

# INDONESIA

## AMNESTY INTERNATIONAL DAN ALIANSI JURNALIS INDEPENDEN:

### LAPORAN KEPADA SESI KE-41 KELOMPOK KERJA UPR (UPR WORKING GROUP), NOVEMBER 2022

#### RINGKASAN

Laporan bersama ini disiapkan untuk Peninjauan Berkala Universal (UPR) Indonesia pada November 2022. Dalam laporan ini, Amnesty International dan Aliansi Jurnalis Independen (AJI) mengevaluasi implementasi dari rekomendasi yang diberikan kepada Indonesia dalam UPR sebelumnya, termasuk yang berhubungan dengan isu hak asasi manusia (HAM) di Papua, serangan dan intimidasi terhadap Pembela HAM, dan diskriminasi terhadap minoritas agama.

Laporan ini juga menilai kerangka HAM nasional yang sehubungan, secara khusus, dengan ruang kebebasan sipil. Laporan ini menyoroti UU yang dapat mengancam hak atas kebebasan berekspresi dan berkumpul secara damai, seperti makar dan penistaan dalam KUHP, dan Undang-Undang Informasi dan Transaksi Elektronik (UU ITE) yang memuat ketentuan pidana terhadap ujaran kebencian dan pencemaran nama baik. Laporan ini juga membahas kurangnya kerangka yang komprehensif untuk melindungi pembela HAM dan aktifis lingkungan.

Sehubungan dengan situasi HAM di lapangan, Amnesty International dan Aliansi Jurnalis Independen (AJI) mengangkat kekhawatiran tentang keadaan ruang kebebasan sipil di Indonesia, yang diindikasikan oleh, namun tidak terbatas dengan, kejadian serangan yang meningkat—secara fisik maupun digital—yang dihadapi oleh pembela HAM dan jurnalis, serta kriminalisasi aksi damai dan ekspresi politik dengan menggunakan undang-undang yang problematis. Laporan ini menyoroti beberapa kasus berhubungan dengan isu tanah dan masyarakat adat dimana pihak berwajib diduga mengintimidasi, menangkap, dan dalam beberapa kasus menyerang pengunjung rasa yang damai yang menggunakan hak-hak mereka atas kebebasan ekspresi dan perkumpulan damai.

Laporan ini diakhiri dengan serangkaian rekomendasi kepada Indonesia yang, jika diimplementasikan, dapat berkontribusi dengan peningkatan situasi HAM, terutama dalam sektor-sektor yang disoroti dalam laporan ini

*Aliansi Jurnalis Independen (AJI) adalah asosiasi independen yang beranggotakan lebih dari 1.800 jurnalis Indonesia, didirikan pada tahun 1994 oleh para aktivis dan jurnalis pro-demokrasi untuk melawan sensor media Orde Baru. Ini secara konsisten mempromosikan kebebasan pers, jurnalisme yang etis dan melindungi jurnalis dari kekerasan. AJI adalah anggota International Federation of Journalists (IFJ), International Freedom of Expression Exchange (IFEX), Global Investigative Journalism Network (GIJN) dan Forum Asia. Website: [aji.or.id](http://aji.or.id). Email: [secretariat@ajiiindonesia.or.id](mailto:secretariat@ajiiindonesia.or.id)*

*Amnesty International adalah gerakan global lebih yang terdiri dari 10 juta orang yang mengkampanyekan mengenai dunia di mana hak asasi manusia dinikmati oleh semua orang. Visi kami adalah agar setiap orang menikmati semua hak yang tercantum dalam Deklarasi Universal Hak Asasi Manusia dan standar hak asasi manusia internasional lainnya. Kami bekerja secara independen dari pemerintah, ideologi politik, kepentingan ekonomi maupun agama, serta dibiayai secara khusus dari keanggotaan dan donasi masyarakat. Situs web kami adalah [www.amnesty.org](http://www.amnesty.org). Email: [info@amnesty.id](mailto:info@amnesty.id)*

## MENINDAKLANJUTI TINJAUAN SEBELUMNYA

1. Amnesty Internasional dan Aliansi Jurnalis Independen Indonesia (AJI) menyambut baik keterlibatan Indonesia dengan Peninjauan Berkala Universal (UPR) dan penerimaan Indonesia atas 167 dari 225 rekomendasi yang diajukan oleh negara lain dalam siklus UPR ketiga pada tahun 2017<sup>1</sup>

### Norma Internasional

2. Indonesia menerima (*supported*) beberapa rekomendasi berhubungan dengan kepatuhan terhadap norma internasional, termasuk namun tidak terbatas, ratifikasi Protokol Opsional Konvensi Menentang Penyiksaan dan Konvensi Buruh Internasional (ILO) 189 tentang Pekerja Rumah Tangga.<sup>2</sup> Namun, Indonesia belum meratifikasikan instrumen-instrumen tersebut, serta instrumen-instrumen internasional lainnya, sebagaimana telah direkomendasikan oleh negara-negara lain dalam peninjauan sebelumnya.

### Pembela HAM

3. Indonesia menerima lima rekomendasi berhubungan dengan pembela HAM, termasuk mengambil langkah-langkah legislatif untuk mencegah dan melawan intimidasi, represi, atau kekerasan terhadap pembela HAM, jurnalis, dan organisasi masyarakat sipil.<sup>3</sup> Namun, langkah-langkah signifikan untuk melindungi pembela HAM dan pemenuhan hak-hak mereka belum dilakukan oleh Negara.

### Kebebasan Berekspresi

4. Meskipun Indonesia menerima rekomendasi untuk memastikan perlindungan hak kebebasan berpendapat dari organisasi masyarakat sipil, orang yang mengekspresikan pendapat mereta terus dikriminalisasi dengan jumlah yang banyak. Selama tahun 2021 saja, Amnesty mencatat 91 kasus melibatkan 106 individu yang dituntut dengan UU No. 11 Tahun 2008 sebagaimana telah diubah dengan UU No. 19 Tahun 2016 mengenai Informasi dan Transaksi Elektronik (UU ITE).

### Kebebasan Berkumpul dan Berserikat Secara Damai

5. Indonesia menerima dua rekomendasi mengenai hak kebebasan berkumpul secara damai yang secara khusus menyoroti Papua dan Papua Barat, namun hanya mencatat (*noted*) rekomendasi untuk mengakhiri penuntutan yang menggunakan Pasal 106 dan 110 dari Kitab Undang-Undang Hukum Pidana mengenai Makar.<sup>4</sup> Akan tetapi, sejak peninjauan terakhir, Amnesty mencatat kejadian kriminalisasi terhadap aktifis yang sekedar menggunakan hak mereka untuk berkumpul secara damai, termasuk mereka yang secara damai memprotes mengenai isu-isu Papua.

## KERANGKA HAM NASIONAL

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## Perlindungan HAM Dasar

6. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (UUD 1945) menguraikan hak asasi manusia yang harus dihormati, dilindungi, dan dipenuhi oleh Negara, termasuk namun tidak terbatas, kebebasan berekspresi, perlindungan dari kekerasan dan diskriminasi, hak untuk berkomunikasi dan mendapatkan informasi, serta kebebasan berkumpul.
7. UU No. 39 Tahun 1999 tentang Hak Asasi Manusia<sup>5</sup> memberikan ketentuan lebih terperinci mengenai implementasi perlindungan HAM yang diatur dalam UUD 1945. Ketentuan mengenai hak atas informasi dan perlindungan jurnalis secara khusus diatur dalam UU No. 40 Tahun 1999 tentang Pers.<sup>6</sup>

## Hak Kebebasan Berpendapat dan Berkumpul

8. Peraturan Kepala Kepolisian Negara Republik Indonesia No. 7 Tahun 2012 tentang Tata Cara Penyelenggaraan Pelayanan, Pengamanan dan Penanganan Perkara Penyampaian Pendapat di Muka Umum, Peraturan Kepala Kepolisian Negara Republik Indonesia No. 8 Tahun 2009 tentang Implementasi Prinsip dan Standar Hak Asasi Manusia dalam Penyelenggaraan Tugas Kepolisian Negara Republik Indonesia, dan Peraturan Kepala Kepolisian Negara Republik Indonesia No. 16 Tahun 2006<sup>7</sup> Tentang Pedoman Pengendalian Massa memberikan beberapa ketentuan yang harus dipatuhi oleh petugas keamanan saat menangani demonstrasi, termasuk larangan penggunaan paksaan yang berlebihan.

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

9. UU No. 32 Tahun 2009 Tentang Perlindungan dan Pengelolaan Lingkungan Hidup<sup>8</sup> mengatur bahwa setiap orang yang memperjuangkan hak atas lingkungan hidup yang baik dan sehat tidak dapat dituntut secara pidana maupun digugat secara perdata. UU ini merupakan UU yang penting untuk melindungi pembela hak lingkungan dari gugatan strategis melawan partisipasi publik yang ditujukan untuk mendiamkan dan mengintimidasi mereka. Namun, ketentuan ini tidak mengandung ketentuan efektif yang dapat mencegah diajukannya gugatan-gugatan yang tidak beralasan atau tidak berdasar. Karena itu, implementasi dari UU ini belum tentu melindungi pembela hak lingkungan dari kriminalisasi. Ketentuan Anti-SLAPP di Indonesia hanya memberikan perlindungan dari SLAPPs atas isu-isu lingkungan, yang dapat membiarkan hak masyarakat sipil yang bekerja pada isu-isu lain rawan terhadap SLAPPs.

## Permasalahan dan Celah Hukum dalam Kerangka Saat Ini

### Makar

10. Aparat keamanan menggunakan tindakan-tindakan represif terhadap pembela HAM dan pengunjuk rasa damai, seperti larangan total berdemonstrasi, penangkapan massal, dan penuntutan menggunakan pasal Makar dalam Kitab Undang-Undang Hukum Pidana, kebanyakan dengan Pasal 106 dan 110 terkait tindak pidana melawan keamanan negara.

## Kurangnya Perlindungan bagi Pembela HAM

11. Terlepas dari ketentuan perlindungan HAM dalam UU terdapat kekurangan-kekurangan yang signifikan, khususnya perihal perlindungan pembela HAM yang beresiko. Perlindungan terhadap pembela HAM hanya diatur dalam Peraturan Komisi Nasional HAM No. 5 Tahun 2015 tentang Prosedur Perlindungan Terhadap Pembela HAM.<sup>9</sup> Dalam peraturan perundang-undangan nasional, Pasal 100 UU No. 39 Tahun 1999 tentang HAM menetapkan bahwa hak-hak semua orang untuk ikut berpartisipasi dalam perlindungan HAM, tanpa menyebut pembela HAM secara khusus.
12. Terdapat kekurangan regulasi yang komprehensif untuk memastikan perlindungan efektif terhadap pembela HAM yang beresiko. Tidak ada peraturan perundang-undangan yang mengandung definisi jelas tentang pembela HAM yang sesuai dengan standar internasional ataupun pedoman jelas tentang evaluasi resiko dan penentuan tindakan perlindungan.
13. Dalam jumlah yang banyak, pembela HAM terus dikriminalisasi dan ditangkap secara sewenang-wenang karena pekerjaan mereka terkait HAM, dengan sedikit atau bahkan tanpa investigasi terhadap kasus-kasus tersebut. Selama tahun 2021, Amnesty International mencatat sekurang-kurangnya 158 kasus melibatkan 367 pembela HAM yang mendapatkan serangan fisik, serangan digital, dan intimidasi.

## Kurangnya Perlindungan Hak Kebebasan Berekspresi

14. Amnesty Internasional mengidentifikasi beberapa peraturan perundang-undangan problematis yang dapat mengakibatkan kriminalisasi terhadap pembela HAM dan lainnya sekedar karena menggunakan hak mereka atas kebebasan berekspresi. Terutama, pihak berwajib bergantung pada ketentuan-ketentuan yang mengkriminalisasi 'kesuslilaan' (*immorality*), pencemaran nama baik, dan ujaran kebencian dalam Pasal 27, 28 dan 29 UU ITE.<sup>10</sup> Ketentuan ini telah berulang kali digunakan untuk mendiamkan suara-suara kritis di bawah tuduhan "ujaran kebencian" atau "menyebarkan berita bohong".
15. Peraturan Menteri Komunikasi dan Informatika No. 5 Tahun 2020<sup>11</sup> tentang Penyelenggara Sistem Elektronik Lingkup Privat juga menjadi ancaman terhadap hak kebebasan berekspresi. Peraturan ini memberikan badan pemerintah wewenang luas untuk mengeluarkan permohonan pemutusan akses terhadap konten daring yang 'meresahkan masyarakat' atau 'mengganggu ketertiban umum'. Dalam peraturan ini, penyelenggara sistem elektronik, termasuk platform media sosial dan situs web wajib mematuhi permohonan semacam tersebut dalam empat jam untuk materi mendesak dan dalam 24 jam untuk materi lainnya. Kegagalan untuk mematuhi permohonan penghapusan dapat mengakibatkan denda atau bahkan pemutusan akses terhadap situs web penyelenggara.
16. Selanjutnya, peraturan tersebut tidak memberikan mekanisme yang spesifik bagi pemilik konten untuk melawan atau mempertanyakan keputusan. Dalam hal ini, peraturan tersebut memberikan pemerintah kekuatan yang cukup besar untuk mengatur konten daring dan mengakses data pengguna, serta kekuatan atas

bagaimana penyedia layanan swasta mengoperasikan platform mereka sendiri. Mekanisme ini bertentangan dengan hak kebebasan berpendapat ataupun terhadap privasi.

17. Pada pertengahan tahun 2019, Pemerintah memperlambat koneksi internet (*'Internet throttling'*) di berbagai daerah yang dimana berdekatan dengan protes anti-rasisme. Pada tanggal 21 Agustus 2019, pemerintah memutuskan akses internet (*'internet shutdown'*) di Provinsi Papua dan Papua Barat dengan alasan mencegah penyebaran *hoax* dan pesan-pesan provokatif.<sup>12</sup> Pemutusan akses membatasi akses masyarakat terhadap informasi di daerah, dan membatasi kemampuan jurnalis untuk melaporkan situasi yang sedang berlangsung di daerah, sehingga melanggar hak kebebasan berpendapat.
18. Tindakan-tindakan tersebut diperintahkan walaupun tidak ada wewenang untuk pemerintah memutuskan akses internet di suatu daerah tertentu. Pada tanggal 3 Juni 2020, Pengadilan Tata Usaha Negara Jakarta menyatakan bahwa *internet throttling* dan pemutusan akses merupakan pelanggaran atas hak kebebasan berekspresi.<sup>13</sup> Pemerintah dapat dibilang belum berhasil untuk mengeluarkan suatu peraturan formal untuk mencegah kejadian semacam itu terjadi lagi, dan untuk memastikan bahwa pihak berwajib tidak akan dengan sengaja membatasi arus informasi yang bebas dengan tindakan pemutusan akses internet.

## SITUASI HAM DI LAPANGAN

### Serangan dan Intimidasi terhadap Pembela HAM dan Masyarakat Sipil

19. Walaupun Indonesia menerima beberapa rekomendasi mengenai perlindungan pembela HAM,<sup>14</sup> jumlah kasus penyerangan terhadap orang-orang yang membela HAM meningkat sejak peninjauan terakhir. Serangan-serangan ini terdiri atas serangan fisik maupun digital, serta dengan kriminalisasi. Pada tahun 2021 saja, Amnesty mencatat sekurang-kurangnya 158 serangan terhadap 367 pembela HAM di Indonesia,<sup>15</sup> dibanding dengan 93 serangan terhadap 253 pembela HAM pada tahun 2021.
20. Pada bulan April 2020, Era Purnama Sari, Wakil Ketua Advokasi di Yayasan Lembaga Bantuan Hukum, ditargetkan secara daring maupun luring saat dia menginvestigasi dugaan penangkapan sewenang-wenang dan kekerasan yang dilaporkan oleh serikat petani di Provinsi Jambi. Saat investigasi tersebut, dia menjadi target kampanye hitam, yang secara bohong menuduh bahwa dia memiliki hubungan terlarang dengan Kepala Departemen di Jawa Timur. Saat dia memberikan bantuan hukum kepada petani saat proses adjudikasi di pengadilan, Era melaporkan bahwa dia menerima ancaman pembunuhan.<sup>16</sup>
21. Pembela hak masyarakat adat juga menghadapi resiko-resiko khusus dan tantangan. Effendi Buhing, Pemimpin Masyarakat Adat Kinipan dari provinsi Kalimantan Tengah, dan masyarakat adat Kinipan lainnya telah memprotes pengubahan hutan yang mereka tempati menjadi perkebunan kelapa sawit untuk melestarikan tanah adat mereka. Pada bulan Oktober 2020, Buhing dituduh mencuri gergaji mesin dan secara sewenang-wenang ditangkap oleh Kepolisian Daerah Kalimantan Tengah. Tuduhan terhadapnya berhubungan

dnegan sengketa tanah antara masyarakat adat Kinipan dan PT Sawit Lestari Mandiri (perkebunan kelapa sawit).<sup>17</sup> Lima anggota masyarakat hukum adat Kinipan lainnya sebelumnya juga ditangkap karena perselisihan tanah terkait tanah perkebunan.<sup>18</sup>

22. Pada bulan September 2020, polisi menahan Renita Gani, penduduk desa setempat di Desa Siuna, Banggai, Sulawesi Tengah, setelah berpartisipasi dalam pemblokiran jalanan damai untuk memprotes penggusuran paksa mereka dari tanah mereka oleh suatu perusahaan pertambangan. Renita dan penduduk desa lainnya mengadu bahwa penggusuran terjadi meskipun mereka tidak pernah dikonsultasikan atau diberikan kompensasi atas tanah mereka. Renita dituntut dengan Pasal 162 UU No. 3 Tahun 2020 tentang Pertambangan Mineral dan Batubara, yang melarang setiap orang mengganggu kegiatan pertambangan yang telah diizinkan.<sup>19</sup> Renita terus menerima ancaman setelah tuntutan tersebut, yang mengakibatkan dia daftar dalam program perlindungan saksi pada bulan Mei 2021. Pada saat penulisan, belum ada keputusan dalam kasus ini dibuat.
23. Pada tanggal 27 Februari 2021, pihak berwajib menahan tiga pemimpin masyarakat adat Dayak Modang Long Wai; Daud Luwing, Benediktus Beng Lui, dan Eliason, setelah mereka mengumpulkan data asset yang terletak di tanah adat mereka. Mereka dibebaskan dari tahanan pada hari esoknya setelah diinterogasi oleh Polres Kutai Timur. Sebelumnya, ketiga pemimpin dilaporkan kepada Polres Kutai Timur oleh PT Subur Abadi Wana Agung, suatu perusahaan perkebunan minyak kelapa sawit, terkait aksi blokade damai yang mereka melakukan untuk memprotes kegiatan perusahaan minyak kelapa sawit di daerah tersebut.<sup>20</sup>
24. Saat periode peninjauan, telah muncul suatu pola yang tumbuh dari penyalahgunaan sistem peradilan pidana untuk menargetkan dan mengganggu masyarakat adat dan aktivis tanah sekecil karena mereka menggunakan hak kebebasan berekspresi mereka dan menuntut hak mereka atas tanah adat.
25. Pada bulan April 2021, terjadi bentrokan antara penduduk Desa Wadas dan polisi bekerjasama dengan aparat militer saat kegiatan sosialisasi dan pemasangan patok untuk pembukaan tambang andesit di desa mereka di Purworejo, Provinsi Jawa Tengah. Penduduk Wadas memprotes kegiatan pertambangan karena mereka percaya hal tersebut dapat mengancam sumber air di desa mereka, yang akan memiliki dampak signifikan terhadap kegiatan dan tanah pertanian. Ratusan anggota aparat keamanan, termasuk dari militer, datang ke Desa tersebut lengkap dengan segala perlengkapan setelah protes mulai. Penduduk Wadas mencoba mencoba untuk menghalangi truk mereka dengan batang pohon agar protes dapat berlanjut. Penduduk wanita juga melaksanakan aksi duduk, melakukan shalawat, dan zikir yang memuji Nabi Muhammad. Konvoi keamanan menerobos ke desa dengan cara menarik, mendorong, bahkan dengan menginjak penduduk wanita yang sedang shalawat.<sup>21</sup> Aparat keamanan juga membubarkan protes dengan gas air mata, yang mengakibatkan sejumlah luka. Polisi menangkap 11 penduduk yang dituduh memulai kekerasan terhadap polisi selama protes.<sup>22</sup> Mereka dibebaskan hari esoknya tanpa tuntutan setelah diinterogasi oleh polisi Purworejo karena tuduhan tidak dibuktikan.<sup>23</sup>
26. Situasi di Wadas bereskalasi lebih lanjut pada bulan Februari 2022, setelah ratusan petugas keamanan masuk ke desa tersebut dengan alasan mengamankan proses pengukuran tanah untuk tambang. Terdapat laporan penggunaan kekuatan berlebihan oleh petugas keamanan, dan penduduk yang melawan tambang diganggu dan diintimidasi.<sup>24</sup> Menurut penemuan

- Komisi Nasional HAM, 67 orang ditangkap secara sewenang-wenang oleh polisi pada tanggal 8 Februari. Walaupun semua 67 orang tersebut dibebaskan tanpa tuntutan hari esoknya, tiga darinya dinamakan sebagai saksi dugaan pelanggaran UU ITE yang melibatkan akun Twitter @Wadas\_Melawan, yang memuat informasi mengenai pengunjuk rasa dan pembaruan situasi di lapangan.<sup>25</sup>
27. Pada Februari 2021, tiga mahasiswa Universitas Lancang Kuning di Riau dilaporkan ke polisi serta dikeluarkan dari kampus setelah melakukan protes damai terhadap otoritas universitas karena menjual tesis mahasiswa dan melakukan penebangan pohon secara ilegal.<sup>26</sup> Mereka diberhentikan tanpa proses hukum, tetapi surat pemberhentian itu kemudian dicabut. Menurut seorang siswa yang diwawancarai oleh Amnesty
  28. Internasional, pemberhentian tersebut menciptakan iklim ketakutan di kalangan mahasiswa yang merasa terhambat untuk berpartisipasi dalam protes lebih lanjut di kampus.<sup>27</sup>
  29. Pada tanggal 18 September 2021, seorang tidak dikenal melemparkan bom molotov ke kantor Lembaga Bantuan Hukum Yogyakarta (LBH Yogyakarta), yang mengakibatkan kebakaran ringan dan kerusakan fisik. Saat itu LBH Yogyakarta sedang memberikan bantuan kepada beberapa korban pelanggaran HAM, termasuk para petani di Wadas yang terancam digusur.<sup>28</sup>
  30. Para pembela HAM (*Human Rights Defender* - HRD) yang bekerja di Papua juga menghadapi peningkatan risiko yang lebih tinggi. Pada 2019, Pendeta Yeremia Zanambani –pembela HAM yang vokal menentang kehadiran militer di Papua– ditembak mati, diduga oleh anggota pasukan keamanan Indonesia. Sebuah tim pencari fakta bersama yang didukung oleh pemerintah yang terdiri dari perwakilan berbagai institusi (Kementerian Koordinator Bidang Politik Hukum dan Keamanan, Kantor Staf Presiden dan Badan Intelijen Negara) serta masyarakat sipil dibentuk untuk menyelidiki kasus tersebut. Namun, hingga laporan ini ditulis, masih belum ada hasil penyelidikan yang dipublikasi.
  31. Dalam beberapa kasus, ancaman juga ditujukan kepada kerabat pembela HAM. Pada Oktober dan November 2021, keluarga Veronica Koman, seorang pengacara hak asasi manusia Papua yang sedang dalam pengasingan di Australia, menjadi sasaran serangkaian serangan. Pada 24 Oktober 2021, dua pria dengan sepeda motor melemparkan bom cat ke garasi dan pada 7 November 2021, properti orang tuanya di Jakarta mengalami serangan pembakaran ringan. Selain itu, sebuah surat ancaman yang menyinggung peran pengacara dalam pembelaan aktivis Papua ditemukan di garasi orang tuanya, sementara catatan serupa dikirimkan ke kerabat lain dalam sebuah paket yang juga berisi ayam mati. Catatan itu berbunyi: “Jika polisi dan aparat di dalam maupun di luar negeri tidak dapat menangkap Veronica Koman, seorang pecundang dan pengecut, kami terpaksa menhanguskan bumi di mana pun Anda bersembunyi bersama kelompok pelindung Anda.”<sup>29</sup>
  32. Pembela HAM yang angkat bicara tentang kasus-kasus yang dianggap sensitif juga melihat peningkatan serangan *online* melalui berbagai platform digital dilakukan sebagai cara untuk membungkam mereka. Beberapa tahun terakhir, telah terjadi juga gelombang pelecehan, intimidasi dan serangan digital terhadap mahasiswa, akademisi, jurnalis dan aktivis, yang dilakukan oleh pihak-pihak tak dikenal yang berusaha menyebarkan ketakutan serta membungkam suara-suara kritis. Serangan digital ini juga menunjukkan adanya variasi bentuk

serangan, seperti insiden pencurian kredensial yang melibatkan media sosial dan aplikasi pesan, panggilan spam dari nomor asing yang tidak dikenal, gangguan dari luar saat diskusi daring atau *webinar*, dan ancaman kekerasan fisik melalui pesan teks.<sup>30</sup>

33. Pada tanggal 3 Juni 2020, sidang daring yang diselenggarakan oleh PTUN Jakarta tentang pemutusan internet di Papua dan Papua Barat diganggu oleh beberapa orang tak dikenal yang menggunakan *shared platform* untuk menyebarkan konten pornografi kepada peserta pengadilan.
34. Badan Eksekutif Mahasiswa Universitas Indonesia (BEM UI) juga menghadapi intimidasi ketika memutuskan untuk mengadakan diskusi daring tentang rasisme terhadap orang Papua pada 8 Juni 2020. Webinar yang diadakan berfokus pada penuntutan terhadap tujuh aktivis politik Papua di Balikpapan dan Kalimantan Timur serta mengundang pengacara hak asasi manusia, Veronica Koman, pengacara hak asasi manusia Papua, Gustaf Kawer, dan mantan tahanan Papua yang menolak disebutkan namanya. Akun WhatsApp narahubung diskusi virtual tersebut dilaporkan diretas dan diambil alih dua jam sebelum acara oleh pihak tak dikenal, dan selama dua jam tersebut mereka dikabarkan kehilangan akses atas akunnya. Universitas Indonesia dalam sebuah pernyataan tertulis menyangkal pembicaraan yang muncul di kalangan publik dengan mengatakan diskusi tersebut tidak “mencerminkan pandangan sikap UI sebagai sebuah institusi.”<sup>31</sup>
35. Pada 19 Agustus 2020, akun Twitter Pandu Riono, ahli epidemiologi, yang vokal mengkritik kebijakan pemerintah dalam menangani COVID-19, diduga diretas oleh tersangka tak dikenal. Peretas mengunggah foto-foto Riono dengan seorang perempuan dengan keterangan yang menyesatkan

## KEBEBASAN BEREKSPRESI KESELAMATAN JURNALIS

36. Berbagai pelanggaran hak atas kebebasan berekspresi terjadi karena ancaman tuntutan pidana, serangan digital, dan makin lemahnya perlindungan kebebasan pers. Dosen, pembela hak asasi manusia, dan jurnalis/organisasi media independen menjadi sasaran khusus.
37. Indonesia masih mempertahankan ketentuan pidana pencemaran nama baik yang tercantum dalam Pasal 310 dan 311 KUHP dan Pasal 27(3) UU Informasi dan Transaksi Elektronik (ITE). Pencemaran nama baik diatur dalam UU ITE sebagai perpanjangan dari Hukum Pidana di ranah daring dengan hukuman penjara yang lebih berat hingga 4 tahun. Indonesia juga telah gagal melakukan dekriminialisasi pencemaran nama baik sesuai dengan standar internasional.
38. Pada tahun 2019, Saiful Mahdi, seorang dosen di Universitas Syiah Kuala, menghadapi tuntutan pidana pencemaran nama baik di bawah UU ITE setelah menyuarakan keprihatinannya tentang hasil tes pegawai negeri untuk dosen fakultas teknik dalam grup WhatsApp pribadi yang mencakup anggota fakultas dan staf pengajar. Pada Juni 2021, Mahdi divonis tiga bulan penjara dan denda 10 juta Rupiah, di mana ia mulai menjalankan hukumannya pada bulan September.<sup>32</sup>
39. Pada tanggal 22 Oktober 2021, Pengadilan Negeri Ambon memvonis Risman Solissa, seorang mahasiswa, delapan bulan penjara karena melanggar UU No. 1 Tahun 1946 yang melarang penyiaran “berita bohong.” Risman dinyatakan bersalah setelah mengunggah



seruan demonstrasi tentang pemberlakuan pembatasan kegiatan sosial (PPKM) di media sosial.<sup>33</sup>

40. Pada 23 November 2021, Muhamad Asrul, seorang jurnalis, dinyatakan bersalah karena melanggar Pasal 27 UU ITE, semata-mata karena menulis artikel berita tentang dugaan korupsi proyek besar di Palopo. Asrul divonis tiga bulan penjara oleh Pengadilan Negeri Palopo di Sulawesi Selatan.
41. Dua pembela HAM Haris Azhar dan Fatia Maulidiyanti dilaporkan ke polisi pada Agustus 2021 oleh Menteri Koordinator Bidang Kemaritiman dan Investasi atas tuduhan pencemaran nama baik menurut Pasal 45 *juncto* Pasal 27 UU ITE. Tuduhan itu dikirimkan atas dasar video yang diunggah di kanal YouTube Azhar, di mana Azhar dan Maulidiyanti membahas laporan tentang dugaan keterkaitan antara operasi militer dan aktivitas pertambangan di Kabupaten Intan Jaya, Papua.<sup>34</sup>
42. Laporan lain mengenai penggunaan ketentuan pencemaran nama baik dalam UU ITE juga diajukan oleh Kepala Staf Kepresidenan terhadap dua peneliti Indonesia Corruption Watch, Egi Primayogha dan Miftachul Choir pada September 2021. Tuduhan itu terkait dengan penelitian yang diterbitkan oleh Indonesia Corruption Watch mengenai dugaan keterlibatan berbagai pejabat publik dalam mempromosikan peredaran obat Ivermectin di masa pandemi COVID-19, di mana Primayogha dan Choir terlibat dalam proses penelitian serta presentasi setelahnya.
43. Serangan digital menjadi bentuk ancaman baru yang meningkat drastis selama pandemi COVID-19. Beberapa media independen melaporkan terjadinya serangan *Distributed Denial of Service* (DDoS) di situs mereka yang berakibat pada sulitnya publik untuk mengakses informasi.
44. Pada Mei 2020, serangan digital juga menargetkan grup media independen Magdalene.co dan Konde.com. Kedua media tersebut merupakan portal berita daring terkemuka yang mempromosikan hak-hak minoritas dan perempuan yang telah sering mengunggah artikel mengenai misogini dan pekerja seks. Magdalene mengumumkan di akun media sosialnya bahwa mereka telah menjadi korban serangan DDoS, yang berakibat pada kesulitan pembaca untuk mengakses situs web mereka. Salah satu jurnalis mereka juga disebarluaskan informasi pribadinya (*doxing*) dan dilecehkan oleh orang tak dikenal yang mengirimkan gambar-gambar porno serta pernyataan-pernyataan yang merendahkan perempuan.<sup>35</sup>
45. Konde.com tidak dapat mengakses akun Twitter resminya pada 15 Mei 2020. Pada saat mereka kehilangan akses akunnya, Konde.com sedang melakukan diskusi tentang dugaan pelecehan seksual yang melibatkan seorang mahasiswa Universitas Islam Indonesia berinisial IM. Konde.com aktif meliput kasus tersebut, yang memicu dukungan daring bagi korban kekerasan seksual dalam mencari keadilan.<sup>36</sup> Konde.com menyatakan upaya untuk mengambil alih akun Twitter mereka berasal dari Yogyakarta dan Belanda.
46. Pada Agustus 2020, situs berita ternama di Indonesia, Tempo.co, menjadi korban peretasan digital setelah mempublikasikan berita tentang *influencer* yang dibayar untuk mempromosikan Omnibus Law yang kontroversial. Pada saat bersamaan, situs berita terkenal Indonesia lainnya, Tirta.id, juga menjadi sasaran peretasan digital dan tujuh artikel yang telah terbit dihapus dari situs mereka. Salah satunya adalah artikel yang mengkritisi klaim penemuan obat Coronavirus hasil kerjasama Universitas Airlangga, Badan Intelijen Indonesia, dan TNI-Polri.<sup>37</sup> Kedua media telah melaporkan penyerangan tersebut ke polisi.

Pada saat laporan ini ditulis, Amnesty International dan AJI tidak mengetahui hasil investigasi, termasuk proses investigasi selanjutnya.

47. Pada April 2020, Rasio Patra mengalami peretasan pada akun WhatsApp-nya. Ia adalah seorang peneliti dan aktivis politik yang aktif berbicara tentang masalah sosial politik di media sosial serta aktif berkolaborasi dengan organisasi hak asasi manusia. Berpura-pura menjadi Rasio, peretas mengirim pesan yang menyerukan penjarahan dan pembangkangan sipil. Rasio, yang awalnya tidak mengetahui peretasan itu, baru mendapatkan kembali akses ke akunnya beberapa jam kemudian. Rasio ditangkap oleh unit satuan reserse kriminal tanpa mendapatkan surat perintah penangkapan dan ditahan selama dua hari karena pesan yang dikirim dari akunnya. Polisi juga menggeledah rumahnya tanpa surat perintah resmi.
48. Polisi membawa Rasio ke kantor polisi untuk penyelidikan, mengatakan bahwa dia akan diinterogasi sebagai tersangka. Ponsel dan laptop Rasio, yang ia gunakan untuk menyimpan data penelitian hak asasi manusianya, diambil paksa untuk tes forensik dan tidak dikembalikan sampai hampir dua tahun kemudian. Polisi juga belum memberikan hasil resmi penyelidikan, sehingga penyebab penangkapan Rasio tidak jelas. Menyusul kejadian tersebut, Rasio pun melaporkan peretasan Whatsapp miliknya ke polisi. Namun, pada saat penulisan, Amnesty International dan AJI tidak mengetahui adanya penyelidikan resmi atas kasus ini.
49. Pada Oktober 2021, situs Project Multatuli, sebuah kolektif jurnalis independen, mengalami serangan DDoS setelah menerbitkan artikel tentang kasus pelecehan seksual anak di Luwu Timur, Sulawesi Selatan. Serangan itu menyebabkan situs web mereka tidak dapat diakses selama sekitar 12 jam. Pada hari yang sama, Polres Luwu Timur yang menangani kasus pelecehan seksual anak menuduh Project Multatuli menyebarkan “berita palsu” melalui *Instagram story* mereka.

## KESELAMATAN JURNALIS

50. Pada April 2021, seorang jurnalis senior surat kabar Jubi, Victor Mambor, diserang dan mobilnya dirusak oleh orang tak dikenal. Insiden tersebut merupakan salah satu dari beberapa serangan yang sebelumnya terjadi terhadap Mambor dan surat kabar Jubi, termasuk *doxing* dan ancaman tuntutan pidana.
51. Petugas kepolisian melakukan penyerangan fisik terhadap wartawan Tempo.co, Nurhadi, pada Maret 2021 ketika ia hendak melaporkan dugaan suap pajak oleh Direktur Pemeriksaan Direktorat Jenderal Pajak Kementerian Keuangan. Polisi mengambil telepon Nurhadi, memukul, menampar, dan mencekiknya ketika mencoba berbicara dengan Direktur Pemeriksaan di pernikahan putranya. Nurhadi juga ditahan selama dua jam di sebuah hotel di Surabaya, tempat resepsi digelar.<sup>38</sup>
52. Pada Juni 2021, Mara Salem Harahap, Pemimpin Redaksi *lasernewstoday.com* di Sumatera Utara ditemukan tewas dengan luka tembak di tubuhnya. Ia ditemukan tewas di dalam mobil yang dikendarainya, tak jauh dari rumahnya di Sumatera Utara. Mara dikenal kritis dalam melaporkan isu-isu sensitif di wilayah tersebut, termasuk mengenai perdagangan narkoba dan perjudian ilegal, serta tuduhan korupsi yang melibatkan pejabat PTPN setempat. Kematian Mara Salem Harahap menimbulkan kekhawatiran tentang kebebasan pers dan keselamatan jurnalis serta pekerja media lainnya. Pada Februari 2022, dua orang dinyatakan bersalah dan dijatuhi hukuman penjara seumur hidup.<sup>39</sup>

## KEBEBASAN BERKUMPUL DAN BERSERIKAT SECARA DAMAI

53. Pihak berwenang terus menangkap dan menahan pengunjuk rasa damai di tengah menyusutnya ruang sipil di Indonesia. Skor kebebasan sipil Indonesia pada indeks Freedom House terus menurun selama tiga tahun terakhir.<sup>40</sup>
54. Orang-orang yang berpartisipasi dalam kegiatan politik damai dikriminalisasi dengan basis ketentuan makar, terutama Pasal 106 dan 110 KUHP. Per Oktober 2021, Amnesty International Indonesia mencatat setidaknya delapan tahanan hati nurani dari Papua dan 11 dari Maluku yang ditahan secara sewenang-wenang hanya karena secara damai menggunakan hak mereka atas kebebasan berekspresi, berserikat, dan berkumpul secara damai.
55. Pada Agustus 2019, serangkaian protes anti-rasisme pecah di kota-kota di Papua dan daerah lain sebagai tanggapan atas insiden di mana mahasiswa Papua yang tinggal di asrama di Surabaya, Jawa Timur, diserang secara verbal dan fisik oleh petugas keamanan dan anggota organisasi massa. Tujuh orang Papua ditangkap, pada akhirnya didakwa atas makar, dan dijatuhi hukuman antara 10 dan 11 bulan penjara karena keterlibatan damai mereka dalam protes.<sup>41</sup> Pada April 2020, pihak berwenang menangkap lima aktivis gerakan Republik Maluku Selatan setelah melakukan aksi damai berupa upacara pengibaran bendera “Benang Raja” pada peringatan 70 tahun pendiriannya.<sup>42</sup>
56. Pada April 2021, tiga orang Maluku Selatan ditahan hanya karena memiliki bendera dan dokumen terkait gerakan Republik Maluku Selatan. Penahanan mereka diperpanjang tujuh kali hingga dimulainya persidangan mereka pada 26 Agustus 2021.<sup>43</sup> Pada Desember 2021, mereka dijatuhi hukuman antara tiga dan tiga setengah tahun penjara atas tindakan makar. Hinga Februari 2022, banding mereka masih tertunda.
57. Pada Desember 2021, polisi menahan delapan mahasiswa Papua dan menuduh mereka melakukan pemberontakan karena mengibarkan bendera Bintang Kejora, simbol kemerdekaan Papua, pada 1 Desember, tanggal yang dianggap banyak orang Papua sebagai Hari Kemerdekaan mereka.<sup>44</sup>
58. Pada September 2019, ribuan mahasiswa, serikat pekerja, aktivis, dan elemen sipil lainnya di seluruh Indonesia turun ke jalan dalam demonstrasi nasional yang disebut dengan gerakan ‘Reformasi Dikorupsi’, untuk memprotes pasal-pasal bermasalah dalam beberapa RUU kontroversial yang dianggap mengancam kebebasan sipil dasar dan hak asasi manusia. Dalam penanganan unjuk rasa, polisi menggunakan kekerasan berlebihan yang tidak perlu terhadap pengunjuk rasa melalui aksi pemukulan, pelemparan batu, gas air mata, peluru karet, dan peluru tajam. Dua mahasiswa tewas di tengah bentrokan dengan polisi saat protes di Kendari, Sulawesi Tenggara.<sup>45</sup>
59. Pada Oktober 2020, ribuan orang di seluruh wilayah di Indonesia turun ke jalan untuk memprotes pemberlakuan UU No. 11 Tahun 2020 tentang Cipta Kerja (umum dikenal di Indonesia sebagai Omnibus Law). Pemantauan oleh Amnesty International Indonesia mendokumentasikan setidaknya ada 411 korban kekerasan polisi di 15 provinsi selama protes, sementara 6.658 pengunjuk rasa dan jurnalis ditahan secara sewenang-wenang dalam waktu yang singkat di 21 provinsi.<sup>46</sup>
60. Protes-protes yang berkaitan dengan isu sensitif, seperti konflik di Papua, menjadi sasaran khusus. Pada Mei 2021, polisi menangkap Victor Yeimo, seorang aktivis Papua, setelah ia berpartisipasi dalam protes anti-rasisme damai. Yeimo terus ditahan meskipun kondisi kesehatannya memburuk pada tahun 2021, yang kemudian juga menimbulkan kekhawatiran tentang kondisi penanganan terhadap tahanan.

61. Pada tahun 2021, banyak protes pecah di Papua dan daerah lain di Indonesia menyusul pembaruan UU otonomi khusus untuk Papua dan Papua Barat oleh Dewan Perwakilan Rakyat Republik Indonesia (DPR RI) pada Juli 2021. Dalam protes yang terjadi di Jakarta pada Juli 2021, pengunjung rasa yang berdemonstrasi di depan DPR RI dibubarkan oleh polisi, dan sedikitnya 50 pengunjung rasa ditangkap dan dibawa ke markas Polda Metro Jaya.<sup>47</sup> Dalam unjuk rasa yang terjadi di Yahukimo, Papua, pada Agustus 2021, aparat keamanan melepaskan tembakan pada massa pengunjung rasa dan melukai setidaknya satu orang. Pada hari yang sama, aparat keamanan menggunakan meriam air dalam menangani unjuk rasa di Jayapura, Papua, dan memukul pengunjung rasa dengan tongkat karet dan senjata api.
62. Penggunaan kekerasan dan penahanan sewenang-wenang oleh aparat kepolisian saat aksi unjuk rasa meningkat signifikan selama pandemi Covid-19. Selama 5-10 Oktober 2020, protes tersebar di beberapa kota besar Indonesia, termasuk Jakarta, Surabaya di Jawa Timur, dan Samarinda di Kalimantan Timur, menyusul pengesahan Omnibus Law kontroversial yang melonggarkan banyak aturan ketenagakerjaan, bisnis, dan lingkungan yang telah ada untuk mendorong investasi ekonomi.
63. Baik buruh maupun mahasiswa berunjuk rasa secara massal untuk menuntut pemerintah mencabut Omnibus Law. Serikat-serikat pekerja dan para aktivis mengatakan Omnibus Law mengurangi hak, manfaat, dan perlindungan lingkungan yang sudah ada. Pada 8 Oktober 2020, polisi menyerang sedikitnya 28 jurnalis saat mereka meliput protes. Wartawan melaporkan intimidasi, serangan fisik, dan penahanan sewenang-wenang selama 1-2 hari.<sup>48</sup>

## REKOMENDASI TINDAKAN NEGARA DI BAWAH PENINJAUAN

**Amnesty International dan Aliansi Jurnalis Independen Indonesia (AJI) menyerukan kepada pemerintah Indonesia untuk:**

*Penyerangan dan Intimidasi terhadap Pembela HAM dan Organisasi Masyarakat Sipil*

64. Menghormati, melindungi, dan memenuhi hak atas kebebasan berekspresi, berkumpul secara damai, dan berserikat, termasuk dengan memastikan lingkungan yang aman dan memungkinkan di mana media, jurnalis, organisasi masyarakat sipil, dan pembela hak asasi manusia dilindungi secara efektif dan dapat bekerja aman tanpa adanya rasa takut akan aksi dan serangan balasan.
65. Memastikan bahwa semua serangan, ancaman, dan intimidasi terhadap organisasi masyarakat sipil dan pembela hak asasi manusia diselidiki dengan segera, independen, tidak memihak, dan efektif. Investigasi dan tuntutan yang muncul setelahnya tidak boleh terbatas pada pelaku langsung, tetapi juga menyelidiki keterlibatan komandan/atasan, terlepas dari pangkatnya, dan jika ditemukan bukti yang cukup, tersangka harus diadili di depan pengadilan sipil dalam proses yang memenuhi standar internasional peradilan yang adil (*fair trial*) dan tidak menjatuhkan hukuman mati.
66. Mengadopsi kebijakan yang lebih komprehensif untuk perlindungan pembela hak asasi manusia yang menghadapi risiko, termasuk definisi yang jelas dan menyeluruh tentang Pembela Hak Asasi Manusia, ketentuan khusus mengenai Pembela Hak Asasi Manusia Perempuan, dan mekanisme untuk pembela HAM yang menghadapi risiko, yang mencakup pencegahan, pendekatan yang kolektif dan sensitif gender.

*Kebebasan Berekspresi*

67. Mencabut atau merevisi peraturan perundang-undangan yang memberlakukan pembatasan sewenang-wenang terhadap hak atas kebebasan berekspresi dan berkumpul secara damai, termasuk tetapi tidak terbatas pada, UU No. 19 Tahun 2016 tentang Informasi dan Transaksi Elektronik (UU ITE).
68. Mendekriminalisasi pencemaran nama baik dengan mencabut Pasal 27 UU ITE dan memastikan bahwa pencemaran nama baik diperlakukan sebagai isu perdata.
69. Memastikan bahwa serangan digital dan intimidasi daring diselidiki dengan segera, independen, tidak memihak, dan efektif.
70. Menjamin keselamatan jurnalis dan mengadili para pelaku penyerangan, termasuk aparat kepolisian, untuk menghentikan impunitas
71. Memastikan disahkannya UU perlindungan data dan privasi untuk memperkuat hak individu di era digital.
72. Tidak menetapkan tugas untuk secara proaktif memantau konten daring atau *intermediary liability regimes* yang mendorong penyensoran yang berlebihan dan memastikan bahwa setiap pembatasan hak atas kebebasan berekspresi di ruang daring memenuhi prinsip-prinsip legalitas, legitimasi, kebutuhan, dan proporsionalitas.
73. Menghentikan praktik memperlambat atau mematikan total koneksi internet, yang selalu merupakan pembatasan berlebihan dan tidak proporsional terhadap hak atas kebebasan berekspresi.

#### *Kebebasan Berkumpul dan Berserikat*

74. Memastikan bahwa semua taktik pemolisian unjuk rasa konsisten dengan hukum nasional dan standar-standar internasional tentang penggunaan kekuatan, termasuk Prinsip-Prinsip Dasar PBB tentang Penggunaan Kekuatan dan Senjata Api oleh Penegak Hukum (*UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*), dan memberikan pelatihan yang tepat bagi polisi dan aparat keamanan lainnya.
75. Memastikan penyelidikan yang segera, tidak memihak, independen, dan efektif atas laporan-laporan penggunaan kekuatan yang tidak perlu atau berlebihan oleh polisi dan mengadili pelaku dalam pengadilan yang adil.
76. Segera dan tanpa syarat membebaskan semua tahanan hati nurani yang ditahan hanya karena menggunakan hak mereka atas kebebasan berekspresi dan berkumpul secara damai.
77. Mencabut atau mengubah secara substansial Pasal 106 dan 110 KUHP tentang makar, memastikan bahwa ketentuan-ketentuan tersebut tidak lagi dapat digunakan untuk mengkriminalisasi orang yang mengeluarkan pendapat kritisnya atau melakukan protes secara damai.

## 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
141.15 Adhere to and adapt national laws to the Rome Statute of the International Criminal Court (Guatemala); <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
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); <b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10	Supported	A12 Acceptance of international norms B52 Impunity D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	Indonesia has yet to ratify OP-CAT. Police forces are still practising ill-treatment and excessive use of force, especially during demonstrations.

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<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 D1 Civil &amp; political rights - general measures of implementation S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general</p>	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 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>	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 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>	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>139.4 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 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>	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 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>	Indonesia has yet to ratify OP-CAT

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<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 D32 Enforced disappearances 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>- disappeared persons</li> </ul>	<p>Indonesia has yet to ratify the Convention for the Protection of All Persons from Enforced Disappearance</p>
<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 E1 Economic, social &amp; cultural rights - general measures of implementation 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>	<p>Indonesia has yet to ratify OP-ICESCR</p>
<p>139.7 Consider ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) (Philippines);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>A12 Acceptance of international norms E32 Right to just and favourable conditions of work 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>- migrants</li> </ul>	<p>Indonesia has yet to ratify ILO Domestic Workers Convention</p>
<p>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);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>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</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</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
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>			
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); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	A41 Constitutional and legislative framework A42 Institutions & 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 <b>Affected persons:</b> - women - children - girls	The latest version of the Draft Criminal Code (RKUHP) still contains provisions that criminalise abortion

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<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>
<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></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	<p>The Draft Criminal Code is still under deliberation process</p>
<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></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	<p>The Draft Criminal Code is still under deliberation process</p>

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<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.
<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> - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	There is a “Joint Agreement Letter” issued on 29 April forbidding the local Ahmadiyya, a religious minority community, from practising their religion.

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<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>
<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>

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<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> - persons with disabilities</p>	Indonesia has ratified the Convention on the Rights of Persons with Disabilities
<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> - children</p>	Corporal punishment (caning) is still implemented in Aceh as part of its local regulation
<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>	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>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>	The sexual violence bill failed to be enacted last year and is planned to be passed this year (2022)

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<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>	The sexual violence bill failed to be enacted last year and is planned to be passed this year (2022)
<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>	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>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> - women - girls - vulnerable persons/groups</p>	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> - women</p>	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> - women</p>	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> - women</p>	The sexual violence bill failed to be enacted last year and is planned to be passed this year (2022)

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
<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
<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></p> <ul style="list-style-type: none"> <li>- women</li> </ul>	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>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></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	The Draft Criminal Code is still under deliberation process
<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></p> <ul style="list-style-type: none"> <li>- persons with disabilities</li> </ul>	The National Disabilities Commission has been established in 2021
<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></p> <ul style="list-style-type: none"> <li>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</li> </ul>	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.
<b>Theme: B51 Right to an effective remedy</b>			

Recommendation	Position	Full list of themes	Amnesty/AJI assessment/comments on level of implementation
139.77 Continue to take appropriate steps to investigate and provide redress in all cases of violence related to religious belief (South Africa); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	B51 Right to an effective remedy D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups	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.
<b>Theme: B52 Impunity</b>			
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>

**Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment**

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
<p>141.39 Implement appropriate measures to prevent discrimination against religious minorities (Hungary);</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10</p>	Supported	<p>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>In cases of intimidation and discrimination towards religious minorities such as Ahmadiyya, the government and local authorities rarely side with minority community.</p>
<p>141.40 Protect Christian and other minority rights and promote interfaith dialogue among religious groups in Indonesia (Kenya);</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1 - Para. 10</p>	Supported	<p>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>The Ministry of Religious Affairs along with local government actors have often conducted and facilitated interfaith dialogue.</p>
<b>Theme: D43 Freedom of opinion and expression</b>			
<p>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);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>D43 Freedom of opinion and expression S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general</p>	<p>Threats and intimidation towards civil society organizations and groups remain high, including through digital attacks (hacking, account takedown) towards human rights defenders.</p>
<b>Theme: D44 Right to peaceful assembly</b>			
<p>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);</p> <p><b>Source of position:</b> A/HRC/36/7 - Para. 139</p>	Supported	<p>D44 Right to peaceful assembly F12 Discrimination against women B32 Racial discrimination 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>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.</p>

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
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); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	E21 Right to an adequate standard of living - general S10 SDG 10 - inequality <b>Affected persons:</b> - general - persons living in rural areas	The government continued its healthcare program (BPJS) and provided social assistance during the Covid-19 pandemic.
<b>Theme: E24 Right to social security</b>			
139.79 Strengthen the capacity of the national social security system aimed at supporting households in need (Belarus); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	E24 Right to social security S01 SDG 1 - poverty <b>Affected persons:</b> - general - persons living in poverty	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>			
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); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	E41 Right to health - General S03 SDG 3 - health <b>Affected persons:</b> - general	As of November 2021, there are 229.514.068 participants of the National Health Insurance Scheme (BPJS JKN-KIS).
139.86 Strengthen measures to implement the country's National Health Insurance Scheme (South Africa); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	E41 Right to health - General S03 SDG 3 - health <b>Affected persons:</b> - general	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.
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); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	E41 Right to health - General S03 SDG 3 - health <b>Affected persons:</b> - general	As of November 2021, there are 229.514.068 participants of the National Health Insurance Scheme (BPJS JKN-KIS).
139.89 Take further measures to realize universal health coverage throughout the country (Democratic People's Republic of Korea); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	E41 Right to health - General S03 SDG 3 - health <b>Affected persons:</b> - general	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
139.90 Continue to improve access to health-care services by funding programmes that improve the quality of health services in rural villages (Maldives); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	E41 Right to health - General S03 SDG 3 - health <b>Affected persons:</b> - persons living in rural areas	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.
<b>Theme: E51 Right to education - General</b>			
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); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	E51 Right to education - General S04 SDG 4 - education <b>Affected persons:</b> - general - persons living in rural areas	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.
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); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	E51 Right to education - General S04 SDG 4 - education <b>Affected persons:</b> - general - children	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.
139.96 Take further steps to ensure universal enrolment of children of compulsory school age (Bangladesh); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	E51 Right to education - General S04 SDG 4 - education <b>Affected persons:</b> - children	Indonesia continues its school operational assistance fund (BOS) program, and free education policy for state schools in the compulsory levels.
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); <b>Source of position:</b> A/HRC/36/7 - Para. 139	Supported	E51 Right to education - General S04 SDG 4 - education <b>Affected persons:</b> - general - children	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.
<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>
- <sup>6</sup> Law of the Republic of Indonesia Number 40 of 1999 on the Press.  
[https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=77117&p\\_classification=01.05](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=77117&p_classification=01.05)
- <sup>7</sup> Regulation of the Chief of Indonesian National Police No. 16 of 2006 on the Guidelines for Crowd Control  
[http://lemdik.polri.go.id/index.php?p=show\\_detail&id=57&keywords=](http://lemdik.polri.go.id/index.php?p=show_detail&id=57&keywords=)
- <sup>8</sup> Law of the Republic of Indonesia Number 32 of 2009 on Environmental Protection and Management. <http://www.apbi-icma.org/uploads/files/old/2016/02/UU-No.-32-Tahun-2009.pdf>
- <sup>9</sup> National Human Rights Commission Regulation Number 5 of 2015 on Procedures for the Protection of Human Rights Defenders  
<https://www.komnasham.go.id/index.php/peraturan/2017/10/20/19/peraturan-komnas-ham-no-5-tahun-2015-tentang-prosedur-perlindungan-terhadap-pembela-ham.html>
- <sup>10</sup> Law of the Republic of Indonesia Number 11 of 2008 on Electronic Information and Transaction  
[http://www.flevin.com/id/lgso/translations/JICA%20Mirror/english/4846\\_UU\\_11\\_2008\\_e.html](http://www.flevin.com/id/lgso/translations/JICA%20Mirror/english/4846_UU_11_2008_e.html)
- <sup>11</sup> Regulation of the Ministry of Communication and Information Technology Number 5 of 2020.  
[https://jdih.kominfo.go.id/produk\\_hukum/view/id/759/t/peraturan+menteri+komunikasi+dan+informatika+nomor+5+tahun+2020](https://jdih.kominfo.go.id/produk_hukum/view/id/759/t/peraturan+menteri+komunikasi+dan+informatika+nomor+5+tahun+2020)
- <sup>12</sup> See SafeNet, "We won internet shutdown case in Papua," 4 June 2020, available in Indonesian at <https://id.safenet.or.id/2020/06/kami-memenangkan-kasus-internet-shutdown-di-papua-dan-papua-barat/>
- <sup>13</sup> See Amnesty International Indonesia, "Court Ruling on Internet Blackout Is A Rare Victory For Freedom of Expression in Papua," 3 June 2020, available in Indonesian at:  
<https://www.amnesty.id/court-ruling-on-internet-blackout-is-a-rare-victory-for-freedom-of-expression-in-papua/> and [https://ptun-jakarta.go.id/wp-content/uploads/2020/06/2019\\_TF\\_G\\_230\\_putusan\\_akhir.pdf](https://ptun-jakarta.go.id/wp-content/uploads/2020/06/2019_TF_G_230_putusan_akhir.pdf)
- <sup>14</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 139.24 (Mexico), 139.64 (Ecuador), 139.65 (France), 139.66 (Iraq); UN Doc. A/HRC/36/7/Add.1, Recommendation 141.56 (Norway).
- <sup>15</sup> Amnesty International Indonesia internal monitoring, 'Attacks towards Indonesian HRDs - 2021'
- <sup>16</sup> See Suara, "Aktivis HAM Era Purnama Sari Diserang dengan Berita Fitnah dan Hoaks, YLBHI Duga Terkait Kasus SMB", 14 August 2019, available in Indonesian at: <https://www.suara.com/news/2020/04/24/020500/kisah-perempuan-pejuang-pembela-ham-petani-batanghari-yang-diintimidasi>, See TribunNews, "Aktivis HAM Era Purnama Sari Diserang dengan Berita Fitnah dan Hoaks, YLBHI Duga Terkait Kasus SMB," 14 August 2019, available in Indonesian at: [https://jambi.tribunnews.com/2019/08/14/aktivis-ham-era-purnama-sari-diserang-dengan-berita-fitnah-dan-hoaks-ylbhi-duga-terkait-kasus-smb#google\\_vignette](https://jambi.tribunnews.com/2019/08/14/aktivis-ham-era-purnama-sari-diserang-dengan-berita-fitnah-dan-hoaks-ylbhi-duga-terkait-kasus-smb#google_vignette)
- <sup>17</sup> See Amnesty International Indonesia, "Bebaskan Pembela Hak Masyarakat Adat Kinipan", 27 August 2020, available in Indonesian at: <https://www.amnesty.id/bebaskan-pembela-hak-masyarakat-adat-kinipan/>
- <sup>18</sup> Ibid.
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