



#KeepitOn: Joint letter on keeping the internet open and secure

Re: Internet shutdown in upcoming elections in Nigeria

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Executive Vice Chairman and Chief Executive Officer (EVC/CEO)

Nigerian Communications Commission.

CC:

Maria Arena, Chief Observer European Union Election Observation Mission (EU EOM) to Nigeria

We the #KeepItOn Coalition welcome your statement dated February 1st, 2019 reaffirming your commitment to ensure the stability and openness of the internet during the elections in Nigeria.

Access to information and freedom of expression are pillars of a democratic society and are essential during elections. Millions of Nigerians like many more around the world depend on the internet to find their polling stations, identify and engage with election campaigns, listen and vet candidates, use the information they gather online to cast their vote, and use the internet to report misconduct during the elections. Because of the many undeniable advantages of the internet, we the #KeepItOn Coalition that make up more than 180 organizations from over 68 countries **implore you to keep the internet open during the upcoming elections in Nigeria.**

Internet shutdowns harm human rights and economies

Research shows that internet shutdowns and violence go hand in hand. [1], [2] Shutdowns disrupt the free flow of information and create a cover of darkness that shields human rights abuses from public scrutiny. Journalists and media workers cannot contact sources, gather information, or file stories without digital communications tools.[3] Justified for various reasons, shutdowns cut off access to vital information, e-commerce, and emergency services, plunging whole communities into fear. Disruptions also destabilize the internet's power to support small business livelihoods and to drive economic development. A 2016 study by the Brookings Institution, a prominent think tank, revealed that shutdowns drained \$2.4 billion from the global economy between 2015 and 2016.[4]

The open internet has fostered unprecedented creativity, innovation, and access to information and to other kinds of social, economic, cultural, and political opportunities in Nigeria and across the globe. The technical means used to block access to information online often dangerously



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undermine the stability and resiliency of the internet. **Internet shutdowns must never be allowed to become the new normal.**

Nigeria has a vibrant civic tech and startup community, and the digital economy continues to progressively contribute to the Gross National Product (GDP). The digital economy is estimated to contribute \$88 billion by 2021 and create over 3 million jobs. [5] **Any attempt to shut down the internet will cost your country an estimated \$134,251,654 per day in direct economic costs, and will slow the realization of economic, social, and cultural rights broadly.** [6]

Internet shutdowns violate international law

A growing body of findings and resolutions hold that intentional disruptions to online communication violate international law. The UN Human Rights Council and the UN General Assembly have passed, by consensus, multiple resolutions that unambiguously condemn internet shutdowns and similar restrictions on freedom of expression online. For example, the UN Human Rights Council in Resolution A/HRC/RES/32/13:

Condemns unequivocally measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law and calls on all States to refrain from and cease such measures.

Experts from the United Nations, Organization for Security and Co-operation in Europe (OSCE), Organization of American States (OAS), and the African Commission on Human and Peoples' Rights (ACHPR), declared that internet "kill switches" can never be justified under international human rights law, even in times of conflict. [7]

In November 2016, ACHPR adopted a resolution on the right to freedom of information and expression on the internet in Africa, which noted its concern over "the emerging practice of State Parties of interrupting or limiting access to telecommunications services such as the Internet, social media and messaging services, increasingly during elections." ACHPR/Res. 362(LIX).

The UN Human Rights Committee, the official interpreter of the International Covenant on Civil and Political Rights, emphasizes in General Comment no. 34 that restrictions on speech online must be strictly necessary and proportionate to achieve a legitimate purpose. [8] Shutdowns are neither necessary nor effective at achieving a legitimate aim; by contrast, shutdowns disproportionately impact all users, and unnecessarily restrict access to information and emergency services communications during crucial national moments while also limit transparency and accountability required at these times.

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We respectfully call on you to

- Ensure that the internet, including social media, SMS and mobile services remain accessible
- Reaffirm your commitment to keep the internet on, and to notify the public of any disruptions before, during and after the elections
- Safeguard that the speed of the internet, or specific websites and messaging applications, is not intentionally slowed down
- Encourage telecommunications and internet services providers to respect human rights through public disclosures on policies and practices impacting users

We are happy to assist you in any of these matters.

Access Now

African Academic Network on Internet Policy

African Freedom of Expression Exchange (AFEX)

Africtivistes- League of African Bloggers and Cyberactivists for Democracy

Alliance for Affordable Internet - A4AI

Association for Progressive Communications (APC)

Collaboration for International ICT Policy for East and Southern Africa (CIPESA)

Committee to Protect Journalists

Internet without Borders

ISOC Nigeria

NetBlocks

Paradigm Initiative

OpenNet Africa

PEN America

Rwanda Youth Clubs for Peace Organization

Senegalese Association of ICT Users (ASUTIC)

World Wide Web Foundation

[1] 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. See more at <<https://accessnow.org/keepiton>>.

[2] Anita R. Gohdes, 'Pulling the Plug: Network Disruptions and Violence in the Syrian Conflict' (Journal of Peace Research: 31 January 2014)

For more information contact Ms. Berhan Taye, berhan@accessnow.org

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<http://www.anitagohdes.net/uploads/2/7/2/3/27235401/gohdes_synetworkaug14.pdf> accessed 24 March 2017.

[3] Jonathan Rozen, 'Journalists under duress: Internet shutdowns in Africa are stifling press freedom' (Africa Portal) 17 August 2017)

<<https://www.africaportal.org/features/journalists-under-duress-internet-shutdowns-africa-are-stifling-press-freedom/>>

[4] Darrell West, (Brookings Institution, October 2016) "Internet shutdowns cost countries \$2.4 billion last year" <https://www.brookings.edu/wp-content/uploads/2016/10/intenet-shutdowns-v-3.pdf>

[5] Nosa Alekhuogie, (AllAfrica.Com) 'Nigeria: Digital Economy - Govt Targets \$88 Billion Revenue in Three Years' <https://allafrica.com/stories/201807120024.html>

[6] CIPESA and Netblocks, 'Cost of Shutdowns' <https://netblocks.org/cost/>

[7] Peter Micek, (Access Now, 4 May 2015) 'Internet kill switches are a violation of human rights law, declare major UN and rights experts'

<https://www.accessnow.org/blog/2015/05/04/internet-kill-switches-are-a-violation-of-human-rights-law-declare-major-un>

[8] UN Human Rights Committee (UN, July 2011) "General Comment No. 34"

<http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>