



Human Rights Council
Working Group on the Universal Periodic Review
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Indonesia

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Special Rapporteur on the right to food recommended that Indonesia ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.²

3. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Indonesia consider making the declarations provided for in articles 76 and 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families recognizing the competence of the Committee to receive and consider communications from States parties and individuals concerning violations of rights established by the Convention.³

4. The United Nations country team recommended that Indonesia increase efforts to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁴

5. The Committee on Migrant Workers, the Committee on the Elimination of Discrimination against Women and the United Nations country team recommended that Indonesia consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.⁵

6. The Committee on Migrant Workers and the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Indonesia accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.⁶

7. The Committee on Migrant Workers and the Special Rapporteur on the right to food recommended that Indonesia ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).⁷ The Special Rapporteur also recommended that



Indonesia ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the ILO Work in Fishing Convention, 2007 (No. 188).⁸

8. Indonesia contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2019, 2020 and 2021.⁹

III. National human rights framework

1. Constitutional and legislative framework

9. The United Nations country team expressed concern about procedural and substantive aspects underlying long-delayed legislative and legal reforms, in particular deliberations on draft revisions to the Criminal Code. The proposed amendments included provisions to criminalize previously unregulated acts, such as homosexuality, adultery, dissemination of information about contraception and some abortions; reinforced existing provisions, including the blasphemy law, which had been used to convict members of minority religious or faith groups; and failed to criminalize torture.¹⁰

10. The Committee on the Elimination of Discrimination against Women expressed concern about the existence of 421 regional laws and policies that discriminated against women, including the mandatory jilbab regulations.¹¹

11. The United Nations country team expressed concern about the passing in 2020 of two laws – namely Law No. 11/2020 on job creation, and Law No. 3/2020 amending Law No. 4/2009 on mineral and coal mining – amid nationwide violent protests over their impact on labour rights and environmental protections.¹²

2. Institutional infrastructure and policy measures

12. The Committee on Migrant Workers expressed concern about the low representation of women and persons belonging to ethnic minorities on the National Human Rights Commission; the Commission's lack of a clear, transparent and participatory selection and appointment process; and the Commission's inadequate level of funding and financial autonomy to deal adequately with complaints from migrant workers.¹³

13. The United Nations country team noted that the fifth national action plan on human rights (2021–2025) focused on four target groups, namely women, children, persons with disabilities and indigenous peoples.¹⁴

14. It also noted the publication in November 2020 of a draft national strategy on business and human rights, which contained guidance for all stakeholders to ensure compliance with human rights standards and principles in the context of business activities.¹⁵

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

15. The Committee on Economic, Social and Cultural Rights requested Indonesia to provide information on the progress made in reviewing and repealing provisions in local laws and by-laws that contained discriminatory provisions, particularly based on sex, sexual orientation, gender identity and religion.¹⁶

2. Right to life, liberty and security of person, and freedom from torture

16. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health recommended that Indonesia abolish the death penalty for drug-use offences.¹⁷

17. He noted that involuntary treatment and other psychiatric interventions in health-care facilities might constitute torture and ill-treatment.¹⁸

3. Administration of justice, including impunity, and the rule of law

18. The United Nations country team noted that, on 3 December 2021, the Attorney General's Office had issued an official order forming a team of 22 prosecutors to investigate 13 cases of alleged gross human rights violations, and that it was important that the investigations and prosecution be conducted in a fair, credible, independent, open and transparent manner and that the findings be made public. It also noted that the Aceh Truth and Reconciliation Commission had, in November 2018, held its first formal public hearing for victims of past human rights violations committed in Aceh in the period 1976–2005; that the Commission had, on 29 December 2021, submitted its findings and recommendations to the Aceh parliament; and that a public launch of the Commission's final report had been scheduled for March 2022.¹⁹ The Committee on the Elimination of Discrimination against Women expressed concern about the little effort being made by Indonesia, including by the Attorney General's Office, to prosecute and punish those responsible for violations of the human rights of women committed during conflict, and about the lack of progress in providing women victims of sexual violence with justice, truth, reparation and rehabilitation for such human rights violations.²⁰

19. The United Nations country team noted that discussions that had been suspended in 2004 regarding the establishment of a national truth and reconciliation commission had resumed briefly in 2020, but had stalled owing to the coronavirus disease (COVID-19) pandemic.²¹

20. It recommended that Indonesia effectively combat impunity by promptly investigating past and ongoing human rights violations in a fair, credible, independent, open and transparent manner, including sexual and gender-based violence, and by prosecuting and adequately punishing perpetrators, including law enforcement personnel, and develop a coherent and comprehensive approach that integrated the full range of judicial and non-judicial processes and measures.²²

4. Fundamental freedoms and the right to participate in public and political life

21. The United Nations country team expressed ongoing concern about a 2006 joint regulation on the construction of houses of worship, under which minority religious groups were required to obtain signatures of approval from the majority faith group and endorsement letters from the local administration and the religious harmony forum in order to build a house of worship. It also noted that vigilante groups and hardliner groups had often used the regulation, citing allegedly faulty or missing permits and paperwork, as a pretext to incite violence, vandalize houses of worship or pressure local officials to delay, deny or revoke permits.²³

22. It also expressed concern about the enforcement of the blasphemy law and broad restrictions on expression related to religion or belief, including the censoring, filtering and blocking of digital applications to curtail access to religious scriptures.²⁴

23. It further expressed deep concern that provisions of Law No. 19/2016 on electronic information and transactions, in particular those related to defamation, continued to be used to arbitrarily arrest, detain and prosecute political dissidents, human rights defenders, peaceful protestors and journalists.²⁵ The Committee on the Elimination of Discrimination against Women noted with concern that women human rights defenders, particularly those advocating land rights and environmental protection, were often subjected to intimidation, harassment and threats.²⁶ The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Indonesia decriminalize defamation and place it within a Civil Code that is in accordance with international standards, and revise Law No. 19/2016 on electronic information and transactions to bring it into line with international standards granting freedom of expression free from undue interference.²⁷

24. The United Nations country team expressed concern about the reported use of online surveillance and cyberattacks against human rights defenders, students, civil society organizations and journalists and the media, which had been particularly prominent during

the social unrest in Papua in 2019 in tandem with an Internet shutdown and suspension of mobile data services in certain areas. It also expressed concern regarding the rights and protection of human rights defenders, including environmental defenders, those working in Papua and lawyers defending their cases, who faced routine and serious harassment, intimidation, surveillance, physical attacks and criminalization on spurious charges of crimes against the State.²⁸

5. Prohibition of all forms of slavery, including trafficking in persons

25. The Committee on Migrant Workers expressed concern that Law No. 21/2007 on the trafficking of migrant workers was not being implemented effectively and that the national task force on trafficking in persons still did not cover many districts; that there was a lack of effective measures to protect victims of trafficking and to provide them with effective remedies, including compensation and rehabilitation; that although rates of prosecution for trafficking in persons had risen in recent times, they remained low and perpetrators were not adequately punished; that victims of trafficking were not adequately protected from being prosecuted, detained or punished for illegally entering or residing in Indonesia, or for the activities in which they were involved as a direct consequence of their situation as trafficked persons; and that trafficking-related corruption and complicity at all levels of government remained pervasive.²⁹

26. The Committee on the Elimination of Discrimination against Women expressed concern about the absence of a standardized early identification and referral system, remedies and reintegration assistance for victims of trafficking, and the lack of understanding among police and other law enforcement officers about gender-sensitive procedures for dealing with victims.³⁰

6. Right to work and to just and favourable conditions of work

27. The Committee on Economic, Social and Cultural Rights requested information on the steps taken to implement the ruling of the Constitutional Court on 25 November 2021 in relation to Law No. 11/2020 on job creation, and to address the concerns raised about the adverse impact of the law on the rights of workers, particularly regarding termination of employment, application of the minimum wage and trade union activities, and on the environment.³¹

28. The same Committee requested information on any steps taken to guarantee the right of civil servants to form and organize trade unions of their choice, pursuant to section 44 of Law No. 21/2000 concerning trade unions, and on the measures taken to ensure that workers in the informal economy and in non-traditional forms of employment, including platform-based workers and those working in export processing zones, could exercise trade union rights.³² The Committee on the Elimination of Discrimination against Women recommended that Indonesia effectively enforce the principle of equal pay for work of equal value in order to narrow and ultimately close the gender pay gap by regularly reviewing wages in all sectors, applying gender-sensitive analytical job classification and evaluation methods, conducting regular labour inspections and conducting regular pay surveys.³³

29. The Special Rapporteur on the right to food noted that, although palm oil plantations created employment for some locals, she was concerned about the working conditions of workers: many suffered abuses, such as unfair employment contracts, occupational safety and health violations, low wages, heavy workloads, gender discrimination, unachievable daily targets and child labour.³⁴

7. Right to social security

30. The Committee on Economic, Social and Cultural Rights requested information on the social assistance system, including the Family Hope Programme, in terms of the eligibility, the amounts and their adequacy, the uptake rates, and the groups or individuals left out of the programmes, and on the measures taken to increase budget allocation to the system. It also requested information on any new social protection programmes introduced, or existing ones expanded, to respond to the economic fallout from the COVID-19 pandemic, and their effectiveness, especially for the most disadvantaged and marginalized.³⁵ The

Committee on the Elimination of Discrimination against Women recommended that Indonesia design and implement public policies to extend social protection coverage to women in situations of conflict and women in informal employment, in particular those with lower-paid jobs and temporary and part-time work.³⁶

8. Right to an adequate standard of living

31. The Special Rapporteur on the right to food expressed grave concern about the forced eviction of Indonesians who relied on their land for their livelihoods, and about the subsequent criminalization of those farmers, community members and activists who protested against the practice.³⁷

32. She noted that fishing and coastal zone communities also faced several challenges to realizing their right to food and an adequate standard of living, despite their considerable role in food production.³⁸

33. She also noted that farmers, fisherfolk and local communities were detrimentally affected by the infrastructure associated with expanding palm oil plantations, including the construction of roads and canals. Those infrastructure projects often caused irrigation and soil damage, which created challenges for local farmers who relied on the land for food production. Many fisherfolk, especially those who relied on inland waters, experienced lower catches due to the impact of canals and channels on the free movement of fish.³⁹

9. Right to health

34. The Committee on Economic, Social and Cultural Rights requested information on the measures taken, and the results thereof, to address the shortcomings of the health-care system, such as the limited coverage and scope of the universal health insurance, the low level of budget allocation to the health sector and the high level of out-of-pocket expenditure, and the shortage and unequal distribution of medical professionals and facilities.⁴⁰

35. The Special Rapporteur on the right to health noted that inequalities in the enjoyment of the right to health in Indonesia were experienced in the form of barriers hindering access to and affecting the quality of essential services, which disproportionately affected groups in situations of poverty and persons living on small, remote islands and in the eastern provinces. Certain population groups faced discrimination and specific challenges in realizing their right to health, such as women and girls, persons who used drugs and persons living with HIV/AIDS.⁴¹

36. He noted that he was extremely concerned about information received regarding living conditions in most health centres and social care institutions indicating overcrowding, involuntary treatment and the use of forced seclusion as a form of punishment or discipline.⁴²

37. He also noted that existing normative, policy and institutional frameworks acted as serious barriers to access to treatment and services, hindering the effectiveness of the HIV response.⁴³ Stigmatization and discrimination, particularly in health-care settings, were major barriers preventing key populations from obtaining access to treatment and services. Consequently, such populations tended to avoid health services.⁴⁴

38. He further noted that the interaction of health services with persons who used drugs was mostly based on law enforcement and did not respect some of the basic elements of the right to health, including informed consent and the right to refuse treatment. Adequate health services should be put in place based on informed consent and the right to refuse treatment, a key element of the dignity and autonomy of those individuals affected. More investment in prevention, education and information programmes on drug use was needed.⁴⁵

10. Right to education

39. The Committee on Economic, Social and Cultural Rights requested information on the measures taken to improve school attendance, the quality of education and academic achievement at the primary, secondary and tertiary levels of education, and the results thereof, including relevant annual statistical data, disaggregated by level of education, sex and region.⁴⁶ UNESCO recommended that Indonesia ensure at least 12 years of free primary

and secondary education, and at least one year of free and compulsory pre-primary education.⁴⁷

40. The Committee on the Elimination of Discrimination against Women expressed concern about the disparities in access to education, especially during the COVID-19 pandemic, for women and girls belonging to disadvantaged and marginalized groups.⁴⁸

11. Development, the environment, and business and human rights

41. The United Nations High Commissioner for Human Rights noted that mining and logging by large corporations had been a source of serious human rights violations against farmers, workers and indigenous communities. By and large, such projects were approved and implemented without meaningful consultation with the local communities. Land-grabbing, environmental degradation, and contamination of water supplies and the resulting health hazards had ensued. There was a clear need for inclusive dialogue and consultation, and such projects must not be undertaken without the free, fair and informed consent of the affected communities.⁴⁹

42. The Special Rapporteur on the right to food noted that mining raised similar human rights concerns as the palm oil industry. The impact of mining on the environment, notably the pollution of land and water resources, had threatened the local production of food and use of natural resources to generate income. Mining industries often damaged water resources that were used for food production, forcing villagers and farmers around the mining area to use mine pit water for household use and for irrigation of crops and fish farming. Farmers using mine pit water had experienced a decrease in rice production of 50 per cent, and fish production had also decreased by 80 per cent, raising serious concerns about the right to food of the affected population.⁵⁰

43. She also noted that the Government's climate change and disaster response policies should fully integrate the right to food. Such efforts should afford special attention to those who were especially vulnerable, including farmers, fisherfolk, rural populations and coastal communities, and take into account a gender perspective.⁵¹

44. The Committee on Economic, Social and Cultural Rights requested information on the progress made in meeting nationally determined contributions for reducing emissions that Indonesia had set under the Paris Agreement, and in preventing and addressing the adverse effects of climate change on the enjoyment of economic, social and cultural rights, particularly by disadvantaged and marginalized individuals and groups.⁵²

B. Rights of specific persons or groups

1. Women

45. The United Nations country team noted with concern an increase in gender-based violence against women and girls, both online and offline, especially those belonging to disadvantaged and marginalized groups.⁵³ The Committee on the Elimination of Discrimination against Women expressed concern about the heightened risk of gender-based violence and compounded, intersectional forms of discrimination faced by women and girls in the context of the ongoing COVID-19 pandemic, especially for disadvantaged and marginalized groups of women across the country, including the provinces of Papua and West Papua; and about the limited data on women's equal representation, meaningful participation and leadership in the formulation of COVID-19 response and recovery strategies.⁵⁴

46. The same Committee expressed concern about persistent barriers, including stigmas, fear of retribution and deep-rooted, discriminatory gender stereotypes, which deterred women and girls from registering their complaints regarding gender-based discrimination and violence, and the lack of awareness among the judiciary and law enforcement officials about gender-sensitive protocols to deal with cases of gender-based violence and about the importance of victim protection and support services.⁵⁵ It also expressed concern that the Indonesian Navy and Air Force had not explicitly ended so-called "virginity testing" when recruiting young women, which constituted a violation of their right to privacy and their physical and mental integrity.⁵⁶

47. The United Nations country team noted with deep concern the prevalence of harmful practices, such as female genital mutilation and cutting. While expressing appreciation for efforts by the Government to discourage and to gather information on the practice, and for the development of the 2030 national road map and action plan on the prevention of female genital mutilation and cutting, it noted that the practice continued to be rampant.⁵⁷

48. The Committee on the Elimination of Discrimination against Women expressed concern about the low participation of women in political and public life, especially in rural areas, where women mayors headed only 7 per cent of the 78,000 villages. It further noted the lack of information on gender parity systems for the appointment and recruitment of women to senior government and other public service positions.⁵⁸

49. The Committee on Economic, Social and Cultural Rights requested information on the steps taken to repeal gender-discriminatory legal provisions and practices which prevented women from accessing employment, land, livelihoods and economic opportunities, and social security and welfare programmes.⁵⁹

50. The Special Rapporteur on the right to food expressed great concern about the failure to recognize women as essential to the food security of Indonesia and as rights holders. National legislation related to food, including the Laws on Food, on Farmers' Protection and Empowerment and on Protection and Empowerment of Fisherfolk, Fish Farmers and Salt Farmers, did not explicitly recognize women as stakeholders. That lack of adequate recognition further undermined the rights of women to social security and welfare programmes and delegitimized women as agricultural workers.⁶⁰

2. Children

51. The Committee on Migrant Workers expressed concern that a large number of births in Indonesia had not been registered and that a lack of information, bureaucratic obstacles and financial barriers prevented Indonesian migrant workers abroad from registering their children's births and obtaining identity documents for them, particularly for those born out of wedlock who were considered to be illegitimate, which might put them at risk of statelessness and deprive them of their rights.⁶¹

52. The United Nations country team expressed appreciation for the amendment in September 2019 of the Marriage Law, which outlawed child marriage and raised the minimum legal age for women to marry from 16 to 19 years; and for the national strategy on the prevention of child marriage, launched in February 2020, which reinforced the Government's commitment to ending the practice.⁶²

53. The Committee on the Rights of Persons with Disabilities requested the information on the specific measures taken to prohibit corporal punishment in alternative care and day-care settings.⁶³ UNESCO noted that Indonesia had stepped up its efforts to protect children from violence, and that legislation provided protection from all kinds of violence, including physical and sexual violence in educational institutions, but did not explicitly prohibit corporal punishment.⁶⁴

54. The Committee on Economic, Social and Cultural Rights requested information on the prevalence of child labour and of children engaged in the worst forms of child labour, and on any targeted inspections or investigations carried out, especially in the agricultural, fishing and footwear industries and in domestic work.⁶⁵

55. The Committee on Migrant Workers expressed concern about the large number of migrant children exposed to hazardous conditions or the worst forms of child labour working in mines, offshore fishing, construction sites and quarries, or as domestic or sex workers, their early dropout from school and their vulnerability to violence and exploitation, including physical, psychological and sexual abuse, child trafficking and forced labour.⁶⁶

56. The Special Rapporteur on the right to food noted that malnutrition among children was closely associated with poverty, lack of education and poor environmental conditions, such as restricted access to clean water and sanitation.⁶⁷

3. Persons with disabilities

57. The Committee on the Rights of Persons with Disabilities requested information on the measures taken to provide equal and effective legal protection for persons with disabilities against all forms of discrimination on all grounds, including multiple and intersectional discrimination and the denial of reasonable accommodation in the public and private spheres.⁶⁸

58. The same Committee requested information on the measures taken to eliminate multiple and intersectional discrimination against women and girls with disabilities, especially those belonging to ethnic and religious minorities and women and girls with intellectual or psychosocial disabilities, in all spheres of their life, including education, family, employment and health, across the country, including rural areas and remote islands. It also requested information on the measures taken to improve access to reproductive health care and awareness-raising programmes specifically for women with intellectual or psychosocial disabilities.⁶⁹

59. It further requested information on the measures taken to eliminate in law, policy and practice all forms of forced medical procedures and treatment, chemical, physical and mechanical restraints, isolation and seclusion, including shackling, in all settings, particularly with respect to persons with intellectual or psychosocial disabilities.⁷⁰

4. Indigenous peoples and minorities

60. The United Nations country team expressed concern that the bill on the recognition and protection of indigenous peoples (the draft law on *Masyarakat Hukum Adat* – customary law communities) remained stalled in parliament. It noted that the lack of legal recognition of indigenous peoples based on the principle of self-identification, which significantly hindered registration by indigenous peoples of collective rights to land, and the lack of oversight mechanisms had made it easier for State and private actors to appropriate lands, territories and natural resources without the free, prior and informed consent of indigenous peoples. The implementation of large extractive business activities, such as mining, logging and palm oil plantations, had heightened tensions and exacerbated land- and forest-related conflicts between indigenous peoples, private companies and State-owned enterprises.⁷¹

61. The Committee on the Elimination of Racial Discrimination raised additional concern about the alleged lack of official recognition of indigenous peoples and the negative effects of Law No. 11/2020 on their livelihood and their rights, including with regard to their lands and territories and the right to be consulted.⁷²

62. The Special Rapporteur on the right to food noted that indigenous peoples and local communities faced disproportionate barriers to access to land.⁷³

5. Lesbian, gay, bisexual, transgender and intersex persons

63. The Committee on the Elimination of Discrimination against Women expressed concern about the fact that the draft criminal code sought to criminalize extramarital sex, which might impact lesbian, bisexual and transgender women, restricted women's sexual and reproductive health rights, and authorized local governments to enact by-laws containing criminal penalties for sexual conduct based on "living law".⁷⁴ The United Nations country team and UNHCR expressed similar concerns.⁷⁵

64. The United Nations country team noted that the practices of "conversion therapy", based on the incorrect and harmful notion that lesbian, gay, bisexual, transgender and intersex persons and gender-diverse person could be helped to "get back on track to normalcy", had further perpetuated the cycle of hate and intolerance. The situation in Aceh remained particularly problematic, where sharia by-laws criminalized consensual same-sex relations and prohibited adultery, and permitted as punishment for those offences up to 100 lashes and up to 100 months in prison.⁷⁶

65. The Special Rapporteur on the right to health noted that discriminatory attitudes and increasingly restrictive laws and regulations relating to expression of sexual orientation and gender identity had contributed to increased stigmatization and harassment in health-care settings for lesbian, gay, bisexual and transgender persons seeking sexual health care and

services, including refusal of admission or services and a lack of comprehensive health services tailored to their needs. Regulations at the national and subnational levels created barriers to access to those services, and confidentiality was not always guaranteed.⁷⁷ He also noted that homosexuality and sex work were criminalized at the national and provincial levels.⁷⁸

6. Migrants, refugees and asylum-seekers

66. The Committee on Migrant Workers expressed concern about the absence of comprehensive legislation on migration designed to protect the rights of all migrant workers, including those in an irregular situation. The Committee recommended that Indonesia adopt comprehensive legislation on migration and take the steps necessary to ensure that its national laws, including Law No. 6/2011 on immigration and the draft amendment to Law No. 39/2004 on the placement and protection of Indonesian overseas workers, were in line with the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁷⁹

67. The same Committee expressed concern about complaints from poor and low-skilled migrant workers, particularly undocumented and migrant domestic workers, not being adequately addressed or such migrant workers being denied assistance.⁸⁰ It also expressed concern about reports that undocumented migrants were frequently subjected to labour and sexual exploitation, including forced labour, particularly in the fisheries, construction, agriculture, mining, manufacturing, tourism and domestic work sectors.⁸¹

68. The Committee expressed concern that the conditions in immigration detention facilities were extremely poor and included overcrowding, inadequate sanitation facilities and insufficient and bad-quality food; and that there was a lack of information regarding due process guarantees for migrant workers and members of their families in criminal and administrative proceedings, including detention and expulsion.⁸²

69. It further expressed concern that recruitment agencies in Indonesia were given extensive powers in relation to the signing of contracts, pre-departure training, grievance handling, conciliation and repatriation, despite the fact that they were insufficiently monitored and regulated.⁸³

70. The United Nations country team expressed appreciation for the Government's commitment to protecting the safety and rights of refugees and asylum-seekers, including ensuring search and rescue at sea, safe disembarkation, access to territory and referral of asylum-seekers to UNHCR in compliance with presidential regulation No. 125/2016 on the handling of refugees.⁸⁴ UNHCR applauded the Government's decision to allow the disembarkation of some 600 Rohingya refugees during the COVID-19 pandemic in the period 2020–2021.⁸⁵ However, the United Nations country team noted that gaps remained, in law and in practice, regarding their protection and their access to education, health care and employment.⁸⁶

71. UNHCR, while noting that Indonesia had generally respected the principle of non-refoulement, expressed alarm at a further decline in such respect. In one particularly serious incident in 2022, an asylum-seeker registered with UNHCR who was in her ninth month of pregnancy was detained at the airport, denied access to medical care and deported, despite her having already reported her pregnancy and her intention to seek asylum in Indonesia.⁸⁷

72. UNHCR noted that most refugees and asylum-seekers in Indonesia belonged to minority religions, particularly Shia Islam and Christianity, and that discrimination against religious minorities affected those refugees and asylum-seekers. Anti-Shia sentiments towards refugees and asylum-seekers in some refugee-hosting areas, including Balikpapan and Tanjung Pinang, had persisted in the form of planned protests against those populations.⁸⁸

7. Internally displaced persons

73. The Committee on Economic, Social and Cultural Rights requested information on the measures taken to ensure that persons who were internally displaced due to natural disasters continued to enjoy their economic, social and cultural rights while displaced.⁸⁹

8. Stateless persons

74. UNHCR noted that a significant number of Indonesians continued to be at risk of statelessness due to a range of administrative barriers that prevented access to the birth registration process.⁹⁰ The Committee on the Elimination of Discrimination against Women expressed concern that article 41 of Law No. 12/2006 on citizenship of the Republic of Indonesia excluded children who had been born to an Indonesian and a non-Indonesian parent before 2006 from obtaining Indonesian nationality.⁹¹

C. Specific regions or territories

75. A number of special rapporteurs expressed serious concern about the deteriorating human rights situation in the Indonesian provinces of Papua and West Papua, citing shocking abuses against indigenous Papuans, including child killings, disappearance, torture and mass displacement of people. They called for urgent humanitarian access to the region, and urged the Indonesian Government to conduct full and independent investigations into abuses against the indigenous peoples.⁹²

76. The United Nations country team acknowledged the complexities of the situation in Papua, which had shown no signs of improvement amid clashes with armed groups and ongoing security operations since December 2018, and it reiterated calls to urgently step up efforts to address the protracted and grave problems in the Papua region. Significant abuses continued against indigenous Papuans, including extrajudicial killings, enforced disappearance, arbitrary arrests and detention, torture and inhumane treatment while in police custody. Heightened violence between security forces and armed groups had reportedly resulted in significant and forced displacement of thousands of indigenous Papuans, the majority of whom reportedly remained in forests without timely access to adequate food, health care or education facilities. The extension until 2041 of the law on special autonomy for Papua and plans to create new provinces in Papua reportedly without any genuine and meaningful consultation of Papuan institutions or communities had further heightened tensions, as shown in political protests, some of which had led to killings and mass arrests of protestors.⁹³

77. While welcoming various steps taken by the Government towards addressing impunity and accountability, including initiating investigations into alleged excessive use of force by Indonesian security forces in Nduga, Pegunungan Bintang and Intan Jaya Regencies in the period 2020–2021, the United Nations country team noted with concern that the findings had yet to be made public or communicated to relatives.⁹⁴

78. The Special Rapporteur on the right to food stated that the reported deaths of 72 children in Papua from preventable disease and malnutrition represented the Government's failure to meet its obligation to fulfil the right to food, especially for children and vulnerable populations.⁹⁵

79. The Special Rapporteur on the right to health noted that ethnic Papuans were currently twice as likely to have HIV/AIDS than the rest of the population, and that rates of infection were on the rise in Papua.⁹⁶

Notes

¹ [A/HRC/36/7](#), [A/HRC/36/7/Add.1](#) and [A/HRC/36/2](#).

² [A/HRC/40/56/Add.2](#), para. 92 (a).

³ [CMW/C/IDN/CO/1](#), para. 12.

⁴ United Nations country team submission for the universal periodic review of Indonesia, p. 12.

⁵ [CMW/C/IDN/CO/1](#), para. 13; [CEDAW/C/IDN/CO/8](#), para. 57; and United Nations country team submission, p. 12.

⁶ [CMW/C/IDN/CO/1](#), para. 41 (c), and UNHCR submission for the universal periodic review of Indonesia, pp. 5–6. See also United Nations country team submission, p. 12.

⁷ [CMW/C/IDN/CO/1](#), para. 51 (h), and [A/HRC/40/56/Add.2](#), para. 92 (b). See also United Nations country team submission, p. 12.

- ⁸ [A/HRC/40/56/Add.2](#), para. 92 (b). See also United Nations country team submission, p. 12.
- ⁹ OHCHR, *United Nations Human Rights Report 2019*, pp. 91, 106 and 180; OHCHR, *United Nations Human Rights Report 2020*, p. 109, 125 and 200; and OHCHR, *United Nations Human Rights Report 2021*, p. 115, 487 and 505.
- ¹⁰ United Nations country team submission, p. 2.
- ¹¹ [CEDAW/C/IDN/CO/8](#), para. 13 (b).
- ¹² United Nations country team submission, p. 2.
- ¹³ [CMW/C/IDN/CO/1](#), para. 20 (a)–(c).
- ¹⁴ United Nations country team submission, p. 1.
- ¹⁵ *Ibid.*
- ¹⁶ [E/C.12/IDN/Q/2](#), para. 11 (b).
- ¹⁷ [A/HRC/38/36/Add.1](#), para. 128 (l).
- ¹⁸ *Ibid.*, para. 55.
- ¹⁹ United Nations country team submission, pp. 3–4.
- ²⁰ [CEDAW/C/IDN/CO/8](#), para. 27 (b)–(c).
- ²¹ United Nations country team submission, p. 4.
- ²² *Ibid.*, p. 12.
- ²³ *Ibid.*, p. 4.
- ²⁴ *Ibid.*, p. 5.
- ²⁵ *Ibid.*, p. 6.
- ²⁶ [CEDAW/C/IDN/CO/8](#), para. 33.
- ²⁷ UNESCO submission for the universal periodic review of Indonesia, paras. 14–15.
- ²⁸ United Nations country team submission, page 6. See also <https://www.ohchr.org/en/press-releases/2021/11/indonesia-stop-judicial-harassment-human-rights-defenders-un-expert> and <https://www.ohchr.org/en/press-releases/2021/12/indonesia-stop-reprisals-against-woman-human-rights-defender-un-expert>.
- ²⁹ [CMW/C/IDN/CO/1](#), para. 56 (a)–(e)
- ³⁰ [CEDAW/C/IDN/CO/8](#), para. 29.
- ³¹ [E/C.12/IDN/Q/2](#), para. 3.
- ³² *Ibid.*, para. 17.
- ³³ [CEDAW/C/IDN/CO/8](#), para. 42 (d).
- ³⁴ [A/HRC/40/56/Add.2](#), para. 80.
- ³⁵ [E/C.12/IDN/Q/2](#), para. 19 (b)–(c).
- ³⁶ [CEDAW/C/IDN/CO/8](#), para. 42 (b).
- ³⁷ [A/HRC/40/56/Add.2](#), para. 68.
- ³⁸ *Ibid.*, para. 69.
- ³⁹ *Ibid.*, para. 78.
- ⁴⁰ [E/C.12/IDN/Q/2](#), para. 24 (a).
- ⁴¹ [A/HRC/38/36/Add.1](#), paras. 65–66.
- ⁴² *Ibid.*, para. 55.
- ⁴³ *Ibid.*, para. 105.
- ⁴⁴ *Ibid.*, para. 107.
- ⁴⁵ *Ibid.*, para. 122.
- ⁴⁶ [E/C.12/IDN/Q/2](#), para. 27 (b).
- ⁴⁷ UNESCO submission, para. 13.
- ⁴⁸ [CEDAW/C/IDN/CO/8](#), para. 39 (b).
- ⁴⁹ See <https://www.ohchr.org/en/statements/2018/02/opening-remarks-un-high-commissioner-human-rights-zeid-raad-al-hussein-press-0>.
- ⁵⁰ [A/HRC/40/56/Add.2](#), para. 82. See also United Nations country team submission, p. 11.
- ⁵¹ [A/HRC/40/56/Add.2](#), para. 90.
- ⁵² [E/C.12/IDN/Q/2](#), para. 7 (a).
- ⁵³ United Nations country team submission, p. 7.
- ⁵⁴ [CEDAW/C/IDN/CO/8](#), para. 9
- ⁵⁵ *Ibid.*, para. 15 (a).
- ⁵⁶ *Ibid.*, para. 21. See also [A/HRC/38/36/Add.1](#), para. 128 (g).
- ⁵⁷ United Nations country team submission, p. 8. See also [CEDAW/C/IDN/CO/8](#), para. 24 (a).
- ⁵⁸ [CEDAW/C/IDN/CO/8](#), para. 35.
- ⁵⁹ [E/C.12/IDN/Q/2](#), para. 12.
- ⁶⁰ [A/HRC/40/56/Add.2](#), para. 55.
- ⁶¹ [CMW/C/IDN/CO/1](#), para. 40.
- ⁶² United Nations country team submission, p. 8. See also [CEDAW/C/IDN/CO/8](#), paras. 29, 30 (e) and 52 (a).
- ⁶³ [CRPD/C/IDN/Q/1](#), para. 4 (b).

- ⁶⁴ UNESCO submission, para. 12.
⁶⁵ [E/C.12/IDN/Q/2](#), para. 20 (b).
⁶⁶ [CMW/C/IDN/CO/1](#), para. 32 (c).
⁶⁷ [A/HRC/40/56/Add.2](#), para. 60.
⁶⁸ [CRPD/C/IDN/Q/1](#), para. 2 (a).
⁶⁹ *Ibid.*, para. 3 (a) and (c).
⁷⁰ *Ibid.*, para. 13 (a).
⁷¹ United Nations country team submission, p. 9. See also [CEDAW/C/IDN/CO/8](#), para. 46 (a), and [A/HRC/40/56/Add.2](#), para. 52.
⁷² [A/76/18](#), para. 33.
⁷³ [A/HRC/40/56/Add.2](#), para. 51.
⁷⁴ [CEDAW/C/IDN/CO/8](#), para. 13 (c).
⁷⁵ United Nations country team submission, p. 5, and UNHCR submission, p. 3.
⁷⁶ United Nations country team submission, p. 5. See also [CEDAW/C/IDN/CO/8](#), para. 26 (e), and UNHCR submission, p. 3.
⁷⁷ [A/HRC/38/36/Add.1](#), para. 84.
⁷⁸ *Ibid.*, para. 105.
⁷⁹ [CMW/C/IDN/CO/1](#), paras. 10–11.
⁸⁰ *Ibid.*, para. 28 (c).
⁸¹ *Ibid.*, para. 32 (a).
⁸² *Ibid.*, para. 34 (d)–(e).
⁸³ *Ibid.*, para. 52 (a).
⁸⁴ United Nations country team submission, p. 3.
⁸⁵ UNHCR submission, p. 1.
⁸⁶ United Nations country team submission, p. 3. See also UNHCR submission, p. 5.
⁸⁷ UNHCR submission, p. 4.
⁸⁸ *Ibid.*, p. 3.
⁸⁹ [E/C.12/IDN/Q/2](#), para. 7 (c).
⁹⁰ UNHCR submission, p. 5.
⁹¹ [CEDAW/C/IDN/CO/8](#), para. 37.
⁹² See <https://www.ohchr.org/en/press-releases/2022/03/indonesia-un-experts-sound-alarm-serious-papua-abuses-call-urgent-aid>. See also <https://www.ohchr.org/en/statements/2020/11/comment-un-human-rights-office-spokesperson-ravina-shamdasani-papua-and-west>.
⁹³ United Nations country team submission, p. 10.
⁹⁴ *Ibid.*
⁹⁵ [A/HRC/40/56/Add.2](#), para. 61.
⁹⁶ [A/HRC/38/36/Add.1](#), para. 110.
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