

STATEMENT UPR PRE-SESSION ON INDONESIA

Geneva, August 31, 2022

Chairperson and all distinguished delegates,

My name is Damar Juniarto, and I am speaking on behalf of SAFE net, a regional digital rights organisation which founded with a vision of realisation of a digital space that upholds human rights values for all people. **CHANGER SLIDE** Today, I would like to take this opportunity to speak about "human rights online" in Indonesia, based on our UPR submission with APC, Engagemedia and also with KontraS.

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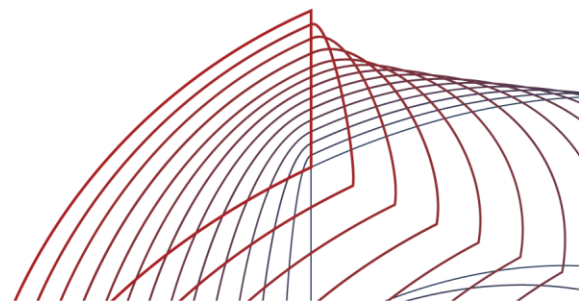
Tracing back to the third UPR cycle, Indonesia received many recommendations 1) on the protection the Human Rights Defenders, 2) on repealing blasphemy law, 3) on discrimination and violence against women, 4) on discrimination against minority groups such as LGBTIQ, 5) on ensuring human rights obligations in Papua, and 6) on protecting human rights in particular freedom of expression, association and assembly, but Indonesia is partially implementing the recommendations or even not complying with previous recommendations.

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.

Under Indonesia 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 also protects the rights to seek, receive and impart information and ideas, orally and in writing, through printed and electronic media.

However, 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.

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 SAFE net reports from 2018 through 2021, there were 56 cases targeted toward Human Rights Defenders. While there were 147 digital attacks took place in 2020, and 193 attacks in 2021. Almost 60% of the attacks targeted to Human Rights Defenders. During pandemic Covid-19, online violences against women cases spike to 510 OGBV cases in 2021, which many cases targeted toward WHRDs.

In 2021, the “virtual police” had become a new tool of repression, further risked the privacy of HRDs. At least 476 accounts have received a warning for allegedly containing hate speech content.

We are also concerned about Internet shutdowns being used to control information. The Indonesian government has shut down the internet in Papua and West Papua in 2019. In 2020, there were 4 reports alleging partial shutdowns. And in 2021, 12 internet outages happened, where 8 of them were allegedly related to Indonesian military operations.

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For these reasons Indonesia should:

- 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 harrassment and 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, and suppression of information on the internet.**

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We thank you for your time and attention.

