

Advocacy Paper – Indonesia Situation on Human Rights Online in Indonesia

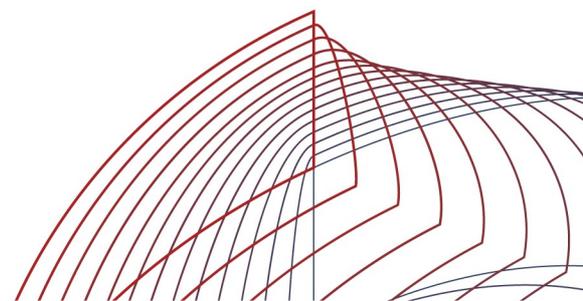
In 2012, the UN Human Rights Council Resolution calls upon all states to promote and facilitate access to the internet and international cooperation aimed at the development of media and information and communications facilities in all countries. This resolution compels every country to provide protection for freedom of expression in the online world and guarantees equitable and fair internet access. Since then, the term “human rights online” or “digital rights” were introduced globally. Fundamental digital rights require open Internet access, protection on online freedom of expression, and protection of online safety, including privacy and freedom from online violences/threats towards human rights defenders (HRDs).

These digital rights actually already stipulate in national framework like Indonesia Human Rights Law No. 39/1999 and the Indonesian Constitution stipulate that every person shall be free to express his or her opinions in public. Article 28E(3) of the Indonesian Constitution clearly protects the rights to seek, receive and impart information and ideas, orally and in writing, through printed and electronic media. equitable and fair internet access.

However, the online human rights situation in Indonesia has recently been under a lot of repression. On ensuring open Internet access, for example, Indonesia has the slowest compared to neighboring countries. Globally, Indonesia ranks 76th for internet access speed using wired and lower for access from mobile devices. Intentional disruptions to Internet access by the government, in the form of bandwidth throttling and Internet shutdowns, were applied in Papua and Papua Barat in 2019. In August 2019, the Jokowi administration showed securitization approaches to handle the situation in Papua, especially responding to the racial discrimination case targeting several Papuan students who lived in Surabaya and Malang dormitories. Many Papuans organized and held peaceful rallies in several cities in Papua and Papua Barat to protest the racial discrimination. Thousands were gathered and shouting to the Jokowi administration to end racial discrimination. But that time, not only repressive measure from the security apparatus, but Jokowi administration decided to “kill the switch” of the Internet. This actions then followed in 2020 where we found another 4 intentional disruptions, and in 2021 where at least 8 from 12 Internet access disruptions occurred for security reasons.

Year	Number and types of Internet Shutdowns
2019	3 bandwidth throttling & Internet shutdowns
2020	4 bandwidth throttling
2021	8 Internet shutdowns & 4 Internet down

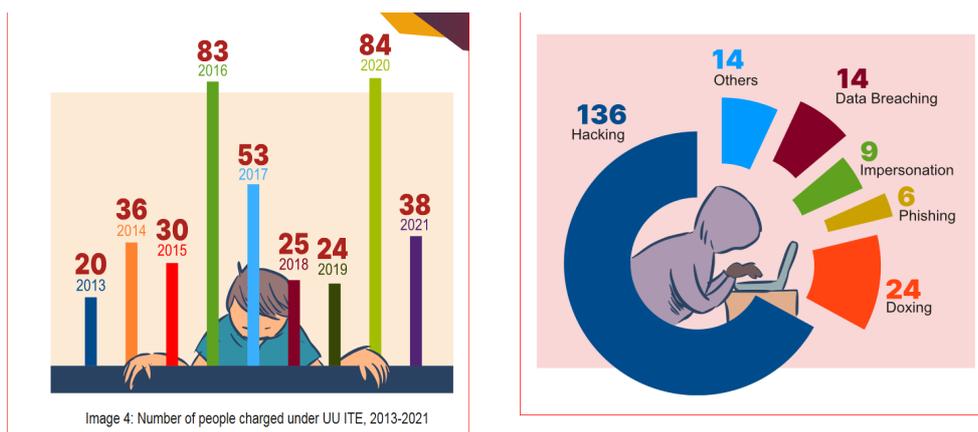
From a policy and legal perspective, Indonesia has a bad record since the President and Ministry of Information and Communication Technology (Kominfo) decisions to cut Internet Access in Papua and Papua Barat in 2019 was decided by Jakarta Administrative Court judges as unlawful and then the Constitutional Court rejected the lawsuit by the Indonesian Alliance of Independent Journalists (AJI) and Suara Papua against Article 40 point 2b of the ITE Law which is prone to misuse to cut the Internet access. In terms of content regulation, Google’s Transparency Report in 2021 released the Indonesia is the country with the highest volume of requests for content removal from the government, which is 254,461 content, even above Russia (205.802). This certainly creates a vulnerability that from the many deletions, there are contents of citizens’ digital rights that are violated. Recently, Kominfo blocks 8 digital platforms (international payment Paypal, Yahoo search engine, gaming sites like DOTA 2, Counter-Strike, Stream, EpicGames, EA) for not registering their business entities as required by Ministerial Regulation Number 5 Year 2020 (MR5). Not only requires to register and assigns a contact person to communicate with Kominfo, but MR5 also requires digital platforms to take down content after receiving notifications from government in 24 hours and for emergency request, must respond in 4 hours. Refusing the request, any digital platform will be subject to a very large fine. MR5 also orders digital platform to give access to their systems and user’s data.



On the aspect of freedom of expression, the criminalization of citizens' expression using digital media also continues. Indonesia also retains most of the defamation articles in the Criminal Code and ITE Law even though Indonesia has ratified the ICCPR. Indonesia also not yet providing protection for Human Rights Defenders. According to Indonesia National Human Rights Institution (Komnas HAM) between 2020 and 2021, most cases of violations of freedom of expression occurred in the digital space.

Based on Indonesian Legal Aid Foundation (YLBHI), in 2020, 67 cases of blasphemy occurred, and 43 of these cases occurred due to the dissemination of content on social media. Even more, the new Criminal Code Draft contained several articles relating to blasphemy.

Based on SAFEnet reports from 2018 through 2021, there were 56 cases targeted toward Human Rights Defenders using the existing defamation and hate speech articles in ITE Law. These provision being misused to curb criticism and people's dissent.



On the aspect of online safety, there were 147 digital attacks took place in 2020, and 193 attacks in 2021. From the high number of attacks against Human Rights Defenders, such as activists, journalists and media, students leader, and civil society organizations, which accounted for 58.95% of the total attacks. During pandemic Covid-19, online violences against women cases spike to 510 OGBV cases in 2021, which many cases targeted toward WHRDs.

This continuing digital repression needs to be addressed with extra efforts from many parties to increase digital resilience and joint steps to promote the human rights online.

Therefore, SAFEnet strongly suggest the Indonesia government to accept and implement these following recommendations:

- i. Repeal blasphemy laws that contravene the right to profess and manifest religion or belief online.**
- ii. Provide comprehensive holistic protection to Human Rights Defenders, from judicial harrasment using Criminal Code and ITE Law and from offline and online attacks.**
- iii. Comply with all of its obligations under CEDAW to eliminate all forms of discrimination against women and gender minorities and protect their sexual and gender expression on the internet.**
- iv. Lift all forms of unlawful surveillance, censorship, Internet shutdowns in particular in Papua and Papua Barat, and suppression of information on the internet.**

SAFEnet – Southeast Asia Freedom of Expression Network

SAFEnet is a regional digital rights organization based in Bali, Indonesia. SAFEnet was founded with a vision of realization of a digital space that upholds human rights values for all people and mission to defend digital rights in the Southeast Asia region, including their rights to access the Internet, rights to express freely, and rights to feel safe in digital spaces.

Contact: Damar Juniarto, Executive Director
info@safenet.or.id +628119223375