

Chair, Members of the Committee,

We are Logan Nantais and Yongmi Kwon, the legal clinic students of UC Irvine¹ and Korea University², speaking on behalf of SAFEnet and OpenNet.³

Contrary to the Committee's position in General Comment 34, the Government of Indonesia infringes the right to freedom of expression through criminalizing defamation, "false news", "blasphemy", and "impropriety" through the Criminal Code and the EIT Law.⁴ Through these laws, Indonesia has persecuted speakers participating in civic discourse with large fines and prison time.

The government suppresses speech through extreme blocking of online content. Contrary to the Special Rapporteur's recommendation⁵, the government has made themselves "arbiters on lawful expression", blocking hundreds of thousands of web pages and posts critical of the ruling majority or conflicting with their cultural dominion. Further, overly broad restrictions on specific content and website registration requirements have resulted in the blanket removal of massive platforms unnecessarily.⁶ Additionally, the government has repeatedly engaged in internet shutdowns in the context of religious events, protests, and other controversial situations.

There are notably few legal protections for vulnerable individuals in digital spaces. This failure to protect women, girls, and other vulnerable groups online hinders their participation in digital discourse and public affairs.

Current legislation also allows unlawful or arbitrary surveillance and violation of the right to privacy with an amorphous notion of "national security." Related laws fail to clearly define the scope and the procedure of interception, and lack minimum safeguards such as judicial warrant or time limit.⁷ Regulation further allows the government's unrestricted direct access to personal data held by private companies.⁸

In light of these concerns and given the importance of protecting human rights on the Internet, we implore the Human Rights Committee to review our submission and advocate that the Indonesian Government adopts our recommendations.

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³ The Southeast Asia Freedom of Expression Network (SAFEnet) is an NGO focused on the criminalization of expression in the digital arena in Southeast Asia; Open Net is an NGO focused on freedom and openness of the internet in South Korea and globally.

⁴ Law No. 11 of 2008 on information and electronic transactions; Articles 218(1), 219, 220, 310 of the Criminal Code; Article 263 of the Criminal Code amended 2023; Article 27A, Article 28(3), and Article 45A(3) of the 2023 amended EIT Law.

⁵ A/HRC/38/35, 6 Apr. 2018, at para. 4.

⁶ Ministerial Regulation No. 5 of 2020 on Private Electronic System Operators; Article 40 of the EIT Law.

⁷ EIT Law; Law No. 36 of 1999 on Telecommunication; Law No.8 of 2010 on the Prevention and Eradication of the Crime of Money Laundering; Law No.5 of 1997 on Psychotropic; Law No.30 of 2002 on the Commission for the Eradication of Corruption; Law No.18 of 2011 on the Judicial Commission.

⁸ Articles 21-46 of Ministerial Regulation No. 5 of 2020 on Private Electronic System Operators.