded businesses contribute to government programs that undermine human rights.

The information and communications technology (ICT) sector remains particularly susceptible to government pressure, resulting in restrictions on the human rights of journalists, activists, and ordinary users. These abusive restrictions result in harsh knock-on effects, including arbitrary arrest and torture.

### **Recommendations**

For these reasons, Access recommends the Working Group focus its inquiry on the ICT sector as it conducts its business and human rights country visit in Azerbaijan. We ask the Working Group to:

- 1) **Investigate laws and practices relating to surveillance**, including telecom licensing requirements and any unlawful pressure that government authorities put on companies to gain access to user data and networks.
- 2) **Consult civil society, journalists, bloggers, and other users** whose communications puts them at risk for surveillance, and harassment both on and online. This may help to identify patterns, such as whether data from telecom companies like SMS records or geolocation information has been used during interrogations.
- 3) **Assess the state of user data security**, including whether users have access to the technical means to access information confidentially and communicate securely. Query whether encryption tools are banned, such as Azerbaijan Airlines ["custom regulations"](#)



[page](#) that prohibits the import of “technical means designed to obtain information secretly.”

4) ***Probe the safeguards to access to information and free expression online.*** The government has been suspected of shutting down or [slowing internet connections](#) in some regions where social activism and opposition voices have been most active.

5) ***Survey telecom industry staff and leadership for evidence of government solicitation of bribes or other corruption.*** Staff should not be subject to harassment or illicit pressure to take any action that violates human rights law and norms, domestic laws, or company policy.

## Conclusion

In recent years, Azerbaijan has been the subject of many [human rights inquiries](#) by UN entities. Just this week, three UN Special Rapporteurs [condemned](#) the “wave of politically-motivated repression” against human rights activists in the country. The control over the ICT sector is particularly harmful, however, as it suppresses voices from across the spectrum of human rights defenders. Without access to secure and open tools for information and communication, all rights are put in jeopardy.

Access and our partners support the Working Group’s inquiry, ask that you consider our recommendations, and look forward to your report on this important country visit.

Sincerely,

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