

Please refer to the Submission by International Justice Clinic at the University of California, Irvine School of Law; Open Net Association, Inc.; International Human Rights Clinic, Korea University School of Law; Southeast Asia Freedom of Expression Network to the HUMAN RIGHTS COMMITTEE for 140th session, March 2024, in relation to Indonesia, for a complete list of sources and detailed discussion of relevant international legal principles, Indonesian law, and recommendations. Please contact Kyung Sin Park, kyungsinpark@korea.ac.kr

## Government of Indonesia Needs to Protect Digital Freedom

The Government of Indonesia (GoI) needs to meet the demands of the ICCPR and the Committee's LOIPR, specifically those laid out in paragraphs 19 and 20 related to digital rights, freedom of expression, and privacy.

### The Current State of Digital Freedom in Indonesia

- 63% of Indonesians are afraid to express their opinions due to the country’s criminal codes.
- In 2022, The Minister of Communication and Informatics ordered the blocking of 213,735 web pages, including 1,266 pages that were identified as “negative” by government agencies, and issued hundreds of takedown requests covering thousands of items from Google, TikTok, and other websites and social media platforms.
- In 2023, SAFEnet recorded 1,052 complaints of online gender-based violence (OGBV). 21.87% of these reports came from children aged 12-17.
- In 2020, a military-funded network of online news sites was exposed for spreading propaganda, criticizing dissidents and human rights advocates, and mobilizing support for the government's violent response to the 2019 Papua protests.
- Protesters experienced state-authorized connectivity disruptions in Wadas amid 2022 anti-mining project protests, and during the 60th anniversary protests related to the Papuan Student Alliance in May 2023.

Issues	Recommendations
<p><b>Persecution of Speakers:</b> GoI needs to protect the right to freedom of expression under Article 19 of the ICCPR by decriminalizing defamation and avoiding the arbitrary application of the provisions in the EIT law and the Criminal Code, including those on treason, dissemination of fake information, and incitement of enmity.</p>	<ol style="list-style-type: none"> <li>1. Repeal criminal defamation laws and the laws criminalizing criticism of the State, State institutions, and officials.</li> <li>2. Develop and implement national action plans to advance the freedom, independence, and pluralism of the media and set up protection mechanisms for the safety of journalists.</li> <li>3. Revise Articles 27A, 28(3), 45(4), 45A(3) of the EIT Law.</li> </ol>
<p><b>Suppression of Speech:</b> GoI needs to protect legal online speech in accordance with Article 19 of the ICCPR, Special Rapporteur thematic reports, and recommendations to the UNHRC by avoiding the arbitrary blocking of online content and suppression of anonymity-providing services.</p>	<ol style="list-style-type: none"> <li>1. Refrain from allowing the MoCI to become the arbiter of lawful expression, rather than judicial authorities, through blocking websites and online material the GoI views as “negative content.”</li> <li>2. Avoid restricting anonymity-protecting technology.</li> </ol>
<p><b>Failure to Protect Online Safety:</b> GoI needs to protect vulnerable groups—such as women, children, and journalists— from online violence, and to prevent the spread of disinformation in accordance with the principles laid out in Articles 19 and 20 of the ICCPR, UNHRC resolutions, and Special Rapporteur thematic reports.</p>	<ol style="list-style-type: none"> <li>1. Ensure all digital attacks are investigated promptly and impartially, and increase specialized capacity to address instances of OGBV and digital attacks against journalists.</li> <li>2. Unequivocally condemn the use of digital attacks, disinformation, and propaganda by and against political candidates and their supporters, and prohibit the use of government funds for disinformation campaigns.</li> </ol>
<p><b>Impairment of Access to the Internet:</b> GoI needs to protect the right to information in accordance with Article 19, UNHRC resolutions, and Special Rapporteur thematic reports by stopping blanket website blocking and unjustified partial or full internet shutdowns.</p>	<ol style="list-style-type: none"> <li>1. Avoid blanket website blocking by restricting access only to specific content that violates established guidelines.</li> <li>2. Revise Article 40 of EIT Law to prevent unnecessary bandwidth throttling and internet shutdowns, and refrain from using shutdowns in instances of lawful dissent.</li> </ol>
<p><b>State Surveillance and Violation of Right to Privacy:</b> GoI needs to protect digital privacy in accordance with Articles 17, 19, and 22 of the ICCPR by implementing scopes and safeguards.</p>	<ol style="list-style-type: none"> <li>1. Amend laws to require judicial approvals for wiretapping and search and seizure.</li> <li>2. Modify MR 5/2020 to eliminate registration requirements on ESOs.</li> </ol>