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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Indonesia**

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## **I. Introduction**

1. As a country that has been resolute in upholding its constitutional mandate and commitments to the global norms on human rights, Indonesia underscores the importance of the Human Rights Council's mechanism on Universal Periodic Review (UPR). Taking action on the UPR recommendations is crucial to support the efforts to realize the full enjoyment of human rights for all in Indonesia.

2. On the second UPR cycle in 2012, Indonesia accepted 150 recommendations. This report focuses on the follow up on those supported recommendations<sup>1</sup>. This report also includes steps taken by the Government of Indonesia on other recommendations. In addition, it also reflects various national and sub-national initiatives by Indonesia on the promotion and protection of human rights, beyond the recommendations made during the 2<sup>nd</sup> cycle.

## **II. Methodology and consultation process**

3. This report is the outcome of collaboration among relevant government institutions in Indonesia under the coordination of the Ministry of Foreign Affairs (MoFA) and the Ministry of Law and Human Rights (MoLHR).

4. As a continued commitment to inclusive process and multi-stakeholders partnership, national human rights institutions (NHRIs), civil society organizations (CSOs) and other stakeholders were involved during the preparation of the report.

5. The preparation of this report includes series of meetings in several parts of Indonesia to gain inputs from stakeholders at national and sub-national levels. Focus group discussions were conducted periodically to assess progress on the recommendations. National workshops on the UPR were also held in 2012 to disseminate the recommendations, and in 2016 for final inputs from stakeholders.

## **III. Follow up to the 2012 recommendations and beyond**

### **A. Ratification of International Human Rights Conventions<sup>2</sup>**

6. Since the last UPR, Indonesia has ratified ICRMW and the two Optional Protocols to CRC, and further incorporated those instruments into national laws<sup>3</sup>. Indonesia has also adopted various legislations to further strengthen the implementation of the existing ratified conventions<sup>4</sup>.

7. Early in 2017, Indonesia has been taking steps in resuming its process of ratification to CPED. Meanwhile, national deliberations on the importance of signing or ratifying other international instruments continue to be exercised.

8. In line with the ongoing deliberations, Indonesia has supported the fundamental principles enshrined in various international human rights conventions and committed to incorporate them into the existing national frameworks and mechanisms. Some of the examples include the national legislation program on the revision of Law No. 26/2000 on Human Rights Court; amendment of Criminal Code; revision of Law No. 39/2004 on the Placement and Protection of Indonesian Overseas Workers; and the draft bill on Domestic Workers; as well as a Memorandum of Understanding (MoU) signed by Indonesia's NHRIs to establish national preventive mechanism (NPM) to strengthen anti-torture measures.

## **B. Cooperation with UN human rights mechanism and others<sup>5</sup>**

9. At the global level, Indonesia underscores the importance of strengthened cooperation with the UN human rights mechanism, including through facilitating special rapporteurs' visits to Indonesia<sup>6</sup>. The latest facilitation was the visit of the Special Rapporteur (SR) on the Right to Adequate Housing, Ms. Raquel Rolnik in 2013.

10. This year, Indonesia will receive the visit of SR on the Right to Health, Mr. Darius Puras, scheduled for March 2017. Indonesia will also facilitate the visit of SR on the Right to Food, Ms. Hilal Elver, in the second part of the year.

11. At the regional level, Indonesia continues to strongly support the ASEAN Intergovernmental Commission on Human Rights (AICHR) as a human rights body, including by mainstreaming human rights in the three pillars of ASEAN Community and by advancing human rights protection in the region. As one of the members of the Core Group on the Convention against Torture Initiative (CTI), Indonesia hosted a regional workshop on "Preserving Human Dignity by Preventing Torture and Ill-Treatment among ASEAN Member States" in August 2015. During the workshop, Indonesia launched a Training of Trainers Module as guidelines for law enforcers to prevent acts of torture, and also encouraged ASEAN Member States to ratify and implement CAT.

12. Within the OIC, Indonesia plays an important role on the establishment and works of the Independent Permanent Human Rights Commission (IPHRC). Indonesia hosted the inaugural session of IPHRC in 2012. The meeting has provided solid foundation for the formation and implementation of the works of the Commission.

13. In cooperation with IPHRC, Indonesia also hosted International Seminar on Human Rights Education in 2015. The Seminar adopted IPHRC Jakarta Declaration on Human Rights Education which recommended, among others: (i) the establishment of working group to design a guideline of best practices for harmonization of national educational strategies for Member States from Human Rights Education perspective; and (ii) education reforms by Member States through Human Rights Education integration into school and training curricula.

14. Indonesia is of the firm view of the need for stronger human rights dialogue and cooperation between countries. In this regard, Indonesia continues to broaden its bilateral dialogues on human rights with various countries in the region and beyond.

## **C. Normative, educational and institutional frameworks on human rights<sup>7</sup>**

15. The promotion of better awareness and ownership of the people, government officials, and all stakeholders on human rights is a continuing effort. It is reflected, among others, through the National Medium Term Development Plans (NMTDP) 2015-2019, which reflects on the President Joko Widodo's Nawacita<sup>8</sup>, Indonesia projects a human-right based vision to promote a democratic society based on prosperity, justice, equality and rule of law. Towards this goal, the priorities of development agenda include promoting effective, democratic, corruption-free, and reliable government; improving the quality of life of all Indonesians; and accelerating national development through the development of its periphery areas.

16. The National Action Plan on Human Rights (NAP-HR) continues to serve as the national implementation framework on human rights. The 4th generation of NAP-HR, which covers the period of 2015–2019, is being implemented under direct supervision of the President Executive Office. A joint secretariat<sup>9</sup> was established to ensure effective monitoring and evaluation.

17. The 4<sup>th</sup> NAP-HR has also incorporated the principles embodied in various national and global policies such as the National Strategy on Access for Justice, CRPD, UNGP on BHR, SDGs, and some recommendations from treaty bodies. In comparison to the previous NAPs-HR, the 4<sup>th</sup> generation serves as a living document that enables annual adjustment on priorities and agenda based on the assessment on the implementation. It also has an improved evaluation and monitoring mechanism at all levels.

18. Indonesia continues to undertake measures including capacity building at all levels to ensure that by-laws are consistent with national laws and obligations under human rights norms. MoLHR in this regard has trained 375 legal drafters at the national and sub-national levels. Indonesia also continuously reviews local regulations and is making effort to amend those which are inconsistent.

19. To further strengthen the capacities of government officials and stakeholders at the national and local levels, Indonesia has regularly conducted training and dissemination programs on obligation and commitments on human rights. The programs target broad range of audiences, including civil servants, law enforcers, students, teachers and community leaders, and address different thematic issues such as juvenile justice, anti-torture, land property rights, human trafficking, citizenship, and women's and children's rights.

20. Some of the examples include: (i) MoLHR's human rights dissemination programs for 4,245 State apparatus, as well as human rights trainings for 450 trainers, 327 local institutions, and 375 local human rights instructors in 159 districts and municipalities; (ii) the Ministry of Home Affairs (MoHA)'s regular program on human rights training for civil service police units in all municipalities in Indonesia; and (iii) the Ministry of Social Affairs (MoSA)'s capacity building program on the implementation of Law No. 35/2014 on the Protection of the Child.

21. Police and military reform continues to be a priority in national agenda. Human rights-based curricula have been introduced and incorporated at all levels of education of the national police and defense forces. Moreover, human rights principles have also been incorporated in the military's rules of engagement. Numerous human rights trainings for police and defense forces officers have been conducted, including those held in cooperation with national stakeholders and international organizations.

22. Some of the programs for the national police were held in cooperation with ICRC and include: a workshop on "International Human Rights Principles in the Exercise of Police Powers" for senior investigators in North and South Sumatra and a 2-day session on "International Rules and Standards for Policing" for Mobile Brigade Corps in Timika, Papua, both held in 2016. The National Police has also cooperated with the National Commission on Human Rights (NCHR) to hold human rights training for criminal investigators from 32 regional police forces.

23. For defense forces, some of the programs include: (i) International Humanitarian Law and Human Rights for all military personnel in Indonesia held in 2016 by the Ministry of Defense (MoD), in cooperation with ICRC; (ii) Seminars on "the Implementation of Humanitarian Law and Human Rights on National Defense" in 2013; on "Cyber Warfare from the Perspective of Humanitarian Law and Human Rights" in 2015; and on "National Defense from the Perspective of Human rights". To further strengthen the capacity of military personnel in the justice sector, MoD in cooperation with the US-based Defense Institute for International Law, held a workshop on "Comparative Law: Military Justice System between Indonesia and the United States" in 2016.

24. The Government remains committed to implement comprehensive human rights training for all military and police personnel, including in Papua. In 2016, various programs were implemented in Papua, in cooperation with the provincial and local governments, and

with support from ICRC. Some of the programs include seminars and dissemination of human rights-based approach in the conduct of National Police's duties and the prevention of sexual violence. Indonesia will continue to monitor and assess the effectiveness of such programs in further promoting and protection of human rights in Papua.

25. Through MoLHR Regulation No. 25/2013 on Human Rights Cities, Indonesia continues to support cities across the archipelago to be the champion city for human rights. Indonesia appreciates cities of Bandung, Surabaya, Yogyakarta, Bantaeng, and Wonosobo for making tangible efforts in making their respective cities as human rights cities, and encourages more cities in the country to follow suit. In the event of Human Rights Day 2016, MoLHR awarded 228 regencies and cities across Indonesia for being able to meet the criteria of "Human Rights Cities". Indonesia commends the role of civil society in supporting the establishment of human rights cities.

26. Understanding the critical role of the education system in further promoting human rights, the Government has incorporated the norms and respect for human rights in the national curricula of all levels of education. The Ministry of Education and Culture (MoEC) has conducted human rights trainings to some educational institutions. During 2012–2016, the training was held in 12 provinces with the total number of participants reaching almost 1,500. MoLHR has also signed MoU with the Governors of 18 provinces in Indonesia on mainstreaming human rights education for the State apparatus and society at large.

27. To empower teachers, since 2015 MoLHR has implemented programs on human rights education for 240 high school teachers. To encourage and empower students to be the agents for human rights promotion in schools and in their social environment, Students' Community for the Promotion of Human Rights (SCPHR) has been promoted. Since 2012, 966 students have joined SCPHR, and since 2015 Student Envoys for Human Rights have been selected.

28. To strengthen the independence and effective functioning of NHRIs, the Government commits to continue the deliberation on the revision of Law No. 39/1999 on Human Rights. The revised draft is already included in the 2015-2019 national legislation programs. The Ministry of National Development Planning (MoNDP) in 2015 has also conducted in-depth study on three of Indonesia's NHRIs with the aim to explore ways to further strengthen NHRIs<sup>10</sup>.

29. Indonesia fully supports the work of the existing NHRIs<sup>11</sup>. They have served as one of the country's important partners, especially in monitoring the performances of the judicial, legislative and executive institutions.

30. Indonesia has been taking various initiatives in mainstreaming human rights principles in business practices through dissemination of UNGP on BHR. Apart from strengthening the capacity and raising awareness among government officials, this initiative also focuses on enhancing knowledge of small and medium enterprises (SMEs) as dominant business players in the country.

#### **D. Cooperation with civil society<sup>12</sup>**

31. In line with robust commitment to strengthened partnership with civil society, consultations have been conducted in the formulation of the 4<sup>th</sup> NAP-HR and the preparation of UPR and treaty reports. NHRIs and civil societies have also been engaged in the ratification process of various international human rights instruments.

32. To broaden dialogue and consultation with stakeholders, MoFA established regular dialogue platform with civil societies<sup>13</sup>. Regular discussions were held with different CSOs

on various human rights issues, in order to enhance mutual understanding on the Government's substantive positions and policies on contemporary human rights topics.

33. MoFA also conducts regular consultation program at provincial level. Annually MoFA holds at least eight consultations, involving representatives from other relevant ministries, agencies and civil societies. Other ministries and agencies in Indonesia have also established a platform of regular dialogue with civil societies.

## **E. Promoting the rights of women and the vulnerable groups<sup>14</sup>**

34. Indonesia strives to continuously improve its legal and institutional frameworks, at national and local levels, in implementing policies and programs that focus on the promotion and protection of the rights of women, children, persons with disabilities (PwDs), and older persons.

35. At the national level, several draft legislations relevant to the protection of vulnerable groups are already included in the National Legislation Programs 2015-2019. The law to be revised is Law No. 23/2004 on the Elimination of Domestic Violence, and some draft laws under legislative deliberation include law on Sexual Violence; law on Gender Equality and Justice; and law on the welfare of older persons.

36. Since 2012, new relevant legislations were enacted such as Law No. 18/2014 on Mental Health and Law No. 8/2016 on Persons with Disabilities. Implementing regulations were also issued, including Government Regulation No. 61/2014 on Reproductive Health and Government Regulation in lieu of Law No. 1/2016 on Second Amendment of Law No. 23/2002 regarding additional punishment for child sexual offenders.

37. Local parliaments and governments are also encouraged to issue by-laws which are relevant to the protection and promotion of the rights of women, children and PwDs. For examples, City of Yogyakarta issued regulation No. 1/2016 on Child Friendly City; Province of South Sumatra issued regulation No. 6/2014 on Protection and Welfare Services for Person with Disabilities; and Province of Maluku issued regulation No. 2/2012 on the Protection of Women and Children.

38. To strengthen institutional framework, Indonesia established units or focal points on women and children under relevant Ministries/Agencies. Those units were established within the structure of the Coordinating Ministry of Human Development and Culture (CMoHDC), Ministry of Women Empowerment and Child Protection (MoWECP), MoSA, Ministry of Health (MoH), MoHA, Ministry of Manpower (MoM), and the National Police.

39. Indonesia has also increased budget allocation for programs relevant to women, children, person with disabilities and older persons within those ministries.

### **Women**

40. The draft law on Gender Equality and Justice aims to provide stronger legal foundation for gender responsive policies. Once finalized, this bill will be one of Indonesia's breakthroughs in reforming national and local policies by incorporating among others relevant elements within internationally agreed frameworks on women.

41. At the global level, President Widodo has become one of the HeforShe IMPACT champions and put forward three agendas of improving women representation; reducing maternal mortality; and ending violence against women.

42. MoWECP also launched a flagship program called 3Ends Program in 2016. The program focuses on ending: (i) violence against women and children; (ii) human trafficking; and (iii) barriers to economic justice for women.

43. Under 3Ends Program, the strategy to end violence against women and children includes: (i) ensuring the accessibility of information on the rights of women and children; (ii) enhancing the capacity of local institutions, including at the village/sub-district level; (iii) enhancing the capacity of local integrated task force on women and children; and (iv) mobilizing the participation and support of all Ministries/Agencies, local government, and civil society.

44. The strategy to end trafficking in women and girls includes: (i) developing early detection system on trafficking in persons; (ii) raising the awareness of the community, including men and boys, and encouraging their active participation in the early detection system; (iii) building inter-agencies synergies within the National Task Force for Trafficking in overseeing cases of TIPs; and (iv) ensuring full and mandatory training for all prospective migrant workers.

45. The strategy to end barriers to access economic justice for women includes: (i) ensuring relevant Ministries/Agencies conduct training and capacity building for women entrepreneurs; (ii) expanding access and ensuring rights of all women to economic resources, including business financing such as loan and credit from financial institutions; (iii) providing an alternative financing and capital for women entrepreneurs in small and micro enterprise; and (iv) building financing support and alternative facilities for women innovators in economic sectors.

#### **Discriminatory law**

46. Indonesia has also been progressively monitoring and reviewing the existing by-laws. The Law No. 23/2014 on Local Government contains provision on the mechanism to review and harmonize all by-laws and draft by-laws. This mechanism aims to ensure that all by-laws are in line with relevant national laws and international commitments on human rights.

47. For example, in 2016, the city of Purwakarta revoked by-law No. 70/2014 on Culture-Friendly Village that contains a discriminatory provision on night curfew for women. The Government also revoked by-laws No. 24/2014 on Polygamy for Public Officials issued by East Lombok Regency.

#### **Violence against women and girls**

48. Indonesia has established an Integrated Service Centres for the Empowerment of Women and Children victims of violence. These Centres provide mechanism for prevention, protection, rehabilitation and reintegration for victims of violence. It also serves as a platform for coordination among stakeholders and the national task force on anti-trafficking in persons, especially of women and children. As of 2016, 424 Integrated Service Centres and 16 Safety House/Centres for Women and Children have been established.

49. The Government allocates funding for these centres and has provided gender responsive trainings and capacity building for 949, of the projected 2000, law enforcement officers to increase their capacity in handling cases involving violence against women and children. As of 2016, 527 Women and Children Service Units in police stations and 67 Integrated Crisis Unit in police hospitals have been established across Indonesia.

50. To improve its measures, Indonesia conducted a nationwide survey on violence against women and children in 2016. This survey assists policymakers in understanding the root causes, prevalence, severity and trends on violence against women and children.

51. Indonesia also introduced an Integrated Criminal Justice System to improve access to justice for women and children victims of violence. This system will improve the



coordination amongst related government institutions and the effectiveness in handling cases.

52. Indonesia also launched programs to empower youth in the fight against violence and gender-bias mindset. One of the programs is “One Student Saves One Family” campaign which aims to empower youth to advocate family resilience and empowerment.

### **Participation in public life**

53. To enhance women’s meaningful participation in politics and decision making, Indonesia’s Law No. 8/2012 on the General Election of the Members of the House Of Representatives, People’s Representative Council, and Regional House of Representatives stipulates that political parties are required to have a minimum of 30% women candidates to be elected to the parliament. Currently, there are 97 women serving in the parliament (17.23%). Towards this target, three important changes were introduced.

54. *Firstly*, the appointment of more women to senior leadership positions in both public and private sectors. Currently there are 9 women ministers in the Cabinet (25%), 126 women Deputy Ministers or Director General (21%) and 2,295 women Directors or Head of Bureau (16%) in government institutions. 76 women have also been elected as regents/mayors (14.78%).

55. *Secondly*, mandatory gender mainstreaming curricula in all compulsory trainings and education at all levels.

56. *Thirdly*, the implementation of national gender mapping in politics to assess the representation and needs of women, as voters and candidates, to help design effective information sharing and training programs on politics and leadership for women.

### **Maternal and child health**

57. Reducing maternal mortality and improving access to sexual and reproductive healthcare across the country continue to be high priority on national agenda. The national family planning program remains crucial in improving the health and well-being of mother and children.

58. Indonesia continuously revitalizes the Family Planning program, including by increasing awareness and education on family planning at the local levels; providing affordable and free treatment on family planning for married couple; and mobilizing the Family Welfare Movement in 289,635 Integrated Health Centres across the country. Indonesia also continues to improve the supply and distribution of contraceptive devices and drugs; provision of medical contraceptive services and reproductive health facilities, as well as address infrastructure problems that hinder access to health facilities in remote areas.

59. On FGM, Indonesia’s primary objective of its policies has always been to provide the best protection for women and the girl-child. Over the years, the Government has taken several policies aim to control FGM practices, with an end goal to eliminate harmful FGM practices throughout the country.

60. The Government has revoked the Minister for Health Regulation No. 1636/2010 on Female Circumcision by issuing Minister for Health Regulation No. 6/2014. The latest regulation prohibits all medical practitioners from conducting female circumcision procedures.

61. Nevertheless, FGM is part of a long-held tradition and belief which has been passed down through generations of families and communities. Continued awareness raising and advocacy are key in amplifying the impact of the regulation.

62. Indonesia will continue to conduct awareness programs among the medical and health workers, parents, community and religious leaders to prevent FGM practice on the ground. Relevant ministries continue to conduct research and data-collection, in order to build clearer pictures on the scope and prevalence of FGM in Indonesia.

63. With regard to early marriage, the Ministry of Religious Affairs, in cooperation with local NGOs, has conducted a study on the implementation of Marriage Law in seven provinces. The study aims to obtain a better understanding on early marriage and unregistered marriage as well as to identify steps to be taken by the Ministry to address both issues.

64. The study reveals several contributing factors in which economic considerations, including poverty, remain the main reason. There is an ongoing practice of marrying off girls to lessen the economic burden of the family or even to improve the economic or social status. Several social contributing factors include: (i) the belief that expediting marriage will ensure the wellbeing of adolescent girls by protecting them from potential pregnancies outside marriage and avoid stigma as “spinsters”; and (ii) the low level of education and awareness on the impact of early marriage and pregnancies to physical and mental health. This study also highlights the importance of better awareness in the communities on the impacts of early marriage, and on the encouragement for their children to pursue higher education and postpone marriage.

65. Indonesia has taken measures to address these contributing factors. Some of the examples include programs to: (i) improve family welfare and economic resilience; (ii) increase awareness on health risks of early pregnancies for children and mothers; (iii) implement a-12-year free and compulsory education program aiming to keep children to stay in school and postpone marriage; (iv) reduce early marriage and improve the younger generation’s ability to decide on their future, including to overcome social stigmatization. These programs, carried out by relevant Ministries/Institutions and at all levels of government, also target the parents who are influential in the decision for early marriage.

66. Although the legal minimum age to marry in Indonesia is 16 years old for girls, parental consent are required for those under 21 years old. In an attempt to raise the legal marriage age for girls to 18 years old, a local NGO, *Yayasan Kesehatan Perempuan*, submitted to the Constitutional Court a judicial review on Law No. 1/1994 on Marriage. The Court repelled the review on the basis of procedural aspects. Indonesia will continue its efforts to discourage child marriage on the ground by conducting programs that address the contributing factors of child marriage.

### **Children**

67. The promotion and the protection of the rights and well-being of its 88 million children continue to be national priorities. The National Strategy on Elimination of Violence against Children 2016-2020 was launched in 2016. This national strategy brings forth systematic, integrated, evidence-based and coordinated actions that include legal aspects, changing social norms and cultural practices, effective interventions, availability of quality support services and improved quality of data.

68. A National Movement on Anti-Sexual Crime against Children was initiated in 2014. The movement encouraged all segments in the societies, from teachers, health workers, social workers, parents and even children themselves to participate in combating this heinous crime. The movement includes a national survey to produce comprehensive data and evidence on the extent of violence against children.

69. Indonesia recently issued Government Regulation in lieu of Law No. 1/2016 on Child Protection that imposes stronger punishment for convicted sexual offenders against children. The regulation is an amendment from Law No. 23/2002 on Child Protection and a

deterrence to potential increased child sexual offenders. Indonesian National Commission on Child Protection (NCCP) reported that in 2015, from 3,337 reported cases of sexual crimes, 16.3% are sexual violence involving children. High profile cases have prompted national outrage and public debate, reviving calls for heavier punishment against the offenders.

70. Through the Government Regulation in lieu of Law, judges could impose stronger punishment for perpetrators, particularly those who are (i) close or well-known persons to the child such as family, guardian or educators; (ii) child protection officers; (iii) recidivist; and (iv) acted in groups.

71. Judges may also decide on heavier punishment for very serious crimes which (i) are committed against more than one victim; and (ii) cause serious physical injury, mental instability, STD's, and damaging victim's reproductive health system or resulted in the death of the victim. The punishments include death penalty, life sentence and prison sentence minimum of 10 years and maximum of 20 years. According to Government Regulation in lieu of Law No.1/2016, further sentence may also be imposed such as public announcement on the convicted offender identity as well as chemical castration and chip implant. It is important to note that the new law will only apply to adult offenders.

72. With regards to street children, national data showed that in 2012, an estimated 34,000 children are living on the streets. To address this issue, a campaign has been launched on "Indonesia free from street children by 2017". The Government conducted a study to map the numbers, causes and places of children living on streets. Based on the study, various programs have been introduced to address the root causes and to provide rehabilitative and social protection program for street children.

73. The implementation program supports the current national objective to put forward the best interest of the child while improving the role of parental care as well as prioritizing guardianship by extended member of the family. Guardianship by the community or government in the form of fostering, adoption or residential care will be taken as the last resorts.

74. NCCP also contributes by monitoring the situation of street children and conducting relevant Focus Group Discussions in Jakarta, Bogor, Depok, and Tangerang. Together with ministries and local government, NCCP conducts a repatriation program to return children to their parents and family and assist their families to improve their economic resilience.

75. One of the biggest challenges in the phenomenon of street children in Indonesia is to provide them with civil registration number. This registration number is the requirement for any Indonesian to obtain social and health services as well as access to education. Indonesia will continue to scale up its effort to address this and other challenges.

### **Juvenile justice**

76. Indonesia has strong commitment to improve its national justice system for minors by enacting the new law on Juvenile Justice System that came into force in August 2014. Implementing regulations such as Government Regulation No. 65/2015 on Diversion and Presidential Regulation No. 175/2015 on Integrated Training on Juvenile Justice System were also adopted. This set of laws shift the retributive justice approach to restorative justice. The law encourages a diversion mechanism in which the child offenders, victims, families of both the victims and offender, community leaders and authorities, work together to find an alternative and restorative outcome that is beyond imprisonment.

77. The law also focuses on the rights of children in detention and stipulates the establishment of Child Friendly Rehabilitative Centre. Current facilities for children in conflict with law are not yet adequate. Presently, there are only 18 rehabilitation institutions

for children, 23 temporary rehabilitation institutions and 40 temporary houses across Indonesia.

78. Some child detainees might be temporarily placed in correctional facilities for adults. In such case however separate rooms are provided for child detainees, apart from blocks of adult prisoners. Indonesia targets to completely stop placing convicted juvenile in adult prison in 2018.

79. Since the adoption of the Law on Juvenile Justice System, there has been a significant reduction in the number of juveniles imprisoned, from 6,000 in 2012 to only about 2,644 in August 2016. However, some challenges that require extra attention remain. Better understanding of relevant officers on juvenile justice system is being further promoted, including on the role of social worker in accompanying the children during all court session. Additionally, facilities and capacity of human resources will be further improved. The Government is committed to address these challenges including by providing relevant trainings and gradually improving the infrastructures to ensure progress on the implementation of the law.

### **Persons with disabilities**

80. Following the ratification of CRPD in 2012, Indonesia adopted Law No.8/2016 on Persons with Disabilities (PwDs) to replace Law No.4/1997. This Law focuses on strengthening legal and institutional frameworks, as well as improving implementation mechanism. It has also transformed the Government's approach by mainstreaming disability policies and programs in relevant Ministries/Bodies. In this regard, MoSA and six key ministries, coordinated by MoNDP, collaborate to fulfil the mandate by Law No. 8/2016 to establish normative frameworks.

81. Ministries and agencies continue to implement the current policy and program relevant to the promotion of the rights of PwDs. Disability issues have been integrated in NMTDP 2015-2019, the 4th NAP-HR and its annual plan of action. To further mainstream disability perspective and improve the accountability of government leading-sectors at all levels, a Guideline on Disability-Responsive Planning and Budgeting were launched in 2015.

82. The promotion of the rights of PwDs in political life is guaranteed by various laws and regulations. The Government's efforts to increase the representation and participation of PwDs include, among others, the provision of accessible election facilities and dissemination of disability issues to political parties and communities.

83. Indonesia commits to address the challenges to increase the number of PwDs in the parliament, and to increase ownership of the legislative body on the issue itself.

84. More importantly, the Government is stepping up efforts to promote better protection for women with disabilities in Indonesia. Despite Law No. 8/2016 on Persons with Disabilities that recognizes the vulnerability of women with disabilities to discrimination and few other regulations<sup>15</sup>, the national legal instrument or policy that specifically addresses women with disabilities who are vulnerable to multi-layered discrimination, is still lacking, especially at the local level.

85. Indonesia will also improve protection services for women and girls with disabilities and continues to enhance the capacity to better respond to cases of violence against women and girls with disabilities.

### **Masyarakat Hukum Adat/"Adat" community**

86. Indonesia commits to uphold the constitutional mandate to protect the rights of Indonesia's "*Masyarakat Hukum Adat*" (MHA) or "*adat*" community. Towards this end,

measures to widen their access to basic needs, economic infrastructure and social services are being implemented.

87. Normative frameworks<sup>16</sup> to recognize a certain degree of “land rights” of MHA have been developed. These frameworks also provide measures to protect the rights of MHA and increase their welfare through, inter alia, fulfilment of basic needs, widening access to job opportunities and land. They also broaden the opportunity for MHA to further integrate with mainstream social and economic system. Moreover, the draft law on MHA is already included in the 2015–2019 National Legislation Priority.

88. At the end of 2016, President Widodo presented his Decree on Land Certificate to nine MHA throughout the country. This signifies Government’s recognition of land for MHA.

89. Apart from developing normative frameworks for MHA at national level, the Government also encourages provinces in Indonesia to develop their normative frameworks. Currently 14 provinces in Indonesia have already developed their regulations on MHA.

90. A regular program<sup>17</sup> targeted to empower 3,610 family units each year continues to be implemented. From the total of 231,268 family units of MHA in Indonesia, 99,726 family units from 10 provinces have been empowered through this program.

91. Indonesia commits to scale up the efforts to address the remaining challenges in fulfilling the rights of MHA, including in solving disputes between MHA and State-owned enterprises on the use of land and natural resources<sup>18</sup>, and eradicating stereotypes and stigmas on MHA.

## **F. Migrant workers<sup>19</sup>**

92. Indonesia acknowledges the contribution of its migrant workers<sup>20</sup> to national development and economic growth, and commits fully to the promotion and protection of their rights. President Widodo’s Nawacita reaffirms the State’s obligation to fulfil the rights of our migrant workers through priorities as follows: (i) enhancing the quality of protection of Indonesian citizens and legal entities abroad and (ii) protecting the rights and safety of migrant workers.

93. Indonesia has taken efforts to strengthen national legislations and institutional capacities, and improves inter-agency coordination and policy implementation. Review on Law No. 39/2004 on the Placement and Protection of Indonesian Overseas Workers is included in the 2015-2019 National Legislative Priority.

94. Indonesia is also strengthening its capacity and strategy of prevention, early detection, and immediate responses. These have been conducted through, among others, the integration of the priority areas on recruitment and placement mechanisms for migrant workers in NMTDP 2015-2019 and the establishment of an integrated national task force on the protection of Indonesian migrant workers.

95. Indonesia closely and regularly supervises the activities of 570 registered migrant workers agencies all over Indonesia and takes firm actions on those who violated the code<sup>21</sup>.

96. To better protect Indonesians abroad, including migrant workers, efforts taken include:

- Establishing citizen service units (CSU) in 24 Indonesian embassies<sup>22</sup>;

- Providing legal assistance for more than 27,000 (during 2012–2016) Indonesian migrant workers;
- Signing 13 bilateral agreements related to the protection and placement of migrant workers;
- Imposing a moratorium on sending domestic workers to 21 countries; and
- Launching MoFA’s “Safe Travel” mobile application<sup>23</sup>.

97. To promote the right to education for Indonesia’s migrant workers families abroad, 220 community learning centers were established.

98. The issue of migrant workers is trans-national in nature, requiring equivalent commitment and efforts among the origin, transit, and destination countries. In ASEAN, Indonesia urges the establishment of legally binding Instrument on the Protection and Promotion on the Rights of Migrant Workers and Their Families. Indonesia also participates in other regional fora such as the Colombo Process and the Abu Dhabi Dialogue.

99. At global level, Indonesia consistently reaffirms its call for universal ratification of ICRMW. Within the UN, Indonesia promotes the protection of migrant workers, especially women migrant workers, including through facilitation of UNGA’s resolution to eradicate violence against women migrant workers.

100. To strengthen the normative frameworks for better protection of those who work in the domestic sector in Indonesia, a bill on domestic workers is currently discussed in the Parliament. In the meantime, MoM has issued the Regulation No. 2/2015 on Protection of domestic workers to set the precondition to the adoption of the bill.

101. The Government commits to scale up efforts to ensure full and better protection of the rights of Indonesian migrant workers. Indonesia commits further to create more opportunities for better and sustainable jobs in Indonesia, including for returning migrant workers and their families<sup>24</sup>. Programs on entrepreneurship and financial schemes have been introduced and support from the private sectors and national banks have been mobilized.

102. The National Agency for the Protection and Placement of Indonesian Migrant Workers has provided capacity building training for 14,498 returning migrant workers. Currently 6,047 returning migrant workers have been empowered to initiate their business in their hometowns.

103. In 2016 Indonesia launched “Productive Migrant Village” program in Indramayu and Wonosobo regencies. Apart from ensuring better protection for Indonesia’s migrant workers and their families, the program offers to empower returning migrants with entrepreneurship skills. MoM targets to set up 120 more productive villages in 9 provinces in 2017.

## **G. Combating trafficking and slavery<sup>25</sup>**

104. As party to UNTOC and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Indonesia fully commits to ensure their full implementation.

105. At national level, normative frameworks have been developed through, inter alia, Law No. 21/2007 on the Eradication of Trafficking in Persons (TIPs). The 2015-2019 NAP-HR also specifies guidelines to prevent and address TIPs, especially at sub-national level. MoU involving seven institutions responsible for daily operation in tackling TIPs,

including law enforcing agencies, was signed in 2016 to further strengthen the coordination and capabilities in eradicating TIPs.

106. Indonesia vigorously implements the Anti-Trafficking Law No. 21/2007. The Law serves as the primary legal framework for the protection of victims of trafficking, counter-trafficking enforcement, and legal procedures to prosecute the perpetrators.

107. The Government has established a National Taskforce on TIPs whose members comprise 19 national institutions, including law enforcement authorities. Currently there are 181 taskforces in 31 provinces and 151 regencies/ districts.

108. Significant efforts to promote justice and accountability for the offenders as well as victims and survivors of trafficking have been made. To this date 119 traffickers, and eight traffickers for forced labor on fishing vessels have been convicted. Moreover 5,668 Indonesian victims of trafficking were repatriated and more than 441 survivors were provided short-term shelter and services.

109. Indonesian missions abroad serve as the first responders of TIPs cases and are responsible to provide safe house as well as legal assistance for victims and survivors. Currently there are 12 Indonesian missions abroad equipped with in-house/retainer lawyer.

110. To strengthen the capacity of the missions in dealing with TIPs cases, since 2014, in cooperation with IOM, Indonesia has been conducting regular training programs for missions' staffs in charge abroad. Currently, 45 missions have been equipped with this training. An integrated database on cases involving overseas Indonesians to support the work of the missions abroad has also been established.

111. At the regional level, Indonesia promotes the efforts and best practices to prevent and tackle TIPs through the Bali Process mechanism on people smuggling, trafficking in person and related transnational crimes<sup>26</sup>.

112. The Government will continue promoting the knowledge and strengthen the capacities of the officials in preventing and handling trafficking, including in implementing special measures and care for TIPs involving the vulnerable populations. Indonesia commits as well to further improve coordination mechanism to support the implementation of the national anti-trafficking strategy. Efforts to promote clean government and combat corruption that impedes anti-trafficking efforts will be continued.

113. Furthermore, to combat slavery in fishing industry, the Government has issued Ministerial Regulation No. 2/2017 on the Human Rights Certification Mechanism in Fisheries Industry. This is also a part of Indonesia's commitment in strengthening Human Rights dimension in business activities.

## **H. Freedom of thought, conscience and religion<sup>27</sup>**

114. As mandated by the Constitution and in line with the international norms, Indonesia remains committed to protect the legitimate rights of all its diverse communities and take efforts to end discrimination and violence related to the violation of those rights.

115. Indonesia continuously develops a culture of mutual understanding, tolerance and respect for differences. Through the 4<sup>th</sup> NAP-HR, actions to promote interfaith tolerance are identified. In parallel, support for the efforts taken at grassroots level to promote religious tolerance and prevent intolerance-induced violence is strengthened. One of the examples is the Government's support for the Inter-Religious Harmony Forum as a platform of dialogue to promote harmony and tolerance among religious communities at all levels.

116. Indonesia commits also to take appropriate steps to investigate, punish and redress all cases of violence in relation to religious belief and activities. Appropriate responses, in

accordance with national law and regulations, towards any perpetrators or sporadic misconduct have been taken. For examples, the sentencing of two perpetrators on the attack of Ahmadiyah followers' houses in Tenjowaringin Village, Tasikmalaya in 2013, and the imprisonment of the perpetrators who attacked Syiah followers' houses in Nangkernang Village in late 2012.

117. The Government also ensures that the victims are protected and fulfilled their rights on public services. For example, besides access to social services for the victims such as education and health, the followers of Ahmadiyah and Syiah, including each member of their families, have been given a modest amount of monthly allowance.

118. The Government will continue reviewing the laws, regulations and policies, as well as by-laws that are not in line with the spirit of freedom of religion and culture of tolerance<sup>28</sup>. The draft Law on the Protection of Religious Followers to reflect Indonesia's commitment to pluralism, including in the freedom of religion and belief, is already included in the 2015-2019 National Legislation Program.

119. Despite continued challenges in managing diversity in Indonesia, the Government is resolute to continue the work on improving dialogue and collaboration with relevant stakeholders to promote a culture of mutual understanding and respect, and peaceful coexistence amongst believers of all faiths. Within this highlight, in 2013 MoLHR, in cooperation with partner country, held a seminar on freedom of religion in the context of Unity in Diversity.

120. Efforts to improve the awareness of officials at all levels to respect and protect the freedom of religion and other rights of members of religious groups will be continued. The Government has also approached religious leaders and held several trainings on human rights for them since 2015. Moreover, the Government will encourage more provinces/cities in Indonesia to learn from Purwakarta<sup>29</sup> as one of the internationally recognized most tolerant regencies in Indonesia.

## **I. Rule of law and good governance<sup>30</sup>**

121. Since the 1998 national reform, Indonesia continues to improve its good and accountable governance. Indonesia's participation in the Open Government Partnership as a co-founder and co-chair in 2012–2014, reflects a strong commitment towards an open, transparent and accountable government. Through the initiative, action plans at national and sub-national levels have been formulated<sup>31</sup>.

122. Since 2009, Indonesia's democracy index has shown consistency at the level of medium performance. The Government is committed to further strengthen democracy in Indonesia, including through the advancement of rule of law and good governance.

123. The Government is taking all steps to upscale efforts to ensure prompt, fair and impartial as well as proper investigation and due process to all legitimate allegations of human rights violation in the country.

124. To address past human rights abuses, a special agency consisting of representatives of State institutions, law enforcement agencies and representatives of NHRIs has been established. The agency will use non-judicial mechanism to ensure a more peaceful settlement and find the best solutions.

125. With regard to the situation of human rights in Papua, an integrated Team<sup>32</sup> under the Coordinating Minister for Political, Legal, and Security Affairs, including NCHR was established in 2016 to work independently to address alleged human rights violations. The Team concluded that from 12 reports of allegation in the 1996–2014 period, there are three



cases of alleged serious human rights violation. The Team is following up the cases accordingly.

126. In the light of national reform, Indonesia's criminal justice institutions have strengthened their independence, upgraded their capabilities and improved their responsiveness to human rights. The Attorney General's Office and Indonesian National Police adopted and implemented their own reform plans. Correctional services and management, as well as the legal community, have also pursued reform initiatives.

127. A "hearing" mechanism was introduced to expedite due process for all documents or intelligence reports used in the investigation process. Moreover, within the National Police and Defense Forces there is an independent investigation mechanism to process allegation of abuse by service-members. The organizational, administrative and financial matters related to the military court have been restructured under the supervision of the office of the Supreme Court alongside three other courts namely religious affair court, civil administrative court and public court. This transformation is intended to increase the independency of the judiciary system as part of the ongoing military and judiciary reforms in Indonesia.

128. Concerning detention, the State guarantees that everyone detained in prison have their rights respected and protected. MoLHR has been committed to prison reform as well as reforms in the process of investigation and prosecution.

129. Despite the absence of internationally agreed definition on torture in the current national Penal Code, the Government has put in place the normative frameworks<sup>33</sup> to prevent and address torture. To prevent isolated cases of torture and ill-treatment of detainees, measures taken include providing an attorney or legal aid for detainees during interrogation; setting up an investigation monitoring system and CCTV in every investigation carried out by the Police, and setting a maximum of eight hours for the duration of each interrogation.

130. Although not a party to OPCAT, Indonesia has put in place an independent monitoring and inspection mechanism. In 2016, the mechanism<sup>34</sup> in partnership with MoLHR, MoSA, MoH, National Police and Defense Forces launched a 3-year program to monitor and visit detention places in Indonesia.

131. The police and defense forces have also enhanced their efforts in training their officers on the principles of CAT. With the Norwegian Centre for Human Rights, Indonesia regularly carries out training on investigative interviewing in accordance with human rights standard. Annually 40 officers from the military and police participate in this training.

132. The Government has set a mechanism for individual complaint against police officers so that anyone can file their complaints on violations during arrest and pre-trial detention to be dully processed by the National Police Commission<sup>35</sup>. The officers found guilty were compelled by disciplinary sanctions. With the continued public discourse on the need to further strengthen the mandate and capacity of the Commission, there has been a growing call to grant the Commission an authority to carry out independent investigations.

133. The Government is committed to further improve the operational of correctional centers in the country to meet the international standards.

134. To address the issue of overcapacity, some of the measures taken include community-based correction facilities, diversion or alternative dispute resolution outside the court, and Crash Program on Paroles to change the forms of punishment. To support the Crash Program, an online Correctional Database System has been established by MoLHR, and monitoring as well as capacity-building for the officials have also been implemented. In 2016 MoLHR also started to build more and improve the capacity of 59 correctional facilities scattered in 24 provinces.

135. On the issue of prisoner abuse by military personnel, service-members alleged of such misdemeanor or crimes are tried in the Military Court while police officers are tried in civilian court. Moreover, the Criminal Proceeding Code and Law No. 48 of 2009 stipulate a connectivity clause. Through a “connectivity mechanism”, the perpetrators from the military become subject to a joint military-civilian investigation.

136. Recognizing the irreparable harms of corruption on the respect for human rights, President Widodo gives his utmost priority on combating corruption. Through Presidential Decree No. 55/2015 and Presidential Instruction No. 7/2015 on National Strategy on Eradication and Prevention of Corruption, the Government focuses also on the preventive efforts. Cognizant of the impacts of corruption, the Government will continuously take all possible measures to uproot the crimes in every sector.

#### **J. Penal code revision<sup>36</sup>**

137. Since the reform era, Indonesia has undertaken several judicial reviews on specific articles within the existing Penal Code. The revised draft of Penal Code is under the discussion with legislative body. It contains over 780 articles and will provide a more comprehensive and thorough legal basis for the implementation of Indonesia’s obligations.

138. Indonesia continuously strives to incorporate the principles of CAT within the Bill, in particular definition of torture and cruel, inhuman or degrading treatment as well as the criminalization of the acts of torture and the provision of penalty for the acts. In the case of delay, the Government will explore the possibility to submit partial amendments into Indonesia’s criminal law system.

139. The Bill also covers further reforms on the justice system, including sentencing options to significantly reduce the influx of prisoners and avoid detainees serving time longer than their sentence.

#### **K. Human rights defenders<sup>37</sup>**

140. The public participation in the implementation of human rights in the country is guaranteed by the Constitution. Indonesia’s vibrant democracy has maintained conducive environment for the people to actively and constructively participate and contribute to the efforts towards realizing human rights for all in Indonesia.

141. The Government values the work and contributions of human rights defenders (HRD) and acknowledges the risks they face in carrying out their works. Indonesia commits to serve justice for victims and survivors and put the perpetrators accountable. One of the examples is the sentencing of the convict in the case of the murder of an environmental human rights activist in 2013.

142. To maintain safe and conducive environment for all in exercising their rights, the Government continuously promotes dialogue and raises awareness of the people and government at all levels, to end stereotyping and stigma towards the nature of HRD’s works. In this regard, a national dialogue was organized by the MoLHR, in cooperation with Tifa Foundation, a national CSO, in 2015.

143. In the proposed amendment of the Law No. 39/1999 on Human Rights, it includes provisions on the definition of HRD, the roles of NHRI, Agency for Witness and Victims Protection and other relevant institutions, in protecting HRD. At the same time, the Government will promote better implementation of the existing laws and regulations<sup>38</sup>.

## L. Freedom of opinion and expression<sup>39</sup>

144. Freedom of expression in Indonesia is guaranteed by Article 28 of the Constitution on freedom of association and assembly, as well as laws and regulations, including Law No. 9/1998 on freedom of delivering opinion in public and Law No. 11/2008 on Public Information Transparency for the right to freedom of information.

145. The safety and security of those delivering their opinions peacefully in public spaces are also guaranteed by Article 15 (1) of Law No. 2/2002 on the Indonesian Police and the Regulation of the National Police Chief No. 7/2012 on Procedures for Implementation, Service, Security and Case Management Delivery of opinion in public.

146. In this regard, for instance the local Police of Jakarta had facilitated a number of 3,148 and 2,784 public demonstrations in 2015 and 2016 respectively. This is an average of 11 public demonstrations each day in Jakarta. Moreover, the Police also facilitated at least 190 public demonstrations in 2015 in Papua with an average of one demonstration in every 2 days.

147. The Government underscores however that in exercising their rights of freedom of expression and information, everyone has to respect the rights of others and maintain public order, as stipulated in Law No. 9/1998.

148. Freedom of the press is one of the main features in Indonesia's democratization. However, freedom of the press is not without limit and should respect their professional and ethical code.

149. Despite the democratic structures that have been established so far, challenges remain relating to the conduct of local elections, including in the form of political friction and tensions in the community. The Government continues to scale up efforts to promote a better culture of democracy and pluralism in the country. As other democratic countries are also facing this growing challenge, Indonesia continues to promote religion, democracy, and pluralism as mutually reinforcing foundation for healthy and prosperous society, as reflected in the main theme of the latest 9<sup>th</sup> Bali Democracy Forum in 2016.

150. Indonesia therefore adopted the revised Law 2008 on Electronic Information and Transactions in 2016. The new amendment covers a number of different issues<sup>40</sup>. Apart from aiming to address the growing challenges posed by the current media technological developments, the revisions aim to ensure that the press maintains their special qualities of objectivity, truth, fairness, respect of justice and human dignity of all individuals, without any discrimination.

151. Since 2012, up to 90 international organizations and CSOs have visited Papua. This includes representatives of ICRC in 2016 that held a two-day seminar on violence against women in cooperation with the Indonesian Police, and another two-day workshop on the consideration of humanitarian norms in decision making process for senior military officers in cooperation with the Regional Military Commando XVII.

152. Beyond that, the Government of Indonesia has also made progress regarding the unsupported recommendation in the 2<sup>nd</sup> cycle of UPR in ensuring free access for foreign journalists to Papua<sup>41</sup>. In 2015, President Joko Widodo instructed standardization of journalist visit procedure to all provinces in Indonesia including Papua. This was followed by the simplification of application procedure for visits to Papua that include filming activities. As a result, journalist visits to Papua had increased by 41% from 22 in 2014 to 39 visits in 2015. The number of unsuccessful application had also dropped from 5 applications in 2014 to 4 applications in 2015. These were unsuccessful mostly due to incomplete documents required for application. The dissemination on information on

foreign journalist visit procedure continues to be carried out to international media and human rights activists.

153. There were few cases of immigration violation carried out by foreign journalists to Papua by using free tourist or social cultural activities visas. Towards these cases, Indonesia applies Immigration Law, as has been the common practice in other countries.

154. In general, journalist visit to Indonesia has also been increasing by 19% in 2015. A number of 493 media applications had been accepted while a minor amount of 19 applications were failed to be processed due to incomplete documents.

## M. Poverty and economic and socio-cultural rights<sup>42</sup>

155. An estimated 28.01 million people in Indonesia live under the national poverty line.<sup>43</sup> President Widodo's Nawacita<sup>44</sup> has put the efforts to address poverty in the country as one of main priorities. In this regard, poverty alleviation, redistribution of economic sources especially land, and development of vital economic facilities for the poor are amongst the policies that the President laid out. The National Team in Accelerating Poverty Alleviation and basic facilities in the health and education sectors has been developed to enable development of human resources, particularly for the poor.

156. Fulfilments of basic rights and social welfare for the people living backward, remote, and frontier (BRF) areas have been at the top of "Building Indonesia from the periphery" agenda. Programs to empower villages and make them central actors in eradicating poverty have been implemented. To develop more than 74,000 villages, Indonesia has doubled the fund allocation for villages from approximately US\$1.5 million in 2015 to approximately US\$3.6 million in 2016. With the implementation of Law No.6/2014 on Village, 434 villages have received the first disbursement in 2015.

157. Law No. 40/2013 on National Social Security System and Presidential Instruction No. 7/2014 have laid out the legal framework for social protection scheme aimed at poor households. The scheme is implemented by the issuance of Family Welfare Card (FWC) through which Indonesian poor households can obtain Indonesia Smart Card (ISC) and Indonesia Health Card (IHC). Until December 2016, the Government has distributed PFC to 15.5 million poor households, IHC to around 92.4 million people, and ISC to approximately 19.7 million school-age children. The cards include education, health and welfare programs for millions of Indonesians and a number of benefits to holders including free health insurance for the poor and 12 years free education<sup>45</sup>.

158. In addition to Social Protection Program, the Government also allocates approximately US\$1.6 million on rice subsidy for 15.5 million poor households in 2015. Way forward, the President has instructed to integrate and digitize all social assistance programs in one card (from cash to non-cash) so that the assistance will directly reach its target. Pilot study for this project started in 2016<sup>46</sup>.

159. To ensure access to health facilities and services, in 2014 the Government has launched National Health Insurance Scheme to cover all Indonesians by 2019. Currently, this scheme has covered more than 171.8 million Indonesians or more than 67% of the total population whom can obtain health services in all public hospitals. The Government is currently expanding the cooperation to include private hospitals and several have participated under this scheme.

160. Indonesia continues to address challenges to implement the scheme that will cover more than 250 million Indonesian people throughout the archipelago.

161. These efforts include, *first*, to ensure availability and affordability of the healthcare services and facilities, especially in BRF villages. *Second*, to strengthen health system and

improved capacity of medical personnel throughout the country. *Third*, to improve the availability and even distribution of medical personnel. For this, more than 800 additional medical personnel have been deployed, in which more than five medical personnel are allocated in each health centers. The number of hospitals with more than 7 medical specialists in district/regencies increased from 35% of the total hospitals in 2015 to almost 44% in 2016. We also increase healthcare centers from 1,179 in 2015 to 1,256 in 2016.

162. Indonesia continues to provide and ensure education for all and address its challenges.

163. The measures include, *first*, to ensure access as well as availability and affordability of educational infrastructure in rural and remote areas throughout the archipelago. The Government has been committed to provide sufficient and better educational infrastructures. For example, starting from 2014 Indonesia has allocated an increase in budget to build new school buildings. As of 2016, Indonesia has rehabilitated 11,633 classrooms and built 726 new school buildings with more than 14 thousands new classrooms.

164. “Schools at the front line” program has been launched in BRF areas, currently there are 114 schools at the front line areas in 31 provinces.

165. Indonesia allocates 20% of the State and Regional Budgets for education in the country. MoEC has committed to increase budget resources, including the allocation of around US\$846 million USD for the implementation of ISC.

166. Since 2013, 12-year compulsory education has been introduced to improve the previous 9-year free-compulsory education. The latest initiative, known as the Universal Secondary Education (USE) program covers senior high school, *madrrasah Aliyah* (Islamic senior high school) and vocational high school. The USE has been designed to broaden opportunity for Indonesian citizens for a quality secondary education. The USE is facilitated by the Government and jointly financed by central government, local governments and societies. The USE is expected to accelerate the increase of gross enrolment ratio in senior high secondary schools from 78.7% to around 97% by 2020.

167. To support the implementation of USE program, since July 2013 an amount of \$103 operational aid for school has been disbursed annually for every high school students, both public and private. Under the scheme of aid for poor students additional \$103 per year are also provided for 1.7 million high school students from poor families.

168. Through Indonesia Smart Program, Indonesia has set 2019 targets, among others, to increase the number of senior high schools from the current of 12,389 to 14,311 schools, with student to school ratio from 361:1 to 386:1. Indonesia has set a target of 50 percent upper secondary enrollment in vocational schools by 2015 with ratio vocational school to regular high school of 70:30 by 2025. Indonesia also targets to gradually improve student to teacher ratio from 15:1 in 2014, to 10:1 in 2019.

169. *Second*, to ensure the availability and address uneven distribution of qualified teachers, MoEC has worked closely with local governments, both provincial and municipal, to improve teachers’ distribution especially in BRF areas. Every year the recruitment program accepts 3,000 university graduates to be deployed in 98 districts/municipalities in over 28 provinces. The deployment of teachers in these areas has increased from around 800 teachers in 2015 to 7,000 in 2016.

170. To further improve the knowledge and skills of the young generation, the Government is currently developing a network of institutions based on Community College. By 2018, Indonesia expects to build 500 Community Colleges. These colleges focus on trainings for jobs in manufacturing, nursing, automotive technology and other trades.

171. To develop vocational training programs, Indonesia has built 213 new school buildings, 5,438 new classrooms and rehabilitated 999 classrooms. In addition, 1,333 more laboratories and 363 libraries have been provided for vocational education institution. Moreover, 43 vocational schools have also been built in Papua and BRF areas.

172. Indonesia has also implemented inclusive education for children with special needs. The pilot projects for inclusive education started in nine provinces in 2012. As of 2016 there are 23,195 elementary schools; 5,660 junior high schools; 1,460 high schools and 1,405 vocational high schools in Indonesia.

173. With regard to the recommendation on family reproductive health as curricula in educational institutions, Indonesia has introduced the subject in national curriculum. The module includes preventive measures on the spread of HIV/AIDS and other STDs. Its implementation takes into account age-appropriateness as well as local values and wisdom.

174. Regarding the continuation of education for pregnant students, legally, schools cannot discriminate against expectant students. The Government has also introduced “ABC” Package, an alternative program equivalent to the formal system from elementary to secondary level for expectant students who choose not to continue their study formally. Indonesia commits to maintain dialogue with relevant stakeholders, especially at sub-national levels, on the importance of continued education for pregnant students.

#### **IV. Closing**

175. Progresses elaborated in this report demonstrate the unwavering commitment of the Government of Indonesia, in partnership with all related stakeholders in the country, to further accelerate the efforts to realize the full enjoyment of human rights in Indonesia, including through an improved implementation of human rights obligations in accordance with the National Constitution and international norms.

176. The continuation of the promotion and protection of human rights remains a priority for Indonesia. Despite the progress and scaled-up efforts, there remain challenges and constraints that would be continuously addressed.

177. Due to Indonesia’s vast and unique geographical condition and demographic aspects, including its ethnic-cultural and local language varieties as well as its policies of decentralization and Regional Autonomy, the implementation of the global human rights norms in Indonesia entails particular measures and a certain degree of consideration for the local context.

178. Indonesia remains committed to continue ensuring the promotion and protection of human rights for all in the country, including through better implementation of UPR recommendations.

## Notes

- <sup>1</sup> In this report, recommendations that Indonesia supported are clustered into 13 thematic areas.
- <sup>2</sup> Recommendations reference: 108.1–25; 108.71; 109.1–2; 109.8.
- <sup>3</sup> Some of the recent incorporation includes Law No.35/2014 on Child Protection and Ministry of Labor Regulation No. 2/2015 on Protection of Domestic Workers.
- <sup>4</sup> These include Law No. 6/2014 on Village, Law No. 23/2014 on Local Government, Law No. 31/2014 on Victims and Witness Protection, Law No. 18/2014 on Mental Health, Law No. 8/2016 on Persons with Disabilities and Regulation of Minister of Education and Culture No. 82/2015 on Violence against children in schools.
- <sup>5</sup> Recommendations references: 108.55; 108.56–57.
- <sup>6</sup> Indonesia invites Special Procedure Mandate Holders for country visits on the basis of its priority and needs for the promotion and protection of human rights. To this date, we have received 13 visits of 12 UN Special Procedure Mandate Holders.
- <sup>7</sup> Recommendations references: 108.32–50; 108.71; 108.84–87.
- <sup>8</sup> Nawacita contains 9 government priorities for 2015–2019 which include (1) protection of Indonesian citizens; (2) good governance; (3) development of Indonesia’s peripheries; (4) eradication of corruption; (5) improvement of the quality of life of the people; (6) improvement in productivity and global competitiveness; (7) economic independence; (8) mental revolution; (9) strengthening of Indonesia’s unity in diversity.
- <sup>9</sup> The Joint Secretariat consists of institutions that include State Secretariat, Ministry of Law and Human Rights, Ministry of Social Affairs, Ministry of Home Affairs, Ministry of National Development Planning and Ministry of Foreign Affairs.
- <sup>10</sup> One of the recommendations from this study is the need for institutional strengthening that is measurable through clear blueprint of policy which is supported by a transparent and accountable planning and budgeting.
- <sup>11</sup> In Indonesia, National Human Rights Institutions consist of the National Commission on Human Rights, the National Commission on Violence against Women and the National Commission on Child Protection, as well as the Ombudsman of the Republic of Indonesia (ORI) and the Victim and Witness Protection Agency (LPSK).
- <sup>12</sup> Recommendations references: 108.51–54.
- <sup>13</sup> Some of our partners from civil societies include Migrant Care for migrant workers issues, Tifa Foundation for human rights defenders issues, Human Rights Working Group and International Global Compact Network and Institute for Policy Research and Advocacy for business and human rights, Centre for Detention Studies for monitoring standard facilities in correctional services, International Criminal Justice Reform for implementation of human rights instruments, International NGO Forum on Indonesian Development for human right cities, as well as the Association of Women with Disabilities and the Association of Persons with Disabilities for the rights of PwDs.
- <sup>14</sup> Recommendations references: 108.58–61; 108.64–67; 108.72–73; 108.121–123; 108.135; 109.27; 108.62–63; 108.74–75; 108.82; 108.93; 109.28–29; 108.134–136.
- <sup>15</sup> Currently, at the national level the normative framework for the protection of women with disabilities include Law No. 23/2004 on Elimination of Domestic Violence and the Ministry of Women Empowerment and Child Protection Regulation No. 7/2012 on the Standard of Procedure for Centre for Consultation and Information for Women with Disabilities.
- <sup>16</sup> Recents laws include Law No. 23/2014 on Local Government; Law No. 6/2014 on Village; Presidential Decree No. 186/2014 on Social Empowerment of “Komunitas Adat Terpencil/ remote “masyarakat hukum adat”; as well as the Minister of Home Affairs Decree No. 52/2014 on the Guidelines of the Recognition and Protection of “masyarakat hukum adat”.
- <sup>17</sup> Through this program, each family is given housing, access to social services and a start-up package for their livelihood.
- <sup>18</sup> Land disputes involving MHA are handled by the Public Complaint Services of the Ministry of Law and Human Rights, the National Land Agency and the National Commission on Human Rights. MoLHR followed up 99 reported cases of land dispute in 2012 and 15 cases in 2013, while the National Land Agency handled 9 cases through mediation and 4 cases through the State Administrative Courts in the period of 2010–2013.
- <sup>19</sup> Recommendations references: 108.137–138; 109.8.

- <sup>20</sup> According to the National Agency for the Placement and Protection of Indonesian Migrant Workers, currently there are more than 4.5 million Indonesians working in the informal sector abroad.
- <sup>21</sup> To this date, the Government has terminated the license of 130 Agencies who have been proven of violating the recruitment and placement procedures and their misconducts have been made publicly known.
- <sup>22</sup> The CSU provide an integrated service that covers 24 hours hotline service, consular services, legal assistance, education and trainings, shelters, and health services.
- <sup>23</sup> “Safe Travel” is a mobile application for Indonesians traveling abroad either on temporary or permanent basis. The application is expected to accommodate various segments in order to provide protection and services to Indonesian citizens abroad. In the near future, this application will be connected with the database of citizens living abroad and in e-shelters.
- <sup>24</sup> NMTDP 2015-2019 three strategies to accelerate poverty alleviation include pilot projects to empower returning migrant workers with new job skills and entrepreneurship trainings to create small businesses based on local economic commodities.
- <sup>25</sup> Recommendations references: 108.76–81; 108.83.
- <sup>26</sup> Bali process is the largest regional multi-stakeholders consultation involving sending, transit, and receiving countries. Deliberation in this process is beneficial for relevant officials on the ground.
- <sup>27</sup> Recommendations references: 108.68; 108.97–112; 108.139; 108.144.
- <sup>28</sup> Law No. 23/2014 on Local Government stipulates an establishment of a new by-laws review mechanism to ensure coherence at all levels.
- <sup>29</sup> The Purwakarta regional administration in West Java, through Regent Circular No. 450/2621/Kesra implements policy that guarantees the freedom of local residents to express their religious beliefs and promote tolerance.
- <sup>30</sup> Recommendations references: 108.70; 108.85; 108.88–92; 108.94; 108.96.
- <sup>31</sup> For the period of 2014–2015, a total of 47 Open Government Indonesia action plans were agreed and implemented. The action plans identified four groups of commitments designed to increase the quality of transparency, public participation and public services.
- <sup>32</sup> The Team consists of different community representatives, including members of NHRI, human rights activists, legal experts, and representatives of Papua. Representatives from neighboring countries including from Fiji, Papua New Guinea and Solomon Islands were invited to become observers so that they can monitor the process. The National Commission on Human Rights has also formed a special team to support the work of their representatives in the Team.
- <sup>33</sup> Including among others, the Regulation of the National Commander of the Armed Forces No. 73/IX/2010 on anti-torture and other cruel treatments and the Regulation of the National Police Chief No. 8/2009 on the human rights principles and norms in the conduct for the law enforcement officials.
- <sup>34</sup> Established through the signing of MoU involving five NHRI (the National Commission on Human Rights, the National Commission on Violence against Women, the Indonesian Child Protection Commission, the Ombudsman of the Republic of Indonesia and the Victim and Witness Protection Agency).
- <sup>35</sup> For example, in 2012, the Commission received 476 complaints in which 46 complaints concerning allegation of acts of violence by police officers.
- <sup>36</sup> Recommendations references: 108.26–31; 108.69; 108.85.
- <sup>37</sup> 108.115; 108.117–119.
- <sup>38</sup> Such as Article 28 of the Constitution and Article 100 of Law No.39/1999 on inclusive participation for the protection, promotion and fulfilment of human rights, as well as Law No. 31/2004 on witness and victims protection and Law No. 16/2011 on legal assistance.
- <sup>39</sup> Recommendations references: 108.113; 108.116.
- <sup>40</sup> The changes to the Law include: (i) An expanded definition of defamation and libel, contained in article 27(3). Those convicted of defamation might now be sentenced to up to six years of imprisonment, an increase over the previous maximum of four years, in addition to up to Rp750 million in fines (about US\$57,000). That highest possible fine represents a reduction from the previous ceiling of Rp1 billion; (ii) Supporting violent actions as stipulated in article 29 of the Law is now punishable with a maximum term of imprisonment of four years, with the same possible fine; this also represents a reduction in the most severe possible sentence from the previous 12 years in prison and up to Rp2 billion in fines; (iii) Article 26, which states that “[e]very electronic system organizer is required to delete electronic information deemed no longer relevant by someone who



requests the deletion based on a court ruling; and (iv) Article 40, which allows government officials to prevent the dissemination of information with prohibited content.

<sup>41</sup> Recommendation No. 109.30.

<sup>42</sup> Recommendations references: 108.120; 108.122; 108.124–133; 108.141–144.

<sup>43</sup> Based on BPS Susenas Survey (March 2016). This number represents around 10.86% of the total population of Indonesia.

<sup>44</sup> Nawacita's poverty strategy is supported also by NMTDP 2015-2019's national strategy to accelerate poverty reduction and decreasing inequality, which are: (1) strengthening a comprehensive social protection programs; (2) improving access and quality of basic services for the poor and vulnerable; (3) developing sustainable livelihood programs.

<sup>45</sup> The Government has also provided 6 million families covered nationally with conditional cash transfer program focused on improving the quality of health and education for the poorest families. Since 2016, the Government has also expanded the program to not only cover poor family with pregnant mother, under-five and school-aged children, but also households that have elderly and persons with disability.

<sup>46</sup> The Presidential Regulation on non-cash social transfer program will start to be implemented in selected cities in 2017 and will be expanded gradually to other cities and rural areas in 2018.

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