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Report of the Working Group on the Universal Periodic Review*

Indonesia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

1. The Government of Indonesia took note with appreciation of and gave serious consideration to the recommendations made during the 13th Session of the Working Group on the Universal Periodic Review (UPR) concerning Indonesia. In total, Indonesia received 180 recommendations, 144 of which the Indonesian Delegation was able to accept immediately during the Working Group session. These accepted recommendations are indeed in line with the Government's priorities in human rights promotion and protection. The remaining 36 recommendations needed further consultations among relevant stakeholders in the country. No recommendation was directly rejected by the Indonesian Delegation during the review.
2. The Government of Indonesia had convened broad-based consultations with relevant stakeholders to decide its positions on the 36 pending recommendations. From the consultations, Indonesia decides to accept 6 of those recommendations.
3. Altogether, the Government of Indonesia accepts 150 recommendations and could not support 30 recommendations. To follow up the accepted recommendations, Indonesia is committed to streamline them into the implementation of the current national human rights action plan. Many of the accepted recommendations are indeed already integral part of the current national human rights action plan.
4. This addendum focuses on the responses of the Government of Indonesia to the 36 recommendations undecided during the Working Group session.
5. Indonesia accepts the following recommendations:
 - 5.1. **Recommendation 109.1, 109.2, and 109.8** on the ratification of international treaties namely the Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women (OP-CEDAW) and ILO Convention No. 189 on Decent Work for Domestic Workers;
 - 5.2. **Recommendation 109.9** on the need to increase human rights transparency;
 - 5.3. **Recommendation 109.10:** The Government of Indonesia supports the presence of the International Committee of the Red Cross (ICRC) in the country, including in performing its mandates. ICRC delegation in Indonesia is granted access to any part of the country for the purpose of fulfilling its mandate. ICRC delegation in Indonesia continues to work with the Indonesian armed forces in carrying out dissemination of humanitarian law in many parts of the country, including in Papua and West Papua Provinces. Currently Indonesia and ICRC are finalizing a new Host Country Agreement to replace the old one that has expired which will provide legal basis for ICRC's activities throughout Indonesia;
 - 5.4. **Recommendation 109.27:** The Government of Indonesia continues to facilitate dialogue among related stakeholders including civil society organizations, religious and community leaders on the issue of female circumcision with a view to eliminating practices of female genital mutilation.
6. The Government of Indonesia is unable to support the following recommendations:
 - 6.1. **Recommendations 109.6:** The Government of Indonesia has ratified the Convention on the Rights of Persons with Disabilities in 2011. The ratification of its Optional Protocol is yet to be discussed by stakeholders for possible inclusion in the next national human rights action plan;
 - 6.2. **Recommendations 109.3, 109.4, and 109.5:** The accession of the Optional Protocol to Convention of the Rights of the Child (CRC) on Communication Procedure which was adopted by the UNGA in 2011 is yet to be consulted amongst national stakeholders for its inclusion in the national human rights action plan.

- 6.3. **Recommendations 109.7 and 109.36:** The Government of Indonesia supports the promotion and protection of indigenous people worldwide. Given its demographic composition, Indonesia, however, does not recognize the application of the indigenous people concept as defined in the UN Declaration on the Rights of Indigenous Peoples in the country;
- 6.4. **Recommendations 109.11, 109.12, 109.13, 109.14, 109.15, 109.16, 109.17, 109.18, and 109.19:** The Government of Indonesia supports the mandates of and continues to extend its cooperation with the Special Procedure Mandate Holders. Indonesia invited Special Procedure Mandate Holders for country visits on the basis of its priority and needs for the promotion and protection of human rights. To date, the Government has received 13 visits of 12 UN Special Procedure Mandate Holders. The Government has extended invitations to Special Rapporteur on adequate housing and Special Rapporteur on highest attainable standard on mental and physical health in 2011. In 2012, the Government has extended an invitation to the Special Rapporteur on freedom of expression. The plans of the visit of the 3 Special Rapporteurs especially regarding the dates and modalities are being consulted between the Government and the respective Special Rapporteurs;
- 6.5. **Recommendations 109.20 and 109.25:** The recommendations do not reflect the actual situation in the Provinces they refer to;
- 6.6. **Recommendations 109.21, 109.22, and 109.23:** Death penalty remains a part of Indonesia's positive law. There have been public debates on the issue of death penalty in the country. The issue was referred to the Constitutional Court in 2007 for a judicial review and was decided that the application of death penalty is not in contradiction with the Constitution. Death sentence is regarded as the last resort which is imposed selectively only for serious crimes, and the execution can only be carried out after all legal resorts are exhausted. There is a mechanism to convert death sentence into life imprisonment;
- 6.7. **Recommendation 109.24:** This recommendation does not conform to the factual challenge faced by Indonesia in dealing with cases of abuse of prisoners. Criminal cases committed by wardens are adjudicated under civilian court jurisdiction and are never referred to military court;
- 6.8. **Recommendation 109.26:** Female circumcision is performed in certain communities mostly for symbolic purposes and does not involve any form of genital mutilation. The cases of female circumcision beyond symbolic act are isolated cases and performed by traditional circumcision practitioners. The regulation of the Ministry of Health of November 2010 was issued to ensure a safe procedure, and by no means to encourage or promote the practice of female circumcision. The Government of Indonesia continues to raise public awareness on the possible harmful effects of the practices of female circumcision to women and girls;
- 6.9. **Recommendation 109.28:** Corporal punishment of children is not an issue as such practices are not tolerated in Indonesia both legally and culturally;
- 6.10. **Recommendation 109.29:** The Government of Indonesia has enacted Law on Juvenile Criminal Justice System on 3 July 2012, which accommodates the principles and norms contained in Convention on the Rights of the Child, including restorative justice and best interest of the child. The Law raises the minimum age of children to assume criminal responsibility from 8 to 14 years old;
- 6.11. **Recommendation 109.30:** Under Constitutional guarantee, freedom of the press is a fact of life in Indonesia. Access for journalists is guaranteed throughout the country. The Government, however, regulates access for foreign journalists to

certain areas which are not conducive for their safety as the Government is responsible for their protection;

6.12. **Recommendation 109.31:** The Government of Indonesia remains strongly committed to upholding freedom of thought, conscience and religion, and to promoting religious harmony among diverse faith followers. Law no. 1/PNPS/1965, was put under judicial review by Constitutional Court in 2010 for possible revocation but the Court decided that the Law is in conformity with the Constitution;

6.13. **Recommendation 109.32, 109.33, 109.34, and 109.35:** The Government of Indonesia attaches great importance to the protection of those who work in the promotion and protection of human rights including human rights activists. The current national laws and regulations as well as the general climate of openness which is supported by press freedom sufficiently provide such protection. The government also continues to enhance the protection of whistle blowers for corruption cases. The Government further continues to review and identify laws and regulations which potentially have negative impact on the exercise of the right of every person to freedom of expression (for instance articles 134, 136 bis and 137 of the Indonesian Penal Code which criminalize acts of insulting head of states was repealed through judicial review by Constitutional Court).
