

MONGOLIAN LAW

January 20, 2023

State Palace, Ulaanbaatar city

/A law enacted on March 30, 2023 rendered this law invalid/

ON PROTECTING HUMAN RIGHTS IN SOCIAL NETWORKS CHAPTER ONE COMMON GROUNDS

Article 1. Objective of the law

1.1. The purpose of this law is to regulate relations related to the protection of human rights and legal interests and the enforcement of laws on human rights in social networks.

Article 2. Legislation on the protection of human rights in social networks

2.1. Legislation protecting human rights in social networks is issued in accordance with the Constitution of Mongolia, the Law on Child Protection, the Law on Cyber Security, the Law on Prevention of Crime and Violations, the Law on Combating Obscenity, this law and these laws consists of other legislative acts.

2.2. If the international agreement of Mongolia stipulates otherwise than this law, the provisions of the international agreement shall be followed.

Article 3. Scope of the law

3.1. This law applies to social networks to protect human rights and legitimate interests from violations, to ensure the implementation of laws on human rights, and to educate the public.

3.2. This law does not apply when less than three users communicate with each other on social networks.

Article 4. Definition of legal terms

4.1. The following terms used in this law shall be understood in the following meanings:

4.1.1. "public center for combating cyber attacks and violations" is defined in Article 20.1.2 of the Law on Cyber Security;

4.1.2 "posting content" means the user's content to be made publicly available on social networks;

4.1.3 "distribute the content" to transmit the published content to other parties on social networks;

4.1.4 "suspension of content" to limit access to and distribution of content posted on social networks for a certain period of time;

4.1.5 "green channel" means a channel for cooperation with a social network service provider in the field of solving harmful content and mutual information exchange;

4.1.6 "public network" means software intended for public publishing and distribution of content and mutual information exchange using the Internet;

4.1.7 "public relations unit" means the structural unit of the public center for combating cyber attacks and violations;

4.1.8 "representative office" is defined in Article 29.3 of the Civil Code;

4.1.9 "service provider" means a person providing social network services;

4.1.10 "user" means a person or legal entity registered in a social network and having a user address;

4.1.11. "user address" means information consisting of words, letters, numbers and other symbols intended to identify the user in social networks;

4.1.12 "personal information of a person" is defined in Article 4.1.11 of the Law on Personal Information Protection.

4.2. The right to implement the green channel specified in Section 4.1.5 of this law may be granted to internationally approved professional associations and non-governmental organizations.

Article 5. Principles for the protection of human rights in social networks

5.1. The following principles shall be followed in the protection of human rights in social networks:

5.1.1. rule of law;

5.1.2. to freely express opinions and respect freedom of speech;

5.1.3. not to discriminate against people based on their opinions;

5.1.4. respect human dignity, honor, rights, freedom, and legal interests;

5.1.5. protect personal information;

5.1.6. to ensure national security and protect public order;

5.1.7. to cultivate appropriate use of social networks and enlighten the public.

CHAPTER TWO HARMFUL CONTENT

Article 6. Harmful Content

6.1. Harmful content includes the following information in the form of text, symbols, images, sounds, animations and other forms published for public delivery:

6.1.1. Defamation of the national emblem of Mongolia;

6.1.2. fraud or attempted fraud using electronic networks;

6.1.3. pressured, urged, or advertised to negatively affect children's physical, mental, and morals;

6.1.4. encouraged and promoted violence and obscenity;

6.1.5. encouraged and promoted threats, suicides, and bodily harm;

6.1.6. encouraged and advertised the use of narcotic drugs and psychoactive substances;

6.1.7. carried out extremist activities, undermined national unity, divulged state and official secrets, committed terrorist acts, committed crimes against national and human security, incited and encouraged to commit crimes;

- 6.1.8. based on a person's origin, race, language, race, age, gender, social origin, status, wealth, occupation, position, religion, opinion, education, sexual and gender orientation, disability, health discriminated against due to medical conditions ;
- 6.1.9. violates intellectual property rights;
- 6.1.10. gave detailed instructions to commit a crime or violation, or incited, encouraged, encouraged, advertised, or supported the commission of a crime or violation;
- 6.1.11. lured, incited, encouraged or promoted children to beg, wander or live without supervision;
- 6.1.12. violated the terms and conditions of the social network where the information was published.
- 6.2. The following conditions shall be taken into account when considering the content violation specified in Article 6.1 of this law:
- 6.2.1. the content is directed against a person, legal entity, or a specific social group;
- 6.2.2. the contents of the content, the form and style of its expression, and the words used;
- 6.2.3. method and frequency of publication and distribution of content;
- 6.2.4. the risk that may be caused to the rights and legal interests of others and to society and economy due to the content.

CHAPTER THREE RIGHTS AND RESPONSIBILITIES OF THE SERVICE USER AND USER

Article 7. The service provider, his rights and obligations

- 7.1. The service provider has the following rights and obligations:
- 7.1.1. to receive complaints and information from users in connection with harmful content;
- 7.1.2. receiving and processing requests and decisions of the public relations unit regarding the removal of harmful content or user information containing harmful content, the suspension or deletion of addresses, the reduction of the scope of information, and the verification of user addresses;
- 7.1.3. submit the number of requests specified in Section 7.1.2 of this law, the reports and news of their processing to the public relations unit every year;
- 7.1.4. To establish a representative office if there are 300,000 or more registered users from Mongolia;
- 7.1.5. confirm and register the user by contact phone number or e-mail address;
- 7.1.6. protect user's personal information;
- 7.1.7. to process requests about harmful content within 7 days.

Article 8. User's rights and obligations

- 8.1. The user has the following rights and obligations:
- 8.1.1. In the event that their rights and legal interests are violated due to harmful content, refer to the public relations unit and service providers for resolution;
- 8.1.2. not to post or distribute harmful content on social networks;
- 8.1.3. to ensure the security of the user's address and personal information;
- 8.1.4. remedial damages if publishing or distributing harmful content on social networks has caused damage or harm to the rights and legal interests of others;
- 8.1.5. to be responsible for the accuracy of published content;
- 8.1.6. to fulfill the legal requirements set by the public relations unit.

CHAPTER FOUR RESOLVING HARMFUL CONTENT

Article 9. Filing a Request for Harmful Content

- 9.1. Requests about harmful content shall be submitted by persons, legal entities, recommendations, and requirements to the public relations unit in paper or electronic form by the authorized organization prescribed by law.
- 9.2. The working procedure of the public relations unit shall be approved by the member of the government in charge of electronic development and communication based on the proposal of the National Human Rights Commission.

Article 10. Receiving and processing requests for harmful content

- 10.1. The public relations unit receives, registers, and processes requests for harmful content.
- 10.2. The public relations unit shall review the request within 72 hours, taking into account the content and conditions of the information specified in Article 6 of this law, and based on the opinions and conclusions, the Public Center for Combating Cyber Attacks and Violations shall make one of the following decisions and immediately notify the person who made the request:
- 10.2.1. refuse to accept the request;
- 10.2.2. resolve requests and deliver decisions, recommendations and requirements to the organization responsible for the green channel and social network service providers;
- 10.2.3. to transfer and cooperate with competent authorities.
- 10.3. The application processing period specified in Article 10.2 of this law may be extended once by three working days if necessary.
- 10.4. The Public Relations Unit may request references and clarifications, employ experts, and obtain the opinion of the National Human Rights Commission when processing requests for harmful content.

CHAPTER FIVE PUBLIC IMPLEMENTATION ACTIVITIES

Article 11. Enlightenment activities to be implemented in the direction of proper use of social networks

- 11.1. The public relations unit shall take the following measures in cooperation with the Telecommunications Regulatory Committee in order to protect against violations of human rights and legal interests in social networks, to reduce risks, and to educate the public in order to promote appropriate use:

- 11.1.1. to organize training and advertising in the field of studying the causes and conditions of inappropriate use of social networks, behaviors, and potentially dangerous situations, and training methods to prevent them;
- 11.1.2. regular delivery of news and information to the public in the field of developing appropriate use of social networks;
- 11.1.3. organize events aimed at creating morals, attitudes and abilities to protect oneself and others in social networks;
- 11.1.4. to provide notices and recommendations to people and legal entities about the prevention of the risk of exposure to crimes and violations, violation of human rights and legal interests due to improper use of social networks;
- 11.1.5. to cooperate with foreign state and public organizations on the protection of human rights in social networks.

CHAPTER SIX OTHER THINGS

Article 12. Entry into force of the law

12.1. This law shall be enforced from February 1, 2023.

G. ZANDANSHATAR, CHAIRMAN OF THE STATE GREAT KHUAL (PARLIAMENT) OF MONGOLIA

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