



Observations and Recommendations of the International Partnership Mission to Indonesia

Since its democratic transition began, there have been significant improvements in Indonesia's media environment. However, we, the International Partnership Mission, observe that there are still several areas of concern where press freedom and the right to freedom of expression remain under threat. We note with particular concern that:

Violence, intimidation and threats against journalists and media workers continue to present a significant challenge to the establishment of a free and safe media environment, with the pressure on Indonesia's journalists exacerbated by political, cultural and religious tensions. In particular, we note that many perpetrators of attacks against journalists continue to enjoy impunity for their actions. Although there has been progress in some cases, including in the Anak Agung Prabangsa murder case, most others remain unsolved, and have not even been investigated. The fact that police in some provinces, notably South Sulawesi, have themselves been culpable in committing violent assaults against journalists is particularly alarming. Beyond their impact on the individual victims, violence against journalists represents a threat to freedom of expression as a human right. States have an obligation to provide adequate protection to members of the press and to thoroughly investigate any violence or threats perpetrated against them.

We recommend that:

- The Government of Indonesia work with civil society and journalists to establish a comprehensive national mechanism to promote journalist safety and end impunity. This mechanism should be anchored with an existing national State institution, in accordance with the framework of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity.
- The Government of Indonesia extend an official invitation to David Kaye, the UN Special Rapporteur on Freedom of Expression and Opinion, to visit the country, in order to further assess the situation.
- The Government of Indonesia reopen investigations into the murder of Fuad

Muhammad Syafruddin, known as “Udin”, and dedicate resources to identify and prosecute his killers.

- The Government of Indonesia undertake full and thorough investigations into all other cases of journalists who have been targeted for threats or violence, and in particular the cases of murdered journalists.
- Indonesia’s National Police ensure thorough investigations into any incidents where police have been accused of involvement in violence against journalists, along with the institution of disciplinary procedures where appropriate.
- Indonesia’s National Police incorporate modules on the importance of freedom of expression and media rights into its core training documents.
- Indonesia’s media companies promote safe working conditions for their staff, including freelancers and contractors, and provide due training and oversight for their assignments. Media companies should also recognise their obligations to work with relevant parties, including journalists, government and civil society to collaboratively strengthen mechanisms to promote journalist safety and end impunity.

Digital rights remain under threat in Indonesia, including as a result of harsh penalties for online speech, notably those contained within the Electronic Information and Transactions (ITE) Law. International standards mandate that defamation be treated as a civil, rather than a criminal, matter and that penalties for online speech not exceed those for equivalent statements made offline. The increasing trend in Indonesia towards holding private online intermediaries, notably Internet service providers, responsible for the actions of their users also runs counter to [international standards of freedom of expression](#), under which online intermediaries should enjoy immunity from liability so long as they do not specifically intervene in their users’ content or refuse a court order to remove that content, where they have the capacity to do so. Indonesia’s Internet control mechanisms, which filter out access to millions of websites, are an additional cause for concern, as is the reported use of FinFisher, a highly intrusive tool for conducting network surveillance.

We recommend that:

- The Government of Indonesia decriminalise defamation, and look into decriminalising other types of speech where a criminal prohibition is not strictly necessary. For both civil and criminal cases, penalties should be proportionate, in order to avoid exerting a chilling effect on legitimate speech. Under no circumstances should penalties for online speech exceed those for equivalent statements made offline.
- The Government of Indonesia ensure that private intermediaries are immune from liability, whether criminal or civil, where they are not involved in their users’ content and so long as they comply with any court order to remove illegal content.

- The Government of Indonesia abandon its Internet blacklist. At the minimum, it should publish a complete list of banned websites, provide information about the process by which websites are added to the list, and establish an appeals mechanism for websites to challenge being blacklisted.
- The Government of Indonesia discontinue its use of invasive mass surveillance tools, such as FinFisher.

Indonesia's limited media diversity also undermines the ability of individuals to fully exercise their right to freedom of expression and to receive information. This includes an unhealthy concentration of media ownership, which is in some cases in breach of the existing legal framework, which limits the diversity of voices that are heard in the public sphere. The problem is compounded by the fact that community broadcasters have been allocated only 1.5% of the total broadcasting spectrum. A serious related concern is the overt politicisation of many media outlets, which undermines editorial independence and a level playing field during elections. The media also need to do more collectively to demonstrate tolerance in reporting and to ensure equitable space for minority, indigenous and other marginalised voices.

We recommend that:

- Indonesia's regulatory authorities properly enforce rules on media diversity, and particularly the requirement that Jakarta-based television stations form network partnerships with local stations in order to broadcast nationally.
- Indonesia's regulatory authorities properly enforce rules on concentration of media ownership.
- More spectrum be allocated to community broadcasters in the Public Broadcasting Law which is being developed.
- The independence of the broadcast regulator, KPI, be enhanced and it take direct measures to address the problem of politicised media outlets, including through the process of broadcast licensing
- The Government of Indonesia consider other measures aimed at promoting editorial independence and media diversity.
- The Government of Indonesia foster a broad social debate about the status of minorities with an eye to promoting tolerance, diversity and multiculturalism. Possible measures include initiatives to promote visibility and understanding of minority groups through public events and educational initiatives, and expanding the mandate of public broadcasters to promote multiculturalism and interfaith dialogue.

Limitations on journalists' access to parts of Indonesia remain a key area of concern. Foreign journalists who wish to enter sensitive regions such as Papua and West Papua must obtain additional permissions from an array of government offices, which are seldom granted. A series of documented arrests and deportations of journalists reporting from these areas highlights the pervasive nature of the problem, which threatens to chill important reporting on matters of public interest

in Indonesia.

We recommend that:

- The Government of Indonesia lift the legal and bureaucratic restrictions on foreign journalists' ability to enter Papua and West Papua. Journalists should not face special visa requirements or be forced to travel with government and security officials, and they should have access to all of the country.
- There should be an immediate end to any detentions, arrests and deportations of international journalists for their work in reporting from Indonesia.

We note that these are significant problems, and that ongoing cooperation between State institutions, journalists and civil society is needed in order to resolve them and to establish a robust environment for freedom of expression and media development based on human rights. International stakeholders also have a critical supporting role to play in promoting the adoption of better practices on these issues.

Signed:

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Article 19
Centre for Law and Democracy
Committee to Protect Journalists
Freedom House
International Federation of Journalists
International Media Support
Open Society Foundations
South East Asia Press Alliance