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## **Draft report of the Working Group on the Universal Periodic Review\***

### **Indonesia**

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\* The final document will be issued under the symbol A/HRC/21/7. The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its thirteenth session from 21 May to 4 June 2012. The review of Indonesia was held at the 5th meeting on 23 May 2012. The delegation of Indonesia was headed by H.E. Dr. R. M. Marty M. Natalegawa, Minister for Foreign Affairs. At its 10th meeting held on 25 May 2012, the Working Group adopted the report on Indonesia.
2. On 3 May 2012, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Indonesia: Botswana, Guatemala, Kyrgyzstan.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21 of 25 March 2011, the following documents were issued for the review of Indonesia:
  - (a) A national report submitted in accordance with paragraph 15 (a) (A/HRC/WG.6/13/IDN/1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/IDN/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/IDN/3).
4. A list of questions prepared in advance by Denmark, Germany, Netherlands, Norway, Slovenia, Sweden and United Kingdom of Great Britain and Northern Ireland was transmitted to Indonesia through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Indonesia's participation in the UPR represents its strong desire to share with the international community the efforts it is making, and the challenges it is facing, in the promotion and protection of human rights.
6. The formulation of the National Report involved various ministries and government agencies, including local governments in different parts of the country. It is the product of cooperation amongst a wide range of stakeholders, including human rights institutions and civil society organizations. Such an inclusive process is critical in imparting it with a sense of broad ownership.
7. Indonesia is cementing the building blocks of democratic and human rights institutions. Central to this, is an effective system of checks and balances. Like any other country, the realization of such a vision is not totally free of challenges. Indonesia's response is a "democratic" one. It remains steadfast in respecting and upholding freedom of religion, association and expression. It remains committed to ensuring that the mass media and labour unions, political parties and civil society organizations continue to flourish in freedom. It remains consistent in ensuring an independent judiciary, as a key pillar in the democratic transformation.

8. The delegation referred to three areas in which Indonesia is fulfilling its human rights commitments. First, since 2008, laws on freedom of expression, elimination of racial and ethnic discrimination, and trafficking in persons, among others, have been passed and are being implemented.
9. In November 2011, Indonesia ratified the CRPD. In May 2012, Indonesia ratified the ICRMW. Indonesia is firmly committed to ensuring the welfare of its migrant workers and will take an active part in the global campaign for the universal ratification of this Convention.
10. The Bills on the ratification of two Optional Protocols to the Convention on the Rights of the Child have been submitted to Parliament. Indonesia expects them to be ratified soon.
11. Indonesia is in the process of ratifying the Convention for the Protection of All Persons from Enforced Disappearances (CED), which it signed in 2010.
12. Secondly, Indonesia established the National Action Plan on Human Rights for the period 2011-2014, the third in a series of such plans. It provides a solid platform at both national and sub-national levels for the mainstreaming of human rights issues. A new component of the latest Plan is the establishment of a public complaints service.
13. Indonesia is consistently strengthening its collaboration with all relevant stakeholders. The Government is working hand in hand with its vibrant civil society and the free mass media in advancing human rights.
14. Indonesia has extended invitations to three Special Rapporteurs on the rights to health, adequate housing and freedom of opinion and expression. Two of the Rapporteurs are scheduled to visit Indonesia in 2013.
15. Indonesia's democratic transformation over the past 14 years has been paralleled by change within the Association of Southeast Asian Nations (ASEAN). Indonesia held the chairmanship of ASEAN in 2011. The ASEAN Human Rights Declaration is being formulated.
16. As part of wider efforts to create conditions conducive for the promotion and protection of human rights, Indonesia in 2008 launched the Bali Democracy Forum (BDF). It has established an extensive network of bilateral cooperation and dialogue. As the country with the largest Muslim population, Indonesia has worked hard for the establishment of the Independent Permanent Human Rights Commission within the Organization of Islamic Cooperation. It held its inaugural meeting in Jakarta on 20-24 February 2012. It will thus accentuate the compatibility of Islam with human rights and democracy.
17. At the global level, Indonesia speaks and acts consistently in support of the promotion and respect of economic, social and cultural rights, which are so critical to much of humanity in the developing world.
18. Like other democracies, well-established as well as those in transition, Indonesia is conscious that the promotion and protection of human rights in Indonesia is not without challenges. While democracy brings freedom, it can also provide openings for extremists to exploit the democratic space for their own gains, often promoting religious intolerance and triggering communal conflicts, against democratic principles. For Indonesia, given its size and diversity, the challenges are multiplied. Yet, Indonesia is of the strong conviction that the voices of reason and moderation can and, indeed, must prevail. This can be achieved by objectively acknowledging where gaps and shortcomings are still prevalent and giving encouragement and support to good-faith efforts to push back evidence of intolerance.

## **B. Interactive dialogue and responses by the State under review**

19. During the interactive dialogue, 74 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report. Delegations expressed appreciation to Indonesia for the consultative process in preparing the national report and the frank presentation on efforts undertaken to improve the situation on the ground.

20. Pakistan noted with appreciation measures taken to strengthen human rights machinery in the follow-up to UPR. It noted that Indonesia has significantly increased the education and health budget and integrated human rights in the national education curricula. Pakistan made recommendations.

21. Palestine noted the enactment of legislation on freedom of expression and the fight against human trafficking. It noted efforts to ratify ICRMW, CRPD and the two protocols to CRC. Furthermore, it appreciated the establishment of a complaints unit, which promotes human rights protection. Palestine made a recommendation.

22. Philippines noted efforts to mainstream human rights by incorporating human rights in the educational curriculum and the recent ratification of CED. It valued Indonesia's partnership with ASEAN member states resulting in the establishment of such mechanisms such as the ASEAN Intergovernmental Commission on Human Rights (AICHR).

23. Qatar noted that Indonesia had launched its Third National Action Plan on Human Rights. It noted that the Indonesian Constitution protects freedom of religion and belief and encouraged religious tolerance despite the great challenges faced by the country. It made recommendations.

24. Republic of Korea welcomed the launch of the Third National Action Plan on Human Rights and commended Indonesia's cooperation with the international human rights mechanisms. It appreciated Indonesia's commitment to the process of revising its Penal Code. The Republic of Korea made recommendations.

25. Russian Federation noted achievements in ensuring freedom of religion, gender equality, freedom of speech, economic, social and cultural rights, equal access to education, and elimination of the phenomenon of street children and poverty. Steps taken to prevent trafficking and family violence can be considered examples of best practices. It made a recommendation.

26. Saudi Arabia praised Indonesia's accomplishment in expanding and implementing programmes for compulsory free education. Despite challenges faced, Indonesia had taken measures to support students facing financial difficulties. It emphasised the importance of the international community's support. It made recommendations.

27. Senegal commended Indonesia for strengthening its human rights normative and institutional framework and for initiatives taken in the areas of gender equality, empowerment of women and protection of children. It made recommendations.

28. Singapore recognised the progress made by Indonesia: in promoting the role of women in public and political life; and in taking measures to safeguard the rights of women and children. It noted the efforts to strengthen the rule of law. Singapore made recommendations.

29. Slovakia acknowledged Indonesia's efforts in strengthening its normative and institutional framework for the promotion and protection of human rights. It noted with appreciation the third National Human Rights Action Plan. Slovakia made recommendations.

30. Slovenia welcomed Indonesia's commitment to the implementation of the recommendation of the first UPR cycle regarding ratification of human rights instruments and the Rome Statute of ICC. It was concerned about the fact that the vast majority of human rights violations perpetrated by the police remained unpunished. Slovenia made recommendations.

31. South Africa commended Indonesia for prioritizing the right to education and especially efforts to ensure education to poor children and those living in rural areas. It requested information on the effectiveness of steps taken to protect the rights of religious minorities and what further steps would be taken. It made a recommendation.

32. Spain recognised the efforts undertaken by Indonesia in terms of human rights and welcomed the adoption of the Third Human Rights Plan of Action. It made recommendations.

33. Sri Lanka noted Indonesia's acknowledgement of its multi-ethnic, multi-cultural, multi-religious and multi-lingual characteristics. It was encouraged by the adoption of laws on anti-trafficking, victim protection and domestic violence, child protection, education, juvenile justice, citizenship, amendments to the 1945 Constitution and natural disaster management. It made recommendations.

34. Sudan paid tribute to Indonesia for its efforts in the area of economic, social and cultural rights, especially in the field of education. Moreover, it asked what were the challenges faced by efforts to ratify the two Optional Protocols to CRC. Sudan made recommendations.

35. Sweden noted that religious tolerance is the hallmark of Indonesian democracy but that certain incidents suggested that persons belonging to religious minorities may face discrimination and persecution for expressing or practicing their religion or belief. It indicated that, according to credible reports, ill-treatment of prisoners occurred in the country. Sweden made recommendations.

36. Switzerland expressed concern about acts of intolerance and discrimination perpetrated against religious and ethnical minorities or against people for their sexual orientation or gender identity. It remained concerned by cases of abuse of prisoners, in particular those that had occurred in Western Papua and Papua provinces in 2010. Switzerland made recommendations.

37. Thailand expressed appreciation for progress made in protecting vulnerable groups and commended Indonesia for promoting gender mainstreaming, implementing laws on the elimination of violence against women, addressing the issue of street children and ratifying the CRPD. It noted the adoption of a national Action Plan to combat trafficking in persons. Thailand made recommendations.

38. Timor-Leste appreciated Indonesia's commitment to take measures to combat impunity and commended legal measures taken to process cases of human rights abuses, including those involving members of military forces. It noted concerns about expressions amounting to religious intolerance in the country. Timor-Leste made recommendations.

39. Turkey commended Indonesia's active role in promoting interfaith dialogue and progress made on the protection of human rights, in particular, the establishment of ASEAN's AICHR and Indonesia's contribution in the Alliance of Civilizations initiative. It welcomed Indonesia's revision of the Penal Code. Turkey made recommendations.

40. Ukraine expressed concern at friction between certain religious groups and encouraged Indonesia to undertake necessary efforts to ensure the peaceful resolution of the issue. It welcomed the inclusion of civil society in efforts to promote religious harmony. Ukraine made a recommendation.

41. United Arab Emirates commended Indonesia's efforts to achieve a modern society and noted with satisfaction continued efforts to protect human rights and noted in particular the adoption of the principle of equality before the law and the protection of legal and judicial assistance to all citizens. It made recommendations.

42. Indonesia indicated that, as previously mentioned and in line with the commitment to the Human Rights Council, it emphasizes its commitment to full cooperation with the UN human rights mechanism including the Special Procedures mandate holders and treaty bodies. It has extended its invitation to three Special Rapporteurs. Indonesia hoped to finalize the schedule for their visits as testimony to the seriousness and commitment the Indonesian government maintains in working together with the human rights mechanism.

43. Indonesia confirmed the revision is an ongoing process involving a comprehensive review of all 766 articles in the current Penal Code covering all aspects of criminal law. Indonesia emphasized the importance of the process as well as the outcome of this exercise in building a sense of ownership for the entire endeavour. The current bill of the revised Penal Code includes the definition of torture and other acts of violence degrading to humans and consistent with the definition stated in the Convention Against Torture Provisions regarding criminal sanctions for such actions have also been included. The bill is included in the government's national legislative priorities to be enacted between 2010 and 2014 and the government is committed to completing this process within this time frame.

44. Numerous human rights education and training courses have been conducted for police and military officers and will continue to feature as one of the Government's highest priorities. Indonesia confirmed that in those instances where members of the national police or the TNI were involved in using excessive force, they have been criminally prosecuted or referred to a disciplinary mechanism. Indonesia referred to the establishment in 2011 of the national police commission, operating as the external supervisory body, with the mandate to receive complaints and suggestions regarding police performance.

45. The merit of acceding to the Rome Statute of the International Criminal Court statute has been subject of considerable discussion in Indonesia since 1998. Indonesia emphasized that the duration of the discussion should not be regarded as a sign of weakness or wavering on anyone's part but, on the contrary, as the determination of the Government to ensure that everyone is involved and that there is a sense of ownership in the eventual accession. Indonesia reiterated the fact that accession to the Rome Statute is in its national human rights action plan. Indonesia intends to continue with this process and hopes to report and share a positive outcome to this endeavor in the not too distant future.

46. United Kingdom of Great Britain and Northern Ireland welcomed Indonesia's ratification of the CPRD and efforts to address challenges in Papua and West Papua, where it noted an increase in violence. It noted the occurrence of friction between religious groups and attacks against minorities and encouraged Indonesia to tackle violence against minority faiths and accept visit requests by Special Rapporteurs. It made recommendations.

47. United States of America commended Indonesia's pursuit to promote prosperity and address grievances in the Papuan provinces though it remained concerned about allegations of abuses. It voiced concern about the failure: to create and enforce a framework of accountability for abuses by the military and police; and to protect certain religious minorities. It made recommendations.

48. Uruguay highlighted that a fundamental pillar of Indonesia's National Human Rights Action Plan is the establishment of a mechanism for complaints of human rights violations. Uruguay expressed concern that the Ministry of Health still allows female genital mutilation and that corporal punishment of children is still legally widely practiced. Uruguay made recommendations.

49. Uzbekistan welcomed Indonesia's adoption of the National Human Rights Action Plan. It highlighted the value of Indonesia's monitoring bodies noting with appreciation the work of the National Human Rights Commission, the National Commission to Eliminate Violence against Women and the National Commission to Protect Children as well as the Ombudsman and the National Commission on police issues.

50. Venezuela noted Indonesia's work under the National Action Plan in education and training on human rights. It highlighted the dissemination of information on human rights thorough trainings for national and provincial committees, police officers and the military. It welcomed progress on social and cultural rights and the initiative for free and compulsory education. Venezuela made recommendations.

51. Viet Nam expressed appreciation for the Government's continued commitment to protecting human rights. It noted achievements in ensuring access to education for all and efforts concerning the protection and promotion of the rights of vulnerable groups such as a women, children, persons with disabilities and migrant workers. Viet Nam made recommendations.

52. Algeria noted with appreciation the strengthening of Indonesia's legislative framework for the protection of human rights, education and training in human rights, efforts to ensure an independent judiciary, the strengthening of the National Human Rights Institution and efforts regarding education and health. Algeria welcomed Indonesia's intention to ratify the two Optional Protocols to the CRC. Algeria made a recommendation.

53. Angola congratulated Indonesia on its accession to most international human rights instruments. It commended Indonesia's progress on the empowerment of women, who are, as a result, playing a more significant role in society and political life. Angola urged Indonesia to step up efforts to improve children's rights. Angola made recommendations.

54. Argentina congratulated Indonesia on the ratification of important human rights instruments and its commitment to improve human rights. It encouraged Indonesia to continue its efforts to combat impunity for serious human rights violations. Argentina made recommendations.

55. Australia commended Indonesia's efforts to strengthen the capacity of its law and justice institutions to promote and protect human rights. It welcomed Indonesia's work to bolster its democratic institutions as demonstrated in holding more than 600 free and fair elections since 2004 and efforts made to improve the human rights record of its security forces. Australia made recommendations.

56. Austria commended Indonesia for the ratification of the CRPD and the signing of the CED. It expressed concern about attacks against religious minorities. Austria asked what measures had been taken regarding allegations of use of excessive force and torture by the security forces and widespread impunity. Austria made recommendations.

57. Azerbaijan congratulated Indonesia for involving all interested stakeholders and the civil society in the formulation of its national report. It welcomed information provided on measures taken to combat trafficking in persons, in particular women and children, and the adoption of legislation to this effect. Azerbaijan made two recommendations.

58. Bahrain highlighted the enactment of legislation to combat trafficking in persons and the national action plan to combat forced labour, trafficking and sexual abuse of children. Bahrain commended efforts made to protect the rights of women in Indonesia, in particular in the areas of education, economy and culture. Bahrain made recommendations.

59. Bangladesh commended action taken by Indonesia in the fields of health and education and the promotion and protection of the rights of women and the child. It



welcomed action to ensure freedom of religion and highlighted the role of the Religious Harmony Forum. Bangladesh offered to share its best practices with Indonesia.

60. Belarus commended Indonesia's accession to a number of treaties including the Palermo Protocol and the adoption of measures to improve its reporting record to treaty bodies. It noted the progress achieved in the prevention of violence against women. Belarus welcomed Indonesia's adoption of measures to combat trafficking in people. Belarus made a recommendation.

61. Belgium commended Indonesia for its efforts to attain the Millennium Development Goal to reduce the mortality rate of children under the age of 5. Belgium made recommendations.

62. Brazil noted the amendments made to the Indonesian legal framework in order to reinforce the respect for human rights. It commended Indonesia for the priority given to health and to its commitment to address issues such as religious freedom and poverty eradication. It noted the commitment to ratify OPCAT. Brazil made a recommendation.

63. Brunei Darussalam acknowledged efforts in implementing recommendations of the first UPR cycle and recognised the measures by Indonesia to tackle the issue of trafficking in persons including prosecution of the perpetrators. Moreover, it was encouraged by the efforts made to ensure the rights to education and health. Brunei Darussalam made a recommendation.

64. Cambodia noted that, following the Indonesian first UPR report, more than 20 laws and regulations had been enacted in support of efforts for the protection of human rights. It noted the adoption of plans and programmes on human rights and efforts made to share best practices at the regional and multilateral levels. It made a recommendation.

65. Canada asked Indonesia to provide an update on the process it had undergone to revise the Criminal Code to include the crime of torture and to advise when this legislation would be enacted. It welcomed steps taken through the ratification of CRPD. Canada made recommendations.

66. Chile highlighted the promotion of the rights of the child noting the adoption of a number of concrete measures in this regard. Noting that the National Reports refers to the theme of freedom of religion, Chile asked what kind of measures had been taken to prevent possible problems regarding this issue. It made recommendations.

67. China expressed appreciation for action taken including human rights education and training, promotion of gender equality, the rights of women, children and persons with disabilities. The international community should understand Indonesia's specific situation and provide constructive assistance. China supported Indonesia's efforts to further promote its economic and social development in a comprehensive manner and the harmonious coexistence of different ethnic groups.

68. Cuba welcomed progress made in the areas of education, health, reduction of maternal mortality as well as the rights of women and children, noting particularly the existence of programmes to promote the welfare of children. It praised the efforts undertaken to promote the rights of persons with disabilities. Cuba made recommendations.

69. Denmark welcomed the improvements made by Indonesia in the field of human rights over the past decade. However, it noted with concern attacks and harassment against religious communities and that some local administrations had introduced religiously founded by-laws that were discriminatory against women and religious minorities. Denmark made recommendations.

70. Ecuador highlighted the work in the defence of human rights carried out through various institutions. It welcomed the process of revision of the Penal Code and the

measures taken to promote and protect freedom of religion, to eliminate violence against women as well as to protect children, persons with disabilities and migrant workers. It made recommendations.

71. Egypt appreciated Indonesia's focus on human rights education and training, its holistic approach in considering the feasibility of acceding to international human rights instruments and the steps taken to combat impunity. In this regard, Egypt requested further elaboration on related efforts and impact on the ground. Egypt made recommendations.

72. France remained concerned by the acts of violence committed by the police against human rights defenders. It deplored the violations of human rights against persons belonging to religious minorities, in particular against Ahmadis and Papuan community. France made recommendations.

73. Germany asked Indonesia whether it intended to release Filep Karma and other political detainees. Regarding the conflict in the Papua provinces, it valued the efforts made to resolve the conflict through dialogue, but noted that serious human rights violations remained to be addressed. Germany made recommendations.

74. Indonesia's commitment to combating trafficking in persons had been reflected, among others, in the implementation of law on combating criminal acts of trafficking in persons and the ratification of related United Nations Convention and Protocols. Indonesia has been implementing the National Action Plan on Combating the Criminal Act of Trafficking in Persons and Child Sexual Exploitation for the period 2009-2014. The implementation of the National Action Plan was supervised by a task force. 23 provincial task forces and 76 districts and municipal task forces had also been established to handle the issue of trafficking.

75. Indonesia continued to improve bilateral agreements regarding domestic workers and labour issues with countries of destination of Indonesian migrant workers. At a regional level, Indonesia actively promoted a stronger and effective cooperation through the ASEAN Convention on Trafficking in Persons. Indonesia together with Australia continued to build closer cooperation in addressing irregular migration, people smuggling and trafficking in persons through the "Bali process".

76. As a diverse, multi-ethnic, multi religious country, Indonesia attached the highest priority to the issue of freedom of religion. It indicated that freedom of religion was guaranteed in Constitution but that it went beyond the provisions of the Constitution. Indonesia, as a matter of principle, did not interfere in the issue of individual belief and shared respect with all religions. There was sometimes a misperception that Indonesia recognised only six official religions; Islam, Catholicism, Protestantism, Hinduism, Buddhism and Khong Hu Chu. This mistaken view came from an incomplete reading of law no 1 of 1965. The law did not provide official recognition to any religion, but merely reaffirmed the existence of those religions in Indonesia. It did not mean that other religions were not allowed in Indonesia. Indonesia was too conscious of recent incidents which indicated an intolerance of religion. It explained that other democracies had found their democratic space exploited by those who profess intolerance and hatred amongst religions. The Government is determined to address such cases of intolerance amongst religions and ensure followers, such as Ahmadis, were able to practice their faith and believe in a good manner.

77. While recognizing efforts made, Greece asked Indonesia to share information on possible further programmes it would undertake in order to better promote human rights education and training. It made recommendations.

78. Honduras underscored the efforts made by Indonesia to guarantee equality and access to education in the country. It noted in particular the Sarjana Mengajar programme

to provide education in remote areas and other action in this regard. It made recommendations.

79. Hungary congratulated Indonesia for taking a leading role in the implementation of human rights in the region. It asked Indonesia to elaborate on how the revised bill on Military justice submitted to Parliament would help address the issue of impunity in the country. It made recommendations.

80. India noted positively Indonesia's endeavour in making justice accessible to all and asked the delegation to elaborate on the Joint Secretariats of law enforcement agencies established in 28 provinces, their powers, composition and function. It encouraged Indonesia to continue its efforts in building multicultural understanding and tolerance.

81. Iran (Islamic Republic of) thanked Indonesia for positive developments in areas such as human rights education and training. It acknowledged the role of Indonesia in sharing best practices in the field of human rights at the regional and multilateral levels. It made recommendations.

82. Iraq praised efforts made in the preparation of the National Report and took note of information included in the report which demonstrated the country's determination to protect and promote human rights. It made recommendations.

83. Italy commended Indonesia's commitment to promoting inter-faith dialogue but expressed concern about reported violence against religious minorities. Italy asked Indonesia to provide an update on the implementation of the 2001 special law granting autonomy to West Papua. It made a recommendation.

84. Japan welcomed President Yudhoyono's plan to offer an apology for past human rights violations during the Suharto era. It encouraged Indonesia to make full use of the Principles and Guidelines for the elimination of Discrimination against Persons Affected by Leprosy and Their Family Members. Japan voiced concern at reported human rights violations in Papua. Japan made recommendations.

85. Jordan welcomed the enhancement of the mandate for the National Human Rights Commission of Indonesia and its ability to perform analysis and training activities. Jordan recognized Indonesia's efforts to strengthen its institutional framework and the establishment of several human rights commissions. Jordan made recommendations.

86. Kuwait welcomed Indonesia's efforts on freedom of expression and supporting women's participation in political affairs with legislation to this effect. It commended measures to ensure equality in education, compulsory, free education programmes and adequate education in remote areas. Kuwait praised Indonesia's ratification of the CRPD.

87. Lao People's Democratic Republic noted with satisfaction Indonesia's ratification of international human rights instruments and appreciated its sharing of best practices in ASEAN and UN. It encouraged Indonesia to strengthen its cooperation with the UN and other international organizations and all stakeholders to overcome the constraints and challenges and ensure the fulfillment of the rights of its citizens.

88. Latvia, while noting efforts to improve cooperation, highlighted that a significant number of visits requests by special procedures mandate holders have not yet been accepted. It welcomed progress made towards the ratification of the Rome Statute but noted that ratification had yet to be accomplished. Latvia made recommendations.

89. Lebanon welcomed Indonesia's adoption of the human rights action plan according importance to the achievement of the MDGs. Lebanon recognized measures taken to ensure better protection for migrant workers abroad and commended the promotion of dialogue and harmony among Indonesia's multi-cultural, multi-ethnic and multi-religious society. Lebanon made recommendations.

90. Liechtenstein acknowledged Indonesia's efforts to eliminate violence against women. Liechtenstein noted the serious concern expressed by CAT that a large number of children are sentenced to jail terms for minor offences. Liechtenstein made recommendations.
91. Malaysia recognized Indonesia's commitment to human rights through the adoption of an extensive list of national human rights legislation and the launched Third National Plan of Action. Malaysia appreciated Indonesia's efforts in capacity building and its involvement in ASEAN, AICHR and ACWC. Malaysia made recommendations.
92. Maldives commended Indonesia's progress since the first UPR. It noted OHCHR reports that Indonesia loses around two million hectares of forest annually to illegal logging and land conversion. It requested that Indonesia describe steps taken to combat illegal logging and the illicit trade in forest products and do justice to natural resource management. It made recommendations.
93. Mexico noted with interest the way in which Indonesia has incorporated into its policies the recommendations of the first UPR cycle. Mexico made recommendations.
94. Morocco noted with satisfaction Indonesia's launching of Third National Plan of Action for human rights for the period 2011–2014. Morocco requested more detailed information on the seven pillars forming the Plan of Action., particularly relating to public complaints. Morocco made recommendations.
95. Myanmar commended Indonesia on its progress in the protection human rights. It commended efforts for the enactment of several domestic legislations for the protection of human rights in line with its international commitments. Myanmar made recommendations.
96. Nepal welcomed Indonesia's establishment of normative frameworks supporting human rights promotion and protection during the period 2008-2012. It indicated that Indonesia's human rights institutions play a significant role in monitoring the performance of the judiciary, legislative and executive bodies. Nepal made recommendations.
97. Netherlands appreciated Indonesia's responses to its questions on freedom of religion, the ICC and revision of the Military Tribunal Law and Criminal Code. It welcomed the invitations extended to several Special Rapporteurs. It acknowledged the challenges faced in protecting the right to freedom of religion and belief. Netherlands made recommendations.
98. New Zealand was encouraged by Indonesia's establishment of the Unit for the Acceleration of Development in Papua and West Papua and the intended change from a 'security approach' to a 'welfare and justice approach' for Papuans. It thanked Indonesia for information on the progress made in ratifying OP-CAT and the Rome Statue. It made recommendations.
99. Nicaragua expressed satisfaction with Indonesia's criminal law reform and expressed the hope that this process would serve to include new offences not yet covered emanating from international instruments to which it is party. It requested information on challenges faced concerning land rights and how the draft law on agrarian reform will help solve outstanding problems. Nicaragua made recommendations.
100. Norway expressed concern about reports of harassment and discrimination of religious minorities and non-believers in Indonesia. It noted that some human rights defenders experience challenges to operate freely in the Papua provinces. Norway made recommendations.
101. Indonesia reaffirmed its absolute and total commitment to ensuring the protection and freedom of religion and to respect and promote freedom of expression. Indonesia is determined to ensure that incidents of religious intolerance are addressed and perpetrators

of acts both physical and of intimidation are brought to justice. The delegation expressed its keenness to work with all countries to ensure that freedom of religion is constantly promoted and receives required attention.

102. Responding to observations made, the delegation referred to the situation in the provinces of Papua and West Papua. In order to optimize the implementation of Special Autonomy and expedite the development in Papua as well as West Papua, the Government has established the Special Unit for the Acceleration of Development in Papua and West Papua, through Presidential Decrees No. 65/2011 and No. 66/2011. This special Unit has formulated several quick programmes related to the enhancement of food security, poverty eradication, community-based economic development, education, health, and basic infrastructures. The Government continues to be committed to implement and optimize the special autonomy for the two provinces and to pursue the welfare and development approach in the two provinces. Responding to the comment raised on a reported general climate of impunity, the delegation explained that, unlike the past, members of the police and TNI who committed excesses in carrying out their responsibilities to maintain law and order have been held accountable and brought before the relevant courts. The delegation underscored the fact that the Government is keen to ensure that no cases or excesses occur on the part of the military or police in the carrying out of their responsibilities to maintain law and order in the two provinces.

103. In its closing remarks, the delegation expressed thanks for the active participation and valuable contributions of all. It was pleased to note the recognition of Indonesia's endeavors in the field of human rights. At the same time, from the perspectives contributed and questions raised, Indonesia is fully aware that its progress is not without challenges and constraints.

104. Indonesia will continue to cultivate a culture of respect for human rights for all in its multicultural, multi-religious and multi-ethnic society. The advancement of universal human rights remains one of the Government's highest priorities. Mainstreaming of human rights and fundamental freedoms will always be on its agenda. The National Action Plan on Human Rights and various national policies will guide Indonesia towards this end, with the active participation of and contributions from all stakeholders, including our vibrant civil societies.

105. The dynamics of the socio-political life of Indonesia constantly tests the firmness of its commitment. But Indonesia will persevere in the continuing process of promoting and protecting the human rights of our people.

106. Indonesia was grateful for the many constructive comments and recommendations made. As the UPR mechanism is aimed at improving the human rights situation on the ground, the greatest benefit will be the implementation of its realistic and deliverable recommendations.

107. The delegation assured participants that it will give careful and serious consideration to every recommendation and will respond accordingly in due time.

## II. Conclusions and/or recommendations

108. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Indonesia:

**108.1. Complete the process of ratifying international human rights instruments which have not yet been ratified, including CED and the two Protocols to CRC (Iraq);**

- 108.2. In conformity with the third Action Plan on Human Rights, continue to consider ratifying the Rome Statute, OP-CAT and CED (Chile);
- 108.3. Ratify the CED, OP-CAT and the Rome Statute of the ICC (Austria);
- 108.4. Ratify the Optional Protocol to the Convention on the Rights of the Child, OP-CAT, and the Rome Statute of the ICC, at the earliest opportunity (Slovenia);
- 108.5. Ratify the OP-CAT as well as the Rome Statute of the International Criminal Court, and to incorporate their provisions into domestic law (Sweden);
- 108.6. Ratify the OP-CAT as well as the Rome Statute as foreseen in the National Human Rights Action Plan 2011-2014 (Switzerland);
- 108.7. Ratify the Rome Statute of the ICC and the OP-CAT (United Kingdom);
- 108.8. Ratify OP-CAT (Turkey);
- 108.9. Ratify OP-CAT (Maldives);
- 108.10. Ratify and implement the following international instruments: CED and OP-CAT (Ecuador);
- 108.11. Ratify CED (Spain);
- 108.12. Continue the efforts to ratify CED (Argentina);
- 108.13. Ratify as soon as possible CED and fully incorporate its provisions in the national legislation (Mexico);
- 108.14. Continue its efforts to put in place the conditions for the eventual ratification of the International Convention on the Protection of all Persons from Enforced Disappearance (CED) (Timor-Leste);
- 108.15. Consider ratifying the CED as foreseen in the National Human Rights Action Plan, and accelerate the ratification of the ICRMW and the implementation of its provisions (Morocco);
- 108.16. Complete the process for the ratification of the two Optional Protocols to CRC (Sudan);
- 108.17. Ratify the Optional Protocols to the Convention on the Right of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography (Belgium);
- 108.18. Take steps to integrate in national legislation the provisions of both Optional Protocols to the CRC, once ratified, and to strengthen relevant national implementation mechanisms (Egypt);
- 108.19. Ratify the two Optional Protocols to the CRC on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography (Greece);
- 108.20. Ratify the Rome Statute of the International Criminal Court, including its Agreement on Privileges and Immunities (Slovakia);
- 108.21. Ratify the Rome Statute of the ICC to be a front runner again within ASEAN (Germany);

- 108.22. **Accede to the Rome Statute as amended at the Review Conference in Kampala in 2010 and align its national legislation with the obligations under the Rome Statute, the definition of crimes and principles, including the crime of aggression (Liechtenstein);**
- 108.23. **Ratify the Rome Statute of the International Criminal Court (Australia);**
- 108.24. **Follow-up on the commitment made in the National Human Rights Action Plan to ratify the Rome Statute of the International Criminal Court, and align its national legislation with the provisions of the Court's Statute (Hungary);**
- 108.25. **Ratify the Rome Statute of the ICC and to fully align its national legislation with all obligations under the Rome Statute, including incorporating the Rome Statute definition of crimes and general principles, as well as adopting provisions enabling cooperation with the Court (Latvia);**
- 108.26. **Criminalize torture in its penal code and ratify OP-CAT (France);**
- 108.27. **Amend the Criminal Code to adopt a definition of torture as a criminal offense, as well as the Law of Criminal Procedure to make it punishable (Spain);**
- 108.28. **Specifically criminalize torture in your criminal code and ensure that security officials are held accountable for torture and other human rights abuses (United States of America);**
- 108.29. **Adopt, as a matter of priority, legislation to criminalize torture in line with article 1 of CAT (New Zealand);**
- 108.30. **Pursue the revision of the Penal Code to provide a more comprehensive and thorough legal basis for the implementation of Indonesia's obligations (Turkey);**
- 108.31. **Adopt promptly the reforms of the Criminal Code (Nicaragua);**
- 108.32. **Continue strengthening the national human rights institutions (Nepal);**
- 108.33. **Continue its endeavours to further enhance the existing mechanisms to advance human rights in Indonesia (Azerbaijan);**
- 108.34. **Continue its efforts to promote and support national human rights institutions (Saudi Arabia);**
- 108.35. **Continue developing the institutional framework with respect to the promotion and protection of human rights (Jordan);**
- 108.36. **Strengthen the infrastructure and institutional arrangements for training on human rights (Iraq);**
- 108.37. **Further promote human rights education and training at all educational levels (Pakistan);**
- 108.38. **Further promote human rights education and training at all levels (Sri Lanka);**
- 108.39. **Further promote human rights education and training at all educational levels (Thailand);**
- 108.40. **Continue promoting human rights education and training at all educational levels (Iran (Islamic Republic of));**

- 108.41. Further promote human rights education and training at all levels in partnership with all relevant stakeholders to promote and protect the rights of every person (Myanmar);
- 108.42. Implement comprehensive human rights training, with regular reviews to ensure effectiveness, for all military and police personnel, including those working in Papua and West Papua provinces (New Zealand);
- 108.43. Continue in a permanent manner the human rights education and training programs, disseminating specific information in that regard with training courses for the national and provincial committees, including police officers and the military (Venezuela(Bolivarian Republic of));
- 108.44. Continue to promote human rights education and training at all educational levels, disseminating international human rights instruments and national legislation to law enforcement officers to continue increasing their awareness of their role in protecting people's rights, particularly those of vulnerable and marginalised groups (Venezuela(Bolivarian Republic of));
- 108.45. Continue its efforts to promote programmes for capacity building for law enforcement officers in the field of human rights (United Arab Emirates);
- 108.46. Share best practices concerning training of law enforcement officials in human rights (Qatar);
- 108.47. Continue its efforts to promote human rights education and training at all levels of education, including capacity building for persons in charge of enforcing current human rights laws, policies and measures (Morocco);
- 108.48. Make further efforts to generate public awareness about human rights, including through human rights education (Nepal);
- 108.49. Strengthen its efforts and measures to consolidate the State of law and its mechanisms on human rights protection and promotion, as stated in the recently launched Third National Action Plan on Human Rights (Viet Nam);
- 108.50. Continue to enhance its efforts to address the related challenges ahead in the promotion and protection of human rights through its relevant policies and plans of action, especially the Third National Action Plan on Human Rights (Cambodia);
- 108.51. Enhance the participation of and cooperation with relevant NHRIs and civil society in planning and implementation of human rights agenda in the future (Republic of Korea);
- 108.52. Further enhance the partnership with relevant NHRIs and civil society for better coordination in the planning and implementation of national human rights activities and programmes among all stakeholders (Malaysia);
- 108.53. Foster partnerships between the government, national human rights institutions, and civil society (Egypt);
- 108.54. Increase cooperation with civil society (Palestine);
- 108.55. Facilitate the visits of the Special Rapporteur on Adequate Housing and on Health, as well as requests for visits by others, including the Special Rapporteur on Freedom of Expression (Republic of Korea);
- 108.56. Continue its constructive role and contribution in the promotion and protection of human rights in the region (Pakistan);



- 108.57. Continue its efforts in sharing best practices in the promotion and protection of human rights through regional and multilateral frameworks (Viet Nam);
- 108.58. Provide more resources for implementing the national policies and programmes in favour of social vulnerable groups like women, children, poor people, ethnic minorities and migrants (Viet Nam);
- 108.59. Continue efforts to empower the vulnerable and marginalized segments of society (Nepal);
- 108.60. Enhance equal access to social services for all people, paying special attention to the needs of vulnerable communities living in remote regions (Myanmar);
- 108.61. Establish a fully implementable national action plan which guarantees full protection of vulnerable groups (Bahrain);
- 108.62. Make further efforts to protect children's rights, including improvements to the juvenile justice system (Japan);
- 108.63. Continue its policies on improving the rights of the child (Jordan);
- 108.64. Continue to make efforts to promote and protect the rights of women (Bahrain);
- 108.65. Continue the policy to promote and protect women's rights (Angola);
- 108.66. Eliminate completely all legal and political provisions which discriminate on the basis of civil status of women and violate sexual and reproductive rights (Spain);
- 108.67. Take further measures to enhance the participation of women in the legislature (Sri Lanka);
- 108.68. Continue the efforts to fight against all forms of discrimination and to respect the rights of religious minorities (Argentina);
- 108.69. Accelerate efforts for early enactment of the draft new bill which includes the definition of torture consistent with CAT (Republic of Korea);
- 108.70. Effectively take steps to prevent torture including through ratification of the OP-CAT at its earlier opportunity and through the establishment of a comprehensive system of independent monitoring and inspection of all places of detention without delay, regardless of the status of OP-CAT ratification (Denmark);
- 108.71. Fully implement CAT, emphasizing the strengthening of training and capacity building programmes for the police and military officers, and the harmonization of local laws with the Convention (Mexico);
- 108.72. Intensify its efforts in the fight against violence against women and in particular against domestic violence by concluding public awareness raising, empowerment of women and rigorous capacity development of law enforcers (Liechtenstein);
- 108.73. Continue to strengthen its capacity in addressing the issue of violence against women as well as children (Singapore);
- 108.74. Step up its efforts in the field of the protection of the rights of children, particularly against domestic violence (Angola);

108.75. Expressly prohibit in national legislation violence against children in all settings, including at home, schools, penal institutions and centres of alternative care (Uruguay);<sup>1</sup>

108.76. Continue its efforts with a view of preventing and eliminating of trafficking in human beings (Azerbaijan);

108.77. Step up efforts to combat trafficking in persons, including: continuing the practice of developing the national action plan and other strategies; considering the possibility of toughening criminal liability for crimes connected to human trafficking; studying the possibility of inviting the Special Rapporteur on Trafficking in Persons, especially women and children, to visit the country (Belarus);

108.78. Establish programmes and plans to combat trafficking in persons (Qatar);

108.79. Continue its ongoing efforts in tackling the issue of trafficking in persons including prosecution of the perpetrators (Brunei Darussalam);

108.80. Share best practices in the wide variety of measures it has taken to combat trafficking in persons (Greece);

108.81. Increase its efforts, to fight effectively against trafficking in human beings, in particular sex tourism involving children and to adopt the draft law on the protection of domestic workers (Belgium);

108.82. Enhance its programmes and initiatives to curb the phenomenon of street children (Algeria);

108.83. Further promote national efforts in countering human trafficking (Sudan);

108.84. Continue its efforts to enhance respect for human rights and rule of law in its security sector through education and institutional reforms (Singapore);

108.85. Continue its educational and awareness raising work to promote human rights, train law enforcement officials and judges in human rights issues; improve the penal code and reform the judicial system; and take measures to combat corruption (Russian Federation);

108.86. Continue its efforts on capacity-building programmes of law enforcement officials in strengthening the implementation of existing laws, policies and measures relating to human rights (Iran (Islamic Republic of));

108.87. Intensify efforts on public awareness and capacity building programmes of law enforcement officials in strengthening the implementation of existing law, policies and measures relating to human rights (Malaysia);

108.88. Ensure all cases of human rights violations are impartially investigated and prosecuted in proportion with the crimes committed (Slovenia);

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<sup>1</sup> The recommendation as read during the interactive dialogue: “Expressly prohibit in national legislation the corporal punishment of children in all settings, including at home, schools, penal institutions and centres of alternative care”.

- 108.89. Ensure fair and proper legal action in relation to those investigated and prosecuted, including impartial trials and reasonable sentences, as well as detention standards that meet international norms (Australia);
- 108.90. Ensure prompt, comprehensive, and effective investigations into credible allegations of human rights violations by members of the security forces, and examine options for establishing an independent review mechanism with the ability to recommend prosecutions (Australia);
- 108.91. Take measures to guarantee accountability by ensuring that human rights violations, including abuses committed by Indonesian security forces are investigated and that those deemed responsible are prosecuted in a fair prompt and impartial manner (Canada);
- 108.92. Ensure that allegations of abuse of prisoners are subject to effective and independent investigations (Switzerland);
- 108.93. Take the necessary measures to guarantee the proper functioning of a juvenile justice system including, inter alia, by treating minors in a manner appropriate to their age (Liechtenstein);
- 108.94. Continue to combat impunity, including by strengthening laws and regulations as well as their implementation (Turkey);
- 108.95. Hold accountable officials of all ranks responsible for human rights violations in the Papua provinces (Germany);
- 108.96. Take further effective measures to end impunity in cases of violence and torture committed by security forces (Austria);
- 108.97. Continue its efforts to enhance religious tolerance and harmony among the vast and diverse society of Indonesia through the existing Religious Harmony Forum both at the national and sub-national levels (Timor-Leste);
- 108.98. Review existing laws and policies and repeal or amend where necessary to ensure their compatibility with the right to freedom of religion or belief, in line with Indonesia's Constitution and its international obligations (New Zealand);
- 108.99. Ensure that all ministerial decrees regulating religious life, as well as all local religiously founded bylaws, are in conformity with international human rights law (Norway);
- 108.100. Seek possible ways to speed up the adoption of the religious harmony bill currently discussed by national lawmakers (Ukraine);
- 108.101. Institute trainings and awareness campaigns for provincial and municipal officials in respect for the rule of law and with regard to protecting the freedom of religion and other rights of members of religious groups (United States of America);
- 108.102. Guarantee freedom of religion or belief and the full respect of the rights of persons belonging to minorities (France);
- 108.103. Review laws and decrees currently in force restricting the freedoms of religion, opinion, and of expression, in order to prevent any risk of discrimination (Switzerland);
- 108.104. Revise any national legislation that may be in conflict with international obligations, and strengthen efforts to ensure that any assaults

against persons regardless of their religious affiliation are investigated, and that those responsible for such assaults are brought to justice (Sweden);

108.105. Take legislative action and effectively prosecute the incitement of hatred and acts of violence against all religious minorities (Austria);

108.106. Take further measures to ensure the full protection of the freedom of religion or belief for religious minorities (Japan);

108.107. Intensify its efforts in taking all necessary measures to stop violence and discrimination against religious groups (Netherlands);

108.108. Investigate and prosecute all cases of harassment and discrimination of religious minorities and non-believers (Norway);

108.109. Continue to promote religious tolerance and to hold to account the perpetrators of violence and threats against religious minorities (Italy);

108.110. Take a resolute action against any act of religious violence and implement appropriate, efficient measures to prevent intolerance or discrimination on religious grounds (Slovakia);

108.111. Guarantee the full exercise of freedom of religion (Spain);

108.112. Undertake measures to protect members of religious groups, including Ahmadis, Bahais, Christians and Shias from harassment and acts of violence. This should commence with holding senior law enforcement accountable for their duties that include training for law enforcement officials at the local level to ensure an effective and adequate response to these incidents. This would also include reviewing laws and regulations which discriminate, directly or indirectly against one's religion or belief, including in particular the Blasphemy Act (Canada);<sup>2</sup>

108.113. Intensify its efforts to respect and uphold freedom of expression, including political expression, and the freedom to manifest one's religious belief, for all its citizens, including by ensuring effective state protection for minorities (Australia);

108.114. Ensure free access for civil society and national journalists to Papua and West Papua (France);

108.115. Enhance efforts to provide adequate protection to human rights defenders and to improve the human rights situations of ethnic and religious groups in certain regions, including Papua (Republic of Korea);

108.116. Ensure that provisions of the Indonesian Criminal Code, such as articles 106 and 110 are not misused to restrict the freedom of speech (Germany);

108.117. Continue efforts to fully guarantee the protection and independence of human rights defenders (Greece);

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<sup>2</sup> The recommendation as read during the interactive dialogue: "Undertake measures to protect members of religious minority groups, including Ahmadis, Bahais, Christians and Shias from harassment and acts of violence. This should commence with holding senior law enforcement accountable for their duties that include training for law enforcement officials at the local level to ensure an effective and adequate response to these incidents. This would also include reviewing laws and regulations which discriminate, directly or indirectly against one's religion or belief, including in particular the Blasphemy Act".

- 108.118. Ensure a safe and enabling environment for all human rights defenders (Norway);
- 108.119. Conduct impartial and independent investigations into acts of violence committed against human rights defenders, to bring those responsible to justice and fully guarantee freedom of expression (France);
- 108.120. Continue the efforts to develop the health and education public services (Ecuador);
- 108.121. Intensify its efforts with a view to decrease infant and maternal mortality rates (Slovakia);
- 108.122. Continue to strengthen the programs and initiatives aimed at guaranteeing the right to health and in particular at reducing maternal and child mortality (Cuba);
- 108.123. Provide universal access to family planning and reproductive health for young women and quality education on these issues (Belgium);
- 108.124. Ensure, through the Ministry of National Education, the inclusion of sexual and reproductive education in the national secondary curriculum as part of the preparation for adult life, which will contribute to prevent, inter alia, early marriage, unwanted pregnancy and the spread of HIV/AIDS among adolescents (Honduras);
- 108.125. Strengthen the promotion of the right to education and health in disadvantaged areas (Senegal);
- 108.126. Continue to develop education policies aimed at ensuring access to education for all, especially the poor and those living in rural areas (South Africa);
- 108.127. Continue efforts to promote the right to education (Saudi Arabia);
- 108.128. Accelerate the free twelve year compulsory education (Iran (Islamic Republic of));
- 108.129. Continue extending the free nine years compulsory education programme to twelve years so as to ensure access to education for all its young citizens (Brunei Darussalam);
- 108.130. Take further steps to implement a policy of free compulsory education as established by the Indonesian Government over a period of 12 years so that all Indonesian children may have access to education (United Arab Emirates );
- 108.131. Continue to speed up the implementation of the free and compulsory education program up to 12 years, in order to guarantee access of all children of the country (Venezuela(Bolivarian Republic of));
- 108.132. Continue the efforts to ensure a quality education for Indonesian children (Cuba);
- 108.133. Establish policies and programs of alternative education for single and married pregnant girls in order to avoid that they abandon their studies (Honduras);
- 108.134. Continue implementing programmes and measures for the rights of persons with disabilities (Cuba);
- 108.135. Study the possibility to establish new measures to eliminate all discriminatory treatment against women with disabilities (Argentina);

- 108.136. Strengthen access for persons with disabilities in all areas, particularly their political participation such as voting (Thailand);
- 108.137. Take diplomatic action and provide legal assistance to protect migrant workers (Iran (Islamic Republic of));
- 108.138. Enhance efforts in undertaking measures to ensure better protection for its migrant workers abroad (Lebanon);
- 108.139. Continue to support ethnic and religious tolerance within a diversified society (Lebanon);
- 108.140. Schedule discussion of the Draft Law on the Recognition and Protection of the Rights of Traditional Communities (Iran (Islamic Republic of));
- 108.141. Continue efforts to fight against poverty (Senegal);
- 108.142. Continue to combat poverty, giving due consideration to socio-economic and regional disparities (Myanmar);
- 108.143. Continue the efforts to strengthen the socioeconomic capacity of the country to promote development and continue fighting against poverty (Nicaragua).
109. The following recommendations will be examined by Indonesia which will provide responses in due time, but no later than the 21<sup>st</sup> session of the Human Rights Council in September 2012.
- 109.1. Continue its efforts to sign and/or ratify other human rights instruments to which it is not yet a party (Republic of Korea);
- 109.2. Ratify the Optional Protocol to the Convention on the Elimination of Discrimination against Women (Belgium);
- 109.3. Sign the Optional Protocol to CRC on Communications Procedure (Maldives);
- 109.4. Accede to/ratify the third Optional Protocol to the CRC on a communications procedure (Slovenia);
- 109.5. Consider an early ratification of the third Optional Protocol to CRC on a communications procedure (Slovakia);
- 109.6. Ratify CRPD and its Optional Protocol (Spain);
- 109.7. Consider ratifying ILO Convention N° 169 (Norway);
- 109.8. Ratify the ILO Convention N°. 189 on Domestic Workers and adopt the Act for the Protection of Domestic Workers (Slovakia);
- 109.9. Continue to increase human rights transparency by improving the access of local and international media organisations, engagement with the Office of the High Commissioner for Human Rights, the International Committee of the Red Cross and other relevant international organizations throughout Indonesia (Australia);
- 109.10. Immediately grant access to the delegates of ICRC to the Papua provinces in order for them to fulfil their mandate (Germany);
- 109.11. Step up its cooperation with special procedures mandate holders by responding positively to the pending visit requests of special procedures

- mandate holders and eventually consider extending a standing invitation to all special procedure mandates holders of the Human Rights Council (Latvia);
- 109.12. Issue a standing invitation to all UN Special Procedures (Austria);
- 109.13. Issue a standing invitation to the Special Procedures (Maldives);
- 109.14. Consider extending an open and standing invitation to the Special Procedures (Chile);
- 109.15. Extend an invitation to the Working Group on enforced or involuntary disappearances; Independent Expert on minority issues; Special Rapporteur on the right to food; and the Special Rapporteur on the rights of indigenous peoples in order that they visit Indonesia, particularly Papua (Mexico);
- 109.16. Consider extending a standing invitation to all Special Procedures (Republic of Korea);
- 109.17. Accept a visit by the Special Rapporteur on Freedom of Religion or Belief, and to consider giving a standing invitation to Special Procedures (United Kingdom);
- 109.18. Accept the pending request and facilitate the visit of the UN Special Rapporteur on freedom of religion or belief (Netherlands);
- 109.19. Extend an invitation to the Special Rapporteur on freedom of religion or belief (Norway);
- 109.20. Eliminate the legislation which criminalizes sexual relations among persons of the same sex, as well as all legislation which discriminates on the basis of sexual orientation, particularly in the Aceh province, where since the establishment of the Sharia Law in 2002 these kind of relations are not allowed (Spain);
- 109.21. Consider abolishing the death penalty and, as a first step, establish a moratorium on executions (Austria);
- 109.22. Establish a moratorium on executions with a view to abolish the death penalty (Brazil);
- 109.23. Make official the de facto moratorium on the death penalty, which has been applied since 2008, with a view to abolishing it (Spain);
- 109.24. That investigations into allegations of abuse of prisoners are dealt with by civilian courts, not military courts (Switzerland);
- 109.25. Halt immediately reported human rights violations by military and police officers and a general climate of impunity in Papua (Japan);
- 109.26. Repeal the Regulation of the Minister of Health N° 1636 on Female Genital Mutilation and officially prohibit the increasing practice of female circumcision and other traditional practices inflicting sufferings on women and girls (Norway);
- 109.27. Adopt all necessary measures to eradicate the persistent practice of female genital mutilation, including through awareness-raising campaigns, in cooperation with civil society organizations (Uruguay);
- 109.28. Abolish all corporal punishment of children in all settings (Liechtenstein);

- 109.29. **Raise the minimum age of criminal responsibility to 16 and establish a system of juvenile justice (Belgium);**
- 109.30. **Ensure free access for foreign journalists to Papua and West Papua (France);**
- 109.31. **Amend or revoke laws and decrees that limit the right to freedom of thought, conscience and religion, including the 1965 Blasphemy Law, the 1969 and 2006 ministerial decrees on building houses of worship and religious harmony and the 2008 Joint Ministerial Decree on Ahmadiyah to bring these laws into line with international human rights standards (Denmark);**
- 109.32. **End prosecutions under Articles 106 and 110 of your criminal code for exercising the internationally protected right of freedom of expression, and re-evaluate the convictions and sentences of individuals prosecuted for those actions (United States of America);**
- 109.33. **Take steps, particularly in Papua, to increase protection for human rights defenders against stigmatization, intimidation and attacks and to ensure respect for freedom of expression and peaceful protest, including through a review of regulations that can be used to restrict political expression, in particular article 106 and 110 of the criminal code, and the release of those detained solely for peaceful political activities (Canada);**
- 109.34. **Adopt legislation for the legal recognition and protection of human rights defenders, as well as to repeal the legislation which restricts the right to defend and promote human rights (Spain);**
- 109.35. **Continue its efforts to adopt a law to protect human rights defenders against any intimidation or reprisals as foreseen in the 2005–2009 National Legislation Programme and to ensure the prompt, impartial and effective investigation of such acts (Hungary);**
- 109.36. **Ensure the rights of indigenous peoples and local forest dependent peoples in law and practice, in particular regarding their rights to traditional lands, territories and resources (Norway).**
110. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**



## Annex

### Composition of the delegation

The delegation of Indonesia was headed by H.E. Dr. R. M. Marty M. Natalegawa and composed of the following 16 members:

- H.E. Mr. Hasan Kleib, Deputy-Minister for Multilateral Affairs, Ministry of Foreign Affairs (Alternate);
  - H.E. Mr. Dian Triansyah Djani, Ambassador/Permanent Representative of the Republic of Indonesia to the United Nations, WTO, and other International Organizations in Geneva (Alternate);
  - Mrs. Sri Danti Anwar, Secretary-General, Ministry for Women Empowerment and Child Protection (Alternate);
  - Ms. Harkristuti Harkrisnowo, Director-General for Human Rights, Ministry of Law and Human Rights (Alternate);
  - Mr. Muhammad Anshor, Director for Human Rights and Humanitarian Affairs, Ministry of Foreign Affairs;
  - Mr. Iza Fadri, Member, Head of Bureau for Legal Assistance, National Police;
  - Mr. Abdurrahman Mas'ud, Head of Research and Development Center for Religious Tolerance, Ministry for Religious Affairs;
  - Mr. Arif Christiono, Director of Legal Analysis, National Development Planning Agency;
  - Mr. Dicky Komar, Member, Minister Counselor, Permanent Mission of the Republic of Indonesia in Geneva;
  - Ms. Elsa Miranda, First Secretary, Permanent Mission of the Republic of Indonesia in Geneva;
  - Mr. Achmad Rizal Purnama, Staff/Entourage of the Minister, Office of the Minister for Foreign Affairs;
  - Ms. Indah Nuria Savitri, Head of Section for Civil and Political Rights, Directorate for Human Rights and Humanitarian Affairs, Ministry of Foreign Affairs;
  - Ms. Chiara Sari, Head of Section for Civil and Political Rights, Directorate for Human Rights and Humanitarian Affairs, Ministry of Foreign Affairs;
  - Ms. Etika J. Yustisianingrum, Third Secretary, Permanent Mission of the Republic of Indonesia in Geneva;
  - Ms. Mariska Dwianti Dhanutirto, Third Secretary, Permanent Mission of the Republic of Indonesia in Geneva;
  - Mr. Pragusdiniyanto Prakasa Soemantri, Staff – Directorate for Human Rights and Humanitarian Affairs, Ministry of Foreign Affairs.
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