

# INDONESIA

## AMNESTY INTERNATIONAL AND THE ALLIANCE OF INDEPENDENT JOURNALISTS:

### SUBMISSION TO THE 41<sup>ST</sup> SESSION OF THE UPR WORKING GROUP, NOVEMBER 2022

#### SUMMARY

This joint submission was prepared for the Universal Periodic Review (UPR) of Indonesia in November 2022. In it, Amnesty International and the Alliance of Independent Journalists (AJI) evaluate the implementation of recommendations made to Indonesia in its previous UPR, including in relation to human rights issues in Papua, attacks and intimidations towards human rights defenders, and discrimination against religious minorities.

It also assesses the national human rights framework with regard to, especially, civic space. This submission highlights problematic laws that may threaten the rights to freedom of expression and peaceful assembly, such as treason and blasphemy offences in the Criminal Code, and the Electronic Information and Transactions (EIT) Law which criminalises hate speech and defamation. This submission also discusses the lack of a comprehensive framework for the protection of human rights defenders and environmental activists.

With regard to the human rights situation on the ground, Amnesty International and the Alliance of Independent Journalists (AJI) raise concern about the state of shrinking civic space in Indonesia, indicated by, but not limited to, the increasing attacks - both physical and digital - faced by human rights defenders and journalists, as well as criminalisation of peaceful protests and political expressions using problematic laws. This submission highlights several cases related to land and indigenous issues in which authorities allegedly intimidated, arrested, and in some cases attacked peaceful protesters that exercised their rights to freedom of expression and peaceful assembly.

It ends with a set of recommendations to Indonesia which, if implemented, would contribute to improving the human rights situation especially across sectors that we highlight in this submission.

*The Alliance of Independent Journalists (AJI) is an independent association with more than 1,800 Indonesian journalist-members, founded in 1994 by pro-democracy activists and journalists to fight against New Order's media censorship. It consistently promotes press freedom, ethical journalism and protects journalists against violence. AJI is a member of International Federation of Journalists (IFJ), International Freedom of Expression Exchange (IFEX), Global Investigative Journalism Network (GIJN) and Forum Asia. Website: [aji.or.id](http://aji.or.id). Email: [secretariat@ajiindonesia.or.id](mailto:secretariat@ajiindonesia.or.id)*

*Amnesty International is a global movement of more than 10 million people who campaign for a world where human rights are enjoyed by all. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations. Our website is [www.amnesty.org](http://www.amnesty.org). Email: [info@amnesty.id](mailto:info@amnesty.id)*

## FOLLOW UP TO THE PREVIOUS REVIEW

1. Amnesty International and The Alliance of Independent Journalists Indonesia (AJI) welcome Indonesia's engagement with the Universal Periodic Review (UPR) and its support of 167 out of 225 recommendations submitted by other states in the third UPR cycle in 2017.<sup>1</sup>

### International Norms

2. Indonesia supported several recommendations relating to the adherence to international norms, including but not limited to ratifying the Optional Protocol to the Convention Against Torture and International Labour Organization (ILO) Convention 189 on domestic workers.<sup>2</sup> However, Indonesia has yet to ratify these, and other international instruments, as recommended by other states as part of the previous review.

### Human Rights Defenders

3. Indonesia supported five recommendations relating to human rights defenders (HRDs), including adopting legislative measures to prevent and combat intimidation, repression or violence against human rights defenders, journalists, and civil society organisations.<sup>3</sup> However, significant steps toward the protection of HRDs and fulfilment of their rights have yet to be taken by the state.

### Freedom of expression

4. While Indonesia supported a recommendation to ensure the protection of freedom of expression of civil society organisations, people expressing their opinions continue to be criminalized on a high number. Throughout 2021 alone, Amnesty recorded 91 cases involving 106 individuals charged under Law No. 11 of 2008 as amended by Law No. 19 of 2016 on Electronic Information and Transactions (EIT Law).

### Freedom of peaceful assembly and association

5. Indonesia supported two recommendations on the right to freedom of peaceful assembly that specifically highlighted Papua and West Papua but noted recommendations to end prosecutions using Articles 106 and 110 of the Criminal Code on Treason (*makar*).<sup>4</sup> However, since the last review, Amnesty has recorded the criminalisation of activists for merely exercising their rights to freedom of peaceful assembly, including those peacefully protesting about Papuan issues.

## THE NATIONAL HUMAN RIGHTS FRAMEWORK

### Fundamental Human Rights Protections

6. The 1945 Constitution of the Republic of Indonesia outlines human rights that must be respected, protected, and fulfilled by the state, including but not

limited to freedom of expression, protection from violence and discrimination, right to communicate and to obtain information, and freedom of assembly.

7. Law No. 39 of 1999 on Human Rights<sup>5</sup> provides further detailed provisions on the implementation of human rights protections set out under the 1945 Constitution. Provisions on the right to information and protection of journalists are stipulated explicitly under Law No. 40 of 1999 on the Press.<sup>6</sup>

### **Rights to Freedom of Expression and Peaceful Assembly**

8. Regulation of the Chief of Indonesian National Police No. 7 of 2012 on the Procedures for the Implementation, Services, Security and Handling of Cases for Expressing Opinions in Public, Regulation of the Chief of Indonesian National Police No. 8 of 2009 Regarding Implementation of Human Rights Principles and Standards in the Discharge of Duties of the Indonesian National Police, and Regulation No. 16 of 2006<sup>7</sup> on the Guidelines for Crowd Control provide several rules that must be adhered to by security officers in handling demonstrations, including the prohibition on the use of excessive force.

### **Strategic Lawsuits Against Public Participation (SLAPPs)**

9. Law No. 32 of 2009 on Environmental Protection and Management<sup>8</sup> stipulates that anyone who fights for the environment cannot be prosecuted criminally or civilly sued. This regulation is an important regulation to protect environmental defenders from strategic lawsuits against public participation aimed at silencing and intimidating them. However, this article does not contain effective provisions to effectively prevent the filing of frivolous or meritless claims. Hence, the implementation of this regulation does not necessarily protect environmental defenders from criminalization. Anti-SLAPP provisions in Indonesia only provides protection against SLAPPs for environmental issues, which may leave rights civil societies working on other issues vulnerable to SLAPPs.

### **Problems and Loopholes under the Current Frameworks**

#### **Treason**

10. Security forces used repressive measures against human rights defenders and peaceful protesters, such as blanket prohibitions on demonstrations, mass arrests, and prosecution under the treason (*makar*) articles in the Criminal Code mostly under Articles 106 and 110 for crimes against the security of the state.

#### **Lack of Protection for Human Rights Defenders (HRDs)**

11. Despite the provision of human rights protection under the law, there are significant shortcomings especially in regard to the protection of human rights defenders at risk. HRDs protection is only regulated under the National Human Rights Commission Regulation No. 5 of 2015 on Procedures for the Protection of Human Rights Defenders.<sup>9</sup> As for national legislation, Article 100 of Law No. 39 of 1999 on Human Rights stipulates the rights of everyone to participate in human rights protection, without mentioning HRDs specifically.

12. There is a lack of comprehensive regulation to ensure the effective protection of HRDs at risk. No law contains a clear definition of human rights defenders in accordance with international standards nor clear guidelines on the evaluation of risk and determination of protective measures.

13. A high number of HRDs continue to be criminalised and arbitrarily detained for their human rights work, with little to no investigation of the cases. Throughout 2021, Amnesty International recorded at least 158 cases involving 367 HRDs who suffered physical attacks, digital attacks, and intimidation.

### **Lack of Protection of the Right to Freedom of Expression**

14. Amnesty International has identified several problematic laws that have led to the criminalisation of human rights defenders and others for simply exercising their right to freedom of expression. Most notably, the authorities have relied on provisions criminalising 'immorality', defamation, and hate speech under Articles 27, 28 and 29 of EIT Law.<sup>10</sup> These provisions have been repeatedly used to silence critical voices under the accusation of "hate speech" and "spreading misinformation".

15. The Regulation of the Ministry of Communication and Information Technology No. 5 of 2020,<sup>11</sup> regarding Private Electronic Service Providers, also poses a threat to the right to freedom of expression. The regulation provides government bodies with broad authority to issue takedown requests against online content that 'causes public unrest' or 'disturbs public order'. Under the regulation, electronic service providers, including social media platforms and websites, must comply with any such requests within four hours for 'urgent' materials and 24 hours for other content. Failure to comply with takedown requests may lead to fines or even the blocking of the provider's websites.

16. Furthermore, the regulation does not provide any mechanism for the owner of the content to challenge or question the decision. In this regard, the regulation gives the government considerable power to regulate online content and access users' data, as well as power over how private service providers operate their own platforms. This mechanism contravenes the rights to freedom of expression and to privacy.

17. In mid-2019, the government slowed down internet connection ('internet throttling') across several regions adjacent to anti-racist protests. On 21 August 2019, the government shut down the internet ('internet shutdown') in Papua and West Papua provinces under the justification of preventing the spread of hoaxes and provocative messages.<sup>12</sup> The shutdown restricted people's access to information in the region, and limited journalists' ability to report on the ongoing situation in the region, hence infringing on the right to freedom of expression.

18. These measures were ordered despite the lack of authority to cut off all internet access in any particular area. On 3 June 2020, the Jakarta Administrative Court declared internet throttling and shutdown to be a violation of the right to

freedom of expression.<sup>13</sup> The government has failed to pass a formal regulation to prevent similar instances from happening again and to ensure that authorities will not intentionally limit the free flow of information through internet shutdowns.

## HUMAN RIGHTS SITUATION ON THE GROUND

### Attacks and Intimidation of Human Rights Defenders and Civil Society

19. Although Indonesia supported several recommendations concerning the protection of HRDs,<sup>14</sup> cases of attacks against people defending human rights have increased since the last review. These attacks consist of physical and digital attacks, as well as criminalization. In 2021 alone, Amnesty recorded at least 158 attacks against 367 HRDs in Indonesia,<sup>15</sup> compared to 93 attacks against 253 HRDs in 2020.
20. In April 2020, Era Purnama Sari, the Vice Head of Advocacy in Indonesia Legal Aid Foundation, was targeted online and offline when she was investigating allegations of arbitrary arrests and violence reported by a farmer union in Jambi Province. During the investigation, she became a target of a smear campaign, falsely accusing her of committing adultery with a Department Head in East Java. During her time providing legal assistance to the farmers in the trial adjudication process, Era reported receiving a death threat.<sup>16</sup>
21. Indigenous rights defenders have faced particular risks and challenges. Effendi Buhing, a Kinipan Indigenous leader from Central Kalimantan Province, and other Kinipan Indigenous people have been protesting against the conversion of the forest they live in to a palm oil plantation to preserve their customary land. In October 2020, Buhing was accused of stealing a chainsaw and arbitrarily arrested by the Central Kalimantan Local Police. The accusation against him was related to a land dispute between the Kinipan Indigenous people and PT Sawit Lestari Mandiri (a palm oil plantation).<sup>17</sup> Five other Kinipan Indigenous people were previously arrested due to land conflicts with the plantation.<sup>18</sup>
22. In September 2020, police arrested Renita Gani, a local villager of Siuna Village, Banggai, Central Sulawesi, after participating in a peaceful road blockade to protest against a forced eviction from their land by a mining company. Renita and other villagers complained that the eviction took place despite having received no consultation or compensation for their lands. Renita was charged with Article 162 of Law No. 3/2020 on Mineral and Coal Mining, which prohibits a person from impeding authorised mining activities.<sup>19</sup> Renita continued to receive threats after the charges, which led her to applying for a witness protection program in May 2021. At the time of writing, no decision on the case has been made.
23. On 27 February 2021, authorities arrested three Indigenous leaders of Dayak Modang Long Wai; Daud Luwing, Benediktus Beng Lui, and Elisason, after collecting data of assets located in their Indigenous land. They were released the next day after being

questioned by East Kutai Police. Previously, the three leaders were reported to East Kutai Police by the PT Subur Abadi Wana Agung, a palm oil plantation company, in regard to a peaceful blockade they conducted to protest against palm oil company activities in the region.<sup>20</sup>

24. During the period under review, there has been a growing pattern of abuses of the criminal justice system to target and harass Indigenous and land activists for simply exercising their rights to freedom of expression and claiming their rights to their indigenous lands.
25. In April 2021, a clash broke out between Wadas village residents and the police in cooperation with military forces during socialisation and stake installation for the opening of andesite mining site in their village in Purworejo, Central Java Province. The Wadas residents protested against the mining project because they believe it threatens the water sources in their village, which will have a significant impact on their agricultural lands and practices. Hundreds of security forces, including from the military, came to the village fully geared after the protest began. The Wadas residents then tried to block their trucks with a tree trunk to allow the protest to continue. Female residents also organized a sit in, exercising *shalawat*, a religious chant praising Prophet Muhammad. The security convoy broke through into the village by pulling, pushing, and even stepping on the female residents who exercised *shalawat*.<sup>21</sup> The security forces also dispersed the protests with teargas, resulting in a number of injuries. The police arrested 11 residents accused of initiating violence towards the police during the protest.<sup>22</sup> They were released the next day without charge after being questioned by Purworejo police as the accusation was not proven.<sup>23</sup>
26. The situation in Wadas further escalated in February 2022, after hundreds of security personnel entered the village with the stated purpose of safeguarding the land measurement process for the mine. There were reports of use of excessive force by security personnel, and villagers who opposed the quarry were harassed and intimidated<sup>24</sup>. According to a finding by the National Commission for Human Rights, 67 people were arbitrarily detained by the police on 8 February. Although all 67 people were released without charge the day after, three among them have been named witnesses into an alleged violation of EIT Law involving the Twitter account @Wadas\_Melawan, which posts information about the protesters and updates on the situation on the ground.<sup>25</sup>
27. In February 2021, three students of Lancang Kuning University in Riau were reported to the police and expelled from campus after holding a peaceful protest against university authorities for selling students' thesis and committing illegal tree logging.<sup>26</sup> They were expelled without any due process, but the letters of expulsion were later repealed. According to one student interviewed by Amnesty
28. International, the reprisals created a climate of fear among students who were deterred from participating in further protests in campus.<sup>27</sup>

29. On 18 September 2021, an unidentified person threw a molotov cocktail bomb at the Yogyakarta Legal Aid (LBH Yogyakarta) office, resulting in a minor fire and physical damages. At the time, LBH Yogyakarta was providing assistance to several victims of human rights violations, including farmers in Wadas who were in danger of being evicted.<sup>28</sup>
30. HRDs working in Papua have also faced heightened risks. In 2019, Priest Yerima Zanambani - who was vocal in speaking against the military presence in Papua - was shot dead, allegedly by a member of the Indonesian security forces. A government-sanctioned joint fact-finding team comprised of representatives from various institutions (Coordinating Ministry for Political Legal and Security Affairs, Executive Office of the President, State Intelligence Agency) and civil society was established to investigate the case. However, at the time of writing, there has yet to be any result of the investigation made public.
31. In some cases, threats are directed to the relatives of HRDs as well. In October and November 2021, the family of Veronica Koman, a Papuan human rights lawyer and Australian exile, was targeted with a series of attacks. On 24 October 2021, two men on a motorbike hurled a paint bomb into the garage and on 7 November 2021, her parents' property in Jakarta suffered a minor arson attack. A threatening letter alluding to the lawyer's role in the defence of Papuan activists was found in her parents' garage, while a similar note was delivered to another relative in a parcel that also contained a dead chicken. The note read: "If the police and apparatus in the country or outside the country cannot catch Veronica Koman, a loser and coward, we are compelled to scorch the earth wherever you are hiding along with your group of protectors".<sup>29</sup>
32. HRDs who speak up about cases that are deemed sensitive have also seen increased attacks online through multiple digital platforms as means to silence them. In recent years, there has been a wave of harassment, intimidation and digital attacks against students, academics, journalists and activists, carried out by unidentified parties attempting to spread fear and silence critical voices. The digital attacks take many forms, including credential theft incidents involving social media and messaging platforms, spam calls from unidentified foreign numbers, intrusion into online discussions or webinars, and threats of physical violence via text messages<sup>30</sup>.
33. On 3 June 2020, an online hearing hosted by the Jakarta Administrative Court on the internet shutdown in Papua and West Papua was disrupted by several unidentified people using the sharing platform to project pornographic content to court participants.
34. The University of Indonesia (UI) student executive body also faced intimidation when it decided to hold an online discussion on racism against Papuans on 8 June 2020. The webinar, held in light of the prosecution against seven Papuan political activists in Balikpapan, East Kalimantan, featured human rights lawyer Veronica Koman, Papuan

human rights lawyer Gustaf Kaver and a former Papuan prisoner who declined to be identified. The WhatsApp account of the contact person of the virtual discussion was reportedly hacked and taken over two hours before the event by unidentified parties, as it was reported that they were not able to access their own accounts. The university disavowed the public discussion in a written statement, saying the discussion did not “reflect the views of attitudes of UI as an institution”.<sup>31</sup>

35. On 19 August 2020, the Twitter account of Pandu Riono, an epidemiologist who is vocal in criticising the government’s policies to respond to Covid-19, was allegedly hacked by unidentified suspects. The hacker posted photographs of Riono with a woman, with compromising and misleading captions.

### **FREEDOM OF EXPRESSION**

36. Various violations of the right to freedom of expression occur because of threats of criminal prosecution, digital attacks, and weakened protection of press freedom. Lecturers, human rights defenders, and independent journalists/media organisations were particularly targeted.
37. Indonesia still maintains the criminal provisions for defamation under Articles 310 and 311 of the Criminal Code Law and under Article 27(3) the Electronic Information and Transactions (EIT) Law. Defamation is regulated by the EIT Law as an extension of Criminal Law in the online space with a heavier prison sentence of up to 4 years. Indonesia has failed to decriminalise defamation in accordance with international standards.
38. In 2019, Saiful Mahdi, a professor at Syiah Kuala University, faced criminal defamation charges under the EIT Law after voicing his concern about the result of a civil servant test for engineering faculty lecturers in a private WhatsApp group that included faculty and staff members. In June 2021, Mahdi was sentenced to three months’ imprisonment and a fine of 10 million Rupiah, which he began serving in September.<sup>32</sup>
39. On 22 October 2021, Ambon District Court sentenced Risman Solissa, a university student, to eight months in prison for violating Law No. 1/1946 that prohibits the broadcasting of “false news”. Risman was found guilty after posting on social media a call for demonstration regarding social activities restriction (PPKM) enactment.<sup>33</sup>
40. On 23 November 2021, Muhamad Asrul, a journalist, was found guilty of violating Article 27 of the EIT Law solely for writing news articles about alleged

corruption of a large project in Palopo. Asrul was sentenced to three months in prison by the Palopo District Court in South Sulawesi.

41. Two human rights defenders Haris Azhar and Fatia Maulidiyanti were reported to the police in August 2021 by the Coordinating Minister for Maritime and Investment Affairs on the allegation of defamation under Article 45 in conjunction with Article 27



of the EIT Law. The accusation was based on Azhar's YouTube channel video, where Azhar and Maulidiyanti discussed a report about alleged connections between military operations and mining activities in Intan Jaya Regency, Papua.<sup>34</sup>

42. Another report using defamation provision under the EIT Law was also filed by the Presidential Chief of Staff against two Indonesia Corruption Watch researchers, Egi Primayogha and Miftachul Choir in September 2021. The accusation was related to a study published by Indonesia Corruption Watch alleging the involvement of various public officials in promoting the circulation of the drug Ivermectin during the Covid-19 pandemic, where Primayogha and Choir were involved in the research and presentation of the study.
43. Digital attacks have become a new form of threat that has dramatically increased during the Covid-19 pandemic. Several independent media reported the occurrence of Distributed Denial of Service (DDoS) attacks on their sites, making it difficult for the public to access information.
44. In May 2020, digital attacks also targeted independent media groups Magdalene.co and Konde.com. Both media outlets are among the leading online news portals promoting minority and women's rights and have frequently posted articles on misogyny and sex work. Magdalene announced on its social media accounts that it has been a victim of a DDoS attack, which prevented its readers from accessing its website. One of its journalists was doxed and harassed by unidentified people who sent her pornographic pictures and demeaning statements about women.<sup>35</sup>
45. Konde.com could not access its official Twitter account on 15 May 2020. On the day the online publication lost control of its Twitter account, it was holding a discussion about sexual abuse allegations involving a Universitas of Islam Indonesia student identified as IM. Konde.com had intensively covered the case, triggering online support for the victims of sexual abuse in their quest for justice.<sup>36</sup> Konde.com stated that there had been attempts to take over the Twitter account from Yogyakarta and the Netherlands.
46. In August 2020, a renowned Indonesia news site, Tempo.co, became a victim of digital hacking after publishing news on influencers who were paid to promote the controversial Omnibus Law. At the same time, another renowned Indonesian news site, Tirto.id, was also targeted with digital hacking and seven of their published articles were deleted. One of them criticised the claim on the discovery of corona medicine by the collaboration of Airlangga University, Indonesia Intelligent Body, and Indonesian National Military-Land Force.<sup>37</sup> Both media have reported the attack to the police. At the time this submission was written, Amnesty International and AJI were not aware of the investigation's result and further steps into the investigation were not known.
47. In April 2020, Ravio Patra, a political researcher and activist who often speaks up on socio-political issues in social media and actively collaborates with human rights

organisations had his WhatsApp account hacked. Pretending to be Ravio, the hacker sent out messages calling for looting and civil disobedience. Ravio, initially unaware of the hacking, only regained access to his account hours later. Ravio was arrested by the police violent crime unit without showing any arrest warrant and was detained for two days for the messages that were sent from his account. The police also searched his house without any official warrant.

48. The police brought Ravio to the police station for investigation, saying that he would be interrogated as a suspect. Ravio's phone and laptop, which he used to store the data of his human rights research, were forcibly taken from him for a forensic test and were not returned until almost two years later. The police had also not given any official result of the investigation, leaving the cause of the arrest of Ravio unclear. Following the incident, Ravio also reported the hacking of his Whatsapp to the police. However, at the time of writing, Amnesty International and AJI were not aware of any official investigation into this case.
49. In October 2021, the website of Project Multatuli, an independent journalist collective, was hit by a DDoS attack after publishing an article on a child sexual abuse case in East Luwu, South Sulawesi province. The attack caused their website to be inaccessible for around 12 hours. On the same day, the East Luwu Police responsible for handling the child sexual abuse case accused Project Multatuli of spreading "fake news" through their Instagram story.

## SAFETY OF JOURNALISTS

50. In April 2021, a senior journalist of Jubi newspaper, Victor Mambor, was attacked and his car was damaged and vandalised by unidentified people. The incident was one of the several attacks that have previously occurred against Mambor and Jubi newspaper, including doxing and threats of criminal prosecution.
51. Police officers physically attacked a journalist at Tempo.co, Nurhadi, in March 2021 when attempting to report on an allegation of tax bribe by the Inspection Director of Tax General Directorate at the Ministry of Finance. Police took Nurhadi's phone and beat, slapped, and strangled him when attempting to talk to the Inspection Director at his son's wedding. Nurhadi was also detained for two hours in a hotel in Surabaya, where the reception was held.<sup>38</sup>
52. In June 2021, Mara Salem Harahap, the Chief Editor of lassernewstoday.com in North Sumatra was found dead with gunshot wounds in his body. He was found dead in the car he was driving, not far from his house in North Sumatra. Mara was known to have been critical in reporting sensitive issues in the region, including regarding drug trade and illegal gambling, as well as corruption allegations involving local PTPN officials. The death of Mara Salem Harahap raised concerns regarding freedom of press and

the safety of journalists and other media workers. As of February 2022, two individuals were found guilty and sentenced to life imprisonment.<sup>39</sup>

## **FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION**

53. The authorities have continued to arrest and detain peaceful protesters amidst Indonesia's shrinking civic space. Indonesia's civil liberties score on the Freedom House index has continually decreased over the past three years.<sup>40</sup>
54. People participating in peaceful political activities have been prosecuted under treason provisions, mainly Articles 106 and 110 of the Criminal Code. As of October 2021, Amnesty International Indonesia recorded at least eight prisoners of conscience (PoCs) from Papua and 11 from Maluku who were arbitrarily detained solely for peacefully exercising their rights to freedom of expression, association, and peaceful assembly.
55. In August 2019, a string of anti-racism protests broke out in cities across Papua and other regions in response to an incident where Papuan university students living in a dormitory in Surabaya, East Java, were attacked verbally and physically by security personnel and members of mass organisations. Seven Papuans were arrested, eventually convicted of treason, and sentenced between 10- and 11-months' imprisonment for their peaceful involvement in the protests.<sup>41</sup> In April 2020, the authorities arrested five activists from the Republic of South Maluku movement for conducting a peaceful "Benang Raja" flag-raising ceremony on the 70th anniversary of its founding.<sup>42</sup>
56. In April 2021, three South Moluccans were detained simply for possessing a flag and documents related to the Republic of South Maluku movement. Their detention was extended seven times until their trial started on 26 August 2021.<sup>43</sup> In December 2021, they were sentenced to between three and three and a half -year imprisonment for treason. As of February 2022, their appeal was still pending.
57. In December 2021, the police detained eight Papuan students and charged them with rebellion for displaying the Morning Star flag, a symbol of Papuan independence, on 1 December, the date that many Papuans consider their Independence Day.<sup>44</sup>
58. In September 2019, thousands of students, labour unions, activists, and other civilian elements across Indonesia took to the streets in a nationwide rally, called by the '*Reformasi Dikorupsi*' (Reform Corrupted) movement, to protest against problematic articles in several controversial bills that were considered to threaten basic civil liberties and human rights. In handling the protests, the police used unnecessary and excessive force against the protesters through beatings, stone throwing, teargas, rubber bullets and live ammunition. Two students died amid clashes with the police during a protest in Kendari, South Sulawesi.<sup>45</sup>

59. In October 2020, thousands of individuals across regions in Indonesia took to the street to protest against the enactment of Law No. 11 of 2020 on Job Creation (commonly known in Indonesia as the Omnibus Law). Monitoring work by Amnesty International Indonesia documented at least 411 victims of police abuses in 15 provinces during the protests, while 6,658 protesters and journalists were arbitrarily detained for a brief time in 21 provinces.<sup>46</sup>
60. Protests around sensitive issues, like the conflict in Papua, were particularly targeted. In May 2021, police arrested Victor Yeimo, a Papuan activist, after he participated in a peaceful anti-racism protest. Yeimo continued to be detained despite deteriorating health conditions in 2021, which simultaneously raised concerns regarding treatment of prisoners.
61. In 2021, protests broke out in Papua and other regions in Indonesia following the renewal of the special autonomy law for Papua and West Papua by the Indonesian House of Representatives in July 2021. In a protest that took place in Jakarta in July 2021, protesters demonstrating in front of the Indonesian House of Representatives were dispersed by the police, and at least 50 protesters were arrested and taken to Jakarta Police headquarters.<sup>47</sup> In a protest that took place in Yahukimo, Papua, in August 2021, security forces opened fire on the protesters and injured at least one person. On the same day, the security forces used water cannons in handling a protest in Jayapura, Papua, and beat protesters with rubber batons and guns.
62. The use of force and arbitrary detention by police officers during rallies increased significantly during the Covid-19 pandemic. Between 5-10 October 2020, widespread protests occurred in several major Indonesian cities, including Jakarta, Surabaya in East Java and Samarinda in East Kalimantan, following the passing of the controversial Omnibus Law which relaxes many of the existing labour, business, and environmental laws to stimulate economic investment.
63. Both workers and students, protesting en masse, demanded that the government revoke the Omnibus Law. Unions and activists say the Omnibus Law diminishes existing rights, benefits and environmental protections. On 8 October 2020, police attacked at least 28 journalists when they were covering the protest. Journalists reported intimidation, physical attacks, and arbitrary detention for 1-2 days.<sup>48</sup>

## **RECOMMENDATIONS FOR ACTION BY STATE UNDER REVIEW**

**Amnesty International and The Alliance of Independent Journalists Indonesia (AJI) call on the government of Indonesia to:**

### *Attacks and Intimidation of HRDs and Civil Society Organizations*

64. Respect, protect, and fulfil the rights to freedom of expression, peaceful assembly, and association, including by ensuring a safe and enabling environment in which

media outlets, journalists, civil society organisations, and human rights defenders are effectively protected and can work safely without fear of reprisal.

65. Ensure that all attacks, threats, and intimidations towards civil society organizations and human rights defenders are investigated promptly, independently, impartially, and effectively. The investigation, and any following prosecutions, should not be limited to direct perpetrators, but also investigate any involvement of commanders, irrespective of rank, and where sufficient admissible evidence is found, suspects should be prosecuted before civilian courts in proceedings that meet international fair trial standards and do not impose the death penalty.
66. Adopt a more comprehensive policy for the protection of human rights defenders at risk, including a clear and encompassing definition of Human Rights Defenders, specific provisions regarding Women Human Rights Defenders, and mechanisms for defenders at risk which incorporate preventative, collective and gender-sensitive approaches.

#### *Freedom of expression*

67. Repeal or revise laws and regulations that impose arbitrary restrictions on the rights to freedom of expression and peaceful assembly, including but not limited to, Law No. 19 of 2016 on Electronic Information and Transaction Law (EIT Law).
68. Decriminalize defamation by repealing Article 27 of EIT Law and ensure that defamation is treated as a matter for civil litigation.
69. Ensure that digital attacks and intimidation online are investigated promptly, independently, impartially, and effectively.
70. Ensure the safety of journalists and bring to justice perpetrators of attacks, including police officers, to stop impunity.
71. Ensure the passage of data protection and privacy law to strengthen individuals' rights in the digital age.
72. Refrain from imposing duties to proactively monitor online content or intermediary liability regimes that incentivize overbroad censorship and ensure that any restriction on the right to freedom of expression online meets the principles of legality, legitimacy, necessity, and proportionality.
73. Stop the practice of slowing down or completely shutting down internet connection, which is always an excessive and disproportionate restriction on the right to freedom of expression.

#### *Freedom of assembly and association*

74. Ensure that all tactics of policing demonstrations are consistent with national law and international standards on the use of force, including the UN Basic Principles on the

Use of Force and Firearms by Law Enforcement Officials, and provide appropriate training of police and other security forces.

75. Ensure prompt, impartial, independent, and effective investigations into reports of unnecessary or excessive use of force by the police and bring the perpetrators to justice in fair trials.
76. Immediately and unconditionally release all prisoners of conscience who are detained simply for exercising their rights to freedom of expression and peaceful assembly.
77. Repeal or substantially amend Articles 106 and 110 regarding treason of Indonesia's Criminal Code, ensuring that these provisions can no longer be used to criminalise people who express critical opinions or protest peacefully.

## ANNEX 1

### MATRIX OF RECOMMENDATIONS FROM THE PREVIOUS CYCLE, WITH COMMENTS ON PROGRESS

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<b>Theme: A12 Acceptance of international norms</b>			
139.5 Ratify without delay the Optional Protocol to the Convention against Torture, as well as the International Convention for the Protection of All Persons from Enforced Disappearance, and expedite the harmonization of legislation in accordance with them (Bosnia and Herzegovina); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	A12 Acceptance of international norms A41 Constitutional and legislative framework D25 Prohibition of torture and cruel, inhuman or degrading treatment D32 Enforced disappearances S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general - disappeared persons	Indonesia has yet to ratify OP-CAT and Convention for the Protection of All Persons from Enforced Disappearance
141.11 Consider ratifying the Rome Statute of the International Criminal Court, including its Agreement on the Privileges and Immunities (Botswana); <b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10	Supported	A12 Acceptance of international norms B11 International humanitarian law B52 Impunity D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general - persons affected by armed conflict	Indonesia has yet to ratify the Rome Statute

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>141.15 Adhere to and adapt national laws to the Rome Statute of the International Criminal Court (Guatemala);</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10</p>	Supported	<p>A12 Acceptance of international norms</p> <p>B11 International humanitarian law</p> <p>B52 Impunity</p> <p>D51 Administration of justice &amp; fair trial</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- persons affected by armed conflict</li> </ul>	Indonesia has yet to ratify the Rome Statute
<p>141.7 Take measures to put an end to torture and ill-treatment practised by the police forces and to combat the impunity of people responsible for such offences, including by ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France);</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10</p>	Supported	<p>A12 Acceptance of international norms</p> <p>B52 Impunity</p> <p>D25 Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	Indonesia has yet to ratify OP-CAT. Police forces are still practising ill-treatment and excessive use of force, especially during demonstrations.
<p>141.2 Consider acceding to the Optional Protocol to International Covenant on Civil and Political Rights (Senegal); Consider ratifying the Optional Protocol to the International Covenant on Civil and Political Rights (Kazakhstan);</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10</p>	Supported	<p>A12 Acceptance of international norms</p> <p>D1 Civil &amp; political rights - general measures of implementation</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	Indonesia has yet to ratify OP-ICCPR
<p>139.2 Consider the ratification of the Optional Protocol to the Convention against Torture (Georgia) (Kazakhstan);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A12 Acceptance of international norms</p> <p>D25 Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	Several discussions have been conducted between the National Commission on Human Rights and NGOs discussing OP-CAT. However, no progress to date in the government.
<p>139.3 Take further steps to ratify the Optional Protocol to the Convention against Torture (Mozambique);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A12 Acceptance of international norms</p> <p>D25 Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	Several discussions have been conducted between the National Commission on Human Rights and NGOs discussing OP-CAT. However, no progress to date in the government.

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>139.4 Ratify the Optional Protocol to the Convention against Torture (Denmark) (Guatemala) (Hungary) (Montenegro) (Portugal) (Turkey);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A12 Acceptance of international norms</p> <p>D25 Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general</p>	Indonesia has yet to ratify OP-CAT
<p>141.6 Ratify, before the next universal periodic review cycle, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or degrading Treatment or Punishment, and establish a national preventive mechanism accordingly (Czechia);</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10</p>	Supported	<p>A12 Acceptance of international norms</p> <p>D25 Prohibition of torture and cruel, inhuman or degrading treatment</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general</p>	Indonesia has yet to ratify OP-CAT
<p>139.6 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France) (Portugal) (Ukraine) (Sierra Leone); Ratify the International Convention for the Protection of All Persons from Enforced Disappearance to strengthen the Convention from the perspective of universality and compliance (Japan); Complete the process of ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (Kazakhstan);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A12 Acceptance of international norms</p> <p>D32 Enforced disappearances</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general - disappeared persons</p>	Indonesia has yet to ratify the Convention for the Protection of All Persons from Enforced Disappearance
<p>141.1 Consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Kazakhstan);</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10</p>	Supported	<p>A12 Acceptance of international norms</p> <p>E1 Economic, social &amp; cultural rights - general measures of implementation</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general</p>	Indonesia has yet to ratify OP-ICESCR



Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
139.7 Consider ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) (Philippines); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	A12 Acceptance of international norms E32 Right to just and favourable conditions of work S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general - migrants	Indonesia has yet to ratify ILO Domestic Workers Convention
139.80 Ensure all citizens can freely manifest their beliefs and that adherents of all faiths can fully enjoy their rights to health, education and other public services (Norway); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	A12 Acceptance of international norms E41 Right to health - General E51 Right to education - General D42 Freedom of thought, conscience and religion S03 SDG 3 - health S04 SDG 4 - education <b>Affected persons:</b> - general	The Ahmadiyya, a minority religious community, continued to face discrimination and its members were denied the right to carry out religious activities in several provinces. In Sintang Regency, West Kalimantan province, local authorities issued a "Joint Agreement Letter" on 29 April forbidding the local Ahmadiyya community from practising their religion.
140.2 Take all necessary measures to ratify and implement the Convention on the Rights of Persons with Disabilities (Saudi Arabia). <b>Source of position:</b> A/HRC/36/7 - Para. 140	Supported	A12 Acceptance of international norms F4 Persons with disabilities S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - persons with disabilities	Indonesia has ratified the Convention on the Rights of Persons with Disabilities
140.1 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras); <b>Source of position:</b> A/HRC/36/7 - Para. 140	Supported	A12 Acceptance of international norms G4 Migrants S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - migrants	Indonesia has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
139.1 Finalize steps to ratify other human rights instruments (Egypt); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	A12 Acceptance of international norms S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	Indonesia has yet to ratify human rights instruments as recommended by other states in the 3rd review cycle
<b>Theme: A22 Cooperation with treaty bodies</b>			
<b>Theme: A28 Cooperation with other international mechanisms and institutions</b>			
139.8 Continue cooperation with United Nations mechanisms for the promotion and protection of human rights (Bahrain); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	A28 Cooperation with other international mechanisms and institutions S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	Indonesia continues to follow the UPR mechanism
<b>Theme: A41 Constitutional and legislative framework</b>			

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>139.27 Adopt legislative and policy measures to ensure women and adolescents have access to sexual education and free and friendly reproductive health services (Honduras);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework  A42 Institutions &amp; policies - General  E41 Right to health - General  E43 Access to sexual and reproductive health and services  E51 Right to education - General  S03 SDG 3 - health  S05 SDG 5 - gender equality and women's empowerment</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- women</li> <li>- children</li> <li>- girls</li> </ul>	<p>The latest version of the Draft Criminal Code (RKUHP) still contains provisions that criminalise abortion</p>
<p>141.58 Ensure that existing legal and constitutional provisions protecting human rights in particular freedom of expression, association and assembly are fully implemented nationwide; repeal discriminatory local by-laws contrary to the Constitution of Indonesia; prioritize progress on equality and non-discrimination, including in relation to lesbian, gay, bisexual and transgender persons; take action to prevent extremist groups from harassing, intimidating or persecuting religious and other minorities; and provide human rights training to officials in the legal and judicial system (Ireland);</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10</p>	Supported	<p>A41 Constitutional and legislative framework  B31 Equality &amp; non-discrimination  D42 Freedom of thought, conscience and religion  D43 Freedom of opinion and expression  D44 Right to peaceful assembly  D45 Freedom of association  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</li> </ul>	<p>Problematic provisions criminalising 'immorality', defamation, and hate speech, under articles 27, 28 and 29 of Law No. 11 of 2008 on Electronic Information and Transaction (EIT Law) has been used to silence people's freedom of expression under the accusation of hate speech and spreading misinformation.</p>
<p>141.37 Make further legislative and executive efforts in order to prevent intolerance and discrimination on religious grounds against members of religious minorities (Slovakia);</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10</p>	Supported	<p>A41 Constitutional and legislative framework  B32 Racial discrimination  D42 Freedom of thought, conscience and religion  S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</li> </ul>	<p>The Ahmadiyya, a minority religious community, continued to face discrimination and its members were denied the right to carry out religious activities in several provinces. In Sintang Regency, West Kalimantan province, local authorities issued a "Joint Agreement Letter" on 29 April forbidding the local Ahmadiyya community from practising their religion.</p>

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>139.22 Urgently make all acts of torture offences under its criminal law, including in the Criminal Code of Indonesia, consistent with its binding obligations under the Convention against Torture (Canada);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general</p>	The Draft Criminal Code is still under deliberation process
<p>139.23 Review the Criminal Code to align it with the definition of torture in the Convention against Torture (Honduras);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general</p>	The Draft Criminal Code is still under deliberation process
<p>139.53 Expedite the process of revising the Criminal Code ensuring that it includes a definition of torture consistent with the Convention against Torture (Republic of Korea);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general</p>	The Draft Criminal Code is still under deliberation process
<p>139.54 Adopt the national anti-torture bill and establish an effective national preventive mechanism (Serbia);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general</p>	No national anti-torture bill to date
<p>139.58 Improve and extend the Anti-Trafficking in Persons Task Force to cover every part of the country and amend its legislation to ensure that child trafficking in all its forms is comprehensively defined and criminalized (State of Palestine);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework D27 Prohibition of slavery, trafficking S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general - children</p>	The Anti-Trafficking in Persons Task Force is still active. The government also published Presidential Regulation No. 22/2021 to amend Presidential Regulation No. 69/2008 on Anti-Trafficking Task Forces
<p>139.61 Extend the Anti-Trafficking in Persons Task Force to cover every part of the country and ensure that child trafficking in all its forms is comprehensively defined and criminalized (Serbia);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework D27 Prohibition of slavery, trafficking S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general - children</p>	Presidential Regulation No. 22/2021 has yet to include specific provision on child trafficking and measures against it.

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>139.25 Review national and local legislation, including provincial by-laws, to ensure that freedom of religion and belief is universally protected (Germany);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</li> </ul>	<p>There is a “Joint Agreement Letter” issued on 29 April forbidding the local Ahmadiyya, a religious minority community, from practising their religion.</p>
<p>139.69 Further promote respect for religious diversity and freedom of religion including by reviewing relevant laws and policies in light of its Constitution and international obligations (Republic of Korea);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</li> </ul>	<p>The government has yet to repeal 2008 Joint Ministerial Decree regarding the prohibition of Ahmadiyya religious activities and often used to justify discrimination against Ahmadiyya community. The National Human Rights Commission has called for the repeal of this law.</p>
<p>139.70 Adapt its legislation and take the necessary measures to guarantee the full enjoyment of the right to freedom of religion or belief, including for religious minorities (Switzerland);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</li> </ul>	<p>The government has yet to repeal the 2008 Joint Ministerial Decree on Ahmadiyya, which is often used to justify discriminatory practices against the community.</p>
<p>139.71 Take strong coordinating measures to protect the right to freedom of religion or belief, including by ensuring that all district and provincial laws and regulations align with the Constitution and international human rights obligations of Indonesia (Canada);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</li> </ul>	<p>The Ahmadiyya, a minority religious community, continued to face discrimination and its members were denied the right to carry out religious activities in several provinces. In Sintang Regency, West Kalimantan province, local authorities issued a “Joint Agreement Letter” on 29 April forbidding the local Ahmadiyya community from practising their religion.</p>

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>139.73 Take measures to ensure the protection of freedom of religion or belief for religious minorities in line with the Constitution of Indonesia (New Zealand);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</li> </ul>	<p>The Ahmadiyya, a minority religious community, continued to face discrimination and its members were denied the right to carry out religious activities in several provinces. In Sintang Regency, West Kalimantan province, local authorities issued a “Joint Agreement Letter” on 29 April forbidding the local Ahmadiyya community from practising their religion.</p>
<p>139.144 Bolster the implementation of Law No. 8/2016 on Persons with Disabilities and strengthen its efforts to tackle child labour to ensure children’s access to social, health and education services (Thailand);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework E41 Right to health - General E51 Right to education - General F33 Children: protection against exploitation F4 Persons with disabilities S03 SDG 3 - health S04 SDG 4 - education S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- persons with disabilities</li> </ul>	<p>Indonesia has ratified the Convention on the Rights of Persons with Disabilities</p>
<p>139.129 Prohibit explicitly in legislation corporal punishment of children in all places, including at home, in schools, criminal institutions and alternative care centres (Uruguay);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework E51 Right to education - General F32 Children: family environment and alternative care D31 Liberty and security - general S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- children</li> </ul>	<p>Corporal punishment (caning) is still implemented in Aceh as part of its local regulation</p>

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>139.104 Protect women's rights and promote gender equality by ensuring that all district and provincial laws and regulations align with the Constitution of Indonesia and are consistent with its human rights obligations under the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women, as well as by improving coordination among responsible agencies and ministries (Canada);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework F12 Discrimination against women F11 Advancement of women S05 SDG 5 - gender equality and women's empowerment</p> <p><b>Affected persons:</b> - women</p>	<p>Laws that are discriminatory towards women still exist, especially in the regional level. As an example, The National Commission for Eradication of Violence against Women recorded 62 regional laws across 15 provinces that are based on the majority religion's interpretation to regulate women's clothing, including mandatory headscarf for female students.</p>
<p>139.115 Ensure the protection of women's rights by strengthening legislation relating to offences on violence against women and girls (Botswana);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework F12 Discrimination against women F13 Violence against women S05 SDG 5 - gender equality and women's empowerment</p> <p><b>Affected persons:</b> - women - girls</p>	<p>The sexual violence bill failed to be enacted last year and is planned to be passed this year (2022)</p>
<p>139.30 Speed up the adoption of the draft law on gender equality and Justice (Georgia);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment</p> <p><b>Affected persons:</b> - women</p>	<p>The sexual violence bill failed to be enacted last year and is planned to be passed this year (2022)</p>
<p>139.32 Continue with its efforts to enact the draft law on gender equality and Justice, which will provide a stronger legal foundation for gender responsive policies (Bhutan);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment</p> <p><b>Affected persons:</b> - women</p>	<p>One draft relating to gender equality and justice, the sexual violence bill, failed to be passed last year in 2021 and is planned to be passed in 2022.</p>

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>139.121 Strengthen efforts to prevent and combat all forms of discrimination and violence against women and children and other vulnerable groups, by adopting comprehensive legislation and launching awareness-raising campaigns. Ensure that women victims of violence receive appropriate help and perpetrators are brought to justice (Italy);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework F13 Violence against women F33 Children: protection against exploitation S05 SDG 5 - gender equality and women's empowerment</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- women</li> <li>- girls</li> <li>- vulnerable persons/groups</li> </ul>	The sexual violence bill failed to be enacted last year and is planned to be passed this year (2022)
<p>139.26 Adopt legislation to address sexual harassment, especially in the workplace (Maldives);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework F13 Violence against women S05 SDG 5 - gender equality and women's empowerment</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- women</li> </ul>	The sexual violence bill failed to be enacted last year and is planned to be passed this year (2022)
<p>139.34 Review and amend its national legislation that discriminates against women, and challenge the social acceptability of violence against women and practices harmful to women and girls, such as female genital mutilation and early and forced marriage (Czechia);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework F13 Violence against women S05 SDG 5 - gender equality and women's empowerment</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- women</li> </ul>	The sexual violence bill failed to be enacted last year and is planned to be passed this year (2022)
<p>139.117 Strengthen its legislation on violence against women, including by penalizing all forms of sexual violence (Liechtenstein);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework F13 Violence against women S05 SDG 5 - gender equality and women's empowerment</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- women</li> </ul>	The sexual violence bill failed to be enacted last year and is planned to be passed this year (2022)
<p>139.24 Adopt legislative measures to prevent and combat intimidation, repression or violence against human rights defenders, journalists and civil society organizations (Mexico);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework H1 Human rights defenders S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- media</li> <li>- human rights defenders</li> </ul>	There has yet to be a draft for human rights defenders protection law

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>139.29 Amends all local laws and regulations that discriminate against women and marginalized groups (Denmark);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment</p> <p><b>Affected persons:</b> - women</p>	<p>Laws that are discriminatory towards women still exist, especially in the regional level. As an example, The National Commission for Eradication of Violence against Women recorded 62 regional laws across 15 provinces that are based on the majority religion's interpretation to regulate women's clothing, including mandatory headscarf for female students. This also potentially infringe the rights to freedom of religion for minority groups.</p>
<p>141.25 Complete swiftly the discussions within the legislative body on the revised draft of the Criminal Code (Turkey);</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10</p>	Supported	<p>A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general</p>	<p>The Draft Criminal Code is still under deliberation process</p>
<b>Theme: A45 National Human Rights Institution (NHRI)</b>			
<p>139.39 Accelerate the establishment of a national commission on persons with disabilities (Morocco);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A45 National Human Rights Institution (NHRI) F4 Persons with disabilities S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - persons with disabilities</p>	<p>The National Disabilities Commission has been established in 2021</p>
<b>Theme: B32 Racial discrimination</b>			
<p>141.38 Take resolute action to prevent and effectively prosecute acts of violence and incitement of hatred against religious minorities and counter discrimination and intolerance on religious grounds (Austria);</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10</p>	Supported	<p>B32 Racial discrimination D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>There has been no investigation and prosecution regarding discrimination against Ahmadiyya community in Depok and Sintang (2021) involving closure of religious buildings and hate speech.</p>
<b>Theme: B51 Right to an effective remedy</b>			
<p>139.77 Continue to take appropriate steps to investigate and provide redress in all cases of violence related to religious belief (South Africa);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>B51 Right to an effective remedy D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>There has been no investigation and prosecution regarding discrimination against Ahmadiyya community in Depok and Sintang (2021) involving closure of religious buildings and hate speech.</p>
<b>Theme: B52 Impunity</b>			



Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
141.61 Continue to combat impunity, including by strengthening laws and regulations as well as their implementation (Turkey); <b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10	Supported	B52 Impunity S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	Many cases of alleged human rights violations, including unlawful killings, remain unresolved.
141.63 Finalize the investigation of all human rights cases in Papua (Australia); <b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10	Supported	B52 Impunity S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	Many cases of alleged human rights violations, including unlawful killings, remain unresolved.
<b>Theme: B6 Business &amp; Human Rights</b>			
139.38 Further strengthen the commitment of Indonesia to strengthen the human rights dimension in business activities and continue its leading role in this regard (Myanmar); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	B6 Business & Human Rights S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	The government has adopted Job Creation Law No. 11 of 2020 (Omnibus Law) despite human rights concerns over the right to decent work and livelihood.
<b>Theme: B8 Human rights &amp; counter-terrorism</b>			
139.52 Ensure that laws and policies on the fight against terrorism are in accordance with international human rights standards (Panama); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	B8 Human rights & counter-terrorism S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	The revision to the 2003 Antiterrorism Law that was passed in 2021 raises several human rights concerns, especially relating to the military's role in counterterrorism measures. Additionally, ambiguous phrases within could be misused to restrict freedom of expression and assembly. The revised version of the law might increase the risk of use of force, torture, and inhumane acts by authorities, as well as the use of capital punishment for terrorism-related cases.
<b>Theme: D23 Death penalty</b>			

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>141.60 Ensure the respect of the right to a fair trial, as provided by article 14 of the International Covenant on Civil and Political Rights, including the right to appeal for persons sentenced to death (Republic of Moldova);</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10</p>	Supported	<p>D23 Death penalty D51 Administration of justice &amp; fair trial S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general</p>	<p>Indonesia has been imposing death penalty sentences over Zoom and other video apps during the COVID-19 pandemic, in what critics say is an "inhumane" insult to those facing the firing squad. Indonesia turned to virtual court hearings as COVID-19 restrictions shut down most in-person trials, including murder and drug trafficking cases, which can carry the death penalty. Apart from the issue on the online trial situation, unfair trial in cases involving inmates who end up on death row in Indonesia indicates structural problems in the implementation of the death penalty. The structural problem can be categorised into four pointers, including: In Legal Substance, In The Structure of Law, In The Absence of Legal Aid, as well as Practice of seeking recognition through torture</p>
<p>141.52 Consider establishing a moratorium on executions with a view to abolishing the death penalty (Austria); Consider establishing a de jure moratorium on capital punishment and commute the existing death sentences (Italy); Consider reverting to the moratorium on executions and take steps towards the abolition of the death sentence (Namibia);</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10</p>	Supported	<p>D23 Death penalty S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general</p>	<p>Indonesia still practices death penalty. Amnesty International recorded 114 death sentences throughout 2021.</p>
<p><b>Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment</b></p>			

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>139.55 Continue efforts to fight against torture (Iraq);  <b>Source of position:</b>  A/HRC/36/7 - Para. 139</p>	Supported	<p>D25 Prohibition of torture and cruel, inhuman or degrading treatment  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - general</p>	<p>The National Human Rights Commission (Komnas HAM), the National Commission on Violence Against Women (Komnas Perempuan), the Ombudsman of the Republic of Indonesia (ORI), the Indonesian Child Protection Commission (KPAI), and the Witness and Victim Protection Agency (LPSK) have developed a joint strategy to encourage the establishment of the National Torture Prevention Mechanism (NPM) in Indonesia. This collaboration is known as the Cooperation for the Prevention of Torture (KuPP). They implement the principles of the National Preventive Mechanism (NPM) as well as OPCAT even though the Government has yet to ratify OPCAT.</p>
<b>Theme: D29 Domestic violence</b>			
<p>139.112 Make further efforts to promote the rights of women and children and continue its efforts in the fight against domestic violence (Republic of Korea);  <b>Source of position:</b>  A/HRC/36/7 - Para. 139</p>	Supported	<p>D29 Domestic violence  F11 Advancement of women  S05 SDG 5 - gender equality and women's empowerment  <b>Affected persons:</b>  - women  - children</p>	<p>After being failed to be enacted last year, the Sexual Violence Bill (RUU PKS) is planned to be passed in 2022. This bill is one of the cornerstone efforts to protect women especially in regard to sexual violence, including the ones within domestic sphere.</p>
<b>Theme: D42 Freedom of thought, conscience and religion</b>			
<p>139.75 Guarantee freedom of religion or belief and the rights of persons belonging to national minorities and hold to account the perpetrators of violence and threats against religious minorities (Italy);  <b>Source of position:</b>  A/HRC/36/7 - Para. 139</p>	Supported	<p>D42 Freedom of thought, conscience and religion  G1 Members of minorities  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>Intimidation and discrimination against religious minorities still occur, including towards Ahmadiyya communities. In the case of mosque closure in Sintang, Kalimantan, authorities then changed the design of the mosque for it to be a generally-Moslem mosque, instead of recovering victims' rights to freedom of religion.</p>

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>139.37 Continue ongoing efforts in promoting the culture of mutual respect and peaceful coexistence among different religious communities in the society (Oman);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</li> </ul>	<p>In the case of mosque closure in Sintang, Kalimantan, authorities then changed the design of the mosque for it to be a generally-Moslem mosque, instead of recovering victims' rights to freedom of religion. There has yet to be a statement from the government to affirm Ahmadiyya community's rights to freedom of religion, nor show of support amidst intimidation from religious groups.</p>
<p>139.68 Ensure that religious minorities can freely exercise their right to freedom of thought, conscience and religion (Panama);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</li> </ul>	<p>Intimidation and discrimination against religious minorities still occur, including towards Ahmadiyya communities. Local authorities continued to perpetuate discrimination against Ahmadiyya community, for example in Sintang, West Kalimantan, in which authorities issued a "Joint Agreement Letter" on 29 April 2021 forbidding the local Ahmadiyya community from practising their religion.</p>
<p>139.72 Guarantee that religious minorities can freely exercise their right to freedom of thought, conscience and religion in worship, as well as their observance, practice and teaching (Guatemala);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</li> </ul>	<p>Intimidation and discrimination against religious minorities still occur, including towards Ahmadiyya communities. The government has yet to repeal the 2008 Joint Ministerial Decree on Ahmadiyya.</p>
<p>139.74 Take all necessary measures to protect freedom of religion and belief for persons belonging to all religious groups, including by protecting persons belonging to religious minorities from violence and persecution (Netherlands);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</li> </ul>	<p>Intimidation and discrimination against religious minorities still occur, including towards Ahmadiyya communities. In the case of mosque closure in Sintang, Kalimantan, authorities then changed the design of the mosque for it to be a generally-Moslem mosque, instead of recovering victims' rights to freedom of religion.</p>

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
141.39 Implement appropriate measures to prevent discrimination against religious minorities (Hungary); <b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10	Supported	D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups	In cases of intimidation and discrimination towards religious minorities such as Ahmadiyya, the government and local authorities rarely side with minority community.
141.40 Protect Christian and other minority rights and promote interfaith dialogue among religious groups in Indonesia (Kenya); <b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10	Supported	D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups	The Ministry of Religious Affairs along with local government actors have often conducted and facilitated interfaith dialogue.
<b>Theme: D43 Freedom of opinion and expression</b>			
139.76 Ensure that the freedom of speech of civil society organizations and special interest groups is promoted and respected across Indonesia so that they can, within the legal framework, voice their views and concerns, even on issues that can be sensitive (Netherlands); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	Threats and intimidation towards civil society organizations and groups remain high, including through digital attacks (hacking, account takedown) towards human rights defenders.
<b>Theme: D44 Right to peaceful assembly</b>			
139.67 Ensure human rights obligations in Papua are upheld, respected and promoted, including freedom of assembly, freedom of the press and the rights of women and minorities (New Zealand); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	D44 Right to peaceful assembly F12 Discrimination against women B32 Racial discrimination S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Amnesty International continues to monitor alleged human rights violations in Papua up until 2021, including unlawful killings, detentions of prisoners of conscience, violations towards freedom of assembly, and internet shutdowns that indicated violations towards freedom of expression and right to information in Papua.

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>139.51 Improve training and administrative instructions for police and local authorities to ensure that the right to peaceful assembly is universally respected, including in the provinces of Papua and West Papua (Germany);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>D44 Right to peaceful assembly S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</li> </ul>	<p>Head of the Indonesian National Police Regulation No. 9 of 2008 on the Procedures for the Implementation, Services, Security and Handling of Cases for Expressing Opinions in Public and Regulation No. 16 of 2006 on the Guidelines for Crowd Control provide several rules that must be adhered to by security officers in handling the crowd during demonstrations, including the prohibition on the excessive use of force.</p> <p>However, authorities still often arrest and detain peaceful protesters including during anti-racism protests in Papua and Omnibus Law protests.</p>
<b>Theme: D8 Rights related to marriage &amp; family</b>			
<p>139.81 Continue strengthening its successful social programmes such as family and health-care cards for poor households, which enable millions of Indonesians to access education and health programmes (Bolivarian Republic of Venezuela);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>D8 Rights related to marriage &amp; family E41 Right to health - General E51 Right to education - General S01 SDG 1 - poverty S03 SDG 3 - health S04 SDG 4 - education</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- persons living in poverty</li> </ul>	<p>The government continued its healthcare program (BPJS) and provided social assistance during the Covid-19 pandemic. However, shortcomings in its distribution are still found.</p>
<p>139.118 Continue efforts to reduce violence against women and girls, including sexual violence, family violence and female genital mutilation (Australia);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>D8 Rights related to marriage &amp; family F13 Violence against women D29 Domestic violence S05 SDG 5 - gender equality and women's empowerment</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- women</li> <li>- girls</li> </ul>	<p>Ministry of Health Regulation no. 6 of 2014 removed the previous regulation that contained guidelines for female genital mutilation (FGM) practices. However, the regulation does not ban the practice but only emphasizes that FGM does not have medical basis nor health benefits.</p>
<b>Theme: E21 Right to an adequate standard of living - general</b>			

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>139.83 Continue to implement policies aimed at enhancing social protection and reducing inequality, and develop infrastructure that provides more targeted social assistance, particularly to those living in rural areas (Singapore);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>E21 Right to an adequate standard of living - general S10 SDG 10 - inequality</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- persons living in rural areas</li> </ul>	The government continued its healthcare program (BPJS) and provided social assistance during the Covid-19 pandemic.
<b>Theme: E24 Right to social security</b>			
<p>139.79 Strengthen the capacity of the national social security system aimed at supporting households in need (Belarus);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>E24 Right to social security S01 SDG 1 - poverty</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- persons living in poverty</li> </ul>	The government continued its healthcare program (BPJS) and delivered social assistance during the Covid-19 pandemic especially to households in need.
<b>Theme: E41 Right to health - General</b>			
<p>139.19 Further increase coverage for people to access health services in order to meet the targets set out by the National Health Insurance Scheme (Brunei Darussalam);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>E41 Right to health - General S03 SDG 3 - health</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	As of November 2021, there are 229.514.068 participants of the National Health Insurance Scheme (BPJS JKN-KIS).
<p>139.86 Strengthen measures to implement the country's National Health Insurance Scheme (South Africa);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>E41 Right to health - General S03 SDG 3 - health</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	The government continually optimised the service of the health insurance scheme (BPJS) including through an online queue system connected to partner hospitals and simplification of service procedures.
<p>139.87 Continue ensuring access to health institutions and services in conformity with the National Health Insurance Scheme with a view to implementing the objective of universal health coverage by 2019 (Algeria);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>E41 Right to health - General S03 SDG 3 - health</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	As of November 2021, there are 229.514.068 participants of the National Health Insurance Scheme (BPJS JKN-KIS).
<p>139.89 Take further measures to realize universal health coverage throughout the country (Democratic People's Republic of Korea);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>E41 Right to health - General S03 SDG 3 - health</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	As of November 2021, there are 229.514.068 participants of the National Health Insurance Scheme (BPJS JKN-KIS).

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>139.90 Continue to improve access to health-care services by funding programmes that improve the quality of health services in rural villages (Maldives);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>E41 Right to health - General S03 SDG 3 - health</p> <p><b>Affected persons:</b> - persons living in rural areas</p>	<p>Despite the National Health Insurance Scheme (BPJS JKN-KIS), Amnesty International found that rural areas have difficulties in accessing healthcare, especially in relation to Covid-19 vaccination program.</p>
<b>Theme: E51 Right to education - General</b>			
<p>139.93 Continue to implement policies to ensure the availability and affordability of education to all Indonesians, in particular those in the remote regions and those with special needs (Singapore);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>E51 Right to education - General S04 SDG 4 - education</p> <p><b>Affected persons:</b> - general - persons living in rural areas</p>	<p>Indonesia continues its school operational assistance fund (BOS) program, and free education policy for state schools in the compulsory levels. However, remote areas generally lag behind in terms of equal access to education.</p>
<p>139.94 Continue its efforts to ensure universal, compulsory, free high-quality education in all areas and to reduce the financial barriers to accessing education (State of Palestine);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>E51 Right to education - General S04 SDG 4 - education</p> <p><b>Affected persons:</b> - general - children</p>	<p>Indonesia continues its school operational assistance fund (BOS) program, and free education policy for state schools in the compulsory levels. However, remote areas generally lag behind in terms of equal access to education.</p>
<p>139.96 Take further steps to ensure universal enrolment of children of compulsory school age (Bangladesh);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>E51 Right to education - General S04 SDG 4 - education</p> <p><b>Affected persons:</b> - children</p>	<p>Indonesia continues its school operational assistance fund (BOS) program, and free education policy for state schools in the compulsory levels.</p>
<p>139.97 Continue strengthening measures to ensure education for all, including expanding the infrastructure of the educational system in the whole territory of the country (Belarus);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>E51 Right to education - General S04 SDG 4 - education</p> <p><b>Affected persons:</b> - general - children</p>	<p>Remote areas generally lag behind in terms of equal access to education due to lack of infrastructure. During the Covid-19 pandemic, this issue is more apparent because of internet connectivity problems.</p>
<b>Theme: F11 Advancement of women</b>			



Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
139.106 Continue promulgating laws and enhancing all policies to provide safe protection for women (Bahrain); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	F11 Advancement of women S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women	The sexual violence bill failed to be enacted last year and is planned to be passed this year (2022)
<b>Theme: F12 Discrimination against women</b>			
139.10 Ensure, as recommended by the Committee on the Elimination of Discrimination against Women, that women can have access contraception without requesting their husband's consent (Kazakhstan); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	F12 Discrimination against women E43 Access to sexual and reproductive health and services S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - women	The sexual violence bill that is planned to be passed this year (2022) contains a clause regarding the prohibition of forcing the usage of contraception tool upon someone.
<b>Theme: F13 Violence against women</b>			
139.111 Continue to combat violence against women and promote their empowerment (Pakistan); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	F13 Violence against women E31 Right to work S05 SDG 5 - gender equality and women's empowerment S08 SDG 8 - economic growth, employment, decent work <b>Affected persons:</b> - women	The sexual violence bill failed to be enacted last year and is planned to be passed this year (2022)
<b>Theme: F14 Participation of women in political and public life</b>			
139.102 Continue implementing the national gender mapping in policies to assess the representation of women in positions of responsibility and decision-making (Algeria); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	F14 Participation of women in political and public life S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women	The quota for women representatives in the House of Representatives (DPR) remains.
<b>Theme: F31 Children: definition; general principles; protection</b>			
139.128 Continue making efforts to combat child labour and child marriage (Tunisia); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	F31 Children: definition; general principles; protection F33 Children: protection against exploitation S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - children	In 2019, the Government enacted Law No. 16/2019 which raised the minimum age of marriage for women from 16 to 19 years old. However, parents can still request for dispensation to the court.
<b>Theme: H1 Human rights defenders</b>			

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<p>141.56 Take further steps to ensure a safe and enabling environment for all human rights defenders, including those representing the lesbian, gay, bisexual and transgender community and adat communities (Norway);</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10</p>	Supported	<p>H1 Human rights defenders B31 Equality &amp; non-discrimination S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</li> <li>- human rights defenders</li> </ul>	<p>Human rights defenders, especially social justice leaders representing indigenous (adat) communities still face threats of intimidation, physical and digital attacks.</p>
<p>139.64 Continue to strengthen national and regional efforts to promote and protect human rights defenders (Ecuador);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>H1 Human rights defenders S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- human rights defenders</li> </ul>	<p>There has yet to be a draft for a more comprehensive human rights defender's protection law, including a clear and encompassing definition of Human Rights Defenders, specific provisions regarding Women Human Rights Defenders, and mechanisms for defenders at risk which incorporate preventative, collective and gender-sensitive approaches.</p>
<p>139.65 Facilitate the work of human rights defenders and journalists throughout the country (France);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>H1 Human rights defenders S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- media</li> <li>- human rights defenders</li> </ul>	<p>Human rights defenders and journalists still face threats of intimidation, physical and digital attacks.</p>
<p>139.66 Step up efforts to ensure protection of journalists and human rights defenders (Iraq);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>H1 Human rights defenders S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- media</li> <li>- human rights defenders</li> </ul>	<p>Human rights defenders and journalists still face threats of intimidation, physical and digital attacks. There has yet to be a draft for HRD protection.</p>

## END NOTES

- <sup>1</sup> UN Human Rights Council, Report of the Human Rights Council on its thirty-sixth session, UN Doc. A/HRC/36/2, 14 June 2018, para. 567
- <sup>2</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Indonesia, 14 July 2017, UN Doc. A/HRC/36/7, Recommendations 139 (Bosnia and Herzegovina), 141.7 (France), 139.2 (Georgia, Kazakhstan), 139.3 (Mozambique), 139.4 (Denmark, Guatemala, Hungary, Montenegro, Portugal, Turkey), 141.6 (Czechia), 139.7 (Philippines).
- <sup>3</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Indonesia, 14 July 2017, UN Doc. A/HRC/36/7, Recommendation 139.24 (Mexico)
- <sup>4</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Indonesia, 14 July 2017, UN Doc. A/HRC/36/7/Add.1, Recommendations 141.31 (United States of America), 141.30 (Germany)
- <sup>5</sup> Law of the Republic of Indonesia Number 39 of 1999 on Human Rights. <https://peraturan.go.id/common/dokumen/terjemah/2019/UU%2039%201999%20English.pdf>
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