



Fighting Internet Shutdowns around the World

February 19, 2020

#KeepItOn: Joint letter on Keeping the Internet Open and Secure During the Elections in Togo

Re: Internet shutdowns during Togo's elections

Your Excellency Cina Lawson, Posts, Digital Economy, and Technology Innovation Minister

CC:

M. Abayeh Germain Boyodi, Director of Autorité de Régulation des Communications Électroniques et des Postes (ARCEP);

Dr. Mohamed Ibn Chambas, Special Representative of the Secretary-General and Head of the United Nations Office for West Africa and the Sahel (UNOWAS);

The Chief Observer of the EU Election Observation Mission for 2020

We are writing to urgently request that your offices ensure the stability and openness of the internet and social media platforms in Togo. We have received information that your government intends to shut down the internet during the presidential elections scheduled for February 22, 2020. **On behalf of more than 210 organizations from over 70 countries that make up the #KeepItOn Coalition, we appeal to you, Minister Lawson, to ensure that the internet including social media and other communication channels are open, secure, and accessible before, during, and after the presidential elections in Togo.**

Internet shutdowns contravene national and international laws

Internet shutdowns violate fundamental human rights such as freedom of expression, access to information, and the right to peaceful assembly, among others guaranteed by national, regional and international frameworks such as the Togolese Constitution, the Universal Declaration of Human Rights (UDHR), and the African Charter on Human and Peoples' Rights (ACHPR).

Madam Minister, we would also like to remind you about the current court case before the Economic Community of West African States Community Court of Justice brought

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against the Togolese republic for shutting down the internet back in 2017. Reiterating the plaintiff's argument, the internet shutdown then violated the fundamental rights of the Togolese citizens and if it were to happen again, will contravene their rights yet again.

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 its General Comment no. 34 that restrictions on speech online must be strictly necessary and proportionate to achieve a legitimate purpose. [1] Shutdowns, by contrast, disproportionately impact all users, and unnecessarily restrict access to information and emergency services communications during crucial moments. Shutdowns are neither necessary, nor effective at, achieving a legitimate aim, as they block the spread of information, contribute to confusion and disorder, and obstruct public safety.

Internet shutdowns harm human rights, disrupt emergency services and harm economies

Research shows that internet shutdowns and violence go hand in hand. [2], [3] 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 about the electioneering process without digital communications tools.[4] Justified for various reasons, shutdowns cut off access to vital information, e-commerce, and emergency services, plunging whole communities into fear.

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



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tank, revealed that shutdowns drained \$2.4 billion from the global economy between 2015 and 2016. [5]

As a coalition that believes in the internet as an enabler of all other human rights, we are confident that access to the internet and social media platforms can foster transparent and fair elections and enable citizens participation in the upcoming elections.

We, therefore, call on you to undertake the necessary measures to ensure that the internet service providers and relevant actors ensure an open, accessible, and secure internet throughout Togo during this electioneering period. **Internet shutdowns must never be allowed to become the new normal in Togo.**

We respectfully request that you use the important positions of your good offices to:

- Ensure that the internet, including social media, remains accessible throughout the presidential elections;
- Publicly declare the commitment of the Government of Togo to keep the internet on, and to notify the public of any disruptions;
- Encourage telecommunications and internet service 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.

Sincerely,

Access Now

Africans Rising

AFRICTIVISTES

AfroLeadership

ARTICLE 19 West Africa

Association for Progressive Communications (APC)

Bloggers of Zambia

Campaign for Human Rights and Development International - CHRDI

Centre for Multilateral Affairs (CfMA)

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

Committee to Protect Journalists

Human Rights Foundation (HRF)

i Freedom Uganda Network

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Iraqi Network for Social Media
Media Foundation for West Africa
Media Matters for Democracy
Media Rights Agenda
Movements.org Spectrum
OpenNet Africa
Open Observatory of Network Interference (OONI)
Paradigm Initiative
PEN America
Reporters Sans Frontieres (RSF)
Right 2 Know South africa
Rudi International
SAFEnet
Sassoufit
Unwanted Witness Uganda

[1] UN Human Rights Committee (UN, July 2011) “General Comment No. 34”

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

[2] 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>.

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

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

[4] 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/> >

[5] 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>