

Statement on the Internet Shutdown in Rakhine and Chin States By Digital Rights Organizations and Other Civil Society Organizations

24 June 2019

1. All governments have the duty to protect the right to the freedom of expression and information, all the more so if they are democratically elected. However, the decision to shut down internet access in nine townships in Rakhine and Chin States without any prior notice or limitation clearly infringes these human rights and is a matter of great concern to our organizations as it should be to all of the millions of internet users in Myanmar. The UN Human Rights Council has repeatedly adopted resolutions, most recently in 2018, identifying uninterrupted internet access as a fundamental enabler for the enjoyment of human rights.

2. On 20 June the Ministry of Transport and Communications (MoTC) issued a directive toward all mobile phone operators - MPT, Mytel, Telenor and Ooredoo - i to temporarily suspend mobile internet service in the conflict ridden townships of Rakhine and Chin States, effective at 10:00 PM (local time) on 21st June. According to a local media report, mobile internet service has been suspended in 8 townships from Rakhine State (Ponnagyun, Rathedaung, Mrauk-U, Kyauktaw, Minbya, Myebon, Maungdaw, and Buthidaung) and Paletwa Township, Chin State although voice and SMS services are still available. More than one million residents¹ of the affected areas have lost access to the internet as a result.

3. According to a media interview given by MoTC's Permanent Secretary U Soe Thein, the directive was issued on the basis of the Article 77 of the 2013 Telecommunication Law, with the approval of the Union Government and he explained that the ban was intended "to maintain the stability and law and order in these areas".² He also said that the directive does not specify when the internet will be resumed in those affected areas. This is the first instance of application of Article 77 of 2013 Myanmar Telecommunication Law, and its use is a matter of great concern to us all.

4. The Government has not yet made any public official announcement regarding the internet shutdown. Out of four mobile operators, so far, only Telenor informed the affected users of the internet shutdown via SMS and issued a public announcement regarding the matter.

¹ Ref : <http://themimu.info/census-data>

BaselineData_Census_Dataset_Township_MIMU_16Jun2016_ENG.xlsx (Access Date and Time : June 23,2019 1:23pm)

² <http://7daydaily.com/story/159228>

5. Access by media and humanitarian organisations to the affected areas are restricted. The current internet shutdown will further reduce availability of information about the armed conflicts and its impacts on civilians. This increases our concerns for their safety as the ability of the government to protect them will be reduced. Removal of internet access, including to Facebook, reduces the ability of emergency services to communicate and locate people, and undermines the abilities of the authorities to disseminate important information to move people to safety. Furthermore less information will be available to those seeking to defend their human rights including elected members of parliaments, human rights defenders and the media.

6. Internet shutdown has a wide impact on the rights to livelihood, health, education and safety even during normal circumstances. Internet shutdown in a conflict area is a more serious concern regarding the safety of the community members. The right to information and freedom of expression by local residents plays a pivotal role in ensuring help, emergency services and humanitarian aid can be delivered and facilitating contact between displaced families.

7. We therefore call on the government to -

- Immediately lift all restrictions on internet access and to restore telecommunication unconditionally to full capacity in the nine townships of rakhine and Chin States
- Review Articles 75, 76, 77 and 78 of the 2013 Telecommunication Law and amend them to be in line with human rights standards³
- Refrain from restricting internet access in future, either in these currently affected areas or elsewhere in Myanmar, including in other conflict areas, and during periods of elections.

8. We also call on telecommunications operators to provide full information about government-imposed restrictions on telecommunications access, and to join us in advocacy towards government to ensure that internet access is not restricted in future.

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³ Paragraph 4.c of 2015 United Nation Joint Declaration on freedom of expression and responses to conflict situations

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15921&LangID=E>

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- Myanmar People Alliance (Shan State)
- Myittar Campaign
- The Seagull: Human Rights, Peace & Development
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- Peace and Development Center (Meikhtila)
- Future Light Center
- Progressive Voice
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- Smile Myanmar
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