

**Stories Learnt on the Struggle for Internet Freedoms in Southeast Asia at the
ASEAN People's Forum 2016,
Dili, Timor Leste**

By Net Merdeka

1. Background

This document is a summary of stories learnt on the struggle for internet freedoms in Southeast Asia countries during the ASEAN People's Forum 2016 (APF), from 2 August 2016 to 5 August 2016 in Dili, Timor Leste.

The stories were collected through a mapping exercise at the Net Merdeka's¹ exhibition booth at the Dili Convention Centre and through a two-hours workshop conducted on 4 August 2016, from 2.00 pm to 4.00 pm, at the National Post Office, Dili.

2. Purpose

This document aims to record sharings and stories from participants at the APF and is not intended to fully represent the diversity of online experiences in Southeast Asia. Nevertheless the Net Merdeka coalition believes this document will help us in mapping the key trends and threats to internet freedom in the sub-region, and to document cases of violation of human rights online, or through the use of ICTs like mobile phone and tablet. A deeper understanding of the state of internet freedoms will help strengthen movement building for internet rights in the upcoming APF and within the region itself.

3. Key Issues

Among stories heard and collected at the forum, the following issues have been identified as main concerns and challenges to internet freedom across the countries represented at the APF.

***Note:** No input was collected from Laos and Brunei.

In March 2016, three activists (Lodkham, Somphone and Soukan²), was arrested by the Lao government when they returned to Lao from Thailand to apply for necessary immigration documents to re-enter Thailand. It is believed that the arrests were due to criticisms made against the Laos government on Facebook in relation to alleged corruption, deforestation and human rights violations. In May 2016, the three activists appeared on national TV to publicly

¹A Malaysian coalition advocating for internet rights.

²Somphone and Soukan were involved in the preparatory meeting for APF 2016.

apologise for betraying the country in their anti-government posts on Facebook.³

It is known that the Lao government has zero-tolerance towards dissents. Fear among civil society is prevalent as government clampdown has had a chilling effect. It has also resulted in the silencing of human rights defenders.

Human rights defenders in Brunei face considerable restrictions too, more so after the implementation of Sharia Law in May 2014.⁴

a. Access to ICTs and the internet

The internet has been widely seen as ushering in a new era of human development, but access to ICTs and the internet remains a faraway reality for some of the population in Southeast Asia. Rural population in these countries, ie. Cambodia, Indonesia, Malaysia, Myanmar, Philippines, Thailand, Timor Leste, Vietnam etc. have been largely left out due to the absence of basic infrastructure, digital illiteracy and high cost of access. The digital gap is closely tied with existing social inequalities and discrimination.

b. Net neutrality in Timor-Leste

Network discrimination is a real and growing concern in Timor-Leste. Telkomcel, one of the major internet service providers in Timor-Leste, has partnered with Facebook to launch Free Basics in the country.⁵ Compelled by economic realities in the country and much slower access to other websites and platforms, internet users inevitably perceive Facebook as 'the internet' and it is becoming the main source of information and news. According to activists and a journalist from Timor-Leste the spread of misinformation has become one of the main threats to internet freedoms in the country, more so when netizens are confined to Facebook for information and news. Thus, Free Basics essentially establishes Facebook as a global gatekeeper for internet connectivity in Timor-Leste, affecting access to a free and open internet.

c. Criminalisation of online expression

It is widely recognised that the internet opens up new opportunities for expression and participation, in particular for marginalised communities across Southeast Asia. The principle of freedom of expression has also been held by the UN HRC to apply equally online. However, developments in recent years indicate governments are extending the enforcement of laws on offline expression to control online expression. In Cambodia, Indonesia, Malaysia, Myanmar,

³Aljazeera (June 2016) "Laos cracks down on social media critics", accessible at <http://www.aljazeera.com/news/2016/06/laos-cracks-social-media-critics-160606092251543.html>

⁴Global Voices (5 March 2016) "Sultan of Brunei Threatens Critics of Sharia Law ", accessible at <https://advoc.globalvoices.org/2014/03/05/sultan-of-brunei-threatens-critics-of-sharia-law/>

⁵Telin (29 October 2015) "Telkomcel and Facebook Launch Free Basics Service in Timor Leste", accessible at <https://www.telin.co.id/telkomcel-and-facebook-launch-free-basics-service-in-timor-leste/>

Thailand, Vietnam, etc. draconian laws have been amended or introduced to investigate and prosecute expressions made on social media, online news portal, blogs, chat applications etc.

d. Blocking and censoring internet content

Traditionally, newspapers and television content in Southeast Asia was controlled through litigation, intimidation, cronyism and repressive laws; but blogs, online news portals and social media tend to escape tight control. However, governments in the region have in recent years resorted to internet censorship including website blocking. In Singapore, the government has introduced new licensing rules to govern online news; Cambodia, Indonesia, Malaysia and Thailand have also seen a spike in internet censorship including clamping down on online media and content related to LGBTIQ and human rights; in Vietnam, access to Facebook was blocked during Obama's visit.

e. Online hate speech, abuse and violence

While the internet has tremendous potential in the promotion and protection of human rights, it is also a space that enables online hate speech and violence. While these are type of harms that may be faced by everyone, women, young girls and LGBTIQ persons are being disproportionately targeted, often based on existing gender-based disparity and discrimination. Ethnic and religious minorities are also targeted. In Myanmar, the internet has been used as a platform to incite hatred and stoke religious intolerance against Muslims and Rohingyas. The situation is complex: some forms of hate speech are tolerated by repressive States when it serves political expediency; on the other hand governments also equate legitimate criticism with online hate speech or abuse. All these inevitably pose a barrier to one's freedom of expression and contribute to a polarised online space that is hostile to women, girls, LGBTIQ and religious or cultural minorities.

f. Surveillance

State surveillance is another major challenge to internet freedoms. It is conducted either through overt policing on social media or covert use of surveillance technologies. Online communications are vulnerable to electronic surveillance and interception. It is widely understood that public posts on social media or blogs are subject to surveillance in Malaysia, Singapore, Vietnam, Cambodia, Indonesia and Thailand. This has led to numerous arrests and prosecutions of human rights defenders over expressions made on social media. This form of surveillance poses significant risks to users' privacy and may have a chilling effect on internet users exercising their right to freedom of expression.

4. Recommendation for next steps

During a two-hour workshop at the forum, some suggestions were made by panelists and participants to advance internet freedoms in ASEAN:

- An ASEAN level Internet Governance Forum
- A pre-event workshop focusing on internet rights and freedoms at year 2017's APF
- To continue the discussion on internet freedoms at APF
- Formulation of national-level, civil society-led principles of internet rights and freedoms
- To develop a code of ethics for online journalism
- More digital security training for journalists and human rights defenders that addresses their specific needs and contexts