

**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' directive³.
- On April 1, BNI⁴ 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;

¹ <https://myanmar-now.org/mm/news/3391>

² <https://frontiermyanmar.net/en/operators-split-as-telenor-rejects-govt-order-to-block-fake-news-sites>

³ <https://www.telenor.com.mm/en/article/blocking-221-websites-myanmar-based-directive-authorities>

⁴ <https://www.bnionline.net/en/news/govt-blocks-ethnic-media-groups-mobile-networks>

3) blocking must be necessary and proportionate to achieve that aim.

- c. 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”.

Contacts

- Htaike Htaike Aung - Myan ICT for Development Organization (MIDO) - 09 430 255 29
- Wai Phyo Myint - Phandeeyar - 09 795 333 831
- Yin Yadanar Thein - Free Expression Myanmar (FEM) +44 7902 922859

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 Young Chi (Hline Bwe) အားသစ်ရောင်ခြည် (လှိုင်းဘွဲ့မြို့နယ်)
Airavati
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)
Athar - Freedom of Expression Activist Organization
Ayeyarwaddy West Development Organization (AWDO)
AYY Famar Union
Ayyar Pyo May Women Development Organization
Bee House
Burma News International
Candle Light Youth Group
Cang Bong youth
Child Care Foundation (မြဝတီမြို့နယ်)
Child Prevention Network
Chin MATA Working Group
Chin youth
Chinland Natural Resource Watch Group
Civil Call (စစ်ကိုင်းတိုင်း)
CLEAN
Clean Taunggyi
Community Empowerment and Resilience Association (CERA)
Community Association Development
COMREG Community Response Group
Constitution Network (Hpa An) အခြေခံဥပဒေကွန်ယက် (ဖားအံမြို့နယ်)
Dama Ahlin Social Development Organization
Dawei Development Association

Dawei Research Association
Dawei Watch Foundation
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)
Farmers and Land Rights Action Group
FHS (ဖားအံမြို့နယ်)
Foundation for Education and Development (FED)
Foundation for Media Alternatives
Free & Fair (Chaung Oo)
Free and Justice Women Network (Hpa An) F&J (ဖားအံမြို့နယ်)
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 လှိုင်းဘွဲ့လူငယ်ကွန်ယက်

Hope For Children Development Organization
Hsar Du Wor CBO (Than Taunggyi) (ဆာဒူဝော် CBO) (သံတောင်ကြီးမြို့နယ်)
Hsar Ka Baw CBO (Than Taunggyi) (ဆာကပေါ် CBO) (သံတောင်ကြီးမြို့နယ်)
Hsar Mu Htaw (Than Taunggyi) (လူမှုအထောက်အကူပြုအဖွဲ့) (သံတောင်ကြီးမြို့နယ်)
Htaw Mae Pa CSO (Hline Bwe) ထော်မဲပါ CSO (လှိုင်းဘွဲ့မြို့နယ်)
Htoi Gender and Development Foundation
Htum Thit Sa Rural Development Organization
Human Right Defenders and Promoters (Palaw)
Human Rights Foundation
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 (ဖားအံမြို့နယ်)
Karen State Women Network KSWN (Hpa An)
Karen Youth Organization (Hpa Pun) ကရင်လူငယ်အဖွဲ့ (ဖာပွန်မြို့နယ်)
Karen Youth Organization KYO (Kyar Inn Sate Kyee) (ကြာအင်းဆိတ်ကြီးမြို့နယ်)
Karenni Human Right Groups (KnHRG)
Karuna Foundation (Kawkareik) ဂရုဏာဖောင်ဒေးရှင်း (ကော့ကရိတ်မြို့နယ်)
Katan Land Development Committee
Kaung Myat Hnalonethar Health Care Organization
KengTung Land Group
KESAN (ဖားအံမြို့နယ်)
KESAN Karen Environmental and Social Action Network
Khine Mye Thitsa Development Committee
KOG (ဖားအံမြို့နယ်)
LAIN Technical Support Group
Land and Farmer Network (NSS)

Lashio Tomboy and Lesbian Group
LatButta Famar Union
Light Social Development Organization
Lin lake Kyal Social Development Organization
Living Water Organization
Lu Mu Htar CBO (Than Taunggyi) (လူမှုထာ CBO) (သံတောင်ကြီးမြို့နယ်)
M,RJ-Myu Sha Rawt Jat
Magway Region.
Mandalay YMCA
MATA စစ်ကိုင်းတိုင်း
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) မိကရင်လူငယ် (ဖားအံမြို့နယ်)
Min Hla Development Organization.
Minhla Youth Centre
Mon Literature and Culture Association (Kawkareik) မွန်စာပေနှင့်ယဉ်ကျေးမှုအဖွဲ့ (ကော့ကရိတ်မြို့နယ်)
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 Asociation
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 Orgalization
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 Orgalization
Progressive Voice
Protection Committee for Myanmar Journalists (PCMJ)
Pwint Phu Development Organization (PDO)
Rakhine Ethnic Congress (REC)
Rakhine Ethnic 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 သံလွင်ကွန်ယက် (ဖားအံမြို့နယ်)

Sane Lann Myo Set (Hpa An) စိမ်းလန်းမျိုးဆက် (ဖားအံမြို့နယ်)
Sarnar Kyi Phyu Social Development Organization
SarPhyu Famar Network
Save the Farm
Saytana Shaesaung Youth Organization
Saytanar Shin Social Development Organization
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 သစ္စာဂုဏ်ကွန်ယက်
THWEE CSO (Kawkareik) သို့: CSO (ကော့ကရိတ်မြို့နယ်)
Uakthon Local Social Development Organization
Upper Myanmar Journalist Network
Upper Myanmar Journalists Organization
Waing Maw CSO Network
Wan Lark Development Foundation
Wan Lark Development Foundation (WLDF)
Windayel Village Social Organization (Hpa An) ဝင်းဒရယ်ကျေးရွာလူမှုရေးအဖွဲ့ (ဖားအံမြို့နယ်)
WITNESS

Womem fellowship, Matupi

Women Capacity Building (Kawkareik) အမျိုးသမီးစွမ်းဆောင်ရည်မြှင့်တင်ရေး (ကော့ကရိတ်မြို့နယ်)

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)

ကချင်နှစ်ခြင်းခရစ်ယာန်အသင်းတော်များအဖွဲ့ (MGZ)

ကချင်နှစ်ခြင်းခရစ်ယာန်အသင်းတော်များအဖွဲ့ (SGZ)

ကျိုင်းတုံလူငယ် အဖွဲ့

ကလျာဏမိတ္တလူမှုစောင့်ရှောက်ရေးအဖွဲ့ ခင်ဦး

ကူညီသောလက်များဒေသဖွံ့ဖြိုးရေးအဖွဲ့

ငွေရောင်အနာဂတ်အမျိုးသမီးအဖွဲ့ - Ngwe Yaung A Nar Gat women Organization (Hsipaw)

စံဖိတ်အမျိုးသမီးအဖွဲ့ - San Phate Women Organization (Hsipaw)

တအောင်းကျောင်းသားနှင့် လူငယ်များအဖွဲ့ (TSYU)

တအောင်းအမျိုးသမီးအဖွဲ့ - Ta'ang Women Organization (Hsipaw)

ထွယ်နိန်ခေါင်ဖောင်ဒေးရှင်း

ထီးချိုင့်ကွန်ယက်

နမ့်ခုံးကျောင်းသားဟောင်းများကွန်ယက် - Nam Khone Alumni Network

နွေအရိပ်စာကြည့်တိုက်

ပဒေသာမိုး လူမှုဖွံ့ဖြိုးရေး အဖွဲ့

ပေါင်းကူး

ပေါင်းစီးမေတ္တာ အဖွဲ့

ဗေဒါ လူမှုဖွံ့ဖြိုးရေး အဖွဲ့

မြန်မာရပ်လူငယ်အဖွဲ့ - Myanmar Yat Youth Organization (Hsipaw)

မိတ္ထီလာခရိုင် အလင်းတန်းအဖွဲ့

မိတ္ထီလာခရိုင် အလင်းတန်းအဖွဲ့

မိတ်ဆွေမြန်မာဖောင်ဒေးရှင်း

မိုင်းပန်လူငယ်အဖွဲ့ - Mong Pan Youth Association

မေတ္တာ ဖွံ့ဖြိုးရေး ဖောင်ဒေးရှင်း

ရွှေတောင်တိုက်နယ်တောင်သူ့အားမာန် (ဝမ်းတွင်းမြို့နယ်)

ရွှေပုသိမ်မသန်စွမ်းသူများအဖွဲ့ (ပုသိမ်ကြီး)
ရွှေဖီမြေသတင်းအေဂျင်စီ
ရွှေမင်းသား ဖောင်ဒေးရှင်း
ရွှေမောင်နှမမသန်စွမ်းသူများအဖွဲ့ (ဓနုဖြူ)
ရွှေအင်အားမသန်စွမ်းသူများအဖွဲ့ (တောင်ဒဂုံ)
ရှမ်းပြည်နယ်ကချင်အမျိုးသားလုံးဆိုင်ရာကွန်ရက်
လွတ်လပ်သောလူ့ဘောင် (ဖားအံမြို့နယ်)
လားရှိုးမူဆလင်အမျိုးသမီးအသင်း
လီဆူအမျိုးသမီးအဖွဲ့ - Lisu Women Organization (Hsipaw)
လောသာရဖောင်ဒေးရှင်း
သူရိယစန္ဒာ
ဟုမ္မလင်း လူငယ်ကွန်ယက် (Home Ma Lin Youth Network)
အမရကွန်ယက် (အမရပူရ)
အလင်းမီးအိမ်အဖွဲ့(လားရှိုး)
အာရှအလင်းရောင်ဖောင်ဒေးရှင်း (ပြင်ဦးလွင်)