

ASEAN Rights Groups rally against UN Cybercrime Treaty's Threat to Liberty and Privacy

ASEAN (5 August 2024) - As the negotiations for the [UN Cybercrime Treaty](#) draw to a close on 9 August, we, members of the ASEAN Regional Coalition to #StopDigitalDictatorship and Southeast Asia Collaborative Policy Coalition (SEA CPN), voice our profound concerns regarding the numerous provisions within the treaty that significantly threaten civil liberties, privacy rights, and the protection of human rights activists globally. This treaty, proposed to foster international cooperation against cybercrime, appears to grant overly broad powers to States at the expense of individual freedoms and privacy. Proposed key elements of the treaty will allow States to abrogate their obligations under existing human rights treaties, and therefore undermine fundamental human rights norms.

The treaty legitimises extensive state surveillance through its expansive powers for data preservation and access, as outlined in Articles 25-29. This not only entrenches state surveillance but also potentially marks the end of investigative journalism as we know it, with governments granted powers to continually renew orders for data preservation without substantive grounds. Article 27 further exacerbates this by allowing states to compel service providers to divulge sensitive information under broad and often nebulous conditions.

Articles 41 and 42 lack robust safeguards, enabling the potential misuse of data access to target marginalised communities, including ethnic, religious, women, and LGBTQ+ groups, particularly in regions where legal frameworks are already used to persecute these individuals. The treaty's vague language and broad definitions within these articles offer governments unchecked discretion to define and prosecute 'cybercrime,' often at the cost of suppressing dissent and violating personal privacy.

Article 37, while purporting to protect individuals from extradition to countries where they may face serious human rights abuses, does not adequately define what constitutes 'substantial grounds' for such protection. This lack of clarity could lead to politically motivated extraditions, compromising the safety and rights of individuals under international law. Article 28, which addresses the search, seizure, and interception of data, does not mandate judicial oversight, leaving these invasive actions largely at the discretion of state authorities. This could result in egregious violations of due process and is a direct threat to the integrity of personal data and individual rights.

Given these critical issues, our coalition urges a thorough reconsideration of the treaty's current framework to prevent the establishment of a digital autocracy under the guise of combating cybercrime. We call upon all member States and involved parties to engage in a more transparent and inclusive negotiation process, ensuring that any international agreement respects fundamental human rights and does not become a tool for state overreach.



SEA CPN
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We are particularly concerned about the human rights implications of the treaty on the wider ASEAN community, in particular regarding the ease with which governments could exert pressure on technology companies to comply with state surveillance directives. The treaty provides a legal framework that could not only normalise but also legitimise the sharing of surveillance data across borders without adhering to stringent human rights standards. This paves the way for an alarming potential of transnational repression, where dissenting voices across borders could be monitored, and potentially silenced, under the guise of international cooperation. The absence of robust human rights safeguards within the treaty facilitates a scenario where countries could exploit these provisions to target and suppress activists, journalists, and minority groups, effectively using technology companies as tools in extending state control and limiting freedom of expression. Such a landscape would undoubtedly compromise the digital autonomy of individuals and the integrity of civil society within the region, thereby reinforcing digital dictatorship rather than protecting citizens from genuine cyber threats.

We unequivocally reject the proposed UN Cybercrime Treaty in its current state due to its profound threats to civil liberties and human rights. We call upon ASEAN member States to assertively challenge and demand substantial revisions to this treaty to ensure it does not become a tool for state-sponsored oppression. It is imperative that ASEAN countries lead by example in prioritising the protection of digital rights and individual freedoms over vague notions of security cooperation that compromise privacy and freedom of expression.

We strongly recommend that ASEAN governments collaborate closely with civil society, digital rights advocates, and independent human rights experts to reframe the treaty. This collaboration should aim to introduce clear, enforceable safeguards against the misuse of surveillance and data access, and establish firm standards that prevent transnational repression. ASEAN citizens must not allow this treaty to be ratified by their States without these critical protections in place, as doing so would betray the trust of its citizens and contribute to the erosion of democratic values in the digital age.



Endorsed by members of the **ASEAN Regional Coalition to #StopDigitalDictatorship** and of the **South East Asia Collaborative Policy Network (SEA CPN)**

SIGNATORIES:

- ASEAN Regional Coalition to #StopDigitalDictatorship
- ALTSEAN-Burma
- Bumi Setara
- Cambodian Center for Human Rights (CCHR)
- Foundation for Media Alternatives (FMA)
- Human Rights Myanmar
- Human Rights Online Philippines (HRonlinePH)
- ILGA Asia
- Manushya Foundation
- Open Net Association
- PIKAT Demokrasi
- Public Virtue Research Institute
- Rohingya Maiyafuinor Collaborative Network (RMCN)
- Southeast Asia Freedom of Expression Network (SAFE net)
- The Institute for Public Policy and Advocacy (ELSAM)
- Viet Tan
- Women Peace Network (WPN)

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WHILE YOU ARE HERE, LEARN MORE ABOUT OUR EFFORTS TO #STOPDIGITALDICTATORSHIP 

- Access the **Report "Dawn of Digital Dictatorship: Weaponizing the Law Against Online Speech in Southeast Asia"** [here](#).
- Access the **Executive Summary** of the Report [here](#).
- Access our **9 ASEAN Country Booklets** [here](#).

ASEAN Regional Coalition to
#StopDigitalDictatorship



- For more information about joining our regional campaign to **#StopDigitalDictatorship** in Southeast Asia, and to support our work to restore digital democracy in the region, access our online campaign [here](#).



WHILE YOU ARE HERE, LEARN MORE ABOUT OUR ASEAN COALITIONS TO RESIST DIGITAL REPRESSION



About the ASEAN Regional Coalition to #StopDigitalDictatorship

The ASEAN Regional Coalition to #StopDigitalDictatorship, envisioned in 2020 by Manushya Foundation, is an all-star Global South collective consisting of ALTSEAN-Burma, Bumi Setara (Equal Earth), Cambodian Center for Human Rights, ELSAM, Foundation for Media Alternatives, Human Rights Myanmar, ILGA Asia, Manushya Foundation, The Rohingya Mayafuinqor Collaborative Network, SAFEnet, Viet Tan, and Women's Peace Network. **The Coalition's collective objective is to decolonize the field of Digital Rights** by building collective power and digital resistance. We take into account intersectional feminist perspectives, fearlessly sharing our truths, with particular focus on Global Majority voices, and Class Struggles: **Women, LGBTIQ+ folks, youth, democracy defenders, and marginalised communities, such as indigenous peoples, people with disabilities, religious minorities (the Rohingya people, Malayu Muslims).** We stand in solidarity with one another. We are stronger together by sharing our stories straight from the ground, researching and sharing our knowledge, and working together to envision solutions to resist digital dictatorship and repression, and ultimately restore our online democracies! All this work is essential in order to preserve what is left of the online and offline freedoms humans still have, and fight back against continued efforts to diminish those freedoms. We encourage you to learn, mobilise, and act with us! Learn more on our website: <https://www.manushyafoundation.org/stop-digital-dictatorship-campaign>

About the South East Asia Collaborative Policy Network (SEA CPN)

SEA CPN is a network of civil society organisations in Southeast Asia that aims to **promote internet freedom by developing the capacity of CSOs to engage and have a dialogue with ICT companies (tech companies, ISPs, and telcos), governments and ASEAN.** This network was established in March 2023 in response to the commonality of internet freedom issues and problems in South East Asia countries that have been identified. These include online censorship, mass surveillance, disinformation and Influence Operations (IO), attacks on human rights defenders, spyware, red-tagging, online gender-based violence (OGBV), and others. To achieve its goal, the network is committed to developing the capacity of the network members to engage with the targeted actors, ensure well representation of South East Asia's CSOs in the network, form a unified framework and agenda, and establish a meaningful engagement and dialogue with the targeted actors. Contact SEA CPN through sea_cpn@protonmail.com.