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March 27, 2026

ASEAN Digital Platform Guideline must be re-examined in consultation with civil society before being implemented

The undersigned organizations respectfully request that the ASEAN Secretariat delay implementing **Guideline for Digital Platform Regulation in ASEAN unveiled a few days before the February 11-13, 2026 UNESCO International Conference on Digital Platform Governance ("Guideline", hereinafter)** until the full consultation with civil society is completed. The main reason is a concern that the Guideline, although it was well intentioned and does have significant virtues in other areas, may exacerbate the status of online freedom of speech and privacy in the region by encouraging the state actors to (1) engage in actions that may strengthen the non-judicial censorship by the executive branch bodies, which has already flourished in the region to the detriment of civic spaces, and to (2) empower regulatory authorities to request necessary information from digital platforms without proper procedural safeguards.

The Guideline states that it was "endorsed at the 6th ADGMIN in January 2026 in Hanoi, Viet Nam". It was not shown to and commented on by civil society in the region before endorsement. Although there was an event on October 22, 2025 referring to the Guideline, the draft text was not shown to the civil society but only a slide deck. Civil society organization has already spoken on this failure in January 2026, one month

before the Guideline was unveiled. The lack of civil society consultation shows lack of sensitivity to the pressing issues in the region on digital governance such as (1) state actors' non-judicial content moderation and (2) state actors' warrantless access to user data.

A relevant Policy Recommendation states:

> ***2) Implement a Notice-and-Action System for Illegal Content***
> • ***Coordinated Response:*** *Member states are encouraged to requires platforms to act within specific timeframe to remove content in the agreed-upon illegal categories.*
> • ***User Reports:*** *In addition, Member States should ensure that channels are provided for users to directly initiate notifications regarding illegal content involving serious crimes.*

This is surprising because this Policy Recommendation comes after the Key Challenges section which states *"The regional notice-and-action framework still focuses heavily on notifications from government authorities, rather than empowering users to directly participate."* The region already suffers from online censorship of dissident or minority-authored content driven by state actors for authoritarian purposes. It is not clear what is meant by "agreed-upon illegal categories", i.e., whether it is limited to CSAM, NCII, and terrorism, or it is broader than the three categories. Even if it is limited to the three categories, "terrorism" has been used as excuses to take down the contents of dissidents, HRDs, and minorities in the region.

Another Policy Recommendation states:

> ***1) Empower Regulatory Authorities to Request Data***
> • ***Establishing Mechanisms:*** *Member States should consider establishing mechanisms that empower regulatory authorities to request necessary information from digital platforms, as many jurisdictions currently lack this specific authority.*
> • ***Safeguards for Requests:*** *Member States should ensure that such data requests must pursue a legitimate aim, be clear, proportionate, and justified with reasons and objectives.*

It is an international human rights standard that people should not be subject to punishment before proven guilty at trial. Non-consensual acquisition of private data about them constitutes such punishment and therefore has been preceded by at least a finding of probable cause for guilt, namely a warrant, issued by an officer disinterested in the progress of law enforcement, namely a judge. The Policy Recommendation above seems to bypass such procedural

safeguard and authorize such non-consensual data access as long as it is justified in terms of purpose, clarity, proportionality and reasons. This is especially poisonous because a majority of the ASEAN countries suffer from lack of such procedural safeguards and simple lateral application of that poor standard to digital platforms' data access will be detrimental to the users' privacy. The risk to human rights is doubled as a majority of the ASEAN countries have signed on the United Nations Cybercrime Convention which obligates governments to exchange amongst themselves the data that they have respectively acquired through domestic surveillance.

March 27, 2026

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DAKILA (Philippines)
Foundation for Media Alternatives (Philippines)
Human Rights Online Philippines (HRonlinePH)
Indonesia Working Group Against Disinformation (KONDISI)
Movement Against Disinformation Philippines (MAD PH)
Myanmar Internet Project
Open Net (Korea)
Southeast Asia Freedom of Expression Network/SAFEnet (Indonesia)
Tifa Foundation (Indonesia)

Resources:
https://www.opennetkorea.org/wp-content/uploads/2026/03/TH_LA-ADM2025_Guideline-Digital-Platform-Reg-in-ASEAN-Approved-Advance-Copy-Pretoria-South-Africa.pdf

https://www.unesco.org/en/articles/international-conference-digital-platform-governance-2026

https://www.opennetkorea.org/wp-content/uploads/2026/03/October-2025-draft_digital-platform-govt-in-ASEAN.pdf

https://www.tifafoundation.id/en/artikel/join-the-solidarity-to-ensure-human-rights-safeguards-in-the-asean-guidelines-on-digital-platform-regulation/

UNESCO proposal hurts democracy and the internet by encouraging administrative online censorship in Asia (https://www.opennetkorea.org/en/wp/4837)

40 NGOs push back against UNESCO internet regulation guideline
(https://www.opennetkorea.org/en/wp/4710)