

RECOMMENDATIONS

Internet Shutdowns in Myanmar

Introduction

Since the coup d'etat on 1 February 2021, the military junta has shut down the internet, blocked access to online sites, disabled mobile internet access, closed down media companies and arrested online dissenters and journalists as the protests continue into April 2021. The intensification of internet and media control is aimed at crippling the protests and halting the spread of pictures and videos of security personnel using disproportionate force against protestors. What we see in Myanmar is a shift in tactics by the military junta from internet content censorship to infrastructure control.

Statements to Date

Technology companies operating in Myanmar have issued statements and taken several actions even as they comply with junta's directive to block the internet and access to social media platforms. The United Nations, foreign chambers of commerce, individual governments, regional blocs such as the European Union (EU) have issued statements and expressed concern over the internet shutdowns in Myanmar. Most of the statements also reaffirm support towards the rights to peaceful assembly of the people of Myanmar and their right to freely access information. However, domestic telecommunication companies and national and regional human rights mechanisms such as Myanmar National Human Rights Commission (MNHRC) and ASEAN Intergovernmental Commission on Human Rights (AICHR) (apart from several individual representatives) remain silent on the issue of internet shutdowns.

Why is Restoring Internet Access Important?

Access to the internet needs to be restored in order to ensure the people of Myanmar have access to COVID-19 health information, that financial transactions are not interrupted and essential communications continue. There is also a need for independent analysis of developments in Myanmar as the risk of civil war escalates. Overall, internet access will allow the world to get accurate, fact-checked and real time information and to archive human rights violations in the country.

Recommendations

To the *Government of Myanmar

- Immediately lift the state of emergency, which overwrote the legal rights and protection of the people of Myanmar as stated in the Chapter 8 of the Constitution.
- Repeal Section 77 of the Telecommunications Law (2013), which allows cutting off access to information or can regulate online content.
- Nullify and void amendments made to the Law Protecting the Privacy and Security of Citizens (2017) and the Electronic Transactions Law (2004), which have been enacted during the coup, that affect data privacy, rights to information, freedom of expression, association and assembly.
- Cease shutdown directives to technology companies and restore public access to the internet across all platforms.

To ASEAN and the International Community

- Issue clear statements condemning internet shutdowns and take firmer action to ensure internet access to the people of Myanmar.
- The UN and WHO must push strongly for restoration of the internet so that citizens can have adequate information about the health pandemic.
- AICHR members, individually and collectively, must call for upholding the right to internet freedoms and access to information
- Provide resources and assistance to local civil society organizations and activists who are countering the military propaganda and documenting human rights abuses.

To Telecommunication Companies

- Ask technology companies operating in Myanmar to execute their responsibilities under the United Nations Guiding Principles on Business and Human Rights (UNGPR), which call on business entities to “seek, prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts”.
- Seek clarification from the Vietnamese government on their position on the coup and the internet shutdowns in relation to the role and operation of Mytel, a joint venture between Myanmar military and Vietnam’s Ministry of Defense.
- Refuse to cooperate with the military regime in handing over personal data or other sources of information that may put individuals at risks of arrest, incarceration and human right abuse.
- Avoid supplying the military junta both technological hardware and software that can be used for surveillance purposes upon the protesters and activists.

To Financial Institutions

- Instead of shutting down financial services, local banks should call on the junta to restore internet access so that the banks can restart operations.

*Here the Government refers to the Myanmar entity that is legitimate according to its people and the international community. It does not refer to the military junta.

Conclusion

Access to the internet needs to be restored in order to ensure the people of Myanmar have access to COVID-19 health information, that financial transactions are not interrupted and essential communications continue. There is also a need for independent analysis of developments in Myanmar as the risk of civil war escalates. Overall, internet access will allow the world to get accurate, fact-checked and real time information and to archive human rights violations in the country.

Submitted to the Southeast Asia People- to-People Region Hall on the Political Crisis in Myanmar on 8 April 2021