

Internet Access as a Human Right: Issues, Policy Implications and Recommendations



TABLE OF CONTENTS

EXECUTIVE SUMMARY	2
CONTEXT AND IMPORTANCE OF PROMOTING AND PROTECTING “INTERNET ACCESS AS A HUMAN RIGHT”	3
Existing Data Paints Erroneous Picture of Internet Access	3
Existing Data Fails to Measure Gaps in Internet Access and Coverage	4
Digital Divide and Unequal Access.....	5
Gender Issues	5
Digitalisation Issues	5
Social Class Discrimination Issues	6
Vandalism and Stolen Equipment.....	6
Data is Presented from a Singular Perspective	6
Gap in Indicators on Network Coverage	6
Fragmentation of Data	7
Conflict of Interest	7
MEANINGFUL ACCESS LEADS TO INCLUSIVE AND PARTICIPATORY DEVELOPMENT	8
Right to Education	8
Right to Earn an Income	8
Right to Information & Self-Development.....	9
Right to Expression & Participation	9
INITIATIVES TO INCREASE ACCESS TO THE INTERNET	10
POLICY IMPLICATIONS	10
Gaps in Policies, Laws and Programmes/Services	11
Existing laws deny ownership of the internet as a public good	11
Lack of gender-sensitive training /education in information, communication and technology (ICT) risk increasing the gender digital divide.....	11
Policy Recommendations for State	11

EXECUTIVE SUMMARY

“[A]ccess to internet facilities must be considered a human right apart from basic necessities such as clothing, food and shelter. In today’s world, life is not perfect without the convenience of the internet. Our ministry is the main pulse to the formation of a government, it is an information channel to connect the people with the people, the government with the people and so on. Expanding this service (internet) to be owned and enjoyed by every citizen is also a big challenge, while broadcasting, information is also important and challenging . . .”

~ Tan Sri Annuar Musa, Minister of Communications and Multimedia. 30 August 2021. Sourced and excerpted from The Borneo Post¹

The statement by the Minister of Communications and Multimedia in August 2021 is long overdue and very welcomed. More importantly, the Honourable Minister’s statement is aligned to the position of the United Nations General Assembly on how internet access should be provided and expanded.² Scrutinising “the how” in which internet access is provided and expanded in Malaysia raises critical questions on how existing indicators and data are identified and collected to measure internet access in the country and to what extent “access” translates into meaningful access for the peoples of Malaysia. “Internet access as a human right” cannot be realized without adopting a human rights approach and framework.

A human rights approach to internet access must be rooted in the principles of universality, equality, non-discrimination, empowerment, accountability and transparency. This means that “access” must be meaningful and serve to enrich the lived realities of peoples in Malaysia, which in turn must include addressing the barriers they face in exercising their human rights online and in digital spaces.

Recognised all over the world as a crucial enabler of human rights, the internet has become a gateway to healthcare, information, education, social welfare protection, work opportunities, and social, cultural and political participation. The COVID-19 pandemic in particular has demonstrated how essential and dependent everyone is on meaningful access to the internet. It therefore follows that lack of access to the internet must be understood to include issues of affordability, digital literacy, equal access to opportunities to enhance digital knowledge, literacy and skills, the availability of reliable and trusted localised content (language, context) and the guaranteed protection in upholding the right to access information and produce content.

This policy brief unpacks the issues and challenges in promoting, ensuring and protecting internet access as a human right. Some of the policy recommendations to the State require a shift in mind set, that internet access be needs-based and community driven. This means not viewing communities who are underserved or unconnected as “the last mile” but the first mile, and taking the necessary steps through regulatory means to uphold this more effective and sustainable approach to inclusive development.

CONTEXT AND IMPORTANCE OF PROMOTING AND PROTECTING “INTERNET ACCESS AS A HUMAN RIGHT”

Broadband adoption has traditionally been defined as residential subscribership to high-speed internet access.³ Hence, existing data on internet access in Malaysia at a glance is impressive but highly inaccurate in understanding gaps. Internet access in Malaysia is measured by usage of fixed broadband and mobile broadband. Fixed broadband refers to a connection tied to an unmoving location such as the home, school or office. Mobile broadband refers to portable connection, typically through SIM card and accessed through the mobile phone.

Drawing from the experience of those in the field working to increase the digital capacity of communities who are left behind (rural, marginalised, etc.), broadband adoption is **daily access to the internet**:

1. at **speeds, quality and capacity** necessary to accomplish common tasks,
1. with the **digital skills** necessary to **participate** online, and
2. on a **personal and appropriate** device and **a secure convenient network**.⁴

This means that there needs to be explicitly set standards of what is the minimum Mbps for telecommunication companies to deliver and guarantee that reflects recent advances in technology, market offerings by providers, and consumer demand. While MCMC has consulted telecommunication companies to review the minimum standards and raised these in 2021 to be at least 2.5Mbps for wireless broadband (90 per cent of the time, for all network TDD and FDD, based on static test) and 25Mbps for fixed wireless access (90 per cent of the time, for all network TDD and FDD, based on static test), these speeds are insufficient, especially if wireless access will remain a prominent alternative to fixed broadband access.⁵

Arguably, a mobile connection is less stable and less likely to be of highperformance, and thus less conducive to productivity and creativity, compared to a fixed connection. In consultations conducted by KRYSS Network, meaningful access has been described as “where anyone can access the internet without having to think/worry about the quality of the speed, access to opportunities, reliability of the connection, or how much it would cost them for such access”.

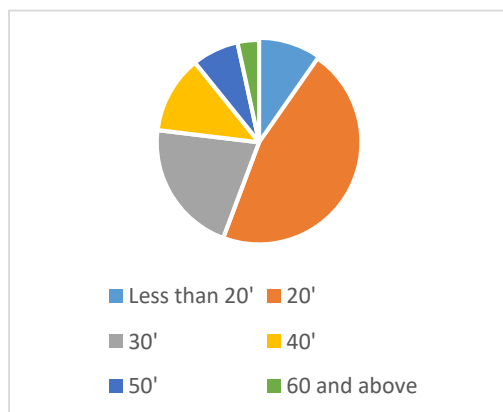
Existing Data Paints Erroneous Picture of Internet Access

The national data that is presented to reflect internet access is based on number of subscriptions versus size of the Malaysian population. Hence, certain states in Malaysia will appear to do much better than others. Typically, Kuala Lumpur, Selangor and Pulau Pinang outperform the national average while the states of Kelantan, Terengganu and Sabah usually fare below the national average. However, Khazanah Research Institute explains that there are two possible explanations for the higher numbers. First, large firms (which are highly concentrated in Kuala Lumpur, Pulau Pinang and Selangor) are more likely to register SIM cards for employees’ work use; second, the data does not account for undocumented migrant workers and refugees. The International Organisation for Migration (IOM) estimates there are about 2 to 4 million undocumented migrant workers in Malaysia.⁶

Existing Data Fails to Measure Gaps in Internet Access and Coverage

The Department of Statistics Malaysia and Malaysian Communications and Multimedia Commission (MCMC) generally present data on those who do have access to the internet but fails to consider the quality of that access in a manner that enables their ability to benefit from internet use. Internet users as defined by MCMC are those who use the internet from any location using any device in the last three months from the time of the telephone survey.⁷ This means those who do not have reliable and meaningful access to the internet are not counted in the data. When gaps in internet access are not properly identified, there would be a dangerous presumption that current services and programmes are sufficient or that solutions need not be tailor made for those yet to be connected that allows for meaningful access. For example, Figure 1 below shows the breakdown of who is able to access the internet by age groups, but not who and how many within that age group are unable to gain reliable and meaningful access to the internet.

Figure 1: Distribution of internet users by age



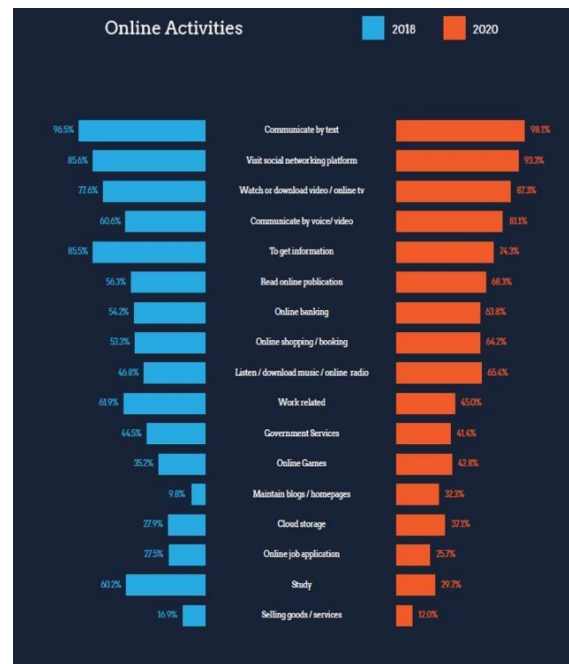
Source: MCMC Internet users survey 2020

The use of percentages can also be misleading because the percentage may come across as small or negligible but if 10 per cent of the peoples in Malaysia are unable to access the internet, that amounts to at least 3 million people.

The data on internet access by the different states is similarly problematic. It does not consider quality of speed, reliability of connectivity, type of access and how many still do not have access to the internet, and the areas where internet access is still below an acceptable and stated standard.

At a glance, the data in Figure 1 below may imply that internet access is improving as percentages of use for most of these types of online activity have increased. However, on closer examination, online activities in relation to government services, to obtain information, to study online, to apply for jobs, and to sell goods and services, decreased.

Figure 2: Types of Internet Usage



Source: MCMC Internet users survey 2020

This suggests that in the year 2020, those who already have access to the internet, likely relied a lot more on online shopping, online banking and on keeping themselves entertained or distracted by the loss of employment or lack of savings.

Digital Divide and Unequal Access

Gender Issues

Men outnumber women in the distribution of internet users (see Table 1). A similar trend is witnessed globally when it comes to the gender digital divide. According to data from the International Telecommunication Union, the global internet use gender gap stands at 12.5 per cent, in other words, men are more likely by 12.5 per cent to use the internet.⁸

Table 1: Internet Use by Gender

Year	Men	Women	Sex Ratio (numbers of males per 100 females)
2020	54.3%	45.7%	106:100
2019	-	-	
2018	59.0%	41.0%	107:100
2017	57.4%	42.6%	107:100
2016	59.4%	41.6%	107:100

Source: MCMC Internet users survey 2016, 2017, 2018, and 2020

A quantitative survey⁹ on secondary students found that male students have higher level of digital skills than female students in rural areas, with female students falling behind in terms of internet operational skills,¹⁰ creative skills,¹¹ and mobile skills.¹² It was also reported that female students received less ICT training than the male students at school and the male students spent more time online. The gender disparity in digital skills is also reflective of global trends and extends from gender inequalities in women's access to education and basic literacy skills, to whether they have the skills and

confidence to use even basic technologies, and further, whether women have the skills and confidence to participate in the technology sector and in STEM careers.¹³

Digitalisation Issues

The pandemic has also made obvious the digital divide among businesses in Malaysia and those who lack digital skills are at risk of being left behind. A 2021 World Bank report pointed out that only a third of Malaysian enterprises have gone digital and less than a quarter of them have a dedicated digital team. Many cited lack of financing, inadequate technology and lack of digital skills among employees as reasons for not going digital.¹⁴ During the pandemic and implementation of movement restrictions, businesses that digitalized were able to survive and make up the shortfall in traditional sources of revenue. Businesses that had not yet gone digital struggled to survive.

Within the first week of the Movement Control Order (MCO) in 2020, 70 per cent of the small and medium enterprises (SMEs) in Malaysia reported a 50 per cent drop in business. At the same time, e-commerce businesses reported an increase in business i.e. online non-food shopping increased by 53 per cent, online grocery shopping by 144 per cent and online food delivery by 61 per cent.¹⁵

Another example of the negative impact of unpreparedness resulting in unequal access to the internet as a human right is the discard of fresh produce and flowers by farmers in Cameron Highlands due to movement restrictions and inability to sell off their produce through traditional means. After the incident made national headlines, e-commerce platform Lazada stepped in and offered to connect the farmers with buyers and sold 70 tonnes of produce within the next 3 weeks.¹⁶ While this may have worked for some farmers and fishermen, there is still a need for the government to scrutinise the distribution of income in such arrangements so that farmers and fishermen are treated as equal partners.

Social Class Discrimination Issues

Consultations conducted by KRYSS Network also indicate a distinct class differential in terms of ensuring accessibility to the internet, affecting the urban poor even if their rich and commercial neighbours can consistently enjoy reliable connectivity. On one hand, inhabitants of smaller towns in Sabah are told that there are insufficient ports even though there is a demand by residents. On the other hand, telecommunication companies remain biased in profiling paying consumers and so will not take risks of providing the infrastructure even though there is a demand.

Vandalism and Stolen Equipment

Exacerbating the disparities are issues of vandalism i.e. digging and stealing of fibre optic cables, copper wiring or generators at some communication towers that cause disruption of services.¹⁷ Media has reported that vandalism is a common cause for internet disruption in the state of Sarawak.¹⁸

Data is Presented from a Singular Perspective

A high number of internet users are made up of adults from their 20's (46.0%) and 30's (21.2%) in the year 2020.¹⁹ MCMC interpreted that the increasingly higher mean age for internet users – from 33.0 years in 2016 to 36.2 years old in 2018 implies that users from this higher age group are coming online. However, it could also mean that younger people are unable to afford access to the internet until their mid-30s when they achieve a certain level of purchasing power.

Gap in Indicators on Network Coverage

In June 2020, story of Veveonah from Pitas, Sabah made international headlines when her YouTube video went viral, showing her taking her exam from a treetop because of poor mobile connectivity in her interior village. In November 2020, media reported the news of Nurlieda Khaleeda Mohd Azmi having to climb up a hill to take her exam. The hill, located just behind her house in Kampung Bukit Petai Tujuh in Kelantan, is the only location in her village with good connectivity.²⁰ Climbing a hill for access can take up to a few hours of the user's time, but it is a cost that remains uncounted in the national data. As far as the national data is concerned, both Veveonah and Nurlieda would be considered as "those who have internet access" merely because they have sim cards and smart phones.

Through Jendela.my, people can check for availability of network coverage and also provide live feedback if the information presented is inaccurate.²¹ With the availability of such data, it is important that measurement on internet access is not merely based on use of internet for the past 3 months or by subscription of broadband, but to also consider availability of connectivity at a person's home, school and workplace for a meaningful period of time (in a consistent and reliable manner).

As of 2020, 11.3 per cent of the Malaysian population are non-internet users and 20 per cent of the country still has very poor internet access.²² The issue of poor network signal resultant from absence of base stations or telecommunication towers happens not only in rural and remote areas but remains a significant problem faced by those living in urban areas in Selangor such as Taman TAR in Ampang, Jalan Damai Jasa in Alam Damai, Cheras Hartamas and certain areas in Subang.²³

Fragmentation of Data

Another key issue is the fragmentation of data on internet access. Currently, the Department of Statistic Malaysia (DOSM) and MCMC both use different metrics in measuring internet access. The DOSM employs a household survey in which respondents are asked whether they used the internet in their household in the last three months, and it is unclear from the statistic if this is in reference to fixed or mobile broadband.²⁴ The MCMC's Pocket Book of Statistics calculate internet access by dividing number of registered broadband accounts over the population size of the country. Furthermore, each ministry will then have their individual survey and data on internet uses based on the ministry's mandate i.e. Ministry of Education's survey on distance learning for children and Ministry of Finance's data on digital economy, etc.

The fragmentation of data means that different departments are looking at the barriers to internet access and digitalization in silos. The gaps in data will then lead to ineffective and possibly problematic solutions in addressing the digital divide, even when done with good intention.

Conflict of Interest

The privatization of the telecommunication sector in Malaysia in the 1980s means that the decision of base station construction lies not with the government directly but with telecommunication companies, which tend to prioritise the interest of stakeholders (emphasis on profit-making) instead of public interest and social welfare. As of October 2021, the government retained a 0.38 per cent stake in Telekom Malaysia—the country's largest telecommunications company and monopolized the fixed-line infrastructure in the country. More than 50 per cent of the share in Telekom Malaysia is owned by government-linked companies (i.e. Khazanah Nasional Berhad) and statutory

bodies (i.e. Employees Provident Fund Board, Amanah Trustees Berhad, Kumpulan Wang Persaraan).²⁵ This conflict of interest in the role and responsibilities of government can work against creativity and the development and implementation of effective solutions. When peoples' interests are prioritized, solutions can be creative, people-centric and cost-effective. For example, in Veveonah's village in Sabah, the villagers came up with the idea of hoisting mobile phones on bamboo poles after turning on the hotspot feature on their mobile phones, allowing all within the vicinity to piggyback on their phones' connectivity.

MEANINGFUL ACCESS LEADS TO INCLUSIVE AND PARTICIPATORY DEVELOPMENT

In a report by Khazanah Research Institute, the author illustrates that as the price of mobile data drops, the number of mobile broadband subscriptions do effectively increase, and in fact, concludes that Malaysia performs well in terms of mobile broadband affordability.²⁶ In 2019, the price per GB of data for both prepaid and postpaid mobile broadband is less than 0.3 per cent of every state's median individual monthly income – well below the 2 per cent affordability threshold proposed by Alliance for Affordable Internet (A4AI). This indicates that mobile data is relatively affordable in Malaysia. However, the over-reliance on providing access to mobile broadband to increase internet access in the country is problematic.

Right to Education

Having access to mobile broadband does not ensure meaningful access to the internet. Students who do not have fixed broadband at home face challenges in attending online classes. Even where mobile data subsidies were provided by the government, it was insufficient to support the requirement of long hours of classes at home.²⁷ The Ministry of Education acknowledged that 21,316 students dropped out of school during the movement control orders from the month of March 2020 to July 2021.²⁸ The 2020 “Family On Edge” survey jointly commissioned by the United Nations Population Fund (UNFPA) and United Nations Children's Fund (Unicef) found that the number of students from many of Klang Valley's poor communities were dropping out of school at an alarming rate as a result of the COVID-19 outbreak's disruption of their education. The survey found that some of the children had become demotivated or lost interest in continuing school, while some families had difficulties paying tuition fees and transportation fees

or in giving pocket money. The survey also found that eight out of ten students come from households with no computers or laptops, while nine of ten only had smartphones (relying on mobile broadband) as their learning devices.

Right to Earn an Income

Lack of meaningful access to the internet can mean reduced access to opportunities for labour to enhance their digital knowledge, literacy and skills to remain relevant and employable in a fast-changing employment market of platform economies, automation and digitalisation. The inability to earn a living wage in order to have an adequate level of savings is reflected in Khazanah Research Institute's report on “The State of Households” and in how many people in Malaysia suffered (especially those from B40 households) when they had no EPF or savings to draw on during the movement control orders in 2020 and 2021. In PwC's Hopes and Fears Survey 2021, 71 per cent fear that their jobs may be at risk because of automation – with only 19 per cent stating that they have adequate digital skills to perform their jobs and 57 per cent say they have improved their digital skills since the pandemic.²⁹

Research by Khazanah Research Institute also indicates the pressing need to upskill labour and a complement to ongoing upskilling programmes is to guarantee reliable, affordable and quality access to the internet.

Right to Information & Self-Development

Consultations have shown that many people among the urban poor and B40 households still do not know the various types of programmes and aid that they can access. This means that despite developing government agency websites and platforms, these are not being accessed by those in need of such information or cannot be accessed because they are not designed for multiple platforms (fixed line access and mobile access) or for people with disabilities. Some of the challenges of basic access to information include waiting for someone with more reliable connectivity to switch on their hotspot, being unable to access the internet for a consistent amount of time on a daily basis,³⁰ being able to upgrade devices at an affordable cost (e.g. from analog TV to digital TV so that they can at least have a digital receiver, or smartphone that can support the latest applications), and how digital literacy is poorly understood as engagement over Facebook and WhatsApp.

On the other side of the same coin on this issue of access to information, is access to information and knowledge for self-development. This requires an approach that emphasizes the imparting of digital literacy skills (how to identify sources of information that are trusted and reliable) rather than measures that resort to censorship and banning of websites/content.

Right to Expression and Participation

Inclusive and participatory development can only happen in a healthy democracy, and will more effectively lead Malaysia into a sustainable and growing economy. This is one of the key characteristics of human rights—interdependency—and political will even political courage is required to uphold this critical and necessary feature of “internet access as a human right”.

Effective measures need to be taken to ensure consultations with affected communities before laws, policies and programmes are introduced. There is also an urgent need to address online gender-based violence, sexual harassment and hate speech. While online harassment affects everyone, women and girls are especially subjected to various forms of online gender-based violence—doxing, sexual harassment, online mob attacks, threats of rape and bodily harm, etc.—that have forced them to deny themselves access to the internet and to not engage with views/discussions that affect their lives.

Approaches to address these issues have to be empowering rather than protective.³¹ Rights-based civil society organisations (CSOs) who work with children have shared that children who are educated on digital security (whether by the CSOs or by themselves) are better able to identify steps and measures to protect themselves online when participating/engaging in digital spaces. This is a key characteristic of a knowledge society, and such a society can only be achieved if access to the internet is provided from an empowerment approach, where decision-making on what content is useful and how to use the internet is left to the user.

INITIATIVES TO INCREASE ACCESS TO THE INTERNET

When the Pakatan Harapan government was elected to power in May 2018, the then Minister of Communications and Multimedia, Gobind Singh, enforced the Mandatory Standard on Access Pricing (MSAP), which caps the wholesale prices service providers can charge and to reduce the price of fixed broadband. In early 2019, MCMC released a press statement announcing a 30 per cent reduction for entry-level high speed broadband packages.³²

In 2019, the Pakatan Harapan initiated the National Fiberisation and Connectivity Plan (NFCP), a five-year plan to improve fixed-line broadband coverage. In 2020, the Perikatan Nasional government launched Jalanan Digital Negara (JENDELA), a five-year plan to increase 4G coverage, increase mobile broadband speed, and increase nationwide access to gigabit-speed fixed-line broadband service. 5G infrastructure is expected to be deployed under phase 2 of JENDELA, after 4G coverage has reached its peak.

Although the Barisan Nasional government has put in place a Universal Service Provision (USP) Fund under the MCMC to enhance connectivity in rural areas, the fund has yet to bridge the digital divide since its inception 17 years ago. Among other concerns around the USP Fund are improper governance of fund usage and outdated framework and policies.³³

POLICY IMPLICATIONS

Ensuring internet access is not merely about determining alternative cheaper (but slower and lower bandwidth, processing and memory/storage capacities) packages and devices to make it affordable to the poor. Solutions should ideally be needs-based and managed by the communities themselves, especially for those in rural, remote and/or unconnected areas.

The Pusat Internet 1Malaysia (1Malaysia Internet Centre) roll out reportedly costs about RM3 million for each centre. While these have impressive devices and are well-equipped, how effectively the centres benefit the community is largely dependent on the interest, motivation and capacities of the manager. Many of these centres are white elephants and there is an initiative to upgrade these into one-stop centres for internet access, education and business development.³⁴ However, this now means that more funds are expended to salvage and make good the initial investments, the success of which are still very much reliant on who is the manager. The funds could have been better expended to set up community networks managed by the

communities for the communities at less

than 1/10th of the cost. Often, the technology required to build and maintain the network is as simple as an off-the-shelf wireless router.¹⁴ In other cases, it is more difficult and requires changes to firmware, hardware, and software. Successful initiatives of community networks can be found in India, with a number deliberately designed in consultation with women and girls to be managed by women and girls. In South Africa, communities who live in remote and economically “unviable” areas as far as telecommunication operators are concerned, run community-owned and community-operated internet services that are tailored to their local needs.³⁵

Gaps in Policies, Laws and Programmes/Services

Existing laws deny ownership of the internet as a public good

Selling internet access is parcelled out to telecommunication companies who in turn decide how they interpret reaching 95% of the population. The Malaysian Communications and Multimedia Commission (MCMC), in issuance of license and in awarding the spectrum to telecommunications operators is empowered under the Communications and Multimedia Act to set certain terms and conditions in its contract. However, the contract is often understood by the operator that they have to provide connectivity to 95 per cent of the country's population, not 95 per cent of the geographical area or 95 per cent of populated areas. Inevitably, the operators appear to enjoy a loophole to focus only on highly populated and commercial areas, and not the 5 per cent of population who reside in remote and rural areas.³⁶

Lack of gender-sensitive training/education in information, communication and technology (ICT) risk increasing the gender digital divide

As presented earlier, lack of gender-sensitive training/education in ICT can result in large disparities in the digital skills of women and girls versus men and boys. This in turn contributes to the phenomenon, especially among women and girls, of how digital literacy is only perceived as “knowing Facebook” and “using WhatsApp”. The limited knowledge and skills limits the potential of women and girls to access better employment and business opportunities, especially with the rise of platform economies and the gig economy. Through KRYSS Network's podcast GOSSIP, we learnt that during the movement control orders, many women found themselves facing severe

unemployment and challenges in accessing employment opportunities compared to their male counterparts. Digital literacy programmes meant for young women had women in their 30s and 40s applying to participate.

Policy Recommendations for State

1. Provide free and secure fixed broadband at public places where local communities assemble: Free fixed broadband to be offered at places where the local community commonly come together i.e. market, local community hall, schools etc. The network should also be encrypted to ensure the privacy and security of those accessing the network.
2. Through consultations and research, identify and/or develop suitable indicators to measure meaningful internet access and use and the multiple existing disparities because of location, age, gender, economic/purchasing power, ethnicity, education and literacy, bodily ability and other factors as well as identity markers. For example, an indicator of proportion of payment for broadband connection/internet access versus total income per month would indicate extent of dependency on the internet and possibly opportunity costs for the user (e.g. spending less on nutritional food in order to get access so that employment is secured). The number of mobile phones/SIM card women use to connect to the internet may indicate issues of security and privacy. It does not necessarily mean that the quality of internet access is good. If individuals are paying a larger proportion of their income for internet access compared to their expenses for food, shelter and/or healthcare, that could indicate a much higher cost of access in real terms for that individual.

3. Collect and make publicly accessible data that measures access to the internet with improved accuracy. Coverage data should ideally be presented by quality of speed (3G, 4G and soon-to-be 5G) and type of access (mobile or broadband) and how many still do not have access. Such data should be presented in a similar way to how data on density of population by geographical areas is presented. Internet coverage maps should have similar features in how data is presented in terms of distribution and intensity of rainfall maps.
4. Accelerate the policy implementation for open government data.
5. Existing and future national broadband plan or other policies on network connectivity should prioritise provision of meaningful internet access and use to people from all communities over other technological development that serves to benefit only a small sector of the society. We risk furthering socio-economic inequality if we kept leaving these people behind.
6. Make available and accessible low-cost computers and mobile phones of quality. Under the Jaringan Prihatin by YTL Communication, a telecommunication operator in Malaysia, free phones with free data were given to more than 100,000 students to support distance learning in 2020 when movement was still restricted.³⁷ However, the free phone offered was a low-spec phone and many found the phone's technical specifications unsuitable for online learning and the required applications and hours for classes. Media had also reported incidents of the phone's battery exploding when the child was attending online classes over the phone.³⁸
7. Determine "meaningful access" standards to be met before corporations are able to apply for tax deductions related to provision of internet connectivity and devices (such as mobile phones, laptops, etc.) under Corporate Social Responsibility programmes. Connectivity speeds and devices must match recent advances in technology, market offerings by providers, and consumer demand for tasks/activities of meaningful access for consumers.
8. Provide on-the-spot subsidy for computers, tablets and mobile phones purchase for low income households and individuals. While government does offer tax relief for purchase of electronic devices, many B40 families and individuals do not often meet the threshold of taxable income and therefore they fall through the cracks of such government's incentive.
9. Provide ongoing technical support to residents in rural and remote areas who need the social and technical assistance to keep their computers up and running—and connected online—over time.
10. Meaningful and inclusive consultation on internet access with civil society and community. Civil society and affected communities should be consulted at federal and state levels on internet governance, infrastructure planning and regulation and technology development, which should include addressing issues of online gender-based violence, sexual harassment and hate speech.³⁹ Addressing issues of online gender-based violence in particular requires a multi-sectoral and inter-ministerial approach. KRYSS Network has outlined detailed recommendations in a separate Policy Brief on "Online Gender-Based Violence: Issues and Policy Implications" from consultations with a range of stakeholders—content creators, academics, journalists, human rights activists, young women and others. Inclusion of civil society and

community in initiatives such as the National Council of Digital Economy and Fourth Industrial Revolution (MED4IR) and Malaysian Internet Governance Forum (MyIGF) will bring about valuable insights on the barriers and realities of digital divides and inevitably help in developing better policy and solutions for meaningful internet access to all.

11. Develop a Rural Internet Access Policy that allows for and legalise community networks to be operationalized wholly or partly by local communities and/or local non-governmental organisations, with the support and participation of the private sector and/or local councils. These networks are often premised on the idea of internet by the people for the people. It is where the community comes together to build and maintain the necessary infrastructure for internet connection.⁴⁰ One successful example is the Wireless Women for Entrepreneurship & Empowerment (W2E2), a programme by the Digital Empowerment Foundation (DEF) in India to create women-driven ICT micro social enterprise and entrepreneurs, supported by wireless internet in socially backward locations or districts of India and contribute to an enabling internet environment and internet for gender inclusion and women empowerment. Policy and regulatory factors to enable community networks to succeed include, innovative licensing, funding opportunities that can include, but are not limited to traditional universal service funds (USF), and access to spectrum.⁴¹
12. Ensure that the spectrum is a public good. Access to affordable and available spectrum is a foundational principle for ensuring access to ICTs and future network development. Spectrum must be treated as a common resource to be managed efficiently and effectively. It is traditional regulations that have led to the

inefficient use of spectrum which in turn contributes to the myth of scarcity of spectrum. Traditional licensing favors exclusive use, as opposed to shared use, and broad licences. Exclusive use licenses provide one licensee unfettered use of a particular swath of spectrum.

This can result in large portions of spectrum being unused or underutilized. Broad licenses cover large geographic areas; however, the incumbent service providers that have the rights to these broad licenses may not have the economic incentives to build out their networks to utilize fully all of the spectrum licensed to them. This also can result in large portions of spectrum being unused or underutilized.

It is therefore not surprising that spectrum is only available to the highest bidders, and service providers who have made sizeable investments to secure these spectrum rights will expect exclusivity. A few ideas to better enable access to spectrum is to provide access to unlicensed spectrum, allow for shared spectrum access or dynamic spectrum access, and to provide alternative spectrum licences such as social purpose licences.⁴²

13. Work towards providing free fixed broadband to B20 households: Cost continues to be a major barrier to fixed broadband adoption. Successful interventions will need to address “ability to pay” rather than “willingness to pay”. Furthermore, “willingness to pay” for people of lower income households or who continue to struggle to make ends meet may in fact be in a situation of “no choice but to pay”.

This policy brief is constructed from our consultations with several organizations and individuals. The consultations are done with:

1. Hazri Haili, Me.Reka & Biji-Biji Initiative
2. Sharvesh Ranjan, Me.Reka & Biji-Biji Initiative
3. Dharma, Me.Reka & Biji-Biji Initiative
4. Thilaga, Justice for Sisters
5. May, Refuge for Refugees
6. Cheryl Fernando, PEMIMPIN GSL
7. Lilli Li, Center for Orang Asli Concerns
8. Faezza Panjang, Center for Orang Asli Concerns
9. Zila, Wisdom Foundation
10. Freeda, Wisdom Foundation
11. Thivya, Monsters Among Us
12. Kenneth, Suara Rakyat Malaysia (SUARAM)
13. Mangles, Women's Centre for Change (WCC)
14. Dila, Women's Centre for Change (WCC)
15. Rachel Gong, Khazanah Research Institute
16. Aleza, Sisters in Islam (SIS)
17. Christyne, Sabah Women's Action Resource Group (SAWO)
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¹¹ Content creation skills and web development skills refers to the abilities of producing user-generated content in acceptable quality to be published online, by making, editing, remixing various types of media formats such as textual, music and video, photo or image, multimedia and remixed content.

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