

ADVANCE QUESTIONS TO INDONESIA

CANADA

- How can the Indonesian government guarantee that both law and practice implement international law and standards on the right to a fair trial and to ensure the protection of all suspects, victims, and witnesses?
- What can be done to ensure that members of the security forces are made aware of the role of human rights defenders and of their responsibility to protect them (set out in the UN Declaration on the Rights and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms)?
- What can be done specifically to ensure that the rights of women and minority faith groups, outlined in Indonesia's Constitution, are protected, especially at the local level?
- What is being done to ensure that legitimate democratic activity by civil society, including peaceful public protest and criticism, are not stigmatized as 'separatist' in regions of heightened security and intelligence activity such as Papua?

DENMARK

- In light of the recent move towards broader autonomy in Aceh, what does the central government intend to do to secure adequate human rights protection at the local level, including freedom of religion in light of the growing use of Sharia Law in Aceh?
- Indonesia has been successful in fighting terrorism in the last few years. However, some Indonesian terrorism legislation seems to be incoherent with international standards on human rights (particularly Law 16/2003). What does the government intend to do to make sure that Indonesian anti-terrorism legislation is fully in line with international human rights law?
- Indonesia has ratified CAT but has not criminalized torture in domestic law. Which initiatives does the central government plan to eliminate the use of torture? Does the government intend to criminalize the use of torture in domestic legislation?

FINLAND

- We acknowledge that the Government of Indonesia has made commitments to protect children from violence, including by implementing Laws No. 23/2002 on Child Protection and No. 23/2004 on the Elimination of Domestic Violence as well as by conducting a national campaign entitled "Stop violence against children"¹.
- With regard to the United Nations study on violence against children², which states that "no violence against children is justifiable; all violence against children is preventable", we would appreciate to receive further information on legislative, administrative and other measures taken to implement the Study's overarching and setting-specific recommendations in Indonesia. In particular, we would greatly appreciate if the Government of Indonesia could share with us good practices to prevent and respond to violence against children³.

GERMANY

- Which concrete measures does the GoI envisage to take in order to guarantee effective Habeas Corpus, especially to grant detainees access to legal counsels and medical care?
- How does the GoI intend to ensure that the crime of torture will be punished?
- How will the Indonesian National Action Plan on Human Rights contribute to ending impunity and guarantee effective prosecution of human rights violations?
- According to several UN Special Procedure mandate holders the human rights situation in Papua gives reason for concern: Which measures are envisaged to protect human rights defenders who are threatened? Are there any plans to install a special contact person for human rights defenders within the provincial government?

¹ The national report for the universal periodic review submitted by the Government of Indonesia, page 8 and the concluding observations adopted by the Committee on the Rights of the Child (CRC/C/15/Add.223, paragraph 7(b)).

² Report of the independent expert for the United Nations study on violence against children (A/61/299).

³ Report (which provides information on the dissemination of the United Nations study on violence against children and on progress made in the initial phase of follow-up to the study) of the independent expert for the United Nations study on violence against children (A/62/209, see footnotes 4 and 63).

IRELAND

- What measures have been taken to ensure full enjoyment of the freedoms of expression, assembly and association, with particular regard to the right to protest?
- What measures have been taken to promote the role of human rights defenders, through education and inclusion in decision-making, in particular amongst national authorities, law enforcement officials and security officers?
- What measures have been put in place to support the work of human rights defenders?

ITALY

- Has Indonesia started screening its domestic legislation, in particular its criminal code, to identify which provisions need to be aligned with the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, to which Indonesia is a party since 1985? Does Indonesia envisage benefiting in this exercise from the conclusions and recommendations provided by the Special Rapporteur on Torture following his recent visit to the country?
- Does Indonesia foresee to screen its legislation currently regulating recognition of religious denominations and various aspects of religious practice, in order to assert its compatibility with the provisions of the International Covenant on Civil and Political Rights, in particular Article 18 on freedom of religion?

LATVIA

- According to the information of the Office of the UN High Commissioner for Human Rights 59 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council. Considering the cooperation of Indonesia with the special procedures (visits of Special Rapporteur on violence against women in 1998, Working Group on Arbitrary Detention in 1999, Joint mission by Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women in 1999, Representative of the Secretary-General on Internally Displaced Persons in 2001, Independent Expert on the right to development in 2001, Special Rapporteur on the right to education in 2002, Special Rapporteur on the independence of judges and lawyers in 2002, Special Rapporteur on migrants in 2006, Special Rapporteur on Myanmar in 2006, Special Representative of the Secretary-General on the situation of human rights defenders in 2007, Special Rapporteur on torture in 2007) - would your country consider extending a standing invitation to all special procedures of the Human Rights Council in the future?

NETHERLANDS

- Could Indonesia please elaborate why it has chosen not to report on the situation in Papua in its report? Could the Indonesian delegation please elaborate on how the Indonesian authorities intend to protect the work of human rights defenders in Papua in the future?
- It is reported that a number of individuals that used regional symbols such as flags have been sentenced on the basis of Articles 106 and 107 of the Penal Code and Government Regulation 77/2007. Could Indonesia elaborate on how this law relates to the freedom of expression?
- Is Indonesia considering to prohibit torture in its penal code? Could the Indonesian delegation please elaborate on progress in ratification of the OPCAT?
- What measures does Indonesia take to enhance the criminal prosecution of soldiers who have committed human rights abuses?

SWEDEN

- Indonesia has ratified the Convention against Torture. Civil society organizations have reported that torture and other maltreatment nonetheless continue to occur, while violators are seldom brought to justice. In an initial statement after his visit to Indonesia in November 2007, the UN Special Rapporteur on torture held that persons deprived of their liberty in Indonesia were “extremely vulnerable to torture and ill-treatment,” while widespread impunity prevailed for perpetrators. What measures is the government of Indonesia taking to ensure the elimination of torture and other cruel, inhuman or degrading treatment or punishment, as well as to end impunity for such violations?
- The constitution of Indonesia stipulates that every citizen has the right to education. The right was further elaborated in the fourth constitutional amendment of 2002, setting, inter alia, a minimum level of the share of state and regional budgets that shall be allocated to education. Official enrolment rates for children aged 7-12 have surpassed 90 percent for the past several years. UNICEF has reported, however, that around 50 percent of children do not complete the mandatory nine years of schooling. What measures is the government of Indonesia taking to ensure that all children are able to fully enjoy their right to education?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Could you please elaborate further on the extent to which civil society in Indonesia was involved in the preparation of your national report?
- We note the comments made by the UN Special Rapporteur on freedom of religion and belief on the distinctions made between different religions in Indonesia. We are concerned about the alleged attacks and threats on Ahmadiyah families following a fatwa banning the Ahmadiyah. We would welcome Indonesia's comments on this particular issue, and further information on the steps the Government is taking to promote freedom of religion and belief in Indonesia.
- Could you please elaborate further on the existence and status of a National Human Rights Institution in Indonesia, and whether it complies fully with the Paris Principles?
