# Primer on internet shutdowns and the law

November 2016

*Developed by Access Now for Special Rapporteur on the promotion and protection for the right to freedom of opinion and expression David Kaye’s “*Study on Telecommunications and Internet Access Sector*”*

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## Introduction

Intentional shutdowns of communications networks, applications, and services are one of the most pressing and devastating affronts to the freedoms of expression and opinion today.

At RightsCon Silicon Valley 2016, Access Now convened an international coalition to define this rapidly growing threat, producing this definition: *An intentional disruption of internet or electronic communications, rendering them inaccessible or effectively unusable, for a specific population or within a location, often to exert control over the flow of information*. In our interpretation, internet shutdowns occur when governments order companies to terminate or degrade public access to digital communications tools — like Twitter, SMS, or Facebook.

Calculating the broad and grave impacts that shutdowns inflict on human rights remains beyond the capacity of most observers. They include impacts to the right to life, and to participation in civil and political, social, and cultural life, as well as damage to economic development, to trust in our democratic institutions, and even to individual psychology and physical well-being.

However, we submit with certainty that as the internet and digital communications tools extend deeper into our daily lives and become more central to our societal systems, decisions regarding infrastructure, network equipment, and telecommunications service providers will have even more power to impact the realization of human rights in the digital age.

Despite the very public impact of internet shutdowns, how and why they are carried out remains shrouded in secrecy. We know little about the reasons officials order them, the procedures that telecommunications companies use to execute them, and exactly how decisions are made to start or end a restriction. In the majority of cases, government officials do not publicly disclose the legal authority that underpins their shutdown orders. If they do exist in written form, the orders rarely see the light of day.

In the absence of either government or corporate transparency, other than a few exceptional disclosures, it is difficult simply to document the sheer scope and scale of the disruptions that are currently occurring. We are left to scrutinize brief accounts by the media or terse press releases by communications ministries, executive officials, or law enforcement chiefs, to attempt to understand why human rights are being broadly restricted, and how long the blackouts will last.

This primer contains information Access Now has pieced together with partners in the stakeholder groups involved in shutdowns, representing knowledge drawn from a seven-year period of tracking the issue, starting when our organization was born during Iran’s Green Revolution and the ensuing government crackdown on the freedoms of opinion and expression online. We invite the Special Rapporteur and other stakeholders to continue researching and advocating for transparency, accountability, and putting an end to internet shutdowns.

## How common are internet shutdowns, and how do they occur?

Access Now has confirmed at least 50 incidents in 2016, as of November 1, that fit our definition of an internet shutdown.[[1]](#footnote-0) They occurred in more than 25 countries on four continents this year, including Europe.

This far exceeds our tallies for previous years. However, we believe our estimate is conservative, and many more incidents go unreported. The way we count has a big impact on that number as well: we count ongoing shutdowns, like Gabon’s nightly “internet curfew” in September, as a single event, rather than 14 or more individual shutdowns, for example.

Fortunately, we see increasing global awareness of the problem of shutdowns among stakeholders like journalists, internet and messaging app companies, foreign ministries, technologists, and network measurement firms. However, this increased attention has not yet resulted in an appreciable decrease in the rate of shutdowns, nor in meaningful dialogue between governments and stakeholders in the countries where they are most often deployed.

There are several ways to shut down the internet or block communications tools. One way is to interfere with the resolution of URLs to Internet Protocol (IP) addresses, so that when you type in a web address, like "https://freedex.org," your internet service provider redirects you elsewhere or your request never reaches the intended site. Another way is when an internet service provider interferes with routing tables and border gateway protocols, so that a single site, like Facebook.com, is unreachable, or an entire country no longer appears in global address books. There are many more ways, and governments are using increasingly sophisticated methods to disrupt communications -- often with the assistance of private companies.[[2]](#footnote-1)

## Are shutdowns ever justified under international human rights law?

Restrictions on freedom of expression must be provided by law, pursuant to a legitimate aim, and necessary and proportionate to achieve that aim.

We submit that:

1. The standard three-part test legal test for restrictions on the freedom of expression applies to internet shutdowns.
2. No new legal test is needed to address this problem, although new guidance will help to elaborate and apply the test to internet shutdowns.
3. We cannot point to a single internet shutdown that meets the test.

**Provided by Law**

We have identified at least 27 countries, out of 44 studied, with laws that could possibly allow shutdowns.[[3]](#footnote-2) This sample suggests that most countries worldwide have some law or regulation on the books that could be used to shut down networks. Yet the analysis does not end there. Laws must clearly alert the community to expected norms of behavior and the bounds of the government’s power to enforce those norms.[[4]](#footnote-3) General police powers and vague emergency and national security laws do not clearly instruct police on when control of telecommunications network is allowed, nor do they clearly delineate to ISPs and the public circumstances in which shutdowns can lawfully be ordered. The duration of shutdowns often appears arbitrary, and laws do not clearly state how long they should be expected to last.

Procedure matters, as well. When the laws are quickly formulated and passed, as in the case of Ethiopia's new powers, stakeholders including legislators do not have time to ensure adherence to constitutional and international law. Certainly, most shutdown laws were not passed by legislatures in the digital age, when our communications infrastructure has become essential to most daily functions. One regulation that was passed recently, the U.S. Standard Operating Procedure 303, remains cloaked in secrecy and unavailable to the public.[[5]](#footnote-4)

**Legitimate Aim**

From our perspective, the aims of most shutdowns -- including to disrupt public protests, stop cheating on exams, or to slow rumors -- almost never fall within the three legitimate aims of Art. 19(3) of the International Covenant on Civil and Political Rights (ICCPR). These aims are to be “implemented narrowly,”[[6]](#footnote-5) and vague references to security or social cohesion do not satisfy the need for a clearly articulated, legitimate aim. Yet courts do not often enjoy the opportunity to apply this test. Officials ordering shutdowns either sit above the law and refuse to engage in judicial processes, or do not yet face challenges for disrupting communications networks. When it comes to shutdowns, procedural protections fail and impunity reigns.

**Necessary and Proportionate**

Shutdowns are neither necessary to, nor effective at, achieving a legitimate aim, as they often spread confusion and encourage more people to join public demonstrations. In the absence of more information about the actual harm that officials intend to prevent, the necessity of shutdowns cannot be proven.

The proportionality prong is not met: shutdowns are disproportionate as a rule, impacting everyone within the range of the blackout or on a targeted network or platform, not simply those who may be carrying out or contributing to a proscribed activity. That said, we expect governments, perhaps with the assistance of private companies, to improve their capacity to target shutdowns narrowly. Already, some governments have settled into patterns such as conducting “internet curfews,” where they shut down the internet only at night when the business community does not need it, or restrict only mobile and not fixed-line connections, which banks require to transact globally.

However, proportionality not only considers the number of individuals affected, but also the severity of the infringement of each individual’s human rights. The shutdown of a single cellular transmitter or tower in the vicinity of a public protest may impact only a small number of individuals; however the extent of the restriction on their freedom of expression -- an essential enabler of all other human rights in the digital age -- would be quite severe. This kind of insidious attack on expression would be more difficult to detect, appeal, and mitigate than the wide-scale restrictions that make global headlines, while still preventing the impacted individuals from exercising their human rights online.

Reference to the analysis of “blocking or filtering technologies” in the 2011 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, is appropriate.[[7]](#footnote-6) Even where authorities do publicize lists of blocked sites, applications, services, networks, or platforms, digital and online platforms today offer two-way and multi-way broadcasting, so it is more than simply “access to content” that is being restricted. Rather, the inviolable ability to develop and form opinions, too, is directly infringed, along with protection of the right to life. Cutting access to these platforms can block access to emergency services, cut communications with loved ones, and restrict the free flow of information in times of conflict.

## Why and when do government officials order internet shutdowns?

Having permissive laws on the books only partially contributes to a government’s decision to disrupt communications.

### Justifications

There are outliers to every rule, and we do not claim to cover below every reason government officials use to justify shutting down communications networks. For example, judges in Brazil have prominently used their powers to block access to WhatsApp’s messaging services, in retaliation for perceived contempt of court by its parent company Facebook. However, these categories[[8]](#footnote-7) sum up the majority of cases we have recently documented:

#### National Security

National security may be the most frequently cited justification for internet shutdowns globally. It’s also the broadest and most vague. In Pakistan, the government has made localized mobile network shutdowns justified on these grounds a standard practice,[[9]](#footnote-8) cutting people off from the network during Islamic holidays such as the day of Ashura, while citing concern about terrorist attacks. Orders for the shutdowns are meant to cover a relatively small area, but it usually becomes necessary to “shut down a wider area than specified,[[10]](#footnote-9) to ensure there is no ‘spillover’ of service,” according to the Institute for Human Rights and Business. This means that the majority of mobile internet users in Pakistan are often affected -- a clearly disproportionateimpact. State authorities have also cut off the internet for “security” during a wrestling event[[11]](#footnote-10) and Independence Day celebrations, drawing into question the legitimacy of the aim and necessity of the restrictions.[[12]](#footnote-11)

#### Elections and political events

Elections have historically been a common precipitator of shutdowns. The government ordered a disruption in Iran during the 2009 elections.[[13]](#footnote-12) In 2010, Myanmar[[14]](#footnote-13) repeatedly shut down the internet in the months surrounding its first elections in 20 years.[[15]](#footnote-14) In October of 2015, officials used local government elections to justify a day-long shutdown in Garo Hills region in India.[[16]](#footnote-15) Worryingly, there has been a series of shutdowns during or around elections[[17]](#footnote-16) over the past two years in countries in East and West Africa,[[18]](#footnote-17) with governments disrupting the internet, cutting access to social media, or carrying out full blackouts in Chad,[[19]](#footnote-18) Togo,[[20]](#footnote-19) the DRC, Congo-Brazzaville, and Uganda.[[21]](#footnote-20) Yet the trend has spread to Europe as well, with Montenegro recently shutting down communications tools during an election.

Visits by government officials also afford governments with excuses to shut down communications networks. Authorities in the Indian state of Jammu and Kashmir blocked mobile internet during Prime Minister Modi’s visit to the Kashmir Valley.[[22]](#footnote-21) The people of Kashmir have experienced more shutdowns[[23]](#footnote-22) than those living in any other state in India, but this may have been the first time that justification was tied to a high-profile visitor. Similarly, in the Philippines, the only shutdown we recorded took place in 2015 during a visit by Pope Francis. It was supposed to be a targeted disruption of the area along the Pope’s travel route, but other areas were impacted to prevent spillover of signals.[[24]](#footnote-23) And in May 2016, the Vietnamese government blocked Facebook[[25]](#footnote-24) when U.S. President Obama visited.

#### Protests and demonstrations

Governments that want to quell dissent or stop protests use internet shutdowns as an extreme form of censorship, often while claiming that they are working to restore order or keep people safe. Many governments did not learn from Egypt’s experience in 2011, when its internet blackout drove more people into the streets.[[26]](#footnote-25) Countries that have used shutdowns to control information during protests include Bahrain,[[27]](#footnote-26) Cameroon,[[28]](#footnote-27)Chad,[[29]](#footnote-28) Democratic Republic of Congo,[[30]](#footnote-29) Ethiopia,[[31]](#footnote-30) India,[[32]](#footnote-31) Iran,[[33]](#footnote-32) Kazakhstan,[[34]](#footnote-33) Libya,[[35]](#footnote-34) Mali,[[36]](#footnote-35) Myanmar,[[37]](#footnote-36) Sudan,[[38]](#footnote-37) Syria,[[39]](#footnote-38) Uganda,[[40]](#footnote-39) the United States,[[41]](#footnote-40) and Venezuela,[[42]](#footnote-41) among others.

#### School Exams

An increasingly popular form of shutdown aims at stopping students from cheating on exams. The first one that we’re aware of happened in 2014 in Uzbekistan during university entrance exams. At the time, the government did not admit that school exams were the reason for the shutdown, instead citing “urgent maintenance work on telecommunications networks.”[[43]](#footnote-42) After that, in June 2015, Iraq shut down the internet[[44]](#footnote-43) for national exams, and did so again one year later.[[45]](#footnote-44) In 2016, a full-blown trend emerged, with governments in India,[[46]](#footnote-45) Algeria,[[47]](#footnote-46) Ethiopia,[[48]](#footnote-47) [and Iraq](http://www.bbc.co.uk/news/world-africa-36763572) each turning off communications networks during national exams. Often in these cases, the entire nation loses access to the internet for the duration of the exam -- usually around three hours, sometimes repeating for a few successive days.

While cheating may well be an intractable problem in these nations, we are confident that the purpose of these restrictions does not rise to the level of a legitimate aim under Art. 19(3) of the ICCPR, and that there are more proportionate tactics available to education administrators to combat the proscribed activity. While harming rights and economies, these shutdowns also send a message: the nation’s access to the internet has such little value that it should be subverted for mundane purposes. We submit that this message conflicts with the education system’s goal of preparing youth to participate in the information society. Further, we also promise not to protest if proctors take away students’ phones for exams.

### Legal gaps

Access Now has found governments are more likely to order internet shutdowns when laws are outdated or overbroad; when laws are not transparent; and when international standards do not clearly disallow shutdowns.

#### **When there are outdated laws and overbroad definitions**

Many of the laws that governments use to take over communications networks or impose shutdowns are ambiguous and outdated. For example, in India, the government can use a telegraph law dating from the end of nineteenth century (1885) to justify its decision to take over a provider’s network - or otherwise use an older, colonial era broad power on actions to uphold public order provided for in the Code of Criminal Procedure. In other countries, governments can use telecommunications laws that were passed or updated several years — or even decades — ago, when no one could have known how the internet would develop or impact economic growth and development.

In addition, there are some countries that have very broad definitions for a “national emergency,” which leaves the door open to abuse and misuse of the law. In the Democratic Republic of Congo, for instance, the Telecommunications Framework Law allows the government to ban the use of “telecommunication facilities, in full or part, for any period of time, as it deems fit, in the interests of public security or national defence, the public telecommunications service, or for any other reason.” As we have seen in the Democratic Republic of Congo,[[49]](#footnote-48) the Central African Republic,[[50]](#footnote-49) and Ethiopia, whose executive recently issued a State of Emergency declaration,[[51]](#footnote-50) the government can use these powers to legitimize cutting off internet connectivity.

The laws on the books often do not take into account new realities, such as the central importance in our lives of mobile communication technologies. Throughout the world, laws that allow blocking, shutting down, or taking control of internet access, including blocking specific apps or services, should be reformed, and their scopes narrowed in accordance with human rights law.

#### **When local laws and processes lack transparency**

In some countries, there is a troubling lack of transparency surrounding laws and processes that can lead to an internet shutdown. In the United States, for instance, the Electronic Privacy Information Center has been at the forefront of a legal battle to gain more information about the federal government’s mobile network shutdown policy, Standard Operating Procedure 303.[[52]](#footnote-51) The fight for transparency became more important after authorities ordered a shutdown at a San Francisco railway station during public protests.[[53]](#footnote-52)

Similarly, in Italy, the prime minister issued a secret cybersecurity decree dated January 2013 that established a system of “*ad hoc* agreements” between the government and the service providers.[[54]](#footnote-53) Under the terms of these *ad hoc* agreements — a worrying prospect that erodes internet users’ privacy — a provider could be required to hand over control of its network to an intelligence agency in the interests of national security. This kind of secret bilateral agreement between a government and a provider does not uphold the rule of law, and fails another prong of the freedom-of-expression test: that restrictions be “provided by law.”

Opaque agreements like this are likely to lead to shutdowns and service disruptions without notice or accountability.

More often, however, there is simply no grounding in law. In Ghana, no reference to law is found in several threats issued by the police chief to shut down social media during the election. Rather, he cites the internet’s destabilization as reason enough for a shutdown.[[55]](#footnote-54) Likewise, in Uganda, the executive did not appear to reference law, but cited safety and public order as the basis for the shutdowns.[[56]](#footnote-55)

#### When international standards and legal instruments allow them

The International Telecommunication Union (ITU), a major intergovernmental agency responsible for setting technical telecommunications standards as well as norm-building, has provisions in its constitution[[57]](#footnote-56) that could be interpreted to justify an internet shutdown. Article 34 on the Stoppage of Telecommunications gives license to ITU member countries to block telecommunications “which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency,” while Article 35 on the Suspension of Services gives member states “the right to suspend the international telecommunication service.”

Whether or not these ITU provisions are ever invoked, their existence tacitly approves government decisions to shut down networks. The upcoming ITU Plenipotentiary Conference in 2018 would be a good opportunity for countries to amend the ITU constitution in line with human rights law and norms. Any provisions that allow blocking or shutdowns should be excised to accord strictly with human rights frameworks.

Telecommunications regulators also require internet and telephony service providers to sign restrictive licenses. Though these licenses are not readily available -- an area to push for more transparency -- telcos often cite them as a justification for their compliance with government orders to shut down networks and block applications and services.

#### Focus on India

Indian users have suffered broad use of shutdowns, with at least 22 in the first nine months of 2016.[[58]](#footnote-57) Most were carried out by state government agencies, often under the terms of broad legal powers — such as Section 144 of the Code of Criminal Procedure — derived from 19th century British Raj era provisions meant to empower police units and district administration officials to enforce curfew and confiscate property. When responding to protests or other public developments, many police officials and district administrators across India are making it part of their standard operating procedure to use this vague legal provision to issue orders to telecom providers to suspend mobile internet access across districts, and sometimes the entire state.

The Telegraph Act — via Section 5(2) — provides for a more specific legal power to restrict or otherwise interfere with the transmission of messages on the direction of the Union or state governments. But this provision lacks defined procedure when it comes to internet shutdowns. This very section was originally used to justify the tapping and interception of phone calls, until the Supreme Court in 1998 held it would be unconstitutional if the government did not specify additional, clearer rules on the process of issuance and safeguards regarding such interception orders. It would be reasonable to expect a similar treatment for the power to suspend internet services.

The Information Technology Act, India’s principal information technology sector law, has provided for another tool, even if not a perfect one. Instead of a larger suspension of the internet itself, it provides for a proportional, limited power in favor of the Central government — and state government officials in emergency cases — to issue individual web content blocking orders when certain grounds are met.

## What are some impacts of internet showdowns?

A complete delineation of the impacts of internet shutdowns lies beyond the scope of this submission. However, researchers have focused on three main areas where shutdowns have adverse impacts: human rights, democracies, and economies.

### Shutdowns threaten the right to life, and often precede atrocities

Without the ability to call emergency services or loved ones, or access information, individuals suffering under network shutdowns are put at risk of physical, psychological, and emotional damage.

One documented case shows the horrific consequences shutdowns can have: in Pakistan, a pregnant woman was unable to contact her doctor about complications, and lost her child.[[59]](#footnote-58) We must assume more cases of similar, egregious harms occur without documentation.

The circumstances that commonly accompany shutdowns, which often take place during public demonstrations and political events, add to an environment of instability that states too often exploit. We have noted a stark pattern of abuse: threatened by public protests or political crises, a government will order telecommunication providers to shut down or degrade networks to unusable levels. Once the disruption takes hold, and a cover of darkness impedes the flow of information in and out of the targeted country or region, police and armed forces intensify repression through tactics that can give rise to grave human rights abuses. This sinister pattern has unfortunately been repeated: some examples include Myanmar in 2007, Iran in 2009, Egypt in 2011, Sudan in 2013,[[60]](#footnote-59) Central African Republic in 2014, and Ethiopia in 2016.[[61]](#footnote-60)

For instance, in Sudan, protests in Khartoum and elsewhere grew after an increase in petrol prices. The government responded by attacking traditional print media outlets, beginning on September 19, 2013, and shutting down the internet a few days later. A violent government crackdown against public demonstrations took place on September 25, 2013, resulting in dozens of deaths.

Likewise, an SMS shutdown in Central African Republic that began in June 2014 preceded and continued during a “fresh wave of sectarian violence” in that country.[[62]](#footnote-61)

Access Now submitted evidence of this disturbing trend to the International Criminal Court as part of our investigation into crimes against humanity in the Central African Republic in 2015.[[63]](#footnote-62) We encourage more national, regional, and international jurists to document the connection between shutdowns and atrocities, identify steps toward more timely detection and prevention, and end the impunity for those responsible.

### Shutdowns do lasting damage to democracy and political participation

The Office of the High Commissioner for Human Rights extols a broad individual right to political participation, which is directly linked to the freedoms of association and expression.[[64]](#footnote-63)

Shutting down the internet or otherwise controlling the free flow of information online during an election period is a profound violation of a number of human rights, and a threat to democratic processes and government legitimacy. It prevents election monitors, and ordinary citizens, from reporting fraud or irregularities at polling places. Opposition candidates and parties cannot communicate with supporters or expose and document illegal activity. Journalists are impeded in their work gathering news from sources, and reporting to editors inside and outside the country. The short duration of elections present a particularly effective opportunity for temporary and targeted shutdowns to inflict lasting damage on democracies.

Civil society is pushing back. Lawsuits have been filed in Uganda following election-related shutdowns there this year. Stakeholders in Ghana, incensed by police threats to shut down social media, won a hugely important victory when the president of Ghana [told voters that the government has no intention of shutting down social media](https://www.accessnow.org/president-ghana-says-no-internet-shutdown-elections-social-media/) on election day. More of this type of preventive advocacy is needed to make clear that shutdowns are not a lawful option for governments to exercise, especially during elections.

### Shutdowns slow economic development and the digital economy

A growing number of economic reports compose a detailed mosaic showing the broad and deep impacts that shutdowns inflict on economies:

* A recent Brookings Institution report documented that shutdowns had drained USD $2.4 billion from the global economy between 2015 and 2016.[[65]](#footnote-64) The estimates for loss, which the report acknowledges are conservative, show that India alone lost nearly $1 billion because of its repeated disruptions, which fly in the face of President Narendra Modi’s stated commitment to supporting the internet economy through his party’s Digital India program.
* The Global Network Initiative, working with the accounting firm Deloitte and supported by Facebook, estimates in a new report that countries with high connectivity and high per capita Gross Domestic Product (GDP) can lose up to USD $141 million per day of disruption, falling to $20 million per day in countries with medium connectivity and medium per capita GDP, and $3 million per day in low-connectivity countries with low per capita GDP.
* During a recent shutdown in Uganda surrounding presidential elections, the government blocked social media and mobile money at an estimated loss of USD $23 million per day to mobile banking companies alone.[[66]](#footnote-65) The shutdown lasted three days.
* In an analysis of shutdowns in Pakistan conducted in collaboration with ICT company Telenor Pakistan, the Institute for Human Rights and Business[[67]](#footnote-66) highlighted that telecom companies lost USD $25 million in the shutdown during Eid in August 2012 alone.

When shutdowns are longer, they have multiplier effects rippling throughout the economy, because they impact the confidence of users, businesses, and even foreign investors.

Of course, looking at shutdowns solely through an economic lens risks ignoring human rights violations. A “digital curfew” that keep the internet “open for business” during the day but shuts it down at night — when internet users and activists gather online to communicate — still infringes the freedoms of opinion and expression. This happened in Gabon throughout September 2016.

## Who is speaking out against shutdowns?

A growing chorus of global voices condemn the individuals and entities that order internet shutdowns, document how they damage on societies and economies, and are at work drafting laws and strengthening norms against these disruptions.

### International institutions and experts

Intergovernmental bodies and appointed experts are issuing statements, resolutions, and communications to condemn internet shutdowns. Below is a sample of recent, newsmaking events:

* The United Nations Human Rights Council "unequivocally condemned" communications disruptions in its July 2016 resolution on the freedom of expression and the internet
* In the 2015 Joint Declaration on Freedom of Expression and Responses to Conflict Situations, UN experts and rapporteurs declared that “kill switches” can never be justified under human rights law, even during times of conflict.[[68]](#footnote-67) The 2011 Joint Declaration found “mandatory blocking” of certain technologies and platforms like social networking to be “an extreme measure” strictly subject to international law.[[69]](#footnote-68)
* The Freedom Online Coalition has called strongly condemned “restrictions in violation of human rights law of content shared via social media, and in particular the wholesale blocking of social media sites.”[[70]](#footnote-69)
* The African Commission on Human and Peoples’ Rights expressed concern that the government of Ethiopia “once again blocked internet throughout the country in response to the protests” and called on the government to “unblock internet in the country.”[[71]](#footnote-70)
* In their March 2016 report to the Human Rights Council, the UN Special Rapporteur on the rights to freedom of peaceful assembly and association and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions called out the practice of blocking communications networks before and during protests.[[72]](#footnote-71)

### Private companies, business associations, and civil society organizations

For their part, companies and private associations, as well as NGOs and public policy think tanks, are speaking out against shutdowns and documenting their social and economic costs:

* The Global Network Initiative and Telecommunications Industry Dialogue issued a Joint Statement on Network and Service Shutdowns, finding they undermine security and public safety, threaten free expression, restrict access to vital emergency, payment and health services, and disrupt contact with family members and friends.[[73]](#footnote-72)
* The GSMA, one of the world’s largest technology associations, laid out strict standards for orders issued to telcos to restrict service, relegating them to “exceptional and pre-defined circumstances, and only if absolutely necessary and proportionate to achieve a specified and legitimate aim consistent with internationally recognised human rights and relevant laws.”[[74]](#footnote-73)
* Access Now joined UK-charity ShareAction to release an investor briefing on the legal, financial, and reputational risks associated with shutdowns.[[75]](#footnote-74)

#### #KeepItOn Coalition

The [#KeepitOn Coalition](https://accessnow.org) is a voluntary campaign that consists of more than 100 civil society groups from nearly 50 countries who have joined together to fight internet shutdowns. Many organizations work in countries that are directly affected by shutdowns, including in Latin America, Africa, Asia, and the Middle East / North Africa region. Some are grassroots groups with just one staff member and volunteers, while others are established international organizations. The coalition aims to raise awareness about shutdowns, and to push back against them at the government level, and with key stakeholders such as telecommunications companies and investors.

### Legislators and judges

Legislators are not waiting for their governments to voluntarily curtail the practice of ordering internet shutdowns.

In Nigeria, the Digital Rights and Freedoms Bill affirms access to the internet as essential to human rights and Nigeria’s economy.[[76]](#footnote-75) In support of the law, Congressperson Honourable Chukwuemeka Ujam, PhD wrote that, “millions of dollars accruing to Internet businesses and the economy was lost during the social media shutdown during the Ugandan Presidential elections of February 2016… Africa, with its severe economic and developmental challenges, cannot afford economic losses in any of its sectors – developed or nascent.” The bill, which has passed through a second reading, specifically prohibits internet shutdowns and throttling.

We expect more laws and regulations like this to explicitly erase the government’s legal basis to order internet shutdowns, and more judges to uphold these laws and find that shutdowns violate national and international protections on the freedoms of opinion and expression.

## Conclusion

Internet shutdowns threaten human rights, lives, and livelihoods.

For governments, transparency is the first step toward accountability for internet shutdowns. Governments should review their laws and clarify for providers and the general public what their powers are to shut down and control networks at all times, including emergencies. This would start inclusive dialogue on the problem, and better communicate the risks for all stakeholders. The process of carrying out a national baseline assessment for the creation of National Action Plans on Business & Human Rights is a good opportunity to conduct this type of review and transparency effort. Once this review of existing law is completed and public, legislators may take heed of the opportunity to pass legislation to ban internet shutdowns and related disruptions, and to close any remaining loopholes in the law that allow them.

For his part, we encourage the Special Rapporteur to use the upcoming report on the responsibilities of infrastructure and access providers to clearly establish that intentional disruptions of communications in the form of internet shutdowns violate the freedoms of opinion and expression. All UN member states, the Human Rights Council, the Special Procedures, and other stakeholders must coordinate their efforts to end this destructive trend.

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*Access Now (*[*www.accessnow.org*](http://www.accessnow.org)*) is an international organization that defends and extends the digital rights of users at risk around the world. By combining innovative policy, global advocacy, and direct technical support, we fight for open and secure communications for all.*

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5. *Infra*, fn. 52. [↑](#footnote-ref-4)
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