

India: Reverse the ban on social media in Kashmir

(Bangkok/Kathmandu, 8 May 2017) - The Asian Forum for Human Rights and Development (FORUM-ASIA) expresses deep concern over the recent ban on social media and instant messaging services, like Facebook, Twitter and WhatsApp, along with nineteen other services by the Government of Jammu and Kashmir.¹ This ban is said to continue for a period of one month until further orders.²

The Government³ justified this stance stating that these websites are 'detrimental to the interests of peace and tranquillity in the state' as 'it has been observed that the use of social media platforms (..) are being used by anti-national and anti-social elements by transmitting inflammatory messages (..)'

This ban is not an isolated incident of censorship as internet services in the valley have been blocked at least 31 times between 2012 and 2016, including a five-month ban in 2016 itself.⁴ These not only indicate a climate of suppression of free speech and expression, but also a serious threat to its constitutional guarantees under the guise of maintaining public order.

Numerous businesses and start-ups that use social media as a promotional platform have been severely hampered by the order.⁵ More importantly, social media platforms have been heavily used by Kashmiris as a political space to voice their grievances, and to inform and engage with the general Indian public as well as Indian leaders on Kashmiri issues. This is a legitimate exercise of their constitutional rights. The said order is not only a blatant violation of domestic law and international human rights guarantees on freedom of speech and expression, but also a clamp down on freedom of the press as internet and social media is often used to research, access information, and disseminate news.

As a State Party to the International Covenant on Civil and Political Rights (ICCPR) and a member of the international community, the Government of India is obliged to guarantee an enabling environment for freedom of speech and freedom of the press both online and offline. Article 19 of the ICCPR guarantees freedom of expression as fundamental human rights and obliges the States Parties to respect these rights at all times. The United Nations Human Rights Council finds '...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 measure'⁶. States also have a positive obligation to secure the enjoyment of the right to freedom of expression along with the 'means necessary to exercise this right, including the Internet'.⁷

1 Government of Jammu and Kashmir, Civil Secretariat: Home Department Government Order No.: HOME/ISA/476 of 2017

2 *Id.*

3 Order No.: HOME/ISA/476 of 2017

4 <http://www.bbc.com/news/world-asia-india-39741886>

5 http://www.huffingtonpost.in/2017/04/27/with-31-internet-shutdowns-in-four-years-kashmiris-unhappy-with_a_22057991/

6 Resolution A/HRC/32/L.20 passed on 1 July, 2016

Regional Office: S.P.D Building 3rd Floor, 79/2 Krungthoburi Road, Khlongtoisai, Khlongsan, Bangkok 10600, Thailand

International Office: Rue de Varembe 1, 2nd Floor, 1202 Geneva, Switzerland

Tel: +41 (0)22 740 2947 Fax: +41 (0)22 740 2948

Jakarta Office: c/o KontraS - Jalan Kramat 2 no.7, Senen, Jakarta Pusat

10420 Indonesia +62(0)213919006

Kathmandu Office: c/o INSEC – Syuchatar, Kalanki, Kathmandu, Nepal, +9779(0)14278770

FORUM-ASIA urges the Government of Jammu and Kashmir and Central Government of India to reverse the ban on social media and instant messaging services and ensure free exchange of ideas, public debate and access to and dissemination of information, which is a precondition for a democratic society.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratization.

For further information, please contact:

- South Asia Programme, sasia@forum-asia.org

7 Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/17/27 : http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

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