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## Human Rights Council

Working Group on the Universal Periodic Review

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### **Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21**

#### **Indonesia**

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, of the Office of the High Commissioner for Human Rights (OHCHR) and from other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### Universal human rights treaties<sup>2</sup>

	<i>Status in previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification</i>	ICERD (1999)	CRPD (2011)	ICCPR-OP 2
<i>Accession</i>	ICESCR (2006)	CED	OP-CAT
<i>Succession</i>	ICCPR (2006)	(signature only, 2010)	OP-CRC-AC
	CEDAW (1984) <sup>3</sup>	CRPD (2011)	(signature only, 2001)
	CAT (1998)	CED	OP-CRC-SC
	CRC (1990)	(signature only, 2010)	(signature only, 2001)
			ICRMW
			(signature only, 2004)
<i>Reservations, declarations and/or understandings</i>	ICERD, art. 22 ICESCR, art.1 ICCPR, art. 1 CEDAW, art. 29 (1), CAT, arts. 20 (1,2,3), 30 (1) CRC	--	--
<i>Complaint Procedures<sup>4</sup></i>	--	--	ICERD, art. 14 OP-ICESCR ICCPR-OP 1 CAT, art. 22 OP-CEDAW (signature only, 2000) ICRMW, art. 77 OP-CRPD CED, art. 31

#### Other main relevant international instruments

	<i>Status after previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification</i>	Geneva Conventions of 12 August 1949 <sup>5</sup>	Palermo Protocol <sup>7</sup>	Convention No. 169 on indigenous and tribal peoples
<i>Accession</i>			
<i>Succession</i>	ILO fundamental conventions <sup>6</sup>		ILO Convention No. 189 on domestic workers
	UNESCO Convention against Discrimination in Education		
	UN Convention against Corruption		

1. In 2011, the United Nations Country Team (UNCT) noted that Indonesia had yet to accede to international human rights instruments recommended in 2008<sup>8</sup> and recommended that Indonesia ratify key ILO conventions, including for the protection of domestic workers and indigenous peoples.<sup>9</sup> In view of the commitment to ratify OP-CAT by 2009 in the National Human Rights Action Plan, CAT encouraged Indonesia to consider the establishment of a national preventive mechanism,<sup>10</sup> making the declaration under article 22, withdrawing its reservations and declarations to CAT<sup>11</sup> and ratifying ICRMW.<sup>12</sup>

## B. Constitutional and legislative framework

2. UNCT noted that the implementation of laws and policies was lacking, and a lack of public awareness had resulted in a low number of claims and demands for rights. Decentralization had allowed subnational authorities to establish additional local laws and policies, resulting in more than 1,000 local laws and policies that were not in accordance with national and internationally agreed standards.<sup>13</sup> UNCT recommended a national level review of district and provincial laws and regulations (“Perda”) against the Indonesian Constitution, national law and international conventions signed and ratified by Indonesia.<sup>14</sup>

3. CAT remained concerned about the absence of appropriate penalties applicable to acts of torture defined as “maltreatment” in articles 351 to 358 of the Penal Code. It reiterated its previous recommendations and those of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment that Indonesia should, without delay, include a definition of torture in its current penal legislation in full conformity with article 1 of the Convention.<sup>15</sup>

## C. Institutional and human rights infrastructure and policy measures

<i>National Human Rights Institution</i> <sup>16</sup>	<i>Status in previous cycle</i>	<i>Status in present cycle</i>
National Human Rights Commission of Indonesia (Komnas HAM) <sup>17</sup>	A (2007)	A (2007)

4. CAT remained concerned about the inability of Komnas HAM to challenge a decision of the Attorney-General not to prosecute a case. It was concerned at the fact that members of the Government had stated that military officials should ignore the summons from Komnas HAM in connection with its investigations of gross violations of human rights, such as in the Talangsari, Lampung, killing case. Indonesia should ensure the effective functioning of Komnas HAM by strengthening its independence, mandate, resources and procedures, and reinforcing the independence and security of its members. Members of the Government and other high-ranking officials should fully cooperate with Komnas HAM.<sup>18</sup>

5. UNCT called for the independent children’s rights body to be provided with appropriate financial and human resources.<sup>19</sup>

6. UNCT encouraged the continued application of a human-rights based approach and promotion of gender equality to reduce disparities and achieve Millennium Development Goals (MDGs).<sup>20</sup>

## II. Cooperation with human rights mechanisms

### A. Cooperation with treaty bodies<sup>21</sup>

#### Status of reporting

<i>Treaty body</i>	<i>Concluding observations (COBs) included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest COBs</i>	<i>Reporting status</i>
CERD	Aug. 2007	--	--	Fourth to sixth reports overdue since 2010
CESCR	--	--	--	Initial report overdue since 2007, received in 2012
HR Committee	--	--	--	Initial report overdue since 2007, received in 2012
CEDAW	July 2007	2010	--	Pending consideration
CAT	Nov. 2001	--	May 2008	Third report due 2012
CRC	Jan. 2004	2010	--	Pending consideration
CRPD	--	--	--	Initial report due 2013

7. CAT invited Indonesia to submit its core document<sup>22</sup> and encouraged it to strengthen further its cooperation with non-governmental organizations regarding the implementation of CAT.<sup>23</sup>

#### Responses to specific follow-up requests by treaty bodies

##### *Concluding observations*

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CAT	2009	Torture in detention, local regulations and breaches of Convention, violence against Ahmadiyah and minorities, trafficking and violence against migrant workers, violence against human rights defenders	Overdue
CERD	2008	Conflict between local communities and palm oil companies, abolition of the Proof of Indonesian Citizenship, independence of the Komnas HAM (NHRI)	Overdue

8. In 2009, CERD sent a letter to the Government of Indonesia concerning the issue of indigenous peoples and land resources, requesting information regarding the consideration of property rights of indigenous peoples over traditional lands in the formulation of the regulation on Implementation Procedures for Reducing Emissions from Deforestation and Forest Degradation (REDD).<sup>24</sup> In 2011, CERD also sent a letter to Indonesia under its Early

Warning and Urgent Action Procedure regarding the measures taken to seek free, prior and informed consent from the Malind and other indigenous peoples in Papua before carrying out the Maruke Integrated Food and Energy Estate Project (MIFEE).<sup>25</sup> CERD has not yet received any response from Indonesia.

## B. Cooperation with special procedures<sup>26</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	Torture (10-23 Nov. 2007); Human rights defenders (5-13 June 2007); Migrants (12-21 Dec. 2006).	
<i>Visits agreed to in principle</i>	Independent Expert on Foreign Debt (2008)	(November 2011) SR on Adequate Housing SR on Health
<i>Visits requested</i>	Freedom of Religion (1996) Freedom of expression (2002) Summary executions (2004) Disappearances (2006)	Freedom of Religion (reminder in 2008), <sup>27</sup> Summary executions (reminder in 2008), <sup>28</sup> Disappearances (reminders in 2008, <sup>29</sup> 2010 <sup>30</sup> and 2011 <sup>31</sup> ), Independent Expert on Foreign Debt (reminder in 2011), Water and Sanitation (request in 2008, reminder in 2010), Minority Issues (request in 2009-2010), <sup>32</sup> Freedom of peaceful assembly and association (request in 2011)
<i>Responses to letters of allegations and urgent appeals</i>		During the period under review, 31 communications were sent. The Government replied to about 10 of these communications.
<i>Follow-up reports</i>		Torture <sup>33</sup>

9. CAT encouraged Indonesia to implement the recommendations contained in the reports on visits by the special procedures.<sup>34</sup> In 2009, the Special Rapporteur on the situation of human rights defenders expressed concern at the situation of human rights defenders in the West Papua province<sup>35</sup> and called on the Government to fully implement the recommendations laid down in the report on the 2007 visit.<sup>36</sup>

10. CAT recommended that Indonesia respond favourably to the request of the Special Rapporteur on freedom of religion or belief to visit the country.<sup>37</sup> UNCT noted that since

November 2007, Indonesia had not hosted any visits by special procedures, despite requests and reminders made since 2008.<sup>38</sup>

11. The Working Group on Enforced Disappearances noted that requests regarding all 162 outstanding cases had been retransmitted to the Government of Indonesia and, regrettably, no response had been received.<sup>39</sup>

### **C. Cooperation with the Office of the High Commissioner for Human Rights**

12. OHCHR deployed a human rights adviser (HRA) in Indonesia from August 2007 to January 2010 to support the Resident Coordinator and UNCT. The activities of the HRA included strengthening human rights-based approaches in United Nations agencies' programming and developing a joint programme to support the three national human rights commissions in Indonesia (broad based; violence against women; child protection) and in strengthening their capacities. At the request of the Government, the human rights adviser position was terminated as of 31 January 2010. OHCHR regretted that decision but has sought to engage with the Government in alternative ways to strengthen cooperation in the field of human rights.<sup>40</sup> Indonesia contributed financially to OHCHR in 2008-2010.<sup>41</sup>

## **III. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **A. Equality and non-discrimination**

13. UNCT noted that decentralization had seen the issuance of by-laws which were not always harmonized with national law and international conventions and were sometimes discriminatory towards women and other groups such as the lesbian, gay, bisexual and transgender population.<sup>42</sup> UNCT recommended that the Government amend discriminatory by-laws that have direct or indirect implications for violations of women's human rights.<sup>43</sup>

14. UNCT noted that there was alleged racial discrimination in Papua and Kalimantan in relation to transmigration programmes.<sup>44</sup> UNCT reiterated that a large number of conflicts arose each year between local communities and palm oil companies as well as between the Dayak and the Madura ethnic groups in Palangkaraya, Central Kalimantan, as a result of past and present Government transmigration programmes.<sup>45</sup>

### **B. Right to life, liberty and security of the person**

15. The Special Rapporteur on torture urged the Government to abolish the death penalty and end the secrecy surrounding its execution.<sup>46</sup> The Special Rapporteur on extrajudicial, summary or arbitrary executions referred to data provided by the Government which raised certain questions in terms of possible discrimination in relation to both law enforcement and sentencing in drug-related cases.<sup>47</sup> He regretted that the Government's response failed to address the concern that the death penalty appeared to be applied in a discriminatory manner in relation to non-nationals.<sup>48</sup>

16. In 2010, the Special Rapporteur on summary executions sent a communication on an alleged pattern of extrajudicial executions as a result of excessive use of force by the police during riot/crowd control and when arresting suspected criminals.<sup>49</sup> In 2010, the Special

Rapporteur on torture was particularly concerned by numerous allegations of excessive use of force applied as part of indiscriminate village “sweeping” operations in Papua.<sup>50</sup>

17. CAT<sup>51</sup> was deeply concerned about the numerous, ongoing, credible and consistent allegations, corroborated by the Special Rapporteur on torture<sup>52</sup> and other sources, of routine and widespread use of torture and ill-treatment of suspects in police custody, and by members of the armed forces and mobile police units (“Brimob”).<sup>53</sup> CAT was concerned that the current investigation system relied on confessions as a common form of evidence for prosecution, thus creating conditions that might facilitate the use of torture and ill-treatment of suspects.<sup>54</sup> In 2011, the Special Rapporteur on torture regretted that there had been no new developments with regard to reducing the time limit for police custody (61 days) and recalled the appeal to the Government to ensure that all detainees can effectively challenge the lawfulness of the detention before independent courts and without delay; guarantee the inadmissibility of confessions obtained under torture and ill-treatment and to increase its efforts to adopt legal provisions to allow video and audio taping of interrogations.<sup>55</sup> CAT recommended that Indonesia reinforce its training programmes for all law enforcement and military personnel on the absolute prohibition of torture, as well as for all members of the judiciary and prosecutors on the specific obligations under the Convention; ensure adequate training for all medical personnel involved with detainees, to detect signs of torture and ill-treatment, in accordance with international standards.<sup>56</sup>

18. In 2010, The Special Rapporteur on torture positively noted the existence of several internal and external mechanisms to monitor police work and the memorandum of understanding between the police and Komnas HAM. Unfortunately, those mechanisms fell short of the required independence and authority to initiate processes which effectively lead to the establishment of accountability.<sup>57</sup> CAT recommended that Indonesia should establish consistent and comprehensive standards for independent monitoring mechanisms of all places of detention, ensuring that any body established, at the local or the national level, has a strong and impartial mandate and adequate resources.<sup>58</sup>

19. The Special Rapporteur on torture raised concerns regarding detention conditions and the lack of medical care in the case of Filep Karma in 2008 and 2010.<sup>59</sup> In its opinion No. 48/2011 the Working Group on Arbitrary Detention (WGAD) considered that the deprivation of liberty of Mr. Karma was arbitrary and constituted a breach of the Universal Declaration of Human Rights and ICCPR. WGAD requested the Government to take the necessary steps to remedy the situation, including the immediate release of Mr. Karma and providing him with adequate reparation. The Government replied to WGAD opinion 48/2011 and stated that Mr Karma enjoyed access to health facilities.<sup>60</sup>

20. In 2010, the Special Rapporteur on torture was particularly concerned about the adoption of the new Islamic Criminal Legal Code in Aceh, which provided for punishments such as stoning and caning, and was in clear contravention of the prohibition of torture and cruel, inhuman or degrading punishment and the obligation to prevent and prohibit corporal punishment.<sup>61</sup>

21. The Special Rapporteur on torture was concerned that women were disproportionately affected by corporal punishment provided for by the Aceh Criminal Code.<sup>62</sup> In the Special Rapporteur’s assessment, minors and children were at high risk of corporal punishment and ill-treatment not only in their families and schools, but also in detention.<sup>63</sup>

22. CAT was concerned by allegations of the high incidence of rape in conflict areas perpetrated by military personnel and at the narrow definition of rape in the Penal Code and at article 185, paragraph 2, of the Code of Criminal Procedure, which required rape complaints to be confirmed by two witnesses.<sup>64</sup>

23. The Special Rapporteur on freedom of religion alleged that the new Islamic Criminal Legal Code in Aceh legalized marital rape.<sup>65</sup> CAT remained concerned about the high reported incidence of domestic violence and recommended that Indonesia adopt all necessary measures to implement Law No. 23/2004 on domestic violence.<sup>66</sup>

24. While noting progress made in preventing violence against women<sup>67</sup> and strengthening services for victims of violence,<sup>68</sup> UNCT recommended that the Government allocate funds to undertake the violence against women survey in 2013.<sup>69</sup>

25. UNCT reported that the Ministry of Health allowed female genital mutilation (FGM) under health officer supervision and with the permission of the family and the girl, although FGM had no health benefits and was a violation of the human rights of girls and women.<sup>70</sup> CAT recommended that Indonesia adopt all appropriate measures to eradicate the persistent practice, including through awareness-raising campaigns in cooperation with civil society organizations.<sup>71</sup>

26. UNCT reported that, while Indonesia had a number of laws and regulations which prohibited discrimination, in practice groups such as male and female sex workers, injecting drug users, and people from the lesbian, gay, bisexual, transgender and queer (LGBTQ) community were vulnerable to violence and being marginalized, and had considerable difficulty in obtaining protection from violence, and accessing justice when their rights had been violated.<sup>72</sup>

27. UNCT recommended that Indonesia continue its counter-trafficking efforts particularly in terms of prosecution and prevention.<sup>73</sup> CAT remained concerned at the high estimates by Indonesia of victims of trafficking, as compared to the limited number of investigations of such cases, and at the absence of information on prosecutions and convictions.<sup>74</sup> UNCT reported that victims were trafficked externally and internally mainly to work as domestic workers and/or in prostitution.<sup>75</sup> UNCT<sup>76</sup> and the ILO Committee of Experts noted reports that child sex tourism was prevalent in most urban areas and tourist destinations, such as Bali and Riau Island; and that approximately 30 per cent of the women in prostitution in Indonesia were below the age of 18.<sup>77</sup>

28. The ILO Committee of Experts noted reported information that approximately 35 per cent of domestic workers were under the age of 18.<sup>78</sup> UNCT encouraged the Government to continue taking measures to address the situation of child domestic workers and adopt the draft Act for the Protection of Domestic Workers as a matter of urgency.<sup>79</sup>

29. The ILO Committee of Experts noted various estimates indicating/suggesting that between 500,000 and 1,200,000 young people below the age of 19 in Indonesia use drugs, and that as many as 20 per cent of drug users were involved in the sale, production or trafficking of drugs.<sup>80</sup> UNCT highlighted that drug abuse continued to be seen as a criminal act, and drug users are criminalized, even for first offences. A lack of effective drug rehabilitation made it difficult to implement a 2009 national level court decision that drug use was a health issue and users should be sent to drug rehabilitation rather than prison.<sup>81</sup>

### **C. Administration of justice, including impunity and the rule of law**

30. CAT was concerned about numerous extensive allegations, echoed by the Special Rapporteur on the independence of judges and lawyers and other sources,<sup>82</sup> of corruption in the administration of justice.<sup>83</sup> The Special Rapporteur on torture recommended that the Government ensure that the criminal justice system is non-discriminatory at every stage, combat corruption, which disproportionately affects the poor, the vulnerable and minorities, and take effective measures against corruption by public officials responsible for the administration of justice, including judges, prosecutors, police and prison personnel.<sup>84</sup>



31. CAT reiterated its grave concerns over the climate of impunity for perpetrators of torture, including military, police and other State officials, particularly those holding senior positions who are alleged to have planned, commanded or perpetrated acts of torture. It noted with regret that no State official alleged to have perpetrated torture had been found guilty, as confirmed by the Special Rapporteur on torture. Indonesia should ensure that all allegations of torture and ill-treatment are investigated promptly, effectively and impartially, and that the perpetrators are prosecuted and convicted in accordance with the gravity of the acts, as required by the Convention.<sup>85</sup>

32. UNCT noted that past gross violations of human rights and cases of enforced disappearances had still to be brought to justice.<sup>86</sup> CAT was deeply troubled at evidence that alleged perpetrators of war crimes wanted by INTERPOL were currently serving in the Indonesian military forces.<sup>87</sup>

33. CAT stated that in view of Indonesia's reaffirmed commitment at the universal periodic review to combat impunity, State officials should publicly announce a zero-tolerance policy for perpetrators of acts of torture and other cruel inhuman and degrading treatment or punishment and support prosecution.<sup>88</sup>

34. CAT was troubled that human rights courts, including ad hoc ones, were not able to secure the conviction of any of the alleged perpetrators of gross human rights violations in relation to the Tanjung Priok (1984), East Timor (1999) and Abepura (2000) cases, especially now that the Supreme Court had acquitted Enrico Guterres. Indonesia should consider amending its legislation on human rights courts, since they face serious difficulties in carrying out their judicial mandate, which has led to de facto impunity for perpetrators of gross human rights violations.<sup>89</sup>

35. CAT was concerned by the absence of prompt, impartial and effective investigations into allegations by the Attorney-General's office, including with regard to cases presented by Komnas-HAM, such as in the Wasior, Wamena (1997/1998) enforced disappearances or Trisakti, Semanggi I and Semanggi II cases. Indonesia should reform the Attorney-General's office to ensure that it proceeds with criminal prosecution into allegations of torture and ill-treatment with independence and impartiality. Indonesia should also publish, without delay, the reports of Komnas HAM investigations.<sup>90</sup>

36. CAT remained concerned about the mandate of a future commission and recommended that Indonesia consider carefully the mandate of the future Commission of Truth and Reconciliation, in the light of other similar international experiences and in compliance with its obligation under the Convention.<sup>91</sup>

37. While welcoming the adoption of Law No. 13/2006 on Witness and Victim Protection, CAT was concerned about, inter alia, the mistreatment of witnesses and victims, and the insufficient training of law enforcement officials and allocation of Government funds to support the new system.<sup>92</sup>

38. UNCT referred to the National Strategy on Access to Justice in 2009, which noted that women were often treated unfairly even before the judicial process had begun and that plural legal systems were often procedurally biased against women. UNCT highlighted the fact that between 2007 and 2010 the number of people accessing religious courts increased 14-fold.<sup>93</sup> UNCT recommended improving access to justice for the poor, the marginalized, especially indigenous persons, persons with disabilities and minority groups.<sup>94</sup> CAT recommended that Indonesia take measures to provide an effective free legal aid system, in particular for persons at risk or belonging to groups made vulnerable.<sup>95</sup>

39. In 2008, the Special Rapporteur on torture was extremely concerned that criminal responsibility in Indonesia started at the age of 8,<sup>96</sup> and, in 2011, appreciated the steps taken to raise the age of criminal responsibility of minors.<sup>97</sup> CAT recommended that Indonesia

should, as a matter of urgency, raise the minimum age of criminal responsibility and abolish all corporal punishment of children. Indonesia should take the necessary measures to guarantee the proper functioning of a juvenile justice system including, inter alia, by treating minors in a manner appropriate to their age.<sup>98</sup>

#### **D. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

40. In May 2008, CAT expressed its concern at incitement and acts of violence against persons belonging to minorities, in particular the Ahmadiyyah and other minority religious communities. There were persistent, disturbing allegations of a routine failure to investigate such violence and the reluctance on the part of the police and authorities to provide the Ahmadiyyah with adequate protection or to conduct prompt, impartial and effective investigations into such acts.<sup>99</sup>

41. In April 2008, the Special Rapporteur on freedom of religion stated that a ban on the Ahmadiyya community in Indonesia might increase the risk of attacks on Ahmadiyya followers by vigilante groups.<sup>100</sup> Replying to a communication following the issuance of the Joint Ministerial Decree in June 2008 regarding members of the Ahmadiyya community in Indonesia,<sup>101</sup> the Government recalled that Indonesia prided itself on its harmonious mosaic of diverse communities living together and practising several religions of their choice, as long as their religious practices did not impinge on public order and the well-being of society as a whole.<sup>102</sup> In February 2011, four special procedures communicated their concern at increased attacks against the Ahmadiyyah community over the previous year.<sup>103</sup>

42. In 2008 the ILO Committee of Experts expressed concern over the criminal sanctions involving compulsory labour that could be imposed for the expression of political or ideological views or for participation in peaceful strikes;<sup>104</sup> and that insufficient measures had been taken to educate the police in relation to their response to industrial action.<sup>105</sup> UNCT highlighted the fact that the Government had still not issued the envisaged regulation for civil servants to exercise this right to freedom of association.<sup>106</sup> UNCT recommended that Indonesia repeal or amend sections of the Criminal Code on “instigation” and “unpleasant acts” and remove sanctions involving compulsory labour.<sup>107</sup>

43. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent communications regarding the detention of activists for unfurling the Benang Raja flag in Maluku province,<sup>108</sup> and for displaying the Papua Morning Star flag.<sup>109</sup> Responding to the latter communication, the Government said that nine out of thirteen protesters were now facing trial for breaching Articles 106-110 of the Criminal Code regarding “makar” or rebellion.<sup>110</sup> According to Government Regulation 77/2007 (03/PIM-MRP/2008), the display of separatist symbols in Indonesia was expressly banned.<sup>111</sup>

44. UNCT reported that inappropriate use of the intelligence law and the defamation law allowed for restrictions on civil society. Human rights organizations could not enter Papua, and the safety of human rights defenders continued to be a concern.<sup>112</sup> CAT recommended that Indonesia take all necessary steps to ensure that all persons, including those monitoring human rights, are protected from any intimidation or violence as a result of their activities and exercise of human rights guarantees, and to ensure the prompt, impartial and effective investigation of such acts.<sup>113</sup>

## **E. Right to work and to just and favourable conditions of work**

45. In 2011 the ILO Committee of Experts urged the Government to take the necessary measures to revise or repeal the provisions and ensure that no direct or indirect discrimination against women exists in practice with respect to family allowances and employment-related benefits.<sup>114</sup>

## **F. Right to social security and to an adequate standard of living**

46. UNCT emphasized that work still needs to be undertaken to ensure the Social Protection Floor (SPF) is based on national and international human rights frameworks, promotes gender equality, and gives special protection to vulnerable groups such as the very poor, the disabled and socially marginalized groups such as the LGBT community.<sup>115</sup>

47. UNCT noted that in some districts as many as 60-70 per cent of children access basic services provided by civil society organizations such as faith-based groups, while overall some 40 per cent of schools were privately owned, mostly by faith-based organizations.<sup>116</sup>

## **G. Right to health**

48. UNCT noted that Indonesia was on track to reach the MDG on under five mortality.<sup>117</sup> With a view to improving policy interventions for child survival,<sup>118</sup> UNCT recommended that Indonesia approve the Breastfeeding Code and Marketing of Breast milk Substitutes.<sup>119</sup> UNCT reported that Indonesia was not on track to meet the MDG target which included halting and reversing the spread of HIV and universal access to treatment for HIV, noting increased infections, especially through sexual transmission.<sup>120</sup>

49. The 2011-2015 UNDAF pointed out that maternal health indicators were alarming and far behind all other targets.<sup>121</sup> UNCT reported that contributing factors included the high total fertility rate, as well as low quality and access to family planning and reproductive health services and information.<sup>122</sup> Despite provisions for reproductive health services, unmarried girls were not eligible to receive these health benefits (article 76 of the Health Law), creating an impact on their right to health and, in the case of schoolgirls, their right to education.<sup>123</sup>

50. UNCT noted an issue of neglected health services for people having experience with leprosy, people living with HIV, people with mental health problems, and people with no legal identity documents.<sup>124</sup>

51. UNCT noted that even in cases where a woman had been raped, she had to pass several selection criteria in order to receive abortion services, which proved difficult for women with limited access to health services for financial or geographic reasons. In cases when the mother or foetus was endangered, the husband's consent to abortion was required (Law 36/2009 art. 76).<sup>125</sup>

52. UNCT recommended that Indonesia ensure resources are made available at the subnational level when trying to meet the needs for family planning, especially for the poor and vulnerable (e.g., adolescents, sex workers, Internally Displaced Persons) and people living in remote areas, to ensure contraceptive commodity security. It recommended the adoption of a responsive and strengthened health-care system, especially for maternal and child health and nutrition, inclusive of poor families and their children. UNCT called for well-designed, targeted, packaged, integrated and comprehensive health risks financing for poor families and their children so as to improve health facility utilization and health

outcomes. UNCT recommended expanding mental health provision at the local and provincial levels, including drug and other addiction treatment services.<sup>126</sup>

## **H. Right to education**

53. UNESCO pointed out that 68 per cent of urban primary schools had too many teachers, while 66 per cent of remote primary schools had shortages. Moreover, the share of pre-primary teachers with at least a diploma ranged from 60 per cent in Banten to only 1 per cent in Maluku, a region with high levels of poverty.<sup>127</sup> UNESCO recommended ensuring equality in education between urban and rural areas.<sup>128</sup> UNCT recommended that the Government maintain the increase in funding for education despite any negative effects of the recent economic crisis.<sup>129</sup>

54. To prevent early marriage, pregnancy and the spread of HIV among adolescents, UNCT recommended that the Ministry of National Education should ensure the inclusion of life skills-based sexual and reproductive based health education in the national secondary school curriculum.<sup>130</sup>

## **I. Cultural rights**

55. UNESCO suggested that, while focusing on economic development and quick recovery actions, the Indonesian authorities should pay greater attention to proper rehabilitation of cultural heritage in disaster affected areas.<sup>131</sup> Greater emphasis should be placed on cultural development opportunities for the local communities, thereby engaging them more fully in the safeguarding and promotion of their own cultural expressions.<sup>132</sup>

## **J. Persons with disabilities**

56. UNCT noted that civil society organizations had long asked for the replacement of law No. 4 of 1997 and that the Indonesian Parliament's ratification of CRPD presented an opportunity to revise or replace the current law.<sup>133</sup>

## **K. Minorities and indigenous peoples**

57. CAT recommended that Indonesia should ensure prompt, impartial and effective investigations into ethnically motivated violence and discrimination, including acts directed against persons belonging to ethnic and religious minorities, and prosecute and punish perpetrators with penalties appropriate to the nature of those acts. Indonesia should also publicly condemn hate speech and crimes and other violent acts of racial discrimination and related violence and should work to eradicate incitement and any role public officials or law enforcement personnel might have in consenting to or acquiescing in such violence. It should ensure that officials are held accountable for action or inaction that breaches the Convention. Indonesia should give prompt consideration to expanding the recruitment of persons belonging to ethnic and religious minorities into law enforcement.<sup>134</sup>

## **L. Migrants, refugees and asylum-seekers**

58. CAT was concerned at reported cases of ill-treatment of migrant workers, especially women, reportedly abused by Indonesian recruiting companies, which often placed them, while abroad, in situations such as debt bondage, forced labour and other ill-treatment, including sexual abuse.<sup>135</sup> UNCT recommended the development of a comprehensive and

effective policy framework and implementation mechanism for safe migration and universal access to treatment, prevention, care and support with the long-term objective to reverse and halt the spread of the HIV epidemic in the country.<sup>136</sup> UNCT recommended that the Government provide better protection services to migrant workers overseas and upon return.<sup>137</sup>

59. CAT recommended, as highlighted by UNHCR, that Indonesia should adopt appropriate legislation to incorporate into domestic law its obligation under article 3 of the Convention.<sup>138</sup> UNCT noted that the Government had responded to people in need of international protection by adhering to the principle of non-refoulement and granting the right of temporary stay to refugees and asylum-seekers.<sup>139</sup> However, due to the lack of a legal status in Indonesia, the situation of the refugees and asylum seekers remained informal and precarious.<sup>140</sup> UNCT recommended that the Government protect the rights of asylum seekers and increase coordination in handling asylum matters by allocating roles of departments appropriately.<sup>141</sup>

### **M. Internally displaced persons**

60. CAT recommended that Indonesia take effective measures to prevent violence affecting refugees and internally displaced persons, especially children, who should be registered at birth and prevented from being used in armed conflict. Indonesia should strengthen the measures taken to ensure safe repatriation and relocation of all refugees and displaced persons, in cooperation with the United Nations.<sup>142</sup>

### **N. Right to development and environmental issues**

61. The 2010 UNODC report noted that the Indonesian Ministry of Forestry estimated that in recent years, the country had lost between 1.6 million and 2.8 million hectares of forest annually—the equivalent of between 3 and 5 hectares a minute—to illegal logging and land conversion. Meanwhile, logging had degraded much of the remaining forest cover and, as easily accessible forests had been cleared, loggers were moving into pristine forests in once-remote areas like Kalimantan.<sup>143</sup>

### **O. Situation in or in relation to specific regions or territories**

62. A 2009 OHCHR study noted that according to the memorandum of understanding between the Government of the Republic of Indonesia and the Free Aceh Movement, signed on 15 August 2008, a Human Rights Court and a Commission for Truth and Reconciliation would be established for Aceh.<sup>144</sup>

#### *Notes*

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009 (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org>. Please also refer to the United Nations Compilation from the previous cycle, (A/HRC/WG.6/1/IDN/2).

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights

OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> In the previous Compilation it was incorrectly stated that Indonesia ratified or acceded to CEDAW in 1980.

<sup>4</sup> In the previous Compilation a table contained information on Recognition of specific competences of treaty bodies Namely, Individual complaints: ICERD art. 14, CAT art. 22, ICRMW art. 77, and CED art. 31; Inquiry procedure: OP-CEDAW arts. 8 and 9; CAT art. 20; OP-CRPD arts. 6 and 7; Inter-State complaints: ICCPR art. 41, ICRMW art. 76, and CED art. 32.

<sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>6</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>7</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>8</sup> UNCT submission to the UPR on Indonesia, 2011, p. 1, 3rd para.

<sup>9</sup> UNCT submission to the UPR on Indonesia, 2011, p. 10, Chapter V, Recommendations, section on legislation.

<sup>10</sup> CAT/C/IDN/CO/2, para. 39. See also A/HRC/13/39/Add.6, para. 37, Follow-up of the recommendations of the Special Rapporteur on Torture (Manfred Nowak) pursuant his visit to Indonesia from 10 to 23 November 2007 (A/HRC/7/3/Add.7).

<sup>11</sup> CAT/C/IDN/CO/2, paras. 37 and 38.

<sup>12</sup> CAT/C/IDN/CO/2, para. 40.

<sup>13</sup> UNCT submission to the UPR on Indonesia, 2011, p. 9, 50th para.

- <sup>14</sup> UNCT submission to the UPR on Indonesia, 2011, p. 10, Chapter V, Recommendations, section on legislation.
- <sup>15</sup> CAT/C/IDN/CO/2, para. 13.
- <sup>16</sup> According to Article 5 of the Rules of Procedure for the ICC Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (Fully in compliance with each of the Paris Principles), B: Non-Voting Member (Not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (Not in compliance with the Paris Principles).
- <sup>17</sup> For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see AHRC/16/77, Annex.
- <sup>18</sup> CAT/C/IDN/CO/2, para. 24.
- <sup>19</sup> UNCT submission to the UPR on Indonesia, 2011, p. 10, part V, recommendations, section on Institutions, and page 9, section on work with civil society, 3rd para.
- <sup>20</sup> UNCT submission to the UPR on Indonesia, 2011, p. 10, Chapter V, Recommendations, section on institutions.
- <sup>21</sup> The following abbreviations have been used for this document:
- |              |  |
|--------------|--|
| CERD         | Committee on the Elimination of Racial Discrimination        |
| CESCR        | Committee on Economic, Social and Cultural Rights            |
| HR Committee | Human Rights Committee                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women |
| CAT          | Committee against Torture                                    |
| CRC          | Committee on the Rights of the Child                         |
| CRPD         | Committee on the Rights of Persons with Disabilities         |
- <sup>22</sup> CAT/C/IDN/CO/2, para. 42.
- <sup>23</sup> CAT/C/IDN/CO/2, para. 9.
- <sup>24</sup> Letters of 13 March and 28 September 2009. Information available at <http://www2.ohchr.org/english/bodies/cerd/early-warning.htm>.
- <sup>25</sup> Letter of 2 September 2011. Information available at <http://www2.ohchr.org/english/bodies/cerd/early-warning.htm>.
- <sup>26</sup> Abbreviations used follow those contained in the Communications Report of Special Procedures, A/HRC/18/51.
- |   |  |
|---|--|
| Adequate housing                                | Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context |
| Arbitrary detention                             | Working Group on Arbitrary Detention   |
| Cultural Rights                                 | Independent Expert in the field of cultural rights   |
| Disappearances                                  | Working Group on Enforced or Involuntary Disappearances  |
| Education                                       | Special Rapporteur on the right to education   |
| Food  | Special Rapporteur on the right to food  |
| Freedom of expression                           | Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression   |
| Freedom of peaceful assembly and of association | Special Rapporteur on the rights to freedom of peaceful assembly and of association  |
| Freedom of religion                             | Special Rapporteur on freedom of religion or belief  |
| Health  | Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health                                |
| Human rights defenders                          | Special Rapporteur on the situation of human rights defenders  |
| Independence of judges and lawyers              | Special Rapporteur on the independence of judges and lawyers   |
| Indigenous peoples                              | Special Rapporteur on the rights of indigenous peoples   |
| Mercenaries                                     | Working Group on the use of mercenaries  |
| Migrants  | Special Rapporteur on the human rights of migrants   |
| Minority issues                                 | Independent Expert on Minority Issues  |

Racism	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
Sale of children	Special Rapporteur on the sale of children, child prostitution and child pornography
Slavery	Special Rapporteur on contemporary forms of slavery
Summary executions	Special Rapporteur on extrajudicial, summary or arbitrary executions
Terrorism	Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
Torture	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
Toxic waste	Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes
Trafficking	Special Rapporteur on trafficking in persons, especially women and children
Violence against women	Special Rapporteur on violence against women, its causes and consequences
Water and Sanitation	Special Rapporteur on the human right to safe drinking water and sanitation

<sup>27</sup> A/HRC/10/8/Add.1, para. 69.

<sup>28</sup> A/HRC/11/2, paras. 9-11.

<sup>29</sup> A/HRC/10/9, para. 191. See also paras. 23 and 25.

<sup>30</sup> A/HRC/19/58, para. 293.

<sup>31</sup> A/HRC/19/58, paras. 33 and 293.

<sup>32</sup> A/HRC/13/23, para. 4.

<sup>33</sup> A/HRC/13/39/Add.6, p. 77, Follow-up of the recommendations of the Special Rapporteur on Torture (Manfred Nowak) pursuant his visit to Indonesia from 10 to 23 November 2007 (A/HRC/7/3/Add.7); and A/HRC/16/52/Add.2, pp. 107-108.

<sup>34</sup> CAT/C/IDN/CO/2, para. 36.

<sup>35</sup> A/HRC/10/12/Add.1, paras. 1267-1274. See also A/HRC/13/22/Add.1, paras. 1057-1061.

<sup>36</sup> A/HRC/10/12/Add.1, para. 1276.

<sup>37</sup> CAT/C/IDN/CO/2, para. 19.

<sup>38</sup> UNCT submission to the UPR on Indonesia, 2011, p. 2, 7th para.

<sup>39</sup> A/HRC/19/58, p. 67, para. 285.

<sup>40</sup> OHCHR Annual Report 2009 p. 139.

<sup>41</sup> OHCHR Annual Report 2009, p. 207, OHCHR Annual Report 2010, p. 282.

<sup>42</sup> UNCT submission to the UPR on Indonesia, 2011, p. 3, 10th para.

<sup>43</sup> UNCT submission to the UPR on Indonesia, 2011, p. 11, Chapter V, Recommendations, section on policies.

<sup>44</sup> UNCT submission to the UPR on Indonesia, 2011, p. 2, 9th para.

<sup>45</sup> UNCT submission to the UPR on Indonesia, 2011, pp. 2-3, para. 9.

<sup>46</sup> A/HRC/13/39/Add.6, para. 36, Follow-up of the recommendations of the Special Rapporteur on Torture (Manfred Nowak) pursuant his visit to Indonesia from 10 to 23 November 2007 (A/HRC/7/3/Add.7).

<sup>47</sup> A/HRC/11/2/Add.1, p. 174.

<sup>48</sup> A/HRC/11/2/Add.1, p. 172.

<sup>49</sup> A/HRC/17/28/Add.1, Advance version, p. 156. See also A/HRC/11/2/Add.1, page 179-186 and A/HRC/10/12/Add.1, Page 234.

<sup>50</sup> A/HRC/13/39/Add.6, para. 33, Follow-up of the recommendations of the Special Rapporteur on Torture (Manfred Nowak) pursuant his visit to Indonesia from 10 to 23 November 2007 (A/HRC/7/3/Add.7).

<sup>51</sup> CAT/C/IDN/CO/2, para. 10.

<sup>52</sup> A/HRC/7/3/Add.7.

<sup>53</sup> CAT/C/IDN/CO/2, para. 11.

<sup>54</sup> CAT/C/IDN/CO/2, para. 14.

<sup>55</sup> A/HRC/16/52/Add.2, para. 49, Advance version, Follow-up of the recommendations of the Special Rapporteur on Torture (Manfred Nowak) pursuant his visit to Indonesia from 10 to 23 November 2007 (A/HRC/7/3/Add.7).



- <sup>56</sup> CAT/C/IDN/CO/2, paras. 34 and 10.
- <sup>57</sup> A/HRC/13/39/Add.6, para. 33, Follow-up of the recommendations of the Special Rapporteur on Torture (Manfred Nowak) pursuant his visit to Indonesia from 10 to 23 November 2007 (A/HRC/7/3/Add.7).
- <sup>58</sup> CAT/C/IDN/CO/2, para. 26.
- <sup>59</sup> A/HRC/7/3/Add.7, Appendix I, para. 30 and A/HRC/16/52/Add.1, para. 68.
- <sup>60</sup> A/HRC/19/57, p. 8. See also A/HRC/17/25/Add.1, p. 24.
- <sup>61</sup> A/HRC/13/39/Add.6, para. 34, Follow-up of the recommendations of the Special Rapporteur on Torture (Manfred Nowak) pursuant his visit to Indonesia from 10 to 23 November 2007 (A/HRC/7/3/Add.7). See also A/HRC/13/40/Add.1, paras. 114-124, A/HRC/16/52/Add.2, p. 107, para. 48 and CAT/C/IDN/CO/2, para. 15.
- <sup>62</sup> A/HRC/7/3/Add.7 para. 46.
- <sup>63</sup> A/HRC/7/3/Add.7, para. 42.  
CAT/C/IDN/CO/2, para. 15.
- <sup>65</sup> A/HRC/13/40/Add.1, para. 114.
- <sup>66</sup> CAT/C/IDN/CO/2, para. 15.
- <sup>67</sup> UNCT submission to the UPR on Indonesia, 2011, p. 2, 8th para.
- <sup>68</sup> UNCT submission to the UPR on Indonesia, 2011, p. 3, 13th para.
- <sup>69</sup> UNCT submission to the UPR on Indonesia, 2011, p. 11, Chapter V, Recommendations, section on rights to equality and non-discrimination.
- <sup>70</sup> UNCT submission to the UPR on Indonesia, 2011, p. 7, 37th para.. See also p 10, Recommendations, section on policies.
- <sup>71</sup> CAT/C/IDN/CO/2, para. 16.
- <sup>72</sup> UNCT submission to the UPR on Indonesia, 2011, p. 3, 13th para.
- <sup>73</sup> UNCT submission to the UPR on Indonesia, 2011, p. 10, Chapter V, Recommendations, section on institutions.
- <sup>74</sup> CAT/C/IDN/CO/2, para. 20.
- <sup>75</sup> UNCT submission to the UPR on Indonesia, 2011, pp. 3-4, 15th para.
- <sup>76</sup> UNCT submission to the UPR on Indonesia, 2011, p. 4, 16th para.
- <sup>77</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2011, Indonesia, doc. No. (ILOLEX) 062011IDN182, 11th para.
- <sup>78</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2011, Indonesia, doc. No. (ILOLEX) 062011IDN182, 3rd para.
- <sup>79</sup> UNCT submission to the UPR on Indonesia, 2011, p. 8, 40th para.
- <sup>80</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Indonesia, doc. No. (ILOLEX) 062009IDN182, 6th para.
- <sup>81</sup> UNCT submission to the UPR on Indonesia, 2011, p. 7, 37th para.
- <sup>82</sup> See also A/HRC/7/3/Add.7, para. 69.
- <sup>83</sup> CAT/C/IDN/CO/2, para. 22.
- <sup>84</sup> A/HRC/7/3/Add.7 para. 88.
- <sup>85</sup> CAT/C/IDN/CO/2, para. 12.
- <sup>86</sup> UNCT submission to the UPR on Indonesia, 2011, p. 1, 3rd para.
- <sup>87</sup> CAT/C/IDN/CO/2, para. 27.
- <sup>88</sup> CAT/C/IDN/CO/2, para. 12.
- <sup>89</sup> CAT/C/IDN/CO/2, para. 23.
- <sup>90</sup> CAT/C/IDN/CO/2, para. 25.
- <sup>91</sup> CAT/C/IDN/CO/2, para. 30.
- <sup>92</sup> CAT/C/IDN/CO/2, para. 31.
- <sup>93</sup> UNCT submission to the UPR on Indonesia, 2011, p. 4, 19th para.
- <sup>94</sup> UNCT submission to the UPR on Indonesia, 2011, p. 11, Chapter V, Recommendations, section on access to justice.
- <sup>95</sup> CAT/C/IDN/CO/2, para. 33.
- <sup>96</sup> A/HRC/7/3/Add.7 para. 40.

- <sup>97</sup> A/HRC/16/52/Add.2, para. 49.
- <sup>98</sup> CAT/C/IDN/CO/2, para. 17. See also A/HRC/7/3Add.7, para. 90 A/HRC/13/39/Add.6, paras. 35-36 and A/HRC/16/52/Add.2, para. 49.
- <sup>99</sup> CAT/C/IDN/CO/2, para. 19.
- <sup>100</sup> A/HRC/10/8/Add.1, para. 56.
- <sup>101</sup> A/HRC/10/8/Add.1, paras. 60-63.
- <sup>102</sup> A/HRC/10/8/Add.1, para. 66.
- <sup>103</sup> A/HRC/17/28/Add.1, Advance version, pp. 15-155.
- <sup>104</sup> ILCCR: Examination of individual case concerning Convention (No. 105): Abolition of Forced Labour, 1957 Indonesia (ratification: 1999) Published: 2008
- <sup>105</sup> CEACR: Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) Indonesia (ratification: 1998) Published: 2010.
- <sup>106</sup> UNCT submission to the UPR on Indonesia, 2011, p. 5, 22nd para.
- <sup>107</sup> UNCT submission to the UPR on Indonesia, 2011, p. 10, Chapter V, Recommendations, section on legislation.
- <sup>108</sup> A/HRC/17/27/Add.1, paras. 1086-1087 and 1089.
- <sup>109</sup> A/HRC/11/4/Add.1 paras. 1128-1129.
- <sup>110</sup> A/HRC/11/4/Add.1, para. 1131.
- <sup>111</sup> A/HRC/11/4/Add.1 paras. 1132.
- <sup>112</sup> UNCT submission to the UPR on Indonesia, 2011, p. 1, 3rd para.
- <sup>113</sup> CAT/C/IDN/CO/2, para. 21.
- <sup>114</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Equal Remuneration Convention, 1951 (No. 100), 2011, Indonesia, doc. No. (ILOLEX) 062011IDN100, 2nd para., (i) and (ii).
- <sup>115</sup> UNCT submission to the UPR on Indonesia, 2011, p. 5, 24th para.
- <sup>116</sup> UNCT submission to the UPR on Indonesia, 2011, p. 9, 47th para.
- <sup>117</sup> UNCT submission to the UPR on Indonesia, 2011, p. 6, 32nd para.
- <sup>118</sup> UNCT submission to the UPR on Indonesia, 2011, p.7, 35th para.
- <sup>119</sup> UNCT submission to the UPR on Indonesia, 2011, p.10, Chapter V, Recommendations, section on legislation.
- <sup>120</sup> UNCT submission to the UPR on Indonesia, 2011, pp. 6-7, 33rd para.
- <sup>121</sup> Indonesia UNDAF 2011-2015, Jakarta, 2011, p. xii, available at [http://www.undg.org/docs/11685/UNPDF\\_2011-2015\\_Indonesia.pdf](http://www.undg.org/docs/11685/UNPDF_2011-2015_Indonesia.pdf).
- <sup>122</sup> UNCT submission to the UPR on Indonesia, 2011, p. 7, 34th para.
- <sup>123</sup> UNCT submission to the UPR on Indonesia, 2011, p. 3, 10th para.
- <sup>124</sup> UNCT submission to the UPR on Indonesia, 2011, p. 3, para. 11.
- <sup>125</sup> UNCT submission to the UPR on Indonesia, 2011, p. 7, 36th para.
- <sup>126</sup> UNCT submission to the UPR on Indonesia, 2011, p.11, Chapter V, Recommendations, section on health.
- <sup>127</sup> UNESCO submission to the UPR on Indonesia, 2011, para. 10.
- <sup>128</sup> UNESCO submission to the UPR on Indonesia, 2011, para. 32.
- <sup>129</sup> UNCT submission to the UPR on Indonesia, 2011, p.11, Chapter V, Recommendations, section on education.
- <sup>130</sup> UNCT submission to the UPR on Indonesia, 2011, p.11, Chapter V, Recommendations, section on education.
- <sup>131</sup> UNESCO submission to the UPR on Indonesia, 2011, para. 33.
- <sup>132</sup> UNESCO submission to the UPR on Indonesia, 2011, para. 34.
- <sup>133</sup> UNCT submission to the UPR on Indonesia, 2011, pp. 8-9, 45th para..
- <sup>134</sup> CAT/C/IDN/CO/2, para. 19.
- <sup>135</sup> CAT/C/IDN/CO/2, para. 20.
- <sup>136</sup> UNCT submission to the UPR on Indonesia, 2011, p.10, Chapter V, Recommendations, section on policies.
- <sup>137</sup> UNCT submission to the UPR on Indonesia, 2011, p. 10, Chapter V, Recommendations, section on institutions.
- <sup>138</sup> UNHCR submission to the UPR on the Indonesia, 2011, p. 1 and CAT/C/IDN/CO/2, para. 28.
- <sup>139</sup> UNCT submission to the UPR on Indonesia, 2011, p. 8, 42nd para.

- <sup>140</sup> UNCT submission to the UPR on Indonesia, 2011, p. 8, 43rd para.
- <sup>141</sup> UNCT submission to the UPR on Indonesia, 2011, p. 10, Chapter V, Recommendations, section on institutions.
- <sup>142</sup> CAT/C/IDN/CO/2, para. 18.
- <sup>143</sup> UNODC, Annual Report 2010, Indonesia, 2010, p. 37, available at [http://www.unodc.org/documents/frontpage/UNODC\\_Annual\\_Report\\_2010\\_LowRes.pdf](http://www.unodc.org/documents/frontpage/UNODC_Annual_Report_2010_LowRes.pdf).
- <sup>144</sup> Office of the United Nations High Commissioner for Human Rights, Analytical study on human rights and transitional justice, Addendum, Inventory of human rights and transitional justice aspects of recent peace agreements, A/HRC/12/18/Add.1, p. 9.
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