

GLOBAL NETWORK INITIATIVE

Irene Khan
UN Special Rapporteur on Freedom of Opinion and Expression
OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneve 10, Switzerland

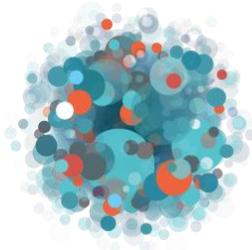
October 29, 2020

Dear Ms. Khan,

On behalf of the members of the Global Network Initiative (GNI), we write to welcome your recent appointment and to offer our support in your work to protect and promote freedom of opinion and expression worldwide. As a multi-stakeholder group of companies, human rights and media freedom organizations, investors and academics, GNI works to protect and advance freedom of expression and privacy in the Information Communications and Technology (ICT) sector. Based on the diverse experiences and expertise of our membership, our approach generates collaboration towards a more rights-respecting legal environment for technology users everywhere.

It is in this spirit that we wish to raise our shared concerns regarding sustained restrictions on freedom of expression in Myanmar, including ongoing network disruptions, website blocking, and efforts by governmental actors to manipulate social-media platforms. We appreciate the recent [expression](#) of “serious concern” by UN Human Rights and urge you and other special mandate holders to prioritize attention to this issue in the lead up to the November 8 general election.

As multiple [United Nations resolutions](#) and [reports](#) from your predecessors, as well as [GNI](#), have noted network disruptions have wide-ranging impact on freedom of opinion and expression, as well as the rights to association, peaceful assembly, livelihood, health, education and safety even during normal circumstances. In the context of a [global pandemic](#), and ongoing conflict and violence in the Rakhine state, access to the internet and the free flow of information is all the more necessary to protect those rights in Myanmar. In addition, these restrictions have serious [implications](#) for the humanitarian relief mission in northwest Myanmar, undermine the national public



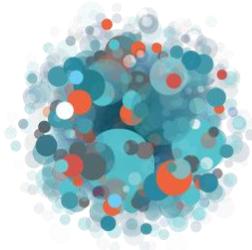
GLOBAL NETWORK INITIATIVE

health response to the pandemic, and may reduce civilians' ability to meaningfully participate in upcoming national elections.

According to the [UN's 2019 Fact-Finding Mission to Myanmar](#), the internet restrictions affect over one million people, including over 32,000 displaced persons who have been living in makeshift camps with minimal access to basic services since conflict reignited between the Tatmadaw and Arakan Army in October 2018. In June 2019, the Myanmar Ministry of Transport and Communications ordered internet service providers and mobile network operators to shut down internet services in nine north-western townships. After more than a year of complete internet shutdown in these townships, the authorities amended this order and directed companies to restore basic internet access while throttling the data speeds. This "throttling" continues to effectively block almost all mobile Internet services in eight townships. Since then, humanitarian agencies providing essential services to affected communities have faced new logistical and communications barriers prompting worries of underreported food and water shortages. Media coverage of fighting and violence has also been impeded. As various UN Rapporteurs have noted, the difficulties in getting up-to-date information have serious consequences for [civilian protection and the right to life](#), putting minority communities especially at risk.

Since March 20, the Myanmar authorities have also repeatedly invoked the "emergency" provision of Article 77 of the Telecommunications Law to [request the blocking of over 2000 specific websites](#), on the pretext of spreading "fake news". While the website blocking directives to internet service providers and telecommunications operators are confidential, the purported "fake news" sites [reportedly](#) include various independent and ethnic news media outlets, including [Justice for Myanmar](#), a campaign group which investigates the military's business interests.

In addition to undermining independent journalism and democratic oversight, these moves mark a departure from the proportionate response required in accordance with international human rights law as outlined in the [UN Guiding Principles on Business and Human Rights](#), as well as GNI's [Principles](#) and [Implementation Guidelines](#). With official campaigning for the November general election being heavily impacted by the surge in Covid19 cases since mid-September and movement restrictions across the most populous states and regions of Myanmar, these additional restrictions on freedom of expression and right of access to information add weight to [already established concerns](#) around censorship in this electoral cycle.



GLOBAL NETWORK INITIATIVE

As your office's [April 2020 Special Report on the Pandemic](#) noted, the pandemic is “a crisis of freedom of expression” and an open and secure Internet is “a critical element of healthcare policy and practice ... and even right to life”. We share this view and, based on the experiences and perspective making up our diverse membership, support the emphasis on the international human rights framework as the best common standard from which to address these issues. We urge your attention and response to the aforementioned concerns and stand ready to support and facilitate further efforts to that end.

Sincerely,

Judith Lichtenberg

Judith Lichtenberg
Executive Director
Global Network Initiative

Cc:

Mr. Thomas Andrews, UN Special Rapporteur on Myanmar

Ms. Christine Schraner Burgener, UN Special Envoy on Myanmar

Ms. Cecilia Jimenez-Damary, UN Special Rapporteur on the human rights of internally displaced persons

Dr. Fernand de Varennes, UN Special Rapporteur on minority issues

Mr. Clément Voule, UN Special Rapporteur on freedom of peaceful assembly and association

UN Working Group on the issue of human rights and transnational corporations and other business enterprises

Ms. Tendayi Achiume, UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Mr. David Kaye, Board Chair, Global Network Initiative

Mr. Jason Pielemeier, Policy Director, Global Network Initiative