CENTER FOR
DEMOCRACY
& TECHNOLOGY

9 February, 2022

To : OHCHR

Subject : Input for the Report on internet shutdowns and human rights from CDT

The Center for Democracy & Technology (CDT) respectfully submits these comments in response to the OHCHR's call for submissions to support its report on internet shutdowns and human rights to the fiftieth session of the Human Rights Council in June 2022.

CDT is a nonprofit organisation based in Washington, D.C and Brussels, that is dedicated to promoting democratic values by shaping technology policy and internet architecture, with a focus on the rights of the individual. We work with lawmakers, civil society, researchers, industry, and the public to extend the highest level of free speech protections to the internet and to promote an open and innovative internet. Our office in Brussels also works in European level law and policy debates.

On multiple occasions, CDT has stressed the importance of protecting and promoting a free, open, interconnected and interoperable Internet, as it can considerably contribute to the enjoyment of our rights and freedoms, and to the full realisation of human development. In order for the Internet to be such an open democratic space where information freely flows, everyone should have regular, affordable and secure broadband access on an appropriate device. This access should be coupled with the ability to meaningfully use the Internet and mobile networks, enabled by digital literacy and trustworthy online environments free from harassment, discrimination or violence.

CDT has noted the growth of state-sponsored network disruptions (from a few dozen in the years between 2008 and 2014, to 155 in 2020 alone), and in response has stressed the severe negative impacts such disruptions have on communications, citizens' right to free expression and the public interest. These shutdowns have significantly increased in recent years, posing serious threats to democracy and safety, and stifling the exercise of the freedom of expression, association, and peaceful assembly. This disturbing trend was exacerbated by the COVID-19 pandemic, which has often been used as an excuse to censor unwanted information, all while compounding the disparity of less connected communities. Recent internet shutdowns such as the intermittent disruptions in Myanmar following military takeovers, which deprived residents of access to the outside world and to information about rights abuses, have demonstrated once more the very harmful impacts internet shutdowns have on human rights, the lasting and significant economic impacts of such measures, and the extreme vulnerability of mobile and Internet access companies to governmental pressure.

Whether mandated by governments or undertaken voluntarily by private parties, shutdowns of communications networks threaten public safety and free speech, and pose a grave threat to legitimate expressive activity and access to information. When governments act directly or coercively to interrupt wireless service, they are enacting a "prior restraint" on speech which in turn inevitably suppresses many innocent speakers' ability to communicate; this has been especially effective in countries which have few Internet providers, leaving them technically more vulnerable to such shutdowns. Yet, the ability to communicate in today's networked and Internet-dependent world is critical, even more so in the context of national emergencies and crises. In a recent op-ed, we highlighted once more the important role of the Internet freedom movement, which should, with the support of democratic countries and corporations, challenge cyber sovereignty arguments and push for cyber security measures that centre people, build alliances, and strengthen infrastructures in order to adequately protect our communications and our access to meaningful information online. Relevant good practises for governments concerned about the growing trend of state-sponsored network disruptions have also been developed by civil society, with a focus on transparency, human rights-compliant legislation and collaboration with the tech sector.

Online censorship is becoming more widespread and sophisticated. Partial shutdowns and pervasive censorship techniques are now difficult to circumvent and harden against from an internet architecture perspective. With the aim to clarify how censorship is exercised by governments, organisations or individuals to suppress end-user access to communication, CDT recently drafted an informational Internet draft aimed at designers, implementers and users of Internet protocols, documenting how technical measures are used to block or impair Internet traffic. It is crucial that private sector providers of internet services follow best practices and internet standards in an effort to make more resilient the networks that comprise the global internet for the sake of all users, everywhere.

We hope that this submission will inform efforts to advance the UN's work on internet shutdowns and human rights.

Respectfully submitted,

Center for Democracy & Technology

Annexes
- Why Internet Freedom Should be at the Top of the Global Democracy Agenda (2021)
- A Survey of Worldwide Censorship Techniques (2021)