

# Internet Shutdowns: Background

To accompany the IFLA Statement on Internet Shutdowns, IFLA has also produced this short background brief for members of the library community, and beyond, interested in finding out more. The paper covers definitions of Internet Shutdowns, why we should be concerned, how different organisations tackle the question of when restrictions on access to information are acceptable, and finally suggests some ways of taking action.

## 1) WHAT IS AN INTERNET SHUTDOWN?

There are a number of definitions offered of Internet Shutdowns (or similar terms such as ‘blackouts’, ‘digital curfews’, ‘kill switches’ and others), but all focus on the deliberate disruption of the Internet and relevant services. The aim is to control information received and sent by a group of people, by location or other characteristic.

Below are a set of examples – the one provided by Access Now<sup>1</sup> is perhaps the most frequently cited:

*“An internet shutdown happens when someone — usually a government — intentionally disrupts the internet or mobile apps to control what people say or do. Shutdowns are also sometimes called “blackouts” or “kill switches”. “*

Access Now also offers a technical definition:

*“An internet shutdown is 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.”*

At a national level, Internet Freedom India offers the below<sup>2</sup>:

*Internet shutdowns are an absolute restriction placed on the use of internet services due to an order issued by a government body. It may be limited to a specific place and to specific period, time or number of days. Sometimes it can even extend indefinitely. An internet shutdown may be limited to mobile internet that you use on smartphones, or the wired broadband that usually connects a desktop - or both at the same time.*

The Digital Empowerment Foundation<sup>3</sup>, also based in India, suggests:

*Virtual curfews or network disconnections/Internet shutdowns happen when telecommunications infrastructure, including mobile or Internet networks or both, are shut off or disrupted deliberately. During the time of network disconnection, phone calls or text*

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<sup>1</sup> Access Now, *Keep It On*, <https://www.accessnow.org/keepiton/#resources> (accessed 14 August)

<sup>2</sup> Internet Freedom India, *Shutdowns FAQ*, <https://internetfreedom.in/shutdowns-faq/> (accessed 15 August)

<sup>3</sup> Srivastava, R. (Digital Empowerment Foundation) (2016), *Anatomy of Virtual Curfews: Human Rights vs. National Security*, <https://drive.google.com/file/d/0B9LKE-1DkhtFcZHZX1ZIMUVU5Ek/view> (accessed 15 August 2017)

*messaging services or Internet-enabled services (such as WhatsApp, Facebook, etc.) are disrupted. The networks may be disrupted both technically and legally.*

In Africa, which has also seen a number of such restrictions, the regional Internet registry defined shutdowns in the following way:

*[An incident is counted as an Internet shutdown if] it can be proved that there was an attempt, failed or successful, to restrict access to the internet to a segment of the population irrespective of the provider or access medium that they utilize<sup>4</sup>.*

Finally, a group of participants at the African School of Internet Governance<sup>5</sup> suggested this definition:

*An Internet shutdown is an intentional interruption of the Internet by state or non-state actors which renders the Internet inaccessible or effectively unusable, for a specific population and for the purposes of exerting control over the free flow of information.*

In summary, therefore, a shutdown can be seen as a deliberate move to prevent the use of Internet-based services as a means of accessing information or communicating.

## **2) WHY THEY ARE USED?**

The reasons offered for shutdowns vary, with security only representing one of those given<sup>6</sup>. The below list does not judge the validity of the argument, only stating the apparent motivation, where this is clear.

- To disrupt unrest, for example protests against the government (see Venezuela, Mali, Kashmir, Cameroon)
- To close avenues for foreign propaganda (Ukraine)
- For maintain peace, for example during elections (Ghana) or to counter attacks during public holidays.
- Achieving policy goals, for example by shutting down the Internet to 'relieve stress' and stop students cheating in exams (see Ethiopia, this broader piece from Slate)
- To punish particular companies, such as messaging services.

Frequently, there are suspicions of darker underlying motives, such as to hide voter fraud, stifle dissent, control media, or weaken minority groups.

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<sup>4</sup> Afrinic (2017), *Fighting Fire with Fire – African Regional Body Proposes High Costs for Internet Shutdowns*, <https://globalvoices.org/2017/05/02/fighting-fire-with-fire-african-regional-body-proposes-high-costs-for-internet-shutdowns/> (accessed 14 August 2017)

<sup>5</sup> African School of Internet Governance (2016), *Statement on Intentional Internet Shutdowns*, <http://afrisig.org/previous-editions/afrisig-2016/statement-on-an-intentional-internet-shutdown/> (accessed 16 August 2017)

<sup>6</sup> Dancey-Downs, K, *We Need to Talk about Internet Shutdowns*, Lush, <https://uk.lush.com/article/we-need-talk-about-internet-shutdowns> (accessed on 16 August 2017)

A key concern is around transparency. The first many people know about Internet shutdowns is when they cannot get online. In countries where access is already unreliable, it can take some time to realise that there has been a deliberate intervention.

There are organisations monitoring the situation. AccessNow keeps a record on stories and incidences of shutdowns, while a number of other organisations – Article 19<sup>7</sup>, Human Rights Watch<sup>8</sup>, the Internet Society<sup>9</sup>, to name just some – also follow this issue closely. Over 100 organisations have signed on to Access Now's *Keep It On* Coalition.

### 3) WHY SHOULD WE WORRY?

As the UN Special Rapporteur on Freedom of Expression has underlined, Internet shutdowns represent a dramatic means of limiting fundamental freedoms<sup>10</sup>. They have been unequivocally condemned from a human rights perspective, also, by the UN's Human Rights Committee<sup>11</sup>. With more and more education, business, culture and communications taking place over the Internet, turning this off has a major effect on the lives of the people affected.

On a purely economic level, calculations have been performed of the costs of shutdowns, with a figure of \$90 million suggested for the one used during the Arab Spring in Egypt according to OECD statistics quoted by the Brookings Institute. Had the shutdown continued for a year, it would have cost 3-4% of GDP<sup>12</sup>. The same report suggested, in October 2016, that the total cost of shutdowns had been \$2.4bn over the previous twelve months, with India alone losing nearly \$1bn of economic production in this way. A separate report from the Global Network Initiative underlines that costs rise as connectivity increases<sup>13</sup>.

In Cameroon in particular, the shutdown hurt many of the entrepreneurs who had set up businesses, often with borrowed money, in response to the government's ambitions to make the country a technology

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<sup>7</sup> Article 19: [www.article19.org](http://www.article19.org)

<sup>8</sup> Human Rights Watch: <https://www.hrw.org/>

<sup>9</sup> Internet Society (ISOC): <https://www.internetsociety.org>

<sup>10</sup> Kaye, D. (UN Special Rapporteur on Freedom of Expression) (2016), *Freedom of Expression and the Private Sector in the Digital Age – Annual Report to the Human Rights Council*, <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/PrivateSectorintheDigitalAge.aspx> (accessed 14 August 2017)

<sup>11</sup> UN Human Rights Council (2017), *The Promotion, Protection and Enjoyment of Human Rights on the Internet (A/HRC/32/L.20, July 2016)*, [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/32/L.20](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.20) (accessed 15 August 2017)

<sup>12</sup> West, D. A. (2016), *Internet Shutdowns Cost Countries \$2.4bn a Year*, Centre for Technology Innovation at Brookings Institute, <https://www.brookings.edu/wp-content/uploads/2016/10/intenet-shutdowns-v-3.pdf> (consulted 16 August 2017).

<sup>13</sup> Global Network Initiative (2016), *The Economic Impact of Disruptions to Internet Connectivity*, <http://globalnetworkinitiative.org/sites/default/files/The-Economic-Impact-of-Disruptions-to-Internet-Connectivity-Deloitte.pdf>, (accessed 15 August 2017)

hub<sup>14</sup>. Existing businesses relying on the Internet for e-commerce, logistics and payments are hobbled. Shutdowns have been expressly cited as an investment risk for businesses also<sup>16</sup>.

Individuals too find it harder or impossible to continue with daily life. Fundamental services such as education, health care and other public services are held back. Internet banking stops working. Agricultural extension services cannot operate as effectively, depriving farmers of vital weather and crop information. Emergency services may be unable to function (and people are less able to contact them)<sup>17</sup>. Some of the key actions which will allow for sustainable development are damaged or halted.

On a personal level, services like WhatsApp have become key means of being in touch with friends and family in many countries where more traditional telephony and SMSs are expensive. In the case of terrorist attacks, sometimes used by governments to justify shutdowns, they can prevent people from finding out if their loved ones are safe<sup>18</sup>.

There are longer term impacts too. In addition to the education and health costs, they show businesses that they cannot rely on stable Internet access in a country. This will affect investment decisions, and so jobs and growth. At the individual level, people will have less trust in the Internet and the possibility to connect<sup>19</sup>.

There is also increasing public opposition to shutdowns, such as from AFRINIC, the Regional Internet Registry for Africa, which allocates IP addresses in Africa, and who have threatened to block the Internet for governments which resort to shutdowns<sup>20</sup>.

Finally, shutting down the Internet is in direct contraction to engagements under the UN 2030 Agenda, including Target 9C:

*Significantly increase access to information and communications technology and strive to provide universal and affordable access to the Internet in least developed countries by 2020<sup>21</sup>.*

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<sup>14</sup> Sanusi, A (2017), *Language War: Tech Entrepreneurs Suffer Through Cameroon's Internet Shutdown*, African Entrepreneur Startup Project, 21 March 2017, <http://www.aesp.biz/2017/03/21/language-war-tech-entrepreneurs-suffer-through-camerouns-internet-shutdown/> (accessed 15 August 2017)

<sup>15</sup> Atabong, A. B. (2017), *Cameroon sabotages own digital economy plan with Internet shutdown*, African Arguments, 10 March 2017, <http://africanarguments.org/2017/03/10/cameroon-sabotages-own-digital-economy-plan-with-internet-shutdown/> (accessed 16 August 2017)

<sup>16</sup> Share Action (2016), *Internet Shutdowns: The Risks and Opportunities for Technology Sector Investors*, September 2016 <https://shareaction.org/wp-content/uploads/2016/08/InvestorBriefing-InternetShutdowns.pdf> (accessed 15 August 2017)

<sup>17</sup> <https://drive.google.com/file/d/0B9LKE-1DkhtFczhZX1ZIMUVUSEk/view>

<sup>18</sup> Dancey-Downs, K, *ibid*.

<sup>19</sup> Internet Society, *Let's Keep the Internet On for Everyone*, <https://www.internetsociety.org/lets-keep-internet-everyone> (consulted on 16 August 2017)

<sup>20</sup> Mutungu'u, G, *Fighting Fire with Fire: African Regional Body Proposes High Costs for Internet Shutdowns*, Global Voices, 2 May 2017, <https://globalvoices.org/2017/05/02/fighting-fire-with-fire-african-regional-body-proposes-high-costs-for-internet-shutdowns/> (accessed 17 August 2017). The article underlines concerns both about such bodies making political moves, and the harm that could be done to citizens by shutting down public institutions' Internet.

<sup>21</sup> UN Sustainable Development Goal 9: <https://sustainabledevelopment.un.org/sdg9>

An additional concern is the fact that shutdowns appear to be becoming more common. While shutdowns have been in use since the beginning of the decade, only 15 were documented in 2015. However, this jumped to 56 in 2016. Human Rights Watch has documented 20 shutdowns in India in 2017 alone<sup>22</sup>, while [www.internetshutdowns.in](http://www.internetshutdowns.in) records 41 over the same period<sup>23</sup>.

### 3. WHEN MIGHT RESTRICTIONS BE JUSTIFIED?

The right to freedom of expression and access to information is provided in Article 19 of the Universal Declaration of Human Rights<sup>24</sup>:

*Everyone has the right to freedom of opinion and expression; this includes the right to hold opinions without interference, and to seek, receive and impart information and ideas through any media and regardless of frontiers.*

These provisions are broadly reproduced in the International Covenant on Civil and Political Rights (ICCPR)<sup>25</sup>. However, the rights are not absolute. As the ICCPR underlines,

*The exercise of the rights provided [...] carries with it special duties and responsibilities. It may therefore be subject to certain restrictions but these shall only be as provided by law and are necessary:*

- a) For respect of the rights or reputations of others*
- b) For the protection of national security or of public order, or of public health or morals'*

The ITU offers a more ambiguous definition of where cutting citizens off may be permissible, taken from Article 34/181 of its Constitution<sup>26</sup>:

*Member states also reserve the right to cut off, in accordance with their national law, any other private telecommunications which may appear dangerous to the security of the State or contrary to its laws, public order or decency.*

In India, National Law sets out this possibility also<sup>27</sup>:

*On the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government ... may, if satisfied that it is necessary or expedient so to*

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<sup>22</sup> Human Rights Watch (2017), *India: 20 Internet Shutdowns in 2017*, 15 June 2017

<https://www.hrw.org/news/2017/06/15/india-20-internet-shutdowns-2017> (accessed 15 August 2017)

<sup>23</sup> Internet Shutdowns, run by the Software Freedom Law Centre, <https://www.internetshutdowns.in/>

<sup>24</sup> UN (1948), *Universal Declaration of Human Rights*, <http://www.un.org/en/universal-declaration-human-rights/> (consulted 16 August 2017)

<sup>25</sup> UN (1966), *International Convention on Civil and Political Rights*, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> (consulted 16 August 2017)

<sup>26</sup> ITU, *Constitution and Convention*, <http://www.itu.int/en/history/Pages/ConstitutionAndConvention.aspx> (accessed 16 August 2017)

<sup>27</sup> Srivastava, R. *Ibid*

*do in the interests of ... public order or for preventing incitement to the commission of an offence, for reasons to be recorded in writing, by order, direct that any message ... shall not be transmitted, or shall be intercepted or detained ...*

As is common elsewhere, however, restrictions on human rights need to follow certain principles to be legitimate. The ICCPR underlines the criteria of necessity and transparency. The principle of proportionality is also cited, for example in the context of the Electronic Frontier Foundation's 13 Principles<sup>28</sup> - while these formally address the question of privacy, they offer useful insights in the case of shutdowns.

Therefore, the Internet Society notes that:

*We understand that governments are faced with sometimes challenging situations that may threaten public order and national security. But we do not believe that shutting down communications for whole or part of a country is an appropriate and proportional measure. We encourage governments to look at alternative means to address such issues<sup>29</sup>.*

The Freedom Online coalition similarly calls on governments<sup>30</sup> to:

*Publicly commit to maintain or develop human rights-respecting legislation that details the limited circumstances in which communication networks may be intentionally disrupted, consistent with Article 19 of the International Covenant on Civil and Political Rights (ICCPR) in this regard [and to] improve transparency in national governments' regulatory, judicial, and law enforcement agencies.*

These approaches provide a useful set of tools for thinking about judging the merits of Internet shutdowns, and very much place the onus on governments to show that there are no less disruptive or harmful ways of achieving their objectives, however legitimate they may be.

However, these remain civil society efforts, and there is still no clear set of international principles or criteria determining when shutdowns may be appropriate. The Centre for Internet and Society in India has done valuable work, looking at the degree to which shutdowns can be properly justified in national law, and again finds that rules are often too vague, or that governments simply ignore them<sup>31</sup>. It suggests that a

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<sup>28</sup> Electronic Frontier Foundation, *13 International Principles on the Application of Human Rights in Communications Surveillance*, <https://www.eff.org/document/13-principles-necessary-and-proportionate> (accessed 17 August). In addition to proportionality, these highlight the importance of ensuring that restrictions are in line with clearly (and regularly reviewed) laws, that they have a legitimate aim, that they are necessary and adequate or achieving this, and that the process of implementing restrictions, as well as the options for appealing such decisions, is impartial. They also call for transparency about where restrictions are applied, and effective oversight mechanisms

<sup>29</sup> Internet Society, *Let's Keep the Internet On for Everybody*, <https://www.internetsociety.org/lets-keep-internet-everyone>

<sup>30</sup> Freedom Online Coalition (2017), *Joint Statement on State Sponsored Network Disruptions*, <https://www.freedomonlinecoalition.com/wp-content/uploads/2017/03/FOCJointStatementonStateSponsoredNetworkDisruptions.docx.pdf> (accessed 17 August 2017)

<sup>31</sup> Centre for Internet and Society (2017), *Internet Shutdowns in 2017*, <https://drive.google.com/file/d/0B9LKE-1DkhtFTVUxQ2pNNkISclE/view> (accessed 16 August 2017)

drive towards international standards (with more detail and more force than the non-binding Resolution of the Human Rights Council) would help force greater accountability at the national level.

#### 4. TAKING ACTION

For now, therefore, it is up to civil society to make the case against shutdowns. Libraries can play their part.

As a first step, underlining all of the positives that Internet access brings is important. Libraries are particularly well placed to do this, as underlined in the Development and Access to Information report<sup>32</sup>. When there is awareness of how access drives development, it makes it easier to explain the costs of shutdowns.

Monitoring shutdowns is vital in order to raise awareness and allow for reactions. Access Now and other NGOs undertake monitoring, while there are also country based initiatives, such as in India<sup>33</sup>. Working with actors at a local level, libraries could play a role in reporting on shutdowns.

You can sign on to the [#KeepItOn coalition](#), run by AccessNow, and resources<sup>34</sup> are available on how to bypass shut downs in other ways in order to retain the possibility to continue to access information. Other organisations, such as the Internet Society<sup>35</sup> are also active.

Accepting that some types of content online are unnecessarily harmful, libraries and others can also promote positive responses. Libraries' work in delivering digital literacy is a powerful argument<sup>36</sup>, in that it can help people avoid dangers and take a critical attitude to what they see online. Meanwhile the technical community is increasingly focused on how to find legitimate solutions to genuine problems<sup>37</sup>.

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<sup>32</sup> IFLA, TASCHA (2017) *Development and Access to Information 2017*, <https://da2i.ifla.org>

<sup>33</sup> <https://www.internetshutdowns.in/>

<sup>34</sup> Quartz Africa (2016), *A Guide to staying online if the Internet or social media has been blocked in your country*, <https://qz.com/878823/a-guide-to-staying-online-if-the-internet-or-social-media-has-been-blocked-in-your-country/> (consulted on 15 August 2017)

<sup>35</sup> Internet Society: <https://www.internetsociety.org/lets-keep-internet-everyone>

<sup>36</sup> See IFLA (2017) *Statement on Digital Literacy* (Upcoming)

<sup>37</sup> Internet Society (2017) *Internet Shutdowns are not a Solution to Africa's Challenges*, 7 June 2017, <https://www.internetsociety.org/blog/africa-bureau/2017/06/internet-shutdowns-are-not-solution-africa%E2%80%99s-challenges> (accessed on 15 August)