



Lockdown and Shutdown

Exposing the Impacts of Recent Network Disruptions in Myanmar and Bangladesh

Published by

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HARVARD LAW SCHOOL | BERKMAN KLEIN CENTER FOR INTERNET & SOCIETY



INTERNATIONAL HUMAN RIGHTS CLINIC
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FREEDOM OF EXPRESSION
ACTIVIST ORGANIZATION



PDi-Kintha
Peace & Development Initiative
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ROHINGYA
YOUTH ASSOCIATION

Front Cover Photos Description

Photo 1 (top) : Rohingya refugees watching the reporting on the International Court of Justice genocide case. Photo by Khin Maung (Kutupalong Camp)

Photo 2 (bottom) : Rakhine youth were using mobile internet on top of the mountain, trying to catch the internet connection. Photo by Kaung Mrat Naing (Maungdaw)

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Rohingyas' Lives are always Lockdown and Shutdown.

When we were in Arakhan, we were not allowed to travel anywhere in our mother land by the order of government, because of we were made landless by the government of Myanmar. They kept us in Lockdown.

Rohingyas' Lives are always Lockdown and Shutdown.

When we have arrived in Bangladesh refugees camp, we have been not allowed to travel anywhere in Bangladesh because of we are refugees. They kept us in Lockdown again.

Rohingyas' Lives are always Lockdown and Shutdown.

When we were in Myanmar, Internet and telecommunication was shutdown for us by the order of Myanmar Government for not spreading any information about what we faced.

Rohingyas' Lives are always Lockdown and Shutdown.

Finally, we are making banned again from internet and telecommunication by order of BD Government, because we are refugees. They kept internet shutdown for us. We are facing problems to take online education and getting news around the world. I hope BD government will restore internet shutdown and give internet again, because Bangladeshi are the mother of humanitarians.

Rohingyas' Lives are always Lockdown and Shutdown.

So, another pandemic, named COVID-19 come door to door every corner in the world. It is another option to make us Lockdown again. It's kept us Lockdown now. Also, during this COVID-19's operation time came another Ampham Cyclone, which also kept us Lockdown and Shutdown from all communication. Where can we give our information, and who save us, by giving their life?

Rohingyas' Lives are always Lockdown and Shutdown.

Ya Allah please save all humans from the pandemic and give understanding skills, that you can do everything in the world, what you want, without any doubt. We hope you will not keep us in Lockdown and Shutdown for long time in the future. Thanks to Allah and keep peacefulness all the living things in the world.¹

— Syedul Mostafa

¹ Bangladesh interview 4. We chose the title of our white paper in tribute to this poem by Syedul Mostafa.

Introduction

The desperate situation of the Rohingya people has been routinely covered in the international news since the beginning of ethnic violence in Rakhine State in 2012, and particularly since the so-called “clearance operation,” conducted by Myanmar’s military, which pushed hundreds of thousands of Rohingya out of Myanmar and into Bangladesh in 2017. It is less well known, however, that in addition to other forms of persecution, deprivation, and indignity, Rohingya and other displaced ethnic minorities have faced historically long targeted internet shutdowns, both in Myanmar and in the world’s largest refugee camp in Bangladesh. In the current era, internet connectivity is necessary to meet many of the basic needs of life and core protected human rights: education, work, healthcare, free expression and access to reliable information. For displaced people and those in conflict situations, the internet can function as a literal lifeline, and for this vulnerable population, it is a lifeline that has all too often been cut off.

An internet shutdown is defined as “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.”² Targeted internet shutdowns, like those ordered by the Myanmar government in Rakhine and Chin state, and by the Bangladesh government for Rohingya refugee camps near Cox’s Bazar, do not affect people in the aforementioned countries outside of the targeted areas, but they do further marginalize historically vulnerable communities.

For example, the over year-long and ongoing internet shutdown in Myanmar--one of the world’s longest running shutdowns³--affects ethnic minority communities, namely Rakhine, Rohingya, and Chin internally displaced persons (“IDP”) residing in IDP camps and conflict-affected townships. Across the border, the 11 months long⁴ internet shutdown in Bangladesh affected more

² Defined by a diverse set of stakeholders including technologists, policy makers, activists, and others at RightsCon Brussels in 2016: “No more internet shutdowns! Let’s #KeepItOn,” Access Now, March 30, 2016, <https://www.accessnow.org/no-internet-shutdowns-lets-keepiton/>.

³ The Myanmar Ministry of Transport and Communications (MoTC) directed all mobile phone operators in Myanmar, to temporarily stop mobile internet traffic in nine townships in Rakhine and Chin States on June 21, 2019. As of August 2020, 2G service has been restored but the restriction is to remain in place until October 31, 2020: “Continued network restrictions in Myanmar from 1 August 2020,” Telenor Group, <https://www.telenor.com/network-restrictions-in-myanmar-1-august-2020/>.

⁴ Internet shutdown in place since September 2019 was lifted after almost a year in late August 2020: Humayun Kabir Bhuiyan and Syed Samiul, “Govt decides to restore 3G, 4G internet in Rohingya camps,”

than 860, 000 Rohingya refugees.⁵ These shutdowns have been effective in cutting off communications and silencing voices from the targeted communities, but their deeper impacts have not, to date, been explored. Set against the backdrop of escalating armed conflict in Myanmar and COVID-19 pandemic, this white paper examines the past and ongoing internet shutdowns in Myanmar and Bangladesh, highlighting their harmful impact on ethnic minority IDPs in Myanmar and Rohingya refugees in Bangladesh. Using sixteen⁶ semi-structured, qualitative interviews with Rakhine, Rohingya, and Chin IDPs and Rohingya refugees conducted over a one month period in August 2020, we seek to give voice to those who have been deprived of it, and reveal the devastating impacts that internet shutdowns have on their lives.

We begin the paper with overviews of the human rights situation in Myanmar and Bangladesh which lays the groundwork for both the rationale behind the internet shutdowns as well as their impacts. This section highlights the Tatmadaw’s 2017 “clearance operations” that forced more than 750,000 Rohingyas refugees to flee to Bangladesh, the ongoing armed conflict in Rakhine and Chin State in Myanmar and the situation in the Rohingya refugee camps in Bangladesh. We then move to examine the immediate causes of the targeted internet shutdowns in Myanmar and Bangladesh, which both began in 2019. Next, we demonstrate that violations of digital rights are violations of human rights, and explain why internet shutdowns impede the rights of IDPs and refugees. In Section 4, the heart of the white paper, we showcase the voices of our interviewees, and draw out key themes from the interviews. Our findings reveal that there are commonalities in the impacts of the shutdowns in both countries, such as in the areas of public health information around COVID-19, education, and access to reliable news in misinformation-rich environments, as well as differences in areas like work, access to healthcare, and physical security. The paper concludes with key recommendations to the governments of Myanmar and Bangladesh.

Significant themes appearing in interviews

	Myanmar	Bangladesh
Communication with loved ones	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Education	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
News and disinformation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Public health (COVID-19)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Security and conflict	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Work	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This white paper is a collaborative effort of three civil society organizations: *Athan*; The Peace and Development Initiative – *Kintha*; and Rohingya Youth Association; along with the Cyberlaw Clinic and the International Human Rights Clinic at Harvard Law School.

Dhaka Tribune, August 24, 2020 <https://www.dhakatribune.com/bangladesh/rohingya-crisis/2020/08/24/bangladesh-to-lift-rohingya-internet-ban-very-soon>.

⁵ “Three Years On: Rohingya Refugee Response Report 2020,” World Vision, August 22, 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/RRR_Annual%2BReport%2B2020.pdf.

⁶ 10 interviews were conducted in Myanmar while 6 interviews were carried out in the Rohingya refugee camps in Bangladesh.

Athan, meaning “Voice” in Burmese, was founded in 2018 and is a freedom of expression activist organization based in Myanmar. *Athan* documents cases, organizes protests, and campaigns at both the national and international level, calling for reforms that strengthen and advance freedom of expression in Myanmar.

Founded in 2013, in response to outbreaks of violence in Rakhine state, the Peace and Development Initiative – *Kintha* (“*Kintha*”) focuses on peacebuilding, education, and promoting social cohesion between ethnic communities in Sittwe, Buthidaung, Kyauk Taw, and MraukOo Townships in the central and northern areas of Rakhine State. *Kintha* works to transform attitudes driving conflict, provide social services to conflict-affected communities, and build up capacity through its initiatives including: Leadership Development Program, Community Engagement Initiative, Bridge Project, Culture of Dialogue (“*Sa Gar Winne*”), and New Dreams (“*Ein Met Thit*”).

Rohingya Youth Association (“RYA”) is an inclusive network founded and run by Rohingya refugees in Bangladesh. RYA members know firsthand the impact that armed conflict and mass atrocities have on ethnic and religious minorities, as many fled Rakhine State following the Myanmar military/*Tatmadaw*’s “clearance operations” in 2017. RYA works to build the capacity of Rohingya refugee youth so that they can play a central role in transforming Myanmar and the Rohingya community. RYA provides a platform for young people to engage in political and social activism and have their voices heard within the Rohingya community. RYA carries out peer education sessions, and grassroots campaigns on a wide variety of topics including human rights and equality and is a staunch advocate for the Rohingya refugees’ right to education.

Human Rights Situation in Myanmar

General Background

Home to the world's longest running civil war, Myanmar has not had peace. The military junta which seized power through a coup in 1962, isolated and ruled Myanmar until 2010.⁷ In 2010, the *Tatmadaw* handed over power to a quasi-civilian government, led by the military-backed Union Solidarity and Development Party ("USDP") which was ultimately defeated by Aung San Suu Kyi's National League for Democracy ("NLD") in the 2015 elections. Despite the civilian-led government, the 2008 military-drafted Constitution has enabled the military to maintain significant control. For instance, the key ministries of Defence, Border Affairs, and Home Affairs are not under the civilian government purview; they report to and are overseen by the military Commander in Chief, Min Aung Hlaing. While the NLD currently has a majority of parliamentary seats, 25 percent of the seats in each house of parliament are reserved for military members, and the 2008 Constitution requires a three-quarters majority vote for constitutional amendments. The civilian government is essentially kept in check, its authority limited by the military's effective veto power.

Myanmar is one of the most ethnically diverse countries in Southeast Asia, with a large number of groups with various ethnic, cultural, linguistic and religious backgrounds.⁸ Protection of minority rights and autonomy were key guarantees of the 1947 *Panglong Agreement* ("*Panglong*"). Proposed by Myanmar's independence leader General Aung San, *Panglong* was to be the foundation for a federal, democratic Myanmar. However, General Aung San and members of his interim government were assassinated in 1947 before the aspirations of *Panglong* were fully realized,⁹ and instead of embracing the country's diversity, the military utilizes interethnic conflicts as a means of maintaining power.¹⁰

⁷ Andrew Marshall, "The Slow Thaw of Burma's Notorious Military Junta," *Time*, August 31, 2011, <http://content.time.com/time/world/article/0,8599,2091229,00.html>.

⁸ Nehginpao Kipgen, *Myanmar: A Political History* (New Delhi: Oxford University Press, 2016), 11, <http://www.oxfordscholarship.com/ezp-prod/hul.harvard.edu/view/10.1093/acprof:oso/9780199466306.001.0001/acprof-9780199466306>.

⁹ Josef Silverstein, *The Political Legacy of Aung San* (New York: Cornell University Press, 1972), 13.

¹⁰ Nick Cheesman, "How in Myanmar 'national races' came to surpass citizenship and exclude Rohingya," *Journal of Contemporary Asia* 7, no. 3 (2017): 461-483.



Photo 3 : Rakhine women, a boy and a monk using mobile internet in Mrauk U. Photo – Kaung Mrat Naing (Maungdaw)

Under the military's 1982 Citizenship law, the population is categorized into eight major ethnic groups or *Taiyingtha* ("sons of the soil") and are further broken down into 135 "national races."¹¹ The Bamar/Burman make up nearly 70 percent of the total population, while Kachin, Karenni, Karen, Chin, Mon, Rakhine, and Shan make up the other major ethnic groups.¹² The Rohingya are excluded from the official list and are not considered by the government to be citizens of Myanmar.¹³ The *Tatmadaw* institutionalized Bamar hegemony in all facets of civil, political and cultural life, at the expense of ethnic minorities' rights¹⁴. Ethnic armed organizations ("EAOs"), seeking greater autonomy and self-determination, have launched insurgencies which continue to this very day in numerous parts of the country including Rakhine and Chin states to the west, and Kachin and Shan states in the north. The *Tatmadaw* often hold themselves out as the "saviors" who are keeping Myanmar from disintegration against the ethnic internal forces seeking to destroy it.¹⁵

¹¹ Cheesman, "How in Myanmar," 461-483.

¹² Tom Kramer, "Ethnic Conflict and Land Rights," *Social Research: An International Quarterly* 82, no. 2 (2015): 355, 357.
http://themimu.info/sites/themimu.info/files/documents/Academic_article_Ethnic_Conflict_and_Land_Rights_Tom_Kramer_2015.pdf.

¹³ Violet Cho, "Ethnicity and Identity," in *Routledge Handbook of Contemporary Myanmar*, ed. Adam SIMPSON, Nicholas Farrelly, and Ian Holliday (Florence: Taylor and Francis, 2018), 43, 45.

¹⁴ Bertil Lintner, *Land of Jade: A Journey Through Insurgent Burma* (Edinburgh: Kiscadale Publications, 1990).

¹⁵ Lintner, *Land of Jade*, 65.

In reality, the past and ongoing military campaigns against the EAOs are efforts to suppress those that would challenge the *Tatmadaw's* hold on power. From EAOs to political opponents, civilian protestors, and human rights defenders, all forms of dissent are seen as threats to be crushed. The country's human rights record is marred with systemic abuse and grave human rights violations committed by the military. Examples of violations that persist in Myanmar, span the spectrum of civil, political, economic, social and cultural rights to include: excessive use of force, extrajudicial killings, enforced disappearances, sexual violence, torture, arbitrary detention, forced labour, land confiscation, internal displacement, and mass expulsion of ethnic and religious minorities.

The global community responded in the 1990s by placing sanctions against Myanmar, adopting United Nations' General Assembly resolutions¹⁶ and assigning a Special Rapporteur on the situation of human rights in Myanmar.¹⁷ All six Special Rapporteurs to have held the role since then, including the current mandate holder Tom Andrews, have highlighted the gross and systematic nature of human rights violations in Myanmar, as well as the impunity for human rights violations that may amount to crimes against humanity, war crimes, and in the case of the Rohingya, perhaps even genocide.¹⁸

The Rohingya

Out of all the ethnic minority communities persecuted by the *Tatmadaw*, none bear the brunt of hate and violence more so than the Rohingya. The Rohingya, an ethnic Muslim minority from northern Rakhine State on the border of Bangladesh, were described by the United Nations "as the most persecuted minority in the world."¹⁹ Even though many generations of Rohingya have lived in Myanmar, having no other home, in the eyes of the *Tatmadaw* the Rohingya are perpetual "crows living among peacocks, who cannot become peacocks."²⁰ The *Tatmadaw* even rejects the chosen name of Rohingya, referring to the community as "illegal Bengali immigrants" and foreign interlopers.²¹

¹⁶ United Nations General Assembly, *Situation in Myanmar*, December 17, 1991, A/RES/46/132, <https://undocs.org/en/A/RES/46/132>.

¹⁷ Office of the United Nations High Commissioner for Human Rights, *Situation of human rights in Myanmar – Commission on Human rights resolution 1992/58*, 1992, E/CN.4/RES/1992/58, <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Myan%20E%20CN4%20RES%201992%2058.pdf>.

¹⁸ "Myanmar: Tamdaw leaders must be investigated for genocide, crimes against humanity and war crimes – UN report," United Nations Human Rights Council, , <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23475&LangID=E>.

¹⁹ Bruce Matthews, "Religious Minorities in Myanmar-Hints of the Shadow," *Contemporary South Asia* 4, no. 3 (1995): 287-308.

²⁰ Peacocks are a national symbol representing Myanmar identity. Cheesman, "How in Myanmar," 461-483.

²¹ Cheesman, "How in Myanmar," 461-483.

Once full members of Myanmar society, the Rohingya gradually lost their citizenship rights beginning in the late 70s and concluding with the 1982 Citizenship Law. Without citizenship, stateless Rohingya are vulnerable to systemic discrimination and bear restrictions affecting their movement, marriage, and access to health and education. These dire apartheid-like conditions would drive many Rohingya “boat people” to journey perilously to neighboring countries like Malaysia and Thailand in the 80s, 90s, and early 2000s, but those who could not leave remained confined to Rakhine state with members of the Rakhine ethnic group. These two oppressed ethnic minority communities eked out an existence in one of Myanmar’s poorest states.

Violence erupted between the Rakhine and Rohingya communities in 2012 following the alleged rape and murder of Thida Htwe, a Rakhine woman, at the hands of three Rohingya men. The first wave of violence lasted until August 2012 followed by a second series of riots in October 2012. The last incident of violence occurred in 2013. The riots affected 12 townships and three ethnic communities: the Rohingya, Rakhine, and Kaman.²² The UN estimates over 140,000 people were displaced by the riots. 95 percent of the displaced were Rohingya, who were then confined to IDP camps in Rakhine.²³

Although the 2012-2013 violence was serious, it pales in comparison to the *Tatmadaw*’s 2017 “clearance operations,” which destroyed hundreds of Rohingya villages in northern Rakhine and forced more than 750,000 Rohingya refugees to flee to Bangladesh. The military claims it was pursuing the Arakan Rohingya Salvation Army (“ARSA”) and “terrorist elements,” after a coordinated attack on thirty border police outposts left twelve dead.²⁴

Another story emerges from the harrowing accounts from Rohingya survivors, chronicled in a report from the UN Independent International Fact-Finding Mission on Myanmar (“FFM”), which was established in response to the Rohingya crisis and ongoing armed conflict in Kachin and Shan states.²⁵ They reveal a brutal military operation, tactically SIMilar to the other *Tatmadaw* campaigns waged over the decades against civilians in other ethnic regions. Indiscriminate targeting and killing of civilians; widespread use of sexual violence; dehumanizing, racist rhetoric; and complete impunity for the military’s actions. The FFM presented its findings in August 2018 and recommended that senior generals in the *Tatmadaw* be investigated and prosecuted for genocide, crimes against humanity, and war crimes.²⁶ After the FFM’s mandate ended in September 2019, the UN Human Rights Council established the Independent Investigative Mechanism for Myanmar as a repository of evidence. Subsequently, in November 2019, the Office of the Prosecutor at the International Criminal Court opened an investigation into

²² The Kaman are another Muslim community in Rakhine, who unlike the Rohingya, are citizens under 1982 Citizenship Law.

²³ “Area based programming: UNDP in Rakhine,” United Nations Development Programme, <http://www.mm.undp.org/content/myanmar/en/home/area-based-programming/rakhine.html>.

²⁴ Wa Lone and Shoon Naing, “At least 71 killed in Myanmar as Rohingya insurgents stage major attack,” *Reuters*, August 25, 2017, <https://www.reuters.com/article/us-myanmar-rohingya/at-least-71-killed-in-myanmar-as-rohingya-insurgents-stage-major-attack-idUSKCN1B5o7K>.

²⁵ United Nations Human Rights Council, “Myanmar: Tatmadaw leaders.”

²⁶ United Nations Human Rights Council, “Myanmar: Tatmadaw leaders.”

the alleged forced deportation of the Rohingyas from Myanmar to Bangladesh.²⁷ That same month, The Gambia filed a case against Myanmar at the International Court of Justice for allegedly violating its obligations under the Genocide Convention.

Current Situation

These advancements towards international accountability have not stopped the military or ended armed conflict in Myanmar. Since 2018, there have been increased clashes and violence in Rakhine State between the *Tatmadaw* and Arakan Army (“AA”), a Rakhine EAO.²⁸ Rakhine, Chin, and some remaining Rohingya civilians are at present caught in the attacks and counter attacks of the two groups. The fighting has spread to nine townships of Rakhine State, including Buthidaung, Kyauktaw, Maungdaw, Minbya, Mrauk-U, Myebon, Pauktaw, Ponnagyun, and Rathedaung, and Paletwa Township in Chin State. The conflict between the military and the AA has led to 200,000 new IDPs.²⁹

Reports of civilians injured or killed by landmines and shelling have become too common in the Rakhine conflict. The Office of the UN High Commissioner for Human Rights reported that the Myanmar military has been carrying out airstrikes against AA. Their clashes in populated areas have destroyed schools and homes. At least 300 deaths (42 children under the age of 18) and 640 injuries³⁰ have been reported, but the real figure could be significantly higher.³¹

The need for humanitarian assistance has also risen with the escalating conflict in Rakhine State. However, the UN Office for the Coordination of Humanitarian Affairs has reported that, since January 2019, the government of Myanmar has placed restrictions and cut off humanitarian aid, which has severe consequences for communities in the conflict affected townships.³² Despite the call for a global ceasefire following the COVID-19 outbreak, the *Tatmadaw* continues its offensives against AA in both Rakhine and Chin State and have declared them a terrorist organization.

²⁷ “Statement of ICC Prosecutor, Fatou Bensouda, on opening a Preliminary Examination concerning the alleged deportation of the Rohingya people from Myanmar to Bangladesh,” International Criminal Court, September 18, 2018, <https://www.icc-cpi.int/Pages/item.aspx?name=180918-otp-stat-Rohingya>.

²⁸ International Criminal Court, “Statement of ICC Prosecutor.”

²⁹ “Myanmar’s Rakhine War Produces Grim Child Casualty Toll,” *Radio Free Asia*, September 16, 2020, <https://www.rfa.org/english/news/myanmar/child-casualties-09162020200647.html>.

³⁰ *Radio Free Asia*, “Myanmar’s Rakhine War.”

³¹ “Press briefing note on Myanmar/Bangladesh - Rohingya,” Office of the United Nations High Commissioner for Human Rights, April 17, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25804&LangID=E>.

³² “Myanmar: Conflict between the Arakan Army and the Myanmar Military,” United Nations Office for the Coordination of Humanitarian Affairs, November 1, 2019, <https://reliefweb.int/report/myanmar/myanmar-conflict-between-arakan-army-and-myanmar-military-update-humanitarian-needs>.

Human Rights Situation in Bangladeshi Refugee Camps

More than 750,000 Rohingya refugees fled Myanmar following the August 25, 2017 “clearance operations.” People seeking safety arrived in Bangladesh on foot, having walked for days, over mountains, hiding in jungles from the *Tatmadaw*, or by boat crossing the treacherous waters of the Bay of Bengal. The government of Bangladesh kept their borders open and permitted the Rohingya refugees to stay.³³ According to the UNHCR, most arrived within the first three months of the refugee crisis. Women and children (40 per cent are under age 12) make up the majority of Rohingya refugee population.³⁴

The undeveloped forest land in the Ukhiya and Teknaf Upazilas has since been transformed into the world’s largest, most densely populated refugee camps. The vast majority of refugees live in 34 extremely congested camps, near Cox’s Bazar.³⁵ Kutupalong-Balukhali Expansion Site alone host approximately 626,500 Rohingya refugees living in an area of just 13 square kilometers.³⁶ The humanitarian needs associated with the Rohingya refugee crisis are immense. In 2018, the UN and its partners launched a Joint Response Plan (“JRP”) calling for funds to help meet the Rohingya refugees’ needs.³⁷ The initial call along with the subsequent 2019 and 2020 calls have not been met despite Supplementary Pleas from the UN.³⁸ As of June 2020, JRP is only 27 per cent funded with US\$273 million received, against the overall needs of US\$994 million.³⁹

³³ But in March 2019, Bangladesh announced it would no longer accept Rohingya fleeing Myanmar. “Bangladesh will no longer take in Myanmar refugees,” *BBC News*, March 1, 2019, <https://www.bbc.com/news/world-asia-47412704>.

³⁴ “Refugee Response in Bangladesh,” United Nations High Commissioner for Refugees, https://data2.unhcr.org/en/situations/myanmar_refugees.

³⁵ Other camps include: Hakimpura, Jamtoli, Bagghona / Potibonia, Chakmarkul, Unchiprang, Shamlapur, Alikhali, Leda, Nayapara RC and Jamudira.

³⁶ “Impacts of the Rohingya Refugee Influx on Host Communities,” United Nations Development Programme, November 2018, <https://reliefweb.int/sites/reliefweb.int/files/resources/Impacts%20of%20the%20Rohingya%20Refugee%20Influx%20on%20Host%20Communities.pdf>.

³⁷ “JRP for Rohingya Humanitarian Crisis - Snapshot,” United Nations High Commissioner for Refugees, March 23, 2018, <https://data2.unhcr.org/en/documents/details/62873>.

³⁸ United Nations High Commissioner for Refugees, “JRP.”

³⁹ “Rohingya Humanitarian Crisis Joint Response Plan 2020 funding update as of 2020-06-16,” Inter Sector Coordination Group,



Photo 4 :Rohingya children playing in front of peace murals painted by Rohingya refugees. Photo – Yee Htun (Kutupalong camp)

The challenges facing Rohingya refugees in Bangladesh include access to adequate shelter, clean water, sanitation, food, health and services, security and safe spaces for vulnerable populations including women and girls, and education for children whose lives have been uprooted. The living conditions are dire. Refugees' shelters, made of plastic sheeting and bamboo, measuring about twenty square meters, and housing on average about a dozen people⁴⁰ are extremely vulnerable to the seasonal monsoons and the landslides and floods associated with them. Scores of injuries, deaths, damages to shelters, and emergency relocations have been reported in the camps every year as a result of monsoon.⁴¹

Poor infrastructure and sanitation and close living quarters mean that the Rohingya refugees are at increased risk for diseases and infection. With COVID-19, this risk has increased exponentially. Public health officials had already documented high rates of respiratory disease and infection, even

https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/fundingupdates_june.pdf.

⁴⁰ Taken from field notes and observations of co-author during January 2020 visit to Kutupalong camps.

⁴¹ "Scores of Rohingya refugee shelters in Bangladesh destroyed by flooding," *UN News*, July 5, 2019, <https://news.un.org/en/story/2019/07/1041931>.

before the first COVID-19 case was reported in 2020.⁴² Limited access to proper healthcare in Rakhine state, have also contributed to poor health conditions. A 2018 assessment of the Rohingya refugees by Harvard's FXB Center for Health and Human Rights and BRAC found that 51.5% had hypertension and 14.2% had diabetes while 36,930 persons were suffering from injuries sustained fleeing Myanmar.⁴³ Right to health is a fundamental right and access to health care, especially mental health and sexual and reproductive health, is vital for Rohingya refugee survivors' well-being and resilience. Decades of dehumanizing treatment in Myanmar, enduring unspeakable horrors like torture, sexual assault, and losing family during the Myanmar military's alleged genocidal campaigns, topped by the daily stress and anxiety of refugee life only serve add to overwhelming need for mental health services. Although there have been few studies published on mental health of the Rohingya refugee populations, the UNHCR reported a concerning number of cases "explosive anger, psychotic-like symptoms, somatic or medically unexplained symptoms, impaired function and suicidal ideation," along with anxiety, depression, and appetite loss within the population.⁴⁴

Rohingya women's organizations also shared that incidents of intimate partner violence, domestic violence and sexual violence have gone up in the camps.⁴⁵ According to them, women and girls make up approximately 67% of the refugee population but gender inequalities and marginalization limit their future. Access to reproductive health is particularly important for refugee women survivors. The Bangladesh home ministry stated that 90% of female refugees have been victims of rape.⁴⁶ 70,000 are estimated to be pregnant or new mothers as a result of sexual violence committed against them in Myanmar.⁴⁷

The future for the children in the refugee camps remains uncertain, especially when it comes to their right to education. From 2017 through early 2020, the government of Bangladesh prohibited formal education for Rohingya refugees, depriving nearly 400,000 school-aged children in the camps of education. Rohingya children were barred from enrolling in schools in host communities or taking national examinations.⁴⁸ Furthermore, UN humanitarian agencies and NGOs were

⁴² Kate White, "Rohingya in Bangladesh: an unfolding public health emergency," *The Lancet* 390, no. 10106 (October 2017): [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(17\)32677-6/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(17)32677-6/fulltext).

⁴³ "Rapid Needs Assessment in Cox's Bazar Phase 1: March 2018," Harvard FXB Center for Health and Human Rights and BRAC, March 2018, <https://cdn2.sph.harvard.edu/wp-content/uploads/sites/114/2018/04/RNA-BRAC.pdf>.

⁴⁴ "Culture, context and mental health of Rohingya Refugees," United Nations High Commissioner for Refugees, 2018, <https://www.unhcr.org/5bbc6f014.pdf>.

⁴⁵ Taken from field notes of co-author's conversation with RWWS and women's rights activists during January 2020 visit to Kutupalong camps.

⁴⁶ Susan Hutchinson, "Gendered insecurity in the Rohingya crisis," *Australian Journal of International Affairs* 72, no. 1 (January 2018): 1-9.

⁴⁷ Hutchinson, "Gendered insecurity," 1-9.

⁴⁸ "Are We Not Human? Denial of Education for Rohingya Refugee Children in Bangladesh," Human Rights Watch, December 3, 2019, <https://www.hrw.org/report/2019/12/03/are-we-not-human/denial-education-rohingya-refugee-children-bangladesh>.

prohibited from providing Rohingya children with formal, accredited education.⁴⁹ Rohingya children were also prevented from learning Bangla (Bangladesh's national language).⁵⁰ Temporary learning centers and madrassas only offer informal educational services, catering to primary school-aged children. RYA members have overwhelmingly reported that there are virtually no educational opportunities for them in the camps. The youth activists we spoke to are fearful that lack of educational opportunities in Bangladesh could mean “a lost generation” upon their return to Myanmar.

Current Situation

The massive influx of Rohingya refugees has no doubt put tremendous pressure on local host communities and the government of Bangladesh.⁵¹ The latter has made it clear that local integration is not to be a durable solution for the Rohingya refugees. In fact, the government refers to them as “Forcibly Displaced Myanmar Nationals,” perhaps signaling that these people are ultimately Myanmar's responsibility. It is worth noting that the 2017 exodus isn't the first time Rohingya refugees have fled to Bangladesh. In 1978, the Myanmar military's Operation *Naga Min* (“king dragon”) scrutinizing individuals and identifying them as either citizens or “illegal immigrants”, led to widespread violence and human rights abuses against the Rohingya, causing many to flee into Bangladesh.⁵² A bilateral agreement with Bangladesh a year later led to the repatriation of 180,000 Rohingya.⁵³ 250,000 Rohingya would return to Bangladesh in 1991 as a result of Operation *Pyi Thaya* (“beautiful country”) which displaced Rohingya villages and settled Buddhists in their place.⁵⁴

The Government of Myanmar and Bangladesh signed an MOU in November 2017 and finalized yet another bilateral agreement in January 2018⁵⁵ with the goal of repatriation of all Rohingya refugees within two years. Myanmar stated that all returning Rohingya refugees would have to undergo a “verification” process in its “reception centers” at Nga Khu Ya and Taung Pyo Letwe in Rakhine State. These “reception centers,” surrounded by barbed-wire perimeter fences and security posts, resemble the IDP camps that were established to contain the Rohingya following

⁴⁹ Human Rights Watch, “Are We Not Human?”

⁵⁰ Human Rights Watch, “Are We Not Human?”

⁵¹ United Nations Development Programme, “Impacts of the Rohingya Refugee Influx.”

⁵² Peter Gutter and B.K. Sen, *Burma's State Protection Law: An Analysis of the Broadest Law in the World* (Bangkok: Burma Lawyer's Council, 2001), 22.

⁵³ Mark Cutts, *The State of the World's Refugees, 2000: Fifty Years of Humanitarian Action* (Oxford: Oxford University Press, 2000), 75.

⁵⁴ Eileen Pittaway, *Protracted Displacement in Asia: No Place to Call Home*, (Hampshire: Ashgate, 2008), 87.

⁵⁵ Oliver Homes, “Myanmar signs pact with Bangladesh over Rohingya repatriation,” *The Guardian*, November 23, 2017, <https://www.theguardian.com/world/2017/nov/23/myanmar-signs-pact-with-bangladesh-over-rohingya-repatriation>.

the 2012 violence. The Rohingya placed in the so-called “temporary” physical confinement structures still remain there. And even though the repatriation process has been initiated twice (in November 2018 and August 2019), only 350 refugees have left Bangladesh for Myanmar.⁵⁶ The ambitious repatriation plan appears bound to fail, given that the root causes of the Rohingya’s persecution in Myanmar remains unaddressed. Their future remains uncertain given the ongoing conflict in Rakhine State. Rohingya refugees are unlikely to return unless the Myanmar government offers guarantees of security, freedom of movement and citizenship rights.

In the meantime, the Bangladeshi authorities continue to placed greater restrictions on the Rohingya refugees. They are not allowed to work or move freely in the camps and must depend on aid agencies for food. Bangladesh’s Home Minister Asaduzzaman Khan Kamal announced in February 2020 that the government had started erecting barbed-wire fences around Rohingya refugee camps to “rein in illegal activities” and to control the movement of Rohingya in and out of the camps.⁵⁷ Other security measures announced include the installation of watchtower and CCTV cameras to “strengthen the surveillance on the Rohingya people and the refugee camps”.⁵⁸ As of October 2020, human rights organizations report that the barbed-wire fencing around Kutupalong-Balukhali Expansion Site is nearly 90 percent complete.⁵⁹

“Security” was also used by the Bangladesh government to justify its nearly year-long internet shutdown in the camps.⁶⁰ In addition to restricting mobile internet service, the government also banned the sale of mobile phone SIM cards to refugees.⁶¹ For nearly a year, only Bangladeshis with national identification cards were allowed to obtain SIM cards and access the internet. The authorities reportedly confiscated over 12, 000 SIM cards, of both Bangladeshi and Myanmar operators, from the refugees. It was also announced that any refugee found using SIM cards illegally will be fined 50,000 Taka (US \$588) or six-month imprisonment.⁶²

In 2019, the government announced its plans to relocate 100,000 Rohingya from Cox’s Bazar to an uninhabited, flood-prone island called Bhasan Char (“Floating Island”) in the Bay of Bengal,

⁵⁶ Anis Alamgir, “Bangladesh is being held hostage,” *Dhaka Tribune*, October 12, 2020, <https://www.dhakatribune.com/opinion/op-ed/2020/10/12/op-ed-bangladesh-is-being-held-hostage>.

⁵⁷ Najmus Sakib, “Bangladesh building barbed-wire fences around Rohingya,” *Anadolu Agency*, February 16, 2020, <https://www.aa.com.tr/en/asia-pacific/bangladesh-building-barbed-wire-fences-around-rohingya/1735369#>.

⁵⁸ Sakib, “Bangladesh building.”

⁵⁹ “Bangladesh: Remove Fencing That Confines Rohingya to Refugee Camps,” *Fortify Rights*, October 9, 2020, <https://www.fortifyrights.org/bgd-inv-2020-10-09-2/>.

⁶⁰ Munir Uz zaman, “Bangladesh to lift Rohingya internet ban ‘very soon,’” *Yahoo! News*, August 24, 2020, <https://news.yahoo.com/bangladesh-lift-rohingya-internet-ban-120512911.html>.

⁶¹ Munir Uz zaman, “Bangladesh to lift.”

⁶² Muktadir Rashid, “12,000 SIMs seized in Rohingya camps in Bangladesh,” *New Age Bangladesh*, December 7, 2019, <http://www.newagebd.net/article/92885/12000-SIMs-seized-in-rohingya-camps>

3-hour journey by boat from the mainland.⁶³ Despite repeated concerns raised by the UN and humanitarian experts, 300 refugees have already been transferred to the island after being rescued at sea, following their failed attempt to reach neighboring countries in the region.⁶⁴ Hunger strikes and protests by the Rohingya refugees have not deterred the government. A committee formed in late September 2020 signals its resolve to relocate Rohingya refugees to Bhasan Char.⁶⁵

In early October 2020, fighting between rival gangs of Munna and ARSA allegedly over methamphetamine or yaba distribution, forced hundreds of people to flee and resulted in 7 fatalities.⁶⁶ Law enforcement responded by stepping up patrols in the camps, carrying out arrests and interrogating refugees. We are concerned that the aforementioned incident could be used by the Bangladeshi authorities to place even more restrictions on the Rohingya and/or relocate them to Bhasan Char.

⁶³ “Free Rohingya Refugees Detained on Bhasan Char Island,” Fortify Rights, August 5, 2020, <https://www.fortifyrights.org/bgd-inv-2020-08-05/>.

⁶⁴ “Protesting Rohingya Refugees Beaten,” Human Rights Watch, October 1, 2020, <https://www.hrw.org/news/2020/10/01/bangladesh-protesting-rohingya-refugees-beaten>.

⁶⁵ Human Rights Watch, “Protesting Rohingya Refugees Beaten.”

⁶⁶ Kaamil Ahmed, “Gang violence erupts in Bangladesh Rohingya camps forcing families to flee,” *The Guardian*, October 9, 2020, <https://www.theguardian.com/global-development/2020/oct/09/gang-violence-erupts-in-bangladesh-rohingya-camps-forcing-families-to-flee#:~:text=Gang%20violence%20erupts%20in%20Bangladesh%20Rohingya%20camps%20of%20forcing%20of%20families%20to%20flee,-Fighting%20leaves%20seven&text=Fighting%20between%20rival%20gangs%20in,is%20on%20night%20C%20it%20becomes%20hell>.

Internet Shutdowns in Myanmar and Bangladesh

Internet Penetration in Myanmar

For decades under military rule in Myanmar, information was strictly controlled and free expression and access to information, vital there as elsewhere around the globe, were severely limited. Such restrictions continued into the new millennium, to the extent that in the early 00s, SIM cards were a luxury, sold at an artificially high price (around US\$5,000), thereby effectively limiting access to the internet and mobile phones to “members of associates of the state apparatus unlikely to challenge the status quo.”⁶⁷ In 2011, Myanmar had the lowest mobile penetration in the world at 2.6 percent,⁶⁸ and an Internet penetration rate of 1 percent.⁶⁹

Access to information began to change with the liberalization of the telecommunications sector in June 2014, when the government granted operator licenses to two international companies: Qatari company Ooredoo and Norwegian company Telenor.⁷⁰ The subsequent proliferation of mobile phone shops selling low-cost, web-enabled phones led to an rapid increase in the number of smartphone users in the country.⁷¹ According to a 2019 study, there are now more active SIM cards in Myanmar than there are people: the SIM penetration rate, at around 105%, puts the country ahead of Germany (78.8%) and the United States (77%).⁷² Mobile internet dominates in Myanmar, in part because of the affordability of SIM cards (about US\$2), but also because the country’s fixed-line infrastructure has not developed at the same pace. Its broadband capacity remains “extremely low compared to other nations” and observers do not expect that to change in the near term.⁷³

⁶⁷ Gerard McCarthy, “Cyber-Spaces,” in *Routledge Handbook of Contemporary Myanmar*, ed. Adam Simpson, Nicholas Farrelly, and Ian Holliday (Florence: Taylor and Francis, 2018), 92.

⁶⁸ McCarthy, “Cyber-Spaces,” 93.

⁶⁹ “Burma: Freedom on the Net 2019,” Freedom House, <https://freedomhouse.org/country/myanmar/freedom-net/2019>

⁷⁰ McCarthy, “Cyber-Spaces,” 93. Qatari company Ooredoo and Norwegian company Telenor.

⁷¹ McCarthy, “Cyber-Spaces,” 93.

⁷² McCarthy, “Cyber-Spaces,” 93.

⁷³ Henry Lancaster, “Myanmar (Burma) - Telecoms, Mobile and Broadband - Statistics and Analyses,” BuddeComm, last updated April 28, 2020, <https://www.budde.com.au/Research/Myanmar-Burma-Telecoms-Mobile-and-Broadband-Statistics-and-Analyses>.

Targeted Internet Shutdown in Rakhine and Chin States

In June 2019, the Myanmar Ministry of Transport and Communications ordered mobile phone operators to stop mobile internet traffic in nine townships in Rakhine and Chin states. The government referenced “disturbances of peace and use of internet services to coordinate illegal activities” and claimed that the shutdown was necessary to “maintain the stability and law and order in these areas.”⁷⁴ The internet shutdowns have affected nearly one million people in Rakhine and Chin States.⁷⁵ Former Special Rapporteur Yanghee Lee expressed concern that civilians in Rakhine and Chin states have been cut off from all means of communication, which could potentially enable the Myanmar military to continue committing gross human rights violations against civilians.⁷⁶



Photo 5 :Rakhine youths using wifi internet in front of a private bank. Photo – Kaung Mrat Naing (MaungDaw)

⁷⁴ Thu Thu Aung and Sam Aung Moon, “Myanmar reimposes internet shutdown in conflict-torn Rakhine, Chin states: telco operator,” *Reuters*, February 5, 2020, <https://www.reuters.com/article/us-myanmar-rakhine/myanmar-reimposes-internet-shutdown-in-conflict-torn-rakhine-chin-states-telco-operator-idUSKBNiZZoLC>.

⁷⁵ Phil Robertson, “Myanmar Again Cuts Rakhine State’s Internet,” *Human Rights Watch*, February 5, 2020, <https://www.hrw.org/news/2020/02/05/myanmar-again-cuts-rakhine-states-internet>.

⁷⁶ “Myanmar: UN expert ‘fears for civilians’ after Internet shutdown,” Office of the United Nations High Commissioner for Human Rights, June 24, 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24733&LangID=E>.

The ban was lifted temporarily in September 2019, only to be reinstated again in February 2020. Restrictions were lifted for Maungdaw Township in May but the internet shutdown remained in place for the other eight townships until early August 2020. At that point, 2G services were restored. The interviews conducted for this white paper took place after this restoration. Everyone we spoke to stated that the 2G connectivity is drastically slow, and does not generally permit access to video calls, email, webpages with photos or videos, or social media sites. Under the definition we offered in the introduction, internet shutdowns include not only instances when the internet is “inaccessible” but also when it is “effectively unusable,” as many of our interviewees report. Thus, the shutdown, and the harms and human rights violations it precipitates, persist. The government has simultaneously pursued related actions to suppress access to information. Claiming to be combatting “disinformation,” it has prevented Rakhine based news outlets Narinjara and Development Media Group from reporting, charging editors and journalists for critical reporting under its the Unlawful Associations Act for “associating” with EAOs like AA. Reuters journalists Wa Lone and Kyaw Soe Oo were sentenced to seven years in prison under the Official Secrets Act simply for reporting on the Inn Din massacre in Rakhine State and served more than 500 days before being released, following international and domestic pressure, in May 2019.⁷⁷

In February 2020, nine Rakhine students were charged under the Peaceful Assembly and Peaceful Procession Law for protesting and if convicted, could be sentenced up to 3 months in prison. All were sentenced to 1-month imprisonment while seven victims had been in the March and two others in the June of this 2020.

Athan's founder Maung Saungkha himself was convicted under the same law in September 2020 for putting up a banner on an overpass in Yangon which read, “Is the internet being shut down to hide war crimes in Rakhine state and killing people?” Maung Saungkha chose to pay the 30,000-kyat (around US\$20) fine instead serving 15-day prison sentence. According to *Athan*, as of early October 2020, 58 activists have been prosecuted for campaigning against the internet shutdown in Rakhine and Chin State. 14 have been convicted while 26 are still facing trial and 12 activists have arrest warrants issued against them and are in hiding.

Internet Penetration in Bangladesh

Generally in Bangladesh, internet connections are mobile and subject to periodic disruption or censorship by the state. As in Myanmar, many of 24.2 million internet users⁷⁸ in Bangladesh rely on mobile connections rather than fixed-line or broadband internet connections. Indeed, the country's fixed-line penetration rate is the lowest in South Asia, although gains are expected in the coming years.⁷⁹ The 2019 Freedom on the Net report from Freedom House found Bangladesh,

⁷⁷ “Wa Lone and Kyaw Soe Oo: Reuters journalists freed in Myanmar,” *BBC*, May 7, 2019, <https://www.bbc.com/news/world-asia-48182712>.

⁷⁸ “Freedom on The Net 2019,” Freedom House, https://freedomhouse.org/sites/default/files/2019-11/11042019_Report_FH_FOTN_2019_final_Public_Download.pdf, 29.

⁷⁹ Sebastien De Rosbo, “Bangladesh - Telecoms, Mobile and Broadband - Statistics and Analyses,” BuddeComm, last updated April 18, 2020, <https://www.budde.com.au/Research/Bangladesh-Telecoms-Mobile-and-Broadband-Statistics-and-Analyses>.

which it ranks as "Partly Free," to be among the countries with the steepest recent declines in internet freedom, putting it in company with Sudan and Kazakhstan.⁸⁰ Even outside of the refugee camps, the Bangladeshi government has blocked access to independent journalism online and restricted mobile network availability, including ahead of elections in December 2018.⁸¹

Targeted Internet Shutdown in Cox's Bazar

Myanmar is not alone in employing targeted internet shutdowns against the Rohingya. Internet access in the camps in Bangladesh was blocked for nearly a year, and restored only very recently. In September 2019, the Bangladeshi government directed telecommunications operators to restrict internet coverage in the refugee camps in Cox's Bazar, where Rohingyas have been housed.⁸² Further, the authorities prevented refugees from obtaining SIM cards, and confiscated over ten thousand that were already in circulation.⁸³ Rohingya refugees and activists have stated that the internet shutdown was in response to a large protest they staged in August 2019, marking the second anniversary of the clearance operations.⁸⁴

According to the Bangladesh Home Minister, "The ban was imposed for the safety and security of the residents of the camps and our host communities. Those restrictions were also intended to stop violence and yaba smuggling." The internet shutdown remained in place even as COVID-19 reached the refugee camps and they were locked down,⁸⁵ depriving Rohingya refugees of the ability to access and disseminate health advisories and up to date information on the coronavirus. The internet shutdown was lifted in late August 2020 after UN agencies, local, national and international NGOs had pressured the Bangladeshi government.⁸⁶

⁸⁰ Freedom House, "Freedom on The Net 2019," 4.

⁸¹ Freedom House, "Freedom on The Net 2019," 9.

⁸² "Remove restrictions on communication in Rohingya refugee camps amid COVID-19 outbreak," International Federation for Human Rights, April 2, 2020, <https://www.fidh.org/en/region/asia/bangladesh/remove-restrictions-on-communication-in-rohingya-refugee-camps-amid>.

⁸³ International Federation for Human Rights, "Remove restrictions."

⁸⁴ Poppy McPherson and Ruma Paul, "Tens of thousands of Rohingya mark 'Genocide Day' amid tensions in Bangladesh camps," *Reuters*, August 25, 2019, <https://www.reuters.com/article/us-myanmar-rohingya/tens-of-thousands-of-rohingya-mark-genocide-day-amid-tensions-in-bangladesh-camps-idUSKCN1VFoG5?feedType=RSS&feedName=worldNews&rpc=69>.

⁸⁵ "Coronavirus: Bangladesh locks down a million in Rohingya camps," *BBC*, April 9, 2020, <https://www.bbc.com/news/world-asia-52227924>.

⁸⁶ Munir Uz zaman, "Bangladesh to lift."



Photo 6 & 7 : Snapshot from the Rohingya refugee camps near Cox's Bazar. Photo – Khin Maung

Internet Shutdowns Violate International Human Rights Law

Digital Rights Are Human Rights

As Michelle Bachelet, the United Nations High Commissioner for Human Rights, underlined in a 2019 speech, digital rights are human rights.⁸⁷ Her statement aligns with the Human Rights Council's July 2018 resolution, which affirmed that "that the same rights that people have offline must also be protected online."⁸⁸ There are many definitions of digital rights, ranging from broad to narrow, but the best acknowledge the core truth that distinctions should not be made between the guarantees and enforcement of human rights on- and offline. For example, the NGO Digital Freedom Fund defines digital rights as "human rights as applicable in the digital sphere. That is human rights in both physically constructed spaces, such as infrastructure and devices, and in spaces that are virtually constructed, like our online identities and communities."⁸⁹

Digital rights have increasingly become a focus of human rights experts. The Human Rights Committee, tasked with the interpretation of the International Covenant on Civil and Political Rights, issued a comment in 2011 acknowledging, inter alia, that "internet-based modes of expression" were just as indispensable to the protection of the right to free expression as other media.⁹⁰ UN Special Rapporteurs have also taken up the topic, with the outgoing Special Rapporteur on the promotion and protection of freedom of opinion and expression, David Kaye, having devoted a large number of his thematic reports to digital issues including content

⁸⁷ Michelle Bachelet, "Human rights in the digital age," Office of the United Nations High Commissioner for Human Rights, October 17, 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25158&LangID=E>.

⁸⁸ United Nations Human Rights Council, *Resolution adopted by the Human Rights Council on 5 July 2018 – 38/7. The promotion, protection and enjoyment of human rights on the internet*, July 17, 2018, A/HRC/RES/38/7, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/215/67/PDF/G1821567.pdf?OpenElement>.

⁸⁹ Nani Jansen Reventlow, "Digital rights are human rights," *Digital Freedom Fund*, December 10, 2017, <https://digitalfreedomfund.org/digital-rights-are-human-rights/3/>.

⁹⁰ United Nations Human Rights Committee, *General comment No. 34*, September 12, 2011, CCPR/C/GC/34, <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

moderation, online hate speech, surveillance, and artificial intelligence.⁹¹ Tendayi Achiume, Special Rapporteur on contemporary forms of racism, published a report on emerging digital technologies in 2020⁹² and Philip Alston, then Special Rapporteur on extreme poverty and human rights, published one on digital welfare states in 2019.⁹³ The breadth of these studies reveals the multidimensional nature of digital rights, and the increasing focus of the human rights community on the significant implications of digital technologies.

Internet Shutdowns Have Been Recognized as Violations Not only of the Right to Free Expression but Numerous Other Rights

Internet shutdowns impact both the virtual and physical dimensions of digital rights. Half of the global population is now connected to the internet,⁹⁴ and use it as a tool to communicate with others and to access information. In the digital dimension, the primary human rights implications of an internet shutdown are constraints on free expression and access to information, as citizens--and often crucially, journalists--lose the ability to upload material, and to find sometimes life-giving information, such as troop movements during a conflict.⁹⁵

There is growing consensus that internet shutdowns violate the right to free expression: the Human Rights Council has condemned measures by states such as internet shutdowns “that prevent or disrupt an individual’s ability to seek, receive or impart information online.”⁹⁶ Moreover, the Human Rights Committee’s General comment no. 34 asserted that “generic bans on the operation of certain [internet-based] sites and systems” are not compatible with states’ obligations to protect the right of free expression.⁹⁷

In fact, it has been recognized that such bans generally violate international human rights standards protecting freedom of expression. Article 19 (3) of the International Covenant on Civil and Political Rights (ICCPR) outlines that any state seeking to limit expression must meet a three-

⁹¹ “Special Rapporteur on the promotion and protection of freedom of opinion and expression,” Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/issues/freedomopinion/pages/opinionindex.aspx>.

⁹² E. Tendayi Achiume, U.N. Special Rapporteur on Contemporary Forms of Racism, *Racial discrimination and emerging digital technologies*, U.N. Doc. A/HRC/44/57 (2020).

⁹³ Philip Allston, U.N. Special Rapporteur on Extreme Poverty and Human Rights, *Digital welfare states and human rights*, U.N. Doc. A/74/493 (2019).

⁹⁴ According to World Bank data, in 2017 49% of the global population was connected to the internet, and the number was rising sharply year over year. “Individuals using the internet (% of population),” World Bank Group, <https://data.worldbank.org/indicator/IT.NET.USER.ZS>.

⁹⁵ United Nations General Assembly, *International Covenant on Civil and Political Rights*, December 16, 1966, United Nations, Treaty Series, vol. 999, p. 171, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, Article 19.

⁹⁶ United Nations Human Rights Council, *Resolution adopted*.

⁹⁷ United Nations Human Rights Committee, *General comment No. 34*.

part test. Namely, the restriction must be prescribed by law, have a credible and legitimate justification for the extent of the shutdown, and they may not unnecessarily, disproportionately interfere with free expression or other relevant rights.⁹⁸

Billions of people accessing the internet use it not only for expressive purposes and to access information, but also to undertake other core activities protected by the human rights system, such as accessing healthcare, banking, and education resources; finding housing; gaining employment; and applying for and receiving social services. Therefore, internet shutdowns violate far more than just the right to free expression, as four UN Special Rapporteurs averred about the restrictions on internet access in place in Rakhine and Chin states in February 2020, writing:

“The shutdown severely impacts the human rights of over a million people, including the right to safety, security, health, education, food, shelter, livelihood, freedom of expression, information, participation, association and assembly[.] Given that many civilians track the presence of armed fighters and potential clashes, the shutdown can also have serious consequences on civilian protection and, potentially, the right to life.”⁹⁹

These are the physical dimensions of digital rights: internet shutdowns present not merely abstract threats to expressive rights, but also have very real-world implications. Some of these implicate loss of liberty: Myanmar has imprisoned multiple activists for speaking out against the shutdown it pursued in Rakhine and Chin states.¹⁰⁰ Moreover, the COVID-19 pandemic has heightened the risks to the rights of health and life that the Special Rapporteurs highlighted above: where people are unable to access information about the virus, public health, and prevalence in their communities, they are unable to adequately protect themselves.

⁹⁸ ICCPR Article 19(3)

⁹⁹ “UN experts concerned at surge in civilian casualties in northwest Myanmar after internet shutdown,” Office of the United Nations High Commissioner for Human Rights, February 18, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25572&LangID=E>.

¹⁰⁰ “Myanmar: drop charges against activist poet Maung Saungkha,” Access Now, September 2, 2020, <https://www.accessnow.org/myanmar-drop-charges-against-activist-poet-maung-saungkha/>.

On the Ground Impacts of Internet Shutdowns in Myanmar and Bangladesh

In this section, we share the output of the interviews that we conducted. As noted above, there were sixteen total interviews, ten of which were conducted in Myanmar with Rakhine, Rohingya, and Chin IDPs and six Rohingya refugees in the camps in Bangladesh. The interviews were semi-structured and qualitative, and we have included the questions that interviewers used in the appendix. All interviews were conducted over a one month period in August 2020.

In analyzing the interviews, we found three themes that were present throughout interviews in both Myanmar and Bangladesh, which were education, news and disinformation, and the COVID-19 pandemic. There were also two themes that arose specific to each place. In Myanmar, those themes were impacts on work and security and conflict, and in Bangladesh, the unique themes were communication with loved ones and access to healthcare. In the following subsections, we address each theme in turn.

Education

Every single interviewee, in both Myanmar and Bangladesh, discussed at length the disruptive effect that the internet shutdowns have had on their education. Education is a fundamental human right and it offers people the chance to grow and build better lives. However, as one of the world's poorest countries, Myanmar's formal education system lags far behind the developed world in terms standards.¹⁰¹ The Myanmar government spends less than 2 percent of its GDP on education, resulting in an education system with very little resources, poor infrastructure and outdated teaching methods based on rote memorization.¹⁰²

Most universities are limited and scattered throughout cities to prevent students from gathering and creating political unrest as they once did in 1988.¹⁰³ The most highly educated people in Myanmar are often the children of the military elite, afforded opportunities to attend universities

¹⁰¹ The World Bank, "Inclusive Access and Quality Education project," <https://projects.worldbank.org/en/projects-operations/project-detail/P163389>

¹⁰² UNESCO, "Myanmar Education Expenditure," <https://uis.unesco.org/en/country/mm?theme=education-and-literacy>

¹⁰³ Aung Kyaw Soe, "A peep behind the curtain of Myanmar education system," *Burma Digest*, 5 June, <https://sanoaung.wordpress.com/2008/04/27/a-peep-behind-the-curtain-of-myanmar-education-system/>

internationally.¹⁰⁴ While those from disadvantaged social and economic backgrounds, ethnic minorities, and in communities living in conflict-affected areas face severe challenges, hindering their access to education.

Thus, the internet offers a chance for marginalized communities improve their access to, and quality of education. According to the interviewees, the internet offers them the opportunity to access information, increase knowledge, and learn while living in conflict-affected states in Myanmar and refugee camps in Bangladesh. The internet is described by interviewees as their “academic institution”¹⁰⁵ and “a university.”¹⁰⁶ In a way, online learning has become a key method of overcoming Myanmar and Bangladeshi authorities’ restrictions on education. A Rohingya interviewee in Buthidaung Township in Rakhine State stated:

“I cannot go to school in another place because I am a Muslim. Internet is the place where I can study advanced education.”¹⁰⁷

Refugees like Md Rafique in Bangladesh echoed this sentiment, stating that, “Being a Rohingya education is not available for me... No country allow us to learn education except internet.”¹⁰⁸ Md Rafique is not alone: 15 out of 16 interviewees listed education as the most important thing they use the internet for. Coursera, Quora, YouTube, and Thabyay eLearning Platform’s Exam Preparation Outreach Program were named by interviewees as key educational platforms, while a few other interviewees in Myanmar also listed online English¹⁰⁹ and Korean¹¹⁰ language courses.

Given the importance of online learning, the internet shutdown has had a disruptive effect on the people’s education. Interviewees both in Myanmar and Bangladesh described: “lost opportunities”¹¹¹, needing to “taking a break from learning”¹¹², and not being able to continue with their courses¹¹³. Interviewees like Syedul Mostafa¹¹⁴ talked about losing certificates and not being able to progress in their online courses because of the internet shutdown. 18 year-old Asmahra in Buthidaung Township, Rakhine State, expressed frustration in not being able to learn: “I want to attend online trainings so much...I can’t attend because internet is not available.”¹¹⁵

As a result of their impediments to accessing education, our interviewees expressed hopelessness and concern for the future. 20 year-old Ro Arfat Khan, originally from Maungdaw Township, Rakhine State, who now resides in Balukhali camp 2 in Bangladesh, said:

“We had to leave our studies and country... We have been surviving almost three years in the refugee camp. But We have no opportunities to learn educations to be anything in the future...Our lives become very difficult without internet access to survive in the refugee camp...When I can access it then I become a dreamer to achieve my goals.”¹¹⁶

¹⁰⁴ Ibid.

¹⁰⁵ Bangladesh interview 5.

¹⁰⁶ Bangladesh interview 3.

¹⁰⁷ Myanmar interview 7.

¹¹⁶ Bangladesh interview 3.

Kyaw Moe Thu, from Buthidaung Township, Rakhine State similarly stated that, “Right to education is part of my life. But now, I cannot study because there is no internet. I will grow older each day. I am losing hope gradually... Without education, the people will be tempted to use violent methods.”

Unsurprisingly, all ten interviewees from Myanmar, when asked what they would do if they get back internet access in Rakhine and Chin State responded that they would resume online learning. Meanwhile, the six interviewees from Bangladesh said that they have already resumed their education after internet access was restored by the Bangladesh government in August 2020. RYA members at the time of writing, expressed concern that recent gang violence in the camps could be used by the Bangladeshi authorities to revoke their access to the internet and once again disrupt their quest for education.

News and Misinformation

Historically, under the military junta, news and information in Myanmar was tightly controlled. Press freedom was practically non-existent for more than five decades, under the Ministry of Information’s Press Scrutiny and Registration Division’s censorship. Myanmar media outlets were predominantly state controlled and served as a mouthpiece for the regime, disseminating propaganda. Reporters Without Borders ranked Myanmar 174th out of 178 in its Press Freedom Index (ahead of just Iran, Turkmenistan, North Korea, and Eritrea) as recently as 2010.¹¹⁷

However, by ending state censorship on traditional and electronic media,¹¹⁸ dissolving the Press Scrutiny and Registration Division, and electing a civilian government, it seemed as if Myanmar’s journalists would be free to report and people would gain ability to freely access news and information. Restrictions were lifted on 30,000 internet sites, including blocked international news sites such as BBC, Radio Free Asia, Voice of America, and critical outlets like Democratic Voice of Burma and Irrawaddy, allowing Myanmar users to gain access to political content unimaginable in the previous era. The telecommunications liberalization also meant that users could readily and

¹⁰⁹ Myanmar interview 8.

¹¹⁰ Myanmar interview 3.

¹¹¹ Myanmar interview 5. Name changed.

¹¹² Myanmar interview 1.

¹¹³ Bangladesh interview 6.

¹¹⁴ Bangladesh interview 4.

¹¹⁵ Myanmar interview 9.

¹¹⁶ Bangladesh interview 3.

¹¹⁷ “Press Freedom Index 2010,” Reporters without Borders, <https://web.archive.org/web/20101129195350/http://en.rsf.org/press-freedom-index-2010,1034.html>.

¹¹⁸ “Burma Abolishes Media Censorship,” BBC News, August 20, 2012, <https://www.bbc.com/news/world-asia-19315806>.

easily access the news content via their smart phones. Those initial reasons for optimism have now subsided. The internet shutdown in Rakhine and Chin states and current government control of news and information, in some ways harkens back to Myanmar under the military junta. The International Human Rights Clinic and 18 civil society organizations from Myanmar spent more than a year (2019-2020) researching rampant misinformation campaigns by the military and ultranationalist groups. Our findings indicated misinformation has been systematically promoted and disseminated by powerful interests that benefit from the resulting division and conflict in society.¹¹⁹ We also found that Myanmar’s domestic laws including: the 2013 Telecommunications Law, 2014 Printing and Publishing Law, 1923 Official Secrets Act and 1908 Unlawful Associations Act and 2016 Peaceful Assembly and Peaceful Procession Law¹²⁰ have been weaponized against journalists, human rights defenders and activists seeking to tell the truth about what’s happening in Myanmar.

Every single interviewee from Myanmar spoke about internet shutdown hindering their ability to get accurate news pertaining to both the conflict and COVID-19 pandemic, while Rohingya refugees focused mostly on the pandemic (please see next section for detailed discussion).

Kyaw Kyaw who lives in Paletwa Township in Chin state captures the impact that the internet shutdown has had on his ability to get news. He tells us that he has:

“Lost connection with the world, unable to get updated information,... unable to read the news and other information online during the time we could not go outside due to the pandemic, and could not access the latest news from the TV program.”¹²¹

Abulnawser similarly laments loss of news information stating that, “When we used to get internet access, news media such as BBC and RFA published the news related to the war together with the photos. After the internet cut-off, I don’t see a lot of such kind of news in the media.”¹²²

The theme of “information blackout” overwhelmingly came up in the interviews from Myanmar. Thu Htet San from Mrauk-U Township in Rakhine shared the following:

“I think they shut down the internet to create information blackout for the Rakhine people and they assume by doing so will bring political stability. For example, during the active conflict, if any issue arises, internet shutdown can prevent the news from spreading around and inciting mass unrest. I think by blocking the public’s access to the political news, they want to weaken people’s political awareness and to lose interest in the political affairs.”¹²³

¹¹⁹ “Hate Speech Ignited: Understanding Hate Speech in Myanmar,” October 2020, <https://hrp.law.harvard.edu/press-releases/myanmar-hate-speech-report/>

¹²⁰ “Hate Speech Ignited,” 73 for full discussion of the laws in Myanmar.

¹²¹ Myanmar interview 4. Name changed.

¹²² Myanmar interview 10. Name changed.

¹²³ Myanmar interview 2. Name changed.

Others believe that the “information blackout” serves a second purpose: preventing news of human rights violations from reaching the rest of Myanmar and the international community. According to Patricia, originally from Sittwe, and now displaced in Chin State:

“...they want to create information blackout...They also worry that what is happening within the country will reach to the international community.”¹²⁴

“The government wants to...stop the news of the crimes they have committed in the conflict-affected areas from reaching the international community. During the 2012 crisis, the public immediately uploaded the crimes the military have committed on the internet and so, the government wants to prevent the same from happening again.”¹²⁵

Muhammad Shor Biar in Buthidaung Township, Rakhine State further echoes this:

“They block information flow. They block communication. Before, if something happened, the news together with the pictures were instantly shared on the internet. I think the government does not want the world including us to know about that.”¹²⁶

One common position shared by interviewees in Myanmar and Bangladesh is their skepticism over the governments’ reasons for the internet shutdowns. Both governments alluded to “illegal activities”; in Bangladesh, it is alleged yaba smuggling in the refugee camps, while in Myanmar it is AA’s “terrorism” in Rakhine and Chin state.

Omar Faruque for example, believes that refugees are being deprived of news and updates of the camps and that, “Government is trying to accomplish with the shutdowns with some reasons that are not actually in us such as smuggling and spreading yaba case....”¹²⁷

Md Ataram Shine from Balukhali Camp 2 like Omar Faruque¹²⁸ believes that, “government is giving reason is to ban smuggling and yaba” when in fact, it is local people involved in the illegal activities and the Rohingyas are being scapegoated.

¹²⁴ Myanmar interview 3. Name changed.

¹²⁵ Myanmar interview 4. Name changed.

¹²⁶ Myanmar interview 6. Name changed.

¹²⁷ Bangladesh interview 1.

¹²⁸ Bangladesh interview 2.

Across the border in Myanmar, a Rohingya residing in Buthidaung Township also rejects the government’s justification. According to him:

“I think the government is intentionally torturing the public. They are torturing the people by making them live with information blackout while giving excuse to fight against terrorism.”¹²⁹

Given that the nexus between the internet shutdown and the conflict in Rakhine and Chin states is unique to Myanmar context, we will discuss it separately below and now turn our attention on how the internet shutdown has affected ethnic IDPs and refugees’ lives during the COVID-19 pandemic.

COVID-19 Pandemic

The vast majority of our interviewees (11 of 16) explicitly spoke about the impacts of internet shutdowns in the context of the global COVID-19 pandemic. This was one of the themes among the interviews where similar concerns resounded on both sides of the border, in Myanmar and in the refugee camps in Bangladesh. They are, in fact, concerns shared by communities all over the world as they face this novel and punishing disease—the need for: reliable sources of information about the progress of infections and countermeasures locally; science-based health education about what can be done to slow spread; and means to control widespread and inaccurate rumors that begin to circulate.

Of course, the precarious situation of those who live in active conflict zones, under repressive regimes, and in crowded refugee camps may sharpen the bite of these concerns. Interviews with Rohingya in Bangladesh also pointed out issues particular to refugees in crowded camps, needing to keep in touch with faraway loved ones.¹³⁰

Many of our interviewees—three from each side of the border—spoke to their need for reliable data about the COVID-19 pandemic. As Kyaw Kyaw Niang, from Buthidaung Township in Rakhine State put it:

“Internet is ... even more crucial during the COVID-19 pandemic to get updated information. We need internet to be aware of the latest updates of the COVID-19 infection and the world news... [without the internet] I cannot get reliable COVID-19 related information timely.”¹³¹

¹²⁹ Myanmar interview 7. Name changed.

¹³⁰ Bangladesh interview 1

¹³¹ Myanmar interview 1. Name changed.

An interviewee in Bangladesh, Ali Jinnah Hussin, shared in Kyaw Kyaw Niang's desire to be able to access both local and global information about the state of the pandemic. Those who have family and close connections around the world need information not only on the risks they face at home, but also on how their loved ones are faring. Moreover, people need good sources for health information about behaviors that can mitigate their personal risk. As an interviewee in Bangladesh wrote, the internet is a source of "many kinds of tips and information to survive my life from COVID-19 pandemic."¹³²

Social media sites, predominantly Facebook, account for the majority of the internet use in Myanmar and are widely used by government ministries, and our interviewees from Myanmar affirmed that this is where they would have sought information, had it been available: "[Before the shutdown] I used Facebook most frequently... to get the news and other information. For example, if I like Facebook page of Ministry of Health and Sports, I can receive reliable news relating to the ongoing pandemic."¹³³ When the government is making use of the internet and social media sites as official channels to disseminate information, blocking or impeding access to those accounts may constitute a violation of individuals' right to free expression and access to information.¹³⁴

In the absence of an internet connection during the shutdowns, our interviewees in both countries sought alternative sources of information, but found them lacking. In Myanmar, interviewees identified the television news as one other source, but expressed frustration that it lacked "the latest information."¹³⁵ The only other option that our interviewees identified was that "[t]here are some announcements made through the loudspeaker – once a day or once a week to read out the public announcements in every town ward. But I can't understand their loud voices very well. I can't ... hear clearly."¹³⁶ In the refugee camps, one of our interviewees acknowledged that the NGOs he interacts with are making efforts to relay key information about the pandemic, but that it simply isn't sufficient, especially as he wants to be able not only to read information, but also to send out updates to far-flung family.¹³⁷ Given the fast-moving nature of the pandemic and the detailed nature of the information needed, as well as the desire for two-way communication, these alternative means of accessing information are clearly not adequate substitutes for internet access.

¹³² Bangladesh interview 3.

¹³³ Myanmar interview 6.

¹³⁴ For example, in the United States, the Second Circuit Court of Appeals found it to be a violation of the First Amendment of the US Constitution, which protects Americans' rights to free expression, when President Donald Trump blocked other Twitter accounts from following his, since he used his account for official purposes. https://knightcolumbia.org/documents/ao7ecc2a26/2019.07.09_ECF-141-1_Opinion.pdf

¹³⁵ Myanmar interview 2.

¹³⁶ Myanmar interview 6.

¹³⁷ Bangladesh interview 1.

In the absence of reliable information, and without the ability to fact-check what information is available, a number of our interviewees spoke to the pressing problem of inaccurate rumors. Asmahra, one of our interviewees from Myanmar, summarized: “There are many rumors all around. We cannot verify which is true or false without the internet.” As Abulnawser, another interviewee from Myanmar, elaborated:

“We cannot get accurate information when we need [it]. Some say there are ten COVID-19 positive cases in Buthidaung, and others say there are eight. We cannot verify which information is true or false. We heard there are 300 infected persons in Sittwe. Now they are saying the total cases have exceeded 600. People who are close to me came and asked me which information is true or false, but I could not say anything. Because I do not spread rumors.”¹³⁸

The interviews make palpable Asmahra and Abulnawser’s frustration at being unable to combat rumors as they accelerate: in the absence of the internet, they were simply unable to find a source to verify what they were hearing. Unfortunately, the same challenge with rumors exists in the refugee camps, with one interviewee from Bangladesh describing them as spreading “massively.”¹³⁹ COVID-19 has presented a challenge to governments, communities, and individuals around the world, and the internet has proven for many to be a lifeline. The ongoing internet shutdown deprives those in Rahkine and Chin States of such a lifeline. It was also denied for months and months in the Rohingya refugee camps in Bangladesh.

Work

The impact of internet shutdowns on the ability to find and engage in work was a concern that came up in half of our interviews in Myanmar, but not in our interview in Bangladesh. This is unsurprising in a sense, since, as we mentioned above, Rohingya refugees in Bangladesh are not allowed to work. Their concerns about the impacts of internet shutdowns focused on other themes. In Myanmar, however, despite the relative recency of widespread internet availability, a number of our interviewees described it as essential to their work. The internet shutdown impacted job seekers among our interviewees in different ways. Muhammad Shor Biar noted how the internet had enabled him to transcend the physical constraints he is under:

“[Before the shutdown] I did not have to personally go to search and apply for jobs because of the internet. I just had to send email. Now, internet is no longer accessible and it is very hard to travel from one place to the next. So, I could not apply for jobs anymore.”¹⁴⁰

¹³⁸ Myanmar interview 10.

¹³⁹ Bangladesh interview 5.

¹⁴⁰ Myanmar interview 6.

For our interviewees in Myanmar and their communities, these physical constraints are very real, given the extremely challenging overlapping impacts of the ongoing conflict and COVID-related movement restrictions. Another interviewee, Thu Htet San, is 20 years old and just starting her career, and told us that the internet was key for her to build connections. With the shutdown, she said, some of those tenuous but valuable connections were lost, and she faced “challenges in looking for job opportunities.”¹⁴¹

On the other hand, some of those among our interviewees who had steady work called out the challenge of continuing to work in the context of an internet shutdown. When the internet was available before, the shutdown, they cited using email for communication¹⁴² as well as to send documents to colleagues.¹⁴³ They also told us that internet research and online learning, including through YouTube,¹⁴⁴ were important in their work. Maung Maung, who leads an organization, also used the internet to “share the latest activities of my organization regularly.”¹⁴⁵ Given that the government has restored 2G services to the affected parts of Rakhine and Chin states, it is worth noting that many full-featured social media and email applications and streaming video may still be difficult or impossible to use, meaning these impacts on individuals’ ability to work will persist.

Security and Conflict

The themes of security and conflict as it relates to internet shutdown is one that every single interviewee in Myanmar discussed at length but was less prominent in the interviews with Rohingya refugees. When asked “why do you think the government has shut down the internet”, ten out of ten interviewees stated that it was the direct result of the war between the *Tatmadaw* and AA.

Despite Rakhine State being an epicenter for the resurgence of COVID-19¹⁴⁶, the Myanmar military has not heeded the global call for a ceasefire. The numbers of civilian deaths, injuries, and displacements continue to rise as Rakhine and Chin states plunge further into war. UN agencies in Myanmar have expressed concern, stating that more than 100 children have already been killed or maimed in the first three months of 2020 (amounting to more than half of the total number in

¹⁴¹ Myanmar interview 2.

¹⁴² Myanmar interview 4. Name changed.

¹⁴³ Myanmar interview 10.

¹⁴⁴ Ibid.

¹⁴⁵ Myanmar interview 5. Name changed.

¹⁴⁶ Andrew Nachevson, “Racism Is Fueling Myanmar’s Deadly Second Wave of COVID-19,” *The Diplomat*, September 11, 2020, <https://thediplomat.com/2020/09/racism-is-fueling-myanmars-deadly-second-wave-of-COVID-19/>

2019, and surpassing the total number of child casualties in 2018).¹⁴⁷ Cho Cho May from Buthidaung Township believes that the internet was cut off because people were dying and the government “don’t want the media and the public to know about this information... they want to prevent the public from knowing about the news on war.”

Other interviewees believe that the internet shutdown is aimed at keeping affected communities from assisting AA with their activities and sharing information. Interviewees like Kyaw Kyaw Naing in Buthidaung Township, said that the government shut down the internet as a means of keeping Rakhine people from contacting members of the Arakan Army.¹⁴⁸ Asmahra adds that, “I think it is the Government’s policy. What I heard from other people is that there are AA insurgents among the locals. Internet was cut off to stop them from sending information to each other.”¹⁴⁹

As of March 2020, AA, like ARSA before it, has been designated a terrorist organization in Myanmar.¹⁵⁰ According to the Myanmar government, AA has, “caused serious losses of public security, lives and property, important infrastructures of the public and private sector, state-owned buildings, vehicles, equipment and materials.”¹⁵¹ Contrary to government propaganda framing AA as terrorist organization, interviewees in Rakhine State push back on such narratives stating:

“Not everyone who live in Rakhine State is a terrorist. There are many people who are leading honest lives. Everyone knows who is the real terrorist. Not everyone who follows Islam is a terrorist and not everyone who follows Buddhism is a terrorist. The groups which the government is accusing as terrorists are fighting for their rights. But the government is saying they are terrorists.”¹⁵²

As the internet shutdown in Rakhine and Chin state enters its second year, interviewees desperate for information pertaining to both the conflict and COVID-19 have had to find ways to gain internet access. Some reported travelling long distances, across multiple checkpoints, just to get to Maungdaw where internet services has been restored. Thu Htet San¹⁵³ resorted to buying new phones and SIM cards that can pick up a signal when attached to the end of a long pole on top of a hill. However, this “solution” cost her money and is unsafe, especially during active conflict.

Maung Maung and Muhammad Shor Biar, on the other hand, have found that while their villages in Buthidaung and Rathedaung Townships have no internet, neighboring villages do. They

¹⁴⁷ “Myanmar: ‘Shocking’ killing of children allegedly used as human shields,” UN News, October 14, 2020, <https://news.un.org/en/story/2020/10/1075362>.

¹⁴⁸ Myanmar interview 1. Name changed.

¹⁴⁹ Myanmar interview 9.

¹⁵⁰ “Myanmar officially brands Rakhine rebels a terrorist group,” Associated Press, March 24, 2020, <https://apnews.com/article/od4de21a7d7e03dc1c1e0476c8a1a417>

¹⁵¹ Ibid.

¹⁵² Myanmar interview 7. Name changed.

¹⁵³ Myanmar interview 2.

reported taking a motorbike or boat to get there. Both stated that it is “risky” to travel from one place to another which is why they do so only for “urgent matters”.

Kyaw Moe Thu paints a vivid picture of what people must do, and the risk and effort it takes, to simply get around the government’s internet shutdown:

“You have to suffer a lot when you really need to use the internet. In some places, you can get internet access... We have to use Mytel SIM card. And we have to use the places close to the military compound. I don’t want to use that much. But when I really must use the internet, I have to go outside the town and try to get access near the military compound. Sometimes, it rains so hard. It is really a pain when you have to stand up beside the highway while holding an umbrella all the time, to use the internet.”¹⁵⁴

The interviews also revealed a distinct gendered impact, which hinders women from accessing information more so than their male counterparts. Women interviewees like Cho Cho May, Asmahra, Patricia, and Thu Htet San highlighted some of the additional risks. For instance, some interviewees reported that the connection is stronger at night, but as women, they’re unable to safely go out at that time.

“There are some small hills within Buthidaung Township where one can get internet access. One time my father and I went there to use the internet because of an urgent family matter. But I didn’t feel safe. It is worse at dusk hours. I saw many people using internet at that place.”¹⁵⁵

“We use internet with Mytel SIM card near the prison in Buthidaung. But it is difficult to go and use the internet there. Many men are there. To be frank, I’m afraid. And it is not easy to go outside the town with a tricycle to use the internet.”¹⁵⁶

Communication with Loved Ones

Even before we began our interviews, we knew anecdotally from engagement with ethnic minority IDPs and the Rohingya refugees that interrupted communication with loved ones was a major consequence of the internet shutdowns, leading to considerable distress in these communities. Four of the ten people we spoke with in Myanmar raised the issue during their interviews; in Bangladesh, it was five out of six. Given the trials this population has been through in recent decades, it is very much a diaspora community, and our interviewees mentioned relatives not only in Myanmar and Bangladesh but as far away as Saudi Arabia and the United States.

¹⁵⁴ Myanmar interview 7. Name changed.

¹⁵⁵ Myanmar interview 9.

¹⁵⁶ Myanmar interview 8.

During the internet shutdown, when communication with these faraway loved ones was impossible, one interviewee, Kyaw Kyaw, described their feeling as having “lost connection with the world.”¹⁵⁷ In our interviews in the refugee camps, conducted just before Bangladesh restored service, our interviewee’s longing for their families was palpable. Asked what the restoration of the internet would mean to him, Omor Faruque said, “Communication to relatives [in] foreign countries such as video calls and audio calls to get peace and restore the missing moments of them by seeing their faces and children.”¹⁵⁸ Communication serves practical as well as emotional needs. As Ro Arfat Khan, a resident of the Cox’s Bazar camp, observed, “we are suffering difficulties and facing uncertain future in Bangladesh. So, I think that internet facility is very much needed for me to talk with [my family abroad].”¹⁵⁹

One surprise we found in the interview data was how much internet shutdowns also impacted our interviewee’s ability to communicate with friends and family locally. This was particularly apparent among our interviewees in Bangladesh. Although Md Rafique’s elderly parents also live in the refugee camps, he does not live with them, and given their diagnoses of diabetes and hypertension along with other health issues, he said—quite understandably— “I don’t feel happy if I can’t speak them twice per day over the phone.”¹⁶⁰ Ro Arfat Khan also shared his need for internet to communicate with relatives and friends in the camp, noting that “Our lives become very difficult without internet access to survive in the refugee camp.”¹⁶¹ The importance of the internet for local communication also came up in one Myanmar interview: Patricia reported one of her main uses for the internet was connecting with friends on Facebook, and looked forward to “mak[ing] connections again with my friends from within and outside the country” if the internet were restored.¹⁶²

Access to Healthcare

We observed the theme of limited access to healthcare as an impact of internet shutdowns primarily among the interviewees in Bangladesh. As we noted above in the overview of the human rights situation in the Bangladeshi refugee camps, it is well documented that there are insufficient funds and infrastructure to supply adequate healthcare to the refugees. In a context like this, compounded by overcrowding and endemic disease, our interviewees made clear that the internet shutdowns had, at times, a devastating impact on their and their loved ones’ ability to access healthcare.

¹⁵⁷ Myanmar interview 4. Name changed.

¹⁵⁸ Bangladesh interview 1.

¹⁵⁹ Bangladesh interview 3.

¹⁶⁰ Bangladesh interview 5. This interviewee also told us a harrowing story, included in the Access to Healthcare section, about his parents’ inability to reach him during an acute health crisis.

¹⁶¹ Bangladesh interview 3.

¹⁶² Myanmar interview 3.

Three of our interviewees told stories that are remarkably similar in their overall structure: a family member became seriously ill, and either no one with the capacity to transport them to the hospital could be reached, or else, having arrived at the hospital, they were unable to notify others about their location and the patient's status, or to request additional help. Our first interviewee in Bangladesh, Omor Faruque, told us that his father is diabetic, and one July afternoon, his condition became critical. The only option to get him to the hospital was to carry him; Omor Faruque's mother and the neighbor who were present were too elderly to lift him. Omor Faruque was away, and while there was 2G service, it wasn't sufficient for his mother's calls to get through to him. He mentioned that his father having been "fighting with death for two hours," and he was finally able to take him to the hospital. In Omor Faruque's words, "I told myself that 'Ah! Bangladesh. Ah! If network were available, I could be here in due time and my dad wouldn't feel such a critical situation.'"¹⁶³

In the other two stories we heard, the young people we interviewed (ages 24 and 25) were the ones to transport the sick family member to the hospital, but found themselves isolated once there, unable to reach other family for help. Md Ahtaram Shine took his sister to the hospital when she fell ill, and his attempts to reach her husband, his brother-in-law, over the phone failed due to insufficient service. The 2G service that was available would allow texts to go through, but in this situation that was of little help. As Md Ahtaram Shine noted: "My brother in law does not read. So I can't text him. Then I wrote a message to a friend to send the information to my brother in law."¹⁶⁴ Md Rafique had a similar experience, alone at the hospital with his seriously ill father: he "called [a] hundred times," but again, there was insufficient service to support a voice call, and he had to resort, as Md Ahtaram¹⁶⁵ physically go and notify his family.¹⁶⁶

Finally, one interviewee, Ro Arfat Khan, told us a story about trying to manage their own illness at home:

"The last three months I was sick seriously, but I didn't go anywhere due to fear of COVID-19 pandemic [and] my condition was become serious. I tried to contact a doctor who is a friend of mine but I couldn't talk to him even after calling so many times due to weakness of network then I sent a message to come to my shelter but he did not check inbox. I have faced fear conditions like a blind man, without network connection."¹⁶⁷

Ro Arfat Khan's experience illustrates that internet shutdowns negatively impact refugee's ability to access care for conditions that do not require hospitalization, and that the stress of being unable to reach healthcare professionals may itself become a mental health issue.

¹⁶³ Bangladesh interview 1.

¹⁶⁴ Bangladesh interview 2.

¹⁶⁵ Bangladesh interview 5.

¹⁶⁶ Ibid.

¹⁶⁷ Bangladesh interview 3.

Conclusion and Recommendations

The network disruptions we have described in this white paper are historically notable in their scope and duration, and their devastating impact on our interviewees and others in their communities have been severe. If we revisit the three-part test set out under ICCPR s.19(3) and explicated above, it becomes immediately clear that both of these internet shutdowns violate international human rights standards. The test requires that shutdowns have a legal basis, a legitimate aim, and be proportionate to that aim in their impact on human rights.

While the laws of Bangladesh and Myanmar may permit such interruptions of communications technology, they are broadly worded permitting the authorities tremendous amount of discretion. However, even if the first requirement of legality is met, the case of the shutdowns falls apart on the second and third factors. Myanmar has justified the internet shutdown it has imposed in the eight townships in Rakhine and Chin states by citing “disturbances” and “the use of the internet to coordinate illegal activities”, without additional specificity. If this were a sufficient reason to suspend people’s access to communications networks, literally every government, at every level, around the world, would have reason to do so, as periodic disturbances and illegal acts are part of human life.

Furthermore, as we have illustrated in the foregoing section, even were the Myanmar government’s aim legitimate, the effects of the shutdown it has imposed have been gravely disproportionate to the justification it has offered. The rights of education, health, free expression and access to information, and security, among others, have been repeatedly violated. The restoration of 2G services is woefully inadequate, as our interviews demonstrated; at the current level of service, many voice calls, not to mention other services, are inaccessible. For these reasons, the internet shutdown in Myanmar should be lifted, and 3G and 4G service restored to the affected area, immediately. Our findings about the significant consequences of the shutdown on individuals’ ability to access news sources and increased exposure to disinformation only serve to underline this urgent call.

We welcome the Bangladesh government’s decision to restore internet services to the refugee camps, following significant international pressure. However, recent weeks have seen significant unrest in Cox’s Bazar and the surrounding camps, as concerns about smuggling of the drug Yaba proliferate there as elsewhere in Asia. Since the original shutdown order followed widespread demonstrations in the camps, we caution Bangladesh against again resorting to the blunt, and human rights violating, instrument of a general internet shutdown to combat these more recent clashes in the camps.

The Rohingya community, many now refugees in Bangladesh, and the ethnic minority IDPs in Rakhine and Chin states, trying to survive an active conflict zone, face tremendous challenges. Following on decades of oppression and deprivation of their human rights, they must contend with daily violence, housing insecurity, and the threat of the global COVID-19 pandemic. The internet shutdowns add fuel to these fires, preventing access to reliable information about how people can keep themselves safe and stopping them from communicating with friends and family. As one Ro Arfat Khan put it, “Risks and sadness has become part of our life. Peace and happiness has gone away from our life.”

It is within the power of the Myanmar government to ease the devastating impacts on the affected population, restoring protections for their rights, by lifting the shutdown order, and the Bangladesh government must continue to guarantee network access. As Syedul Mostafa, author of the poem that gave this paper its title, told us, truly, “There is nothing around the world without internet for this digital world. There are everything, where is available internet.” If the internet is not available, these vulnerable communities’ lives and suffering will persist in a perpetual state of lockdown and shutdown.

Appendix: Interview Questions

- Background info:
 - Name
 - Age
 - Where are you from?
 - Where are you staying now?
- What are the most important things you use the internet for (when you can access it)?
- Can you tell us a story about one way that the shutdowns had a major impact on you?
- What do you think the government is trying to accomplish with the shutdown?
- What would the restoration of the internet mean to you?
- Are you able to get access the internet despite the shutdown? If so, how are you doing it?

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Back Cover Photos Description

Photo 8 (top) : A Rohingya refugee child with a mobile phone. Photo – Khin Maung (Cox's Bazar)

Photo 9 (bottom) : A Rakhine child trying to catch network signal atop a mountain. Photo – Kaung Mrat Naing(Maungdaw)



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