Joint Statement by Digital Rights Organizations and Other Civil Society Organizations on the Ministry of Transport and Communications’ Order to Four Telecommunication Service Providers to Block 221 Websites

1. In the last two weeks of March 2020, the government issued several directives to Myanmar telecom operators ordering them to block at least 221 websites. The government did not make these directives public nor did it publish the list of affected websites.

- On March 26 and 27, *Myanmar Now*\(^1\) and *Frontier*\(^2\) reported that all four telecom operators received the same directive on March 21 to block the websites.

- On March 30, Telenor Myanmar issued a statement announcing that it blocked access to 221 websites, following the Ministry of Transport and Communications’ directive\(^3\).

- On April 1, BNI\(^4\) reported that Rakhine based news agencies Narinjara and Development Media Group (DMG) were no longer accessible on MPT and MyTel from March 23 and 24 respectively. BNI also reported that Karen News, a Karen based local news agency, was no longer accessible on MPT from March 26.

2. We, as civil society, believe that the Myanmar Government’s order to block these websites lacks an adequate legal basis and is in violation of international human rights law.

   a. We are concerned that the government is taking advantage of the COVID-19 pandemic to censor legitimate information and curtail freedom of expression.

   b. We are further concerned that, as per UN General Comment No.34, the blocking of the website does not comply with the three-part test prescribed in article 19(3) of the ICCPR:
   1) blocking must be clearly defined in the law;
   2) blocking must be for a legitimate aim;

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\(^1\) [https://myanmar-now.org/mm/news/3391](https://myanmar-now.org/mm/news/3391)
3. In the General Comment 34 of International Covenant on Civil and Political Rights (ICCPR), it clearly states that mandatory blocking the access of people to an entire website is an extreme and harsh measure. The UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression and Opinion, further clarified in its May 2011 report (A/HRC/17/27) that website blocking may only be justified in limited circumstances and in order to deal with content which is prohibited under international law, namely: i. child pornography, ii. incitement to commit genocide and iii. advocacy of racial or religious hatred that constitutes incitement to discrimination, hostility or violence. He also stated that decisions for such blocking must be made by a competent judicial authority or body which is independent from any political, commercial or other unwarranted influences and the decision, and made available to the public in a transparent and accessible manner. We are concerned that the government’s directives did not follow these conditions.

3. According to the statement by Telenor Myanmar, they initially refused to block websites where the government provided no adequate legal basis, but has since Telenor complied. This raises concerns that the government can order blocking without any lawful reason, and a company cannot refuse because of the consequences from the government.

4. We further note with concern that the blocking of the websites, which include independent media websites from Rakhine state, comes in parallel to a 9-month long internet shutdown affecting 9 townships in Rakhine and Chin States, compounding restrictions on the right to information and freedom of expression of the population in these areas. Civil Society Organizations have been consistently demanding to end the shutdown. However, in addition to ignoring civil society voices, blocking websites of the news agencies working in these areas is an authoritarian-like violation of the right to the access to information, a basic right crucial to media freedom, democratic transformation, and regions’ development.

5. In light of the above, we call on the Myanmar government to:
1) Immediately reinstate all blocked websites with the exception of those for which the authorities can publicly give clear lawful justifications that comply with international standards and public those justifications at the same time.

2) Public justifications for the directive issued to the operators, that complies with international human rights law.

3) Immediately reinstate access to the internet in the nine townships of Rakhine and Chin States currently affected by the internet shutdown.

4) Review and amend the Telecommunications Law, and in particular Article 77 and 78 to ensure compliance with international human rights standards.

5) Refrain from resorting to internet shutdown, bandwidth restrictions, as well as blocking of websites under any circumstance, and in any part of Myanmar.

6. While we acknowledge that the government has a responsibility to address misinformation relating to the ongoing COVID-19 epidemic, we believe that this can be done in a lawful and right respecting way, in accordance with international best practices.

To this end, we recommend that the Myanmar Government:

1) Proactively disseminate up to date information and make services available for media, fact-checkers and the public to seek out official information on their own time (websites, hotline, bot etc).

2) Promote the right to information, and be transparent in responding to external requests for information, so as to mitigate the potential for rumours.

3) Promote media freedom, recognizing that quality journalism is an essential part of the dissemination of accurate information and countering of “fake news”.

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Signatures of the local and international civil society organizations and individuals

8888 New Generation (Mohnyin)
Access Now
Action Committee for Democracy Development (ACDD)
Ahlin Tagar Rural Development Organization
AhLin Thitsa Development Committee
Ahnaga Alinn Development Committee
Ahr Thit Yaung Chi (Hline Bwe) အသစရငခည (လငဘ မ နယ)
Airavati
Alinn Bhamaw Local Development Organization
All Kachin Youth Union
Arakan Humanitarian Coordination Team (ACHT)
Arr Marn Thit Social Development Organization
Asho Chin National Independence force.
Assistance Association for Political Prisoners (AAPP)
Association for Progressive Communications (APC)
Athan - Freedom of Expression Activist Organization
Ayeyarwaddy West Development Organization. AWDO
AYY Famar Union
Ayyar Pyo May Women Development Organization
Bee House
Body and Data (Nepal)
Burma News International
Candle Light Youth Group
Cang Bong youth
Child Care Foundation ကျောင်းဆောင်ရွက်ရေး
Child Prevention Network
Chin MATA Working Group
Chin youth
Chinland Natural Resource Watch Group
Civil Call စစ်ဆင် မှန်ကန်
CLEAN
Clean Taunggyi
Community Empowerment and Resilience Association (CERA)
Community Association Development
COMREG Community Response Group
Constitution Network (Hpa An) အထင်ကောင်းရေးဗုဒ္ဓ ရန်ကုန်မြို့
Daifin
Dama Ahlin Social Development Organization
Dawei Development Association
Dawei Research Association
Dawei Watch Foundaition
Dawei Watch Foundation
Development Organization
Digital Rights Foundation
Doe Myae Civil Social Development Organization
Ei Myat Noe Khin (Digital Rights Activist)
EngageMedia
Equality Myanmar
Famar Agricultural Network
Farmer and Labour Union(Myeik)
Farmer Networks Monyin
Farmers and Land Rights Action Group
FHS (ဖအမ နယ)
Foundation for Education and Development (FED),
Foundation for Media Alternatives
Free & Fair (Chaung Oo)
Free and Justice Women Network (Hpa An) F&J (ဖအမ နယ)
Free Education Service Organization
Free Expression Myanmar (FEM)
FREELAND Organization(Lashio)
Future Light Social Development Organization
Future Star Youth Organization
Future Young Pioneer Organization(FYPO)
Gayunarshin Social
Generation Wave
Golden Future Social Development Organization
Golden Heart Organization
Green Network Mergui Archipelago
Green Rights Organization
Green Rights Organization
Heartland Foundation (Lashio)
Hkumzup Development Committee
Hline Bwe Youth Network
Hope For Children Development Organization
Hsar Du Wor CBO (Than Taunggyi) (ဆဒဝ CBO)
Hsar Ka Baw CBO (Than Taunggyi) (ဆကပ CBO)
Hsar Mu Htaw (Than Taunggyi) (လမ်းမြေပြင်ညှင်းတားလျက်)
Htaw Mae Pa CSO (Hline Bwe) မြေဖျင် CSO (လမ်းမြေပြင်ညှင်းတားလျက်)
Htoi Gender and Development Foundation
Htoi San Local Development Organization
Htum Thit Sa Rural Development Organization
Human Right Defenders and Promoters (Palaw)
Human Rights Foundation
JCA-NET (Japan)
Jibonet (Korea)
Job Coach Coalition (Myanmar)
Justice Movement for Community - Innlay
Justice Society Organization (Lashio)
Kachin National Youth Network (KNYN)
Kachin State Women Network
Kachin Women Union
Kan Chay Arr Man Fishery Development Organization
Kanbawza Youth Library
Kantbalu Farmers Union
Karen Affairs Group KAG (ကာကွယ်ရေး)
Karen State Women Network KSWN (Hpa An)
Karen Youth Organization (Hpa Pun) ကရင်မြေပြင်ညှင်းလျက် (ကာကွယ်ရေး)
Karen Youth Organization KYO (Kyar Inn Sate Kyee) ကရင်မြေပြင်ညှင်းလျက် (ကာကွယ်ရေး)
Karenni Human Right Groups (KnHRG)
Karuna Foundation (Kawkareik) ကိုကွယ်ရေး (ကာကွယ်ရေး)
Katan Land Development Committee
Kaung Myat Hnalonethar Health Care Organization
KengTung Land Group
KESAN (ဖအမနယ)
KESAN Karen Environmental and Social Action Network
Khine Mye Thitsa Development Committee
KOG (ဖအမနယ)
LAIN Technical Support Group
Land and Farmer Network (NSS)
Lashio Tomboy and Lesbian Group
LatButta Famar Union
Lawng Byit Hkawng Organization
Light Social Development Organization
Lin lake Kyal Social Development Organization
Living Water Organization
Loi Yang Bum Community Development Organization
Lu Mu Htar CBO (Than Taunggyi) (လေးမြေးဖွဲ့ CBO) (သတငမြန်ကမ်း)
M, RJ-Myu Sha Rawt Jat
Magway Region.
Mandalay YMCA
MATA စစကငတင:
Matu Baptist Churches
Matu forum Committee
Matu social welfare
Matu Women Association
May Doe Arrman Women Development Organization
Men fellowship Matupi
Mi Kayin Youth (Hpa An) မိဘသာဝင် (အမေရာက်)
Min Hla Development Organization.
Minggalar Foundation
Minhla Youth Centre
Mon Literature and Culture Association (Kawkareik) မနစပငယကမအဖက် မိဘသာဝင် (ကကရတမ)
Muditar Organization
Mwetaung Area Development Group
Myae Latt Journalist Network
Myan ICT for Development Organization (MIDO)
Myanmar Center for Responsible Business (MCRB)
Myanmar Cultural Research Society (MCRS)
Myanmar Deaf Society
Myanmar Journalist Network (Ayeyarwaddy Region)
Myanmar Journalist Network (MJN)
Myanmar Muslim Youth Association
Myanmar Women Journalists Society
Myay Latt Journalist Network
Myit Ma Ayeyarwaddy Development Organization
NeT Organization
Northern Shan State Youth Network (NSSYN)
Nyan Lynn Thit analytica Organization, Matupi
Our Natural Land
Oway Education and Youths Institute
Pan Pyo Let (Banmaw)
Pan Tain Shin Women Rural Development Organization
Pan Thi Kyo LGBT Organization
Paungsee Myittar Organization
Peace and Development Initiative-Kintha (PDI-Kintha)
Peace and Justice
Peace Development Initiative-Kintha (PDI-Kintha)
Peace Working Committee (Arakan)
Peasant Legal Aid Network (PLAN)
PEN America
Pen Myanmar
People For People
People for People (PFP)
Phandeeyar
Phyu Sin Myittar Social Development Organization
Pone Yate Sit Regional Development Organization
Progressive Voice
Protection Committee for Myanmar Journalists (PCMJ)
Pwint Phu Development Organization (PDO)
Pyoe Social Development Organization
Rakhine Ethnic Congress (REC)
Rakhine Ethnicists Congress (REC)
Rakhine Women Network (RWN)
Rakhine Youth New Generation Network (RYNG-N)
Rule of Law Watch Group
Rural Social Development Organization
S&K mining Watch
Salween Network သလင်ကနယ် (သဲင်ကနယ်)
Sane Lann Myo Set (Hpa An) စမလနမဆက (စမလနမဆက)
Sarnar Kyi Phyu Social Development Organization
SarPhyu Famar Network
Save the Farm
Saytana Shaesaung Youth Organization
Saytanaar Shin Social Development Organization
Shan Women Association
Shwe Minn Tha Foundation (Myanmar)
Shwe Nathar Famar Development Organization
Shwe Thinkha Social Development Organization
Social Program Aid for Civic Education (SPACE)
Southeast Asia Freedom of Expression Network/SAFEnet
Southern Journalist Network
Southern Myanmar Journalists Network
Southern Youth Development Organization
Swam Su Ti Rural Development Organization
Synergy - Social Harmony Organization
Tai Youth Organization (TYO)
Tanintharyi MATA
Tarkapaw Youth Group
Taunggyi Journalist Association
TEN, Taunggyi Education Network
Thazin Legal Aid
The Seagull: Human Rights, Peace & Development
Thit Sar Gone Network သစဂဏကနယက
THWEE CSO (Kawkareik) သန်: CSO (ကကရတမ နယ်)
Township Leading Group
Uakthon Local Social Development Organization
Upper Myanmar Journalist Network
Upper Myanmar Journalists Organization
Waimaw Civil Society Network
Waimaw Farmers Networks
Waing Maw CSO Network
Wan Lark Development Foundation
Wan Lark Development Foundation (WLDF)
Windayel Village Social Organization (Hpa An) ဝငဒရယကရလမရအဖ (မိုးမား)
WITNESS
Women fellowship, Matupi
Women Capacity Building (Kawkareik) အမသမစမဆငရညကမငတငရ (ကကရတမ နယ်)
Worker Development Organization
Yai Ywal Yar Youth Development Organization
Yangon Watch
Yatanar Youngyi Social Development Organization
Young Ni Oo Social Development Organization
Young Ni Oo Women Group
Zinlum Committee (Tanphaye)
ကခငစခငခရစယနအသငတမအဖ (MGZ)
ကခငစခငခရစယနအသငတမအဖ (SGZ)
ငရငအနဂတအမသမအဖ...ခငဦ၊
ငရငအနဂတအမသမအဖ - Ngwe Yaung A Nar Gat women Organization (Hsipaw)
ငရငအနဂတအမသမအဖ - San Phate Women Organization (Hsipaw)
ငရငအနဂတအမသမအဖ (TSYU)
ငရငအနဂတအမသမအဖ - Ta'ang Women Organization (Hsipaw)
Nam Khone Alumni Network

Myanmar Yat Youth Organization (Hsipaw)

Mong Pan Youth Association

Lisu Women Organization (Hsipaw)

Home Ma Lin Youth Network

(Home Ma Lin Youth Network)