



## **Press Release**

### **Keep the cellular networks functioning on polling day**

#### **#KeepItOn, on Election Day**

**Islamabad, July 24, 2018:** Network shutdowns on the polling day and denying citizens access to communications and information infrastructure is a serious violation of fundamental rights that compromise the effort to ensure free, fair, transparent and peaceful election in Pakistan, stated by the Human Rights Commission of Pakistan, Bytes for All and Peace & Justice Network at an urgent press conference in Islamabad.

Over a period of time, human rights defenders have observed with growing concern a pattern that has now become regular for the incumbent governments that handle any law and order situation by disrupting cellular network and internet services. Media reports suggest that Pakistan Telecommunication Authority has already imposed a network shutdown in six districts of Balochistan citing security reasons, which will remain in place till July 31, 2018 and disconnect around 2.8 million people in these areas. Apprehensions are also reported in media that tomorrow there might be a wide spread network shutdown in the name of security on the polling day. Human rights defenders feel very strongly about it and fear that it will have serious implications on the conduct of elections.

We urge the caretaker prime minister and state authorities to refrain from suspending mobile services on the Election Day, for the following, *inter alia*, reasons:

1. Suspension of mobile cellular services and/or internet services inevitably leads to the violation of some of the most important fundamental rights of the citizens of Pakistan, including the right to information, the right to freedom of speech and the right to freedom of assembly, guaranteed under Articles 19A, 19 and 16 of the Constitution of Pakistan, respectively. It is the constitutional responsibility of the federal government to uphold these fundamental rights.
2. It has been observed in the past that the most common pretext cited for suspension of mobile cellular services by the government is 'national security'. According to Section 54(3) of the Pakistan Telecommunication (Re-organization) Act, 1996, the federal government can suspend the operation of mobile cellular services on the ground of national security only when an Emergency has been proclaimed by the President of Pakistan, pursuant to the powers vested in him under Part X of the Constitution of Pakistan. Recently, in the case of *CM Pak Limited versus PTA and others*, the Islamabad High Court has affirmed this view and has declared any suspension of mobile cellular services by the federal government or

PTA on the ground of ‘national security’ which is inconsistent with the provisions of Section 54(3) as illegal and without any lawful authority and jurisdiction.

3. Suspension of mobile cellular services necessarily includes and involves the suspension of mobile internet services. Suspension of mobile internet services will amount to disconnecting the citizens from the all-important platform of social media, which provides them the opportunity to report violations of their rights and to seek redressal thereof. In today’s world, free and unhindered access to internet is considered as an essential pre-requisite for ensuring transparency and accountability in elections. Suspension of mobile services will rob citizens of access to social media, an effective tool of accountability, and will raise question marks with regards to the legitimacy and transparency of the whole electoral process.
4. Apart from the foregoing, it is quite evident that the suspension of mobile cellular services on the election day will inevitably lead to immense inconvenience not only for voters and political workers, but also for officials involved in organizing the elections as well as election observers.
5. Suspension of cellular services will also be in violation of Pakistan’s international human rights commitment. Moreover, it will bring unnecessary bad name to the country which is already notorious for its failures to uphold international human rights standards.

We call upon the government to ensure smooth and uninterrupted information and communication channels for its citizens on the polling day. We also demand that arbitrary network shutdowns in large parts of Balochistan and Tribal Districts of Khyber Pakhtunkhwa should be lifted immediately.

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