



**PERMANENT MISSION OF REPUBLIC OF INDONESIA
TO THE UNITED NATIONS, WORLD TRADE ORGANIZATION AND
OTHER INTERNATIONAL ORGANIZATIONS**

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**Statement by H.E. Mr I Gusti A. Wesaka Puja
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on the
Adoption of the UPR Working Group Report on Indonesia
8th Session of the Human Rights Council**

Geneva, 9 June 2008

Mr. President,
Distinguished delegates,

Indonesia is a country of huge geographical size and archipelagic contours, with an extremely diverse ethnic, religious and cultural heritage. In its efforts to promote and protect human rights nation-wide, the Government of Indonesia has been facing huge challenges in terms of the diverse levels of human resources capacity and institutional development in various regions in the now highly-decentralized governance system, including two provinces which enjoy special autonomous status, namely Aceh and Papua .

The National Action Plan on Human Rights, along with 436 local implementing committees, has significantly contributed into nurturing a human rights culture, including among government officials at all levels throughout the country. The local governments share the burden and responsibility of the promotion and protection of the human rights of each individual under their respective jurisdiction. In such a process, it is the view of the Government that enhancing the capacity of provincial and district authorities is imperative. The central Government is currently undertaking capacity-building programs including the establishment of complaint mechanisms at the district level.

Mr. President,

With regard to the recommendations made by the Working Group on the Universal Periodic Review that enjoy our support, the Government of Indonesia views that those recommendations are in line with the priority programs of the promotion and protection of human rights in Indonesia. They are therefore being implemented through various Government programs such as human rights training and education; harmonization of national legislation *vis a vis* the international norms and standards acceded by the Indonesian Government; and regional and international cooperation for capacity-building.

On the recommendations advocating further ratification and accession of human rights instruments, the Indonesian government, including through its 436 local committees implementing of the National Action Plans, and in close cooperation with civil societies, is stepping up its efforts to bring together all stakeholders to develop the groundwork for such undertakings. This includes efforts to assess the readiness of stakeholders at provincial and district levels to implement certain human rights instruments in order to ensure that our ratification and accession measures will have meaningful impacts on the ground.

In addition to the Committee's mandate to ensure the conformity of local regulations with the ratified core international human rights treaties, the Ministry of Law

and Human Rights is working in close collaboration with the Ministry of Internal Affairs. Both institutions have issued a Circular Letter and Guidelines on the harmonization of local laws with the human rights standards. As a result, efforts are being undertaken in a constant and systematic way to bring local legislation and regulations in full conformity with universal human rights norms and standards.

Mr President,

My delegation wishes to touch upon the recommendations that we took note of during the dialogue last April.

On the question of Ahmadiyah, I wish to stress that freedom of religion in Indonesia and the practices linked to individual belief are guaranteed under the Constitution. Articles 28 E, 28 I and 29 of the Constitution clearly stated that the exercise of freedom of religion cannot be limited other than by law. Moreover, legal guarantees in respect of freedom of religion and religious practice are also stipulated in various laws, specifically Law No 39 of 1999 on Human Rights.

Indeed, in addressing the issue, the Government of Indonesia is mindful that the incidents related to Ahmadiyah have dual aspects. On the one hand, the doctrinal aspect of this particular religious movement has long been considered by some communities as deviant. On the other, sporadic acts of violence by a mob against members of this group have constituted as public disturbance which carried with it dimensions of intolerance acts and crimes punishable by law.

On the doctrinal aspect of this movement, it should be noted that in the recent years the phenomenon has created social tension in many communities in the country. The government is endeavoring to resolve the issue through dialogue. It has held a series of dialogues with the leaders of Ahmadiyah on issues such as the protection of their followers. The Government also continues to promote dialogue between Ahmadiyah and various related groups in order to enhance mutual understanding and respect.

The second aspect relates to law enforcement regarding some intolerance and violent acts against the followers of Ahmadiyah. In this regard, the authorities have, on all occasions when members of the sect have been at risk, stepped in for their protection just as it is obliged to ensure the protection of ordinary citizens against the violence inflicted by other citizens.

Following the attacks, the perpetrators of the violence were detained for questioning and several were brought before the law. While enforcing the law, the

government also takes into account the need to address the related social tension and the need to promote further dialogue among related groups.

In light of the need to resolve the issue in a sustainable manner and to prevent its recurrence in the future, the government has just issued a specific policy on the issue which takes into account the principle of freedom of religion and the observance of existing relevant laws and regulations in the country. The policy, which is in the form of a decree and was announced today, contains among others the following elements: It does not outlaw the belief, but orders its followers to halt their proselytization (Syi'ar) activities and to fully respect the existing laws and regulations; and it appeals to Ahmadiyah followers to return to the Islamic mainstream and at the same time appeals to the others to refrain from violent acts against Ahmadiyah followers.

The issuance of such a decree is never meant to be an intervention of the state in people's freedom of religion. It is merely an effort by the government, as mandated by the Constitution and laws, to uphold law and public order and the protection of the followers of Ahmadiyah from any criminal attack. In other words, the government limits its role to the levels of maintaining law and order and the protection of citizens. It does not interfere with religious doctrines or limits religious freedom.

With regard to the recommendation to abolish the death penalty, my government maintains that the issue linked to national legal system which unquestionably falls under the sovereign jurisdiction of any individual member state.

In the context of Indonesia, the death penalty remains part of our positive law, namely the Indonesian Penal Code. The provision related to capital punishment was retained by decisions democratically taken through a parliamentary process. The issue has also been the subject of various public debates, and only last year, was brought to the Constitutional Court for review. The Court decided that the application of the death penalty remains fully compatible with the Constitution.

However, we believe that the death penalty should be applied in a very selective and limited manner and only for very serious crimes. It goes without saying that the fullest legal precautions must be applied exhaustively and the strictest criteria observed throughout the judicial process leading to a possible application of the death sentence. In this context, we support any efforts to strengthen safeguards to prevent miscarriages of justice.

Concerning standing invitations to UN Special Procedures, Indonesia attaches great importance to establishing cooperation with international human rights mechanisms, including special procedures. The said cooperation may take various forms and country visit invitations are only one of them. We are of the view that a country visit serves as an important tool for the Special Procedures to perform their task effectively. We are also of the view that a country visit by a special procedure may

answer the need of a certain member state in seeking expert advice to assist its efforts in the specific areas of human rights promotion and protection.

In this regard, the decision of a member state as to when and what specific special procedure to be invited for a country visit will be dictated by its own needs and priorities in the promotion and protection of human rights.

We are proud to inform you that since 1991, Indonesia has received 11 different special procedure mandate-holders for the purposes of a country visit as well as a number of other UN Human Rights Mechanisms, including visits by High Commissioner for Human Rights. We can compare this record with those countries which have extended standing invitations.

In the eleven months between December 2006 and November 2007, Indonesia has received three Special Procedures consecutively, namely; the Special Rapporteur on Migrants, the Special Representative of the Secretary-General on Human Rights Defenders and a second visit by the Special Rapporteur on Torture.

Hence, we are of the view that the cooperation of countries with the Special Procedures mechanisms should not be based or measured merely by extending standing invitations. Rather, it should be based on the assessment of the added value derived from such a visit to meet the needs and priorities of the country concerned.

Mr. President,

The Voluntary Pledges and commitments offered by a country are an important feature in the promotion and protection of human rights, since these voluntary commitments are made based on the measured abilities and resources available in that country.

In this context, Indonesia places a high value on the Universal Periodic Review as a breakthrough mechanism to promote and protect human rights. In this regard, the Indonesian government offers its voluntary commitment to disseminate information on the UPR mechanism in Indonesia through the involvement of civil society and national human rights institutions.

Mr. President,

Allow me at this point to touch upon some of the pertinent issues raised by various distinguished delegates during our dialogue with the Working Group last April. My delegation concurs that there is a need to provide additional human rights training for military and law enforcement officials, including the police and local judges.

In this regard, Indonesia is thankful for the generous assistance offered by the international community in supporting the government's efforts. In addition to various assistance programs from regional and multilateral organizations, more countries are engaging Indonesia in a format of bilateral human rights dialogue. Thus far, Indonesia has established bilateral human rights dialogues with Canada, Norway, Sweden, and Japan. The Government of Indonesia is also considering extending its bilateral dialogues to other governments. Most of this dialogue has resulted in the creation of various training and educational programs for Indonesian law enforcement, including security officers. For its part, and in line with one pillar of its National Action Plan on human rights education and dissemination, a particular division in the Ministry of Law and Human Rights has been established to ensure an enhanced and comprehensive approach of its human rights education and dissemination programs throughout the country.

With regard to the issue of combating trafficking in persons, pursuant to Law No. 21 of 2007, the Indonesian Police has stepped up its efforts to undertake various preventive measures, which include: community policing, public campaigns and border control; legal protection through joint investigations and legal assistance for victims; rehabilitation and reintegration measures available through an integrated services centre and a harmonized standard of procedure; capacity-building measures through training for law enforcement officers. This is conducted in close cooperation and coordination with international and regional organizations and donor countries. At the moment, efforts are more focused on preventive and victim-perspective measures; however, the rising number of cases of trafficking in persons being brought before the courts is evidence of the increasing steps to criminalize this heinous act and punish the perpetrators.

As regards the participation of women in politics, after the adoption of the groundbreaking Law No. 2 of 2008 on Political Parties, various measures are underway to ensure effective implementation of the Law, in anticipation of the forthcoming General Elections in 2009. These include workshops on the formulation of the Provincial Strategic Plan; training for women on awareness raising on civic education at the provincial level in order to boost women's participation in the local consultative forum on development planning; political education and guidance for potential women candidates in the general elections of 2009; and public or interactive dialogue with community, traditional and religious leaders, political parties and civil societies in order to create a conducive atmosphere to enable the prescribed 30% representation of women at all levels of the decision-making process.

Mr. President,

Addressing human rights abuses is another urgent issue to which my Government continues to accord priority. The adoption of relevant legislation such as

Law No. 22 of 2002 on Child Protection; Law No. 23 of 2004 on Domestic Violence; and Law No. 21 of 2007 on Combating Trafficking in Persons are examples of Indonesia's considerable efforts to address human rights abuses. Further challenges are expected in their effective implementation.

Another aspect of addressing this issue is through the continued reform process of our judiciary, including enhancing the capacity of its human resources.

The Indonesian National Human Rights Commission plays an important and active role in addressing violations of human rights. Among its mandate, the Commission has the task of undertaking pro-justicia investigations of serious human rights violations. Created by Presidential Decree in 1993, it has been strengthened by subsequent legislation which also ensures its independence. It has regional offices in various parts of Indonesia and by law is one of the most powerful commissions in the world. In addition, the Commission has established cooperation with various countries and received assistance from many donors.

Working closely with the Constitutional Commission and the various NGOs, the Government of Indonesia is undertaking a judicial review of Law No. 27 of 2004 on the Truth and Reconciliation Commission. Given the importance of an inclusive and fully participatory approach in this long process, intensive socialization and consultation on this process are currently underway throughout the country.

Efforts are also being made to revise Law No. 39 of 1999 on Human Rights and Law No. 26 of 2000 on the Human Rights Court, with a view to strengthening the judicial process in addressing human rights violations.

While fully aware that of the long process involved in the comprehensive revision of the Indonesian Penal Code, the Indonesian government is currently considering the amendment of article 351 of the Code on Ill-treatment. In particular, this amendment will bring the formulation of the Code to cover the crime of torture as defined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, an instrument to which Indonesia is a party.

Finally, Mr. President, I would like to conclude my statement at this point with the request that we may be given the time to express our concluding remarks at the end of the session.

Thank you.