



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### Concluding observations on the initial report of Indonesia

##### Addendum

#### Information received from Indonesia on follow-up to the concluding observations\*

[Date received: 4 March 2015]

1. Indonesia, as a State party, commits itself to the reporting obligation of the implementation of the International Covenant on Civil and Political Rights, as demonstrated in its initial and first periodic report (CCPR/C/IDN/1) as well as dialogue with the Human Rights Committee in 2013. This response is presented as a token of good intention of the Government to further constructive dialogue with the Committee. The national circumstance in which transition of government occurred presents technical issue with the time to prepare the response. Needless to say, extensive coordination and consultation with not only line ministries/agencies as well as relevant stakeholders also beg for more time to refine the response.

2. The Government regards its participation at the workshop organised by civil society in Jakarta in January 2015, which was attended by two members of the Committee, as a clear demonstration of the Government's willingness to engage with domestic processes spearheaded by non-governmental stakeholders. Moreover, the workshop is also seen as an important means to gather inputs and feedbacks related to the response.

#### Follow-up to the recommendation contained in paragraph 8 of the concluding observations (CCPR/C/IDN/CO/1)

3. In his speech at the commemoration of International Human Rights Day in December 2014, Indonesian President Joko Widodo (Jokowi) reaffirmed the Government's commitment to further promote and protect human rights. This includes formulating appropriate means and way to address past human rights issues, through, inter alia, comprehensive reconciliation process and the possibility of establishing an ad hoc human rights tribunal/court. The Government is also committed to preventing human rights

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\* The present document is being issued without formal editing.



violations through, inter alia, legal reform aimed at strong, reliable, consistent and indiscriminate enforcement.

4. With regard to efforts to address past human rights issues, the Indonesian National Human Rights Institution (Komnas HAM) and the Attorney General's Office have agreed to convene a series of meetings to share views in order to resolve the issue of data which was previously considered insufficient by the latter.

5. At the same time, the Government has also undertaken parallel measures, including finalising the revision of Law No. 27 Year 2004 on the Truth and Reconciliation Commission (TRC), which was annulled by the Constitutional Court. Currently, the revised bill is in the process of harmonization coordinated by the Ministry of Law and Human Rights. When this process is completed, the revised bill will be transmitted by the Government to the Parliament for deliberation and endorsement. In order that the Bill can be directly implemented when it is adopted, the Government, i.e. the Directorate General of Human Rights, Ministry of Law and Human Rights, is also preparing the implementing mechanism for (future) TRC law, including, inter alia, preparing for the establishment of TRC Secretariat and informally beginning the selection process of TRC Commissioners.

6. On the issue of a rehabilitation and compensation mechanism for the victims or their family members, Indonesia has enacted Law No. 31 of 2014 on the Amendment of Law No. 13 of 2006 on Protection of Witnesses and Victims. Article 6 specifically emphasizes that (1) Victims of gross human rights violation, terrorist act, human trafficking, torture, sexual violence, and grave persecution, in addition to being entitled to what is referred in Article 5 of Law No 13 of 2006, are also entitled to receive: medical assistance and psychosocial and psychological rehabilitation assistance; (2) Assistance as referred to in paragraph (1) is provided based on the Victim and Witness Protection Board's decision. Article 5 of Law No. 13 of 2006 itself stipulates the rights and entitlements of victim and witness.

7. Notable progress was achieved at the end of 2013 when the Government submitted a bill to ratify the Convention for the Protection of All Persons from Enforced Disappearance to the Parliament. At this stage, the Bill is expected to be discussed by the Parliament at its earliest.

#### **Follow-up to the recommendation contained in paragraph 10 of the concluding observations**

8. The Government has repeatedly expressed its position with regard to the implementation of the death penalty for drug-related cases for the reason of the severe impact and the challenges posed by drug-related crimes that has threatened the nation's survival, in particular its young generation. The condition of drug abuse in Indonesia has reached a critical stage which requires extraordinary measures. Against this background, Indonesia considers drug-related crimes as one of the most serious crimes, in which the death sentence may be applied to certain cases; cases that meet certain and strict criteria such as of those related to major drug dealer/criminal syndicate, and producer of certain amount of illegal drugs.

9. According to the National Anti-Narcotics Agency, it is estimated that 41 to 43 persons die per day as victims of drug abuse. Abuse of drug substances keeps rising rapidly: in 2013 there were 4.5 million cases and in 2015, the number can reach over 5 million. The victims are becoming more diverse, to include under-aged children (minor) and officials in the educational, governmental, and law enforcement institutions. From an official data, it is estimated that there are 4 million narcotics addicts. The narcotics trade involves 2 tons of heroin, 49.5 tons crystal meth (*sabu-sabu*), 147 million ecstasy pills and 242 tons of marijuana. These data were taken into account when President Jokowi indicated

the seriousness of the problem that may constitute a state of drug-abuse emergency in the country, at his speech at the meeting of the National Development Planning Meeting on Medium Term Development Plan in Jakarta, on 18 December 2014.

10. Indonesia's archipelagic nature, with more than 17,000 islands and one of the longest coastlines in the world, has posed additional challenges to the crime of drug smuggling. Combined with its 250 million population dominated by young people, international drug cartels/syndicate that operate under a complex and systematic network of transnational organized crimes are well aware and has made Indonesia a major target place. The various nationalities involved in drug-related crimes in Indonesia confirm the transnational dimension of this problem.

11. Having said that, nevertheless, Indonesia's robust democracy continues providing and guaranteeing space for national debate on the issue of the death penalty in the national criminal justice system, mirroring that of the international level. This debate is reflected, inter alia, in the ongoing discussion of revision of the National Penal Code. The current Parliament has prioritised the revision of the Penal Code in its legislation programme. The Government affirms its strong commitment to respect any outcome of the national process, including on the question of retention, moratorium, or even abolishment of the death penalty as well as the question of the political aspect of punishment and on deterrence and prevention issue.

**Follow-up to the recommendation contained in paragraph 12 of the concluding observations**

12. Indonesia continues its strong commitment to eliminate all forms of violence against women and girls, as repeatedly expressed in the interactive dialogue between the Government and relevant treaty bodies.

13. The Government has officially revoked regulation on female circumcision (Minister of Health Regulation No. 1636 of 2010) on female circumcision through Minister of Health Regulation No. 6 of 2014. In the new regulation, the practice of female genital mutilation is firmly prohibited.

14. Following this regulation, the Government continues to conduct study, to advocate, and to raise awareness on the negative impacts of female circumcision, both from the medical (reproductive health and female psychology) as well as human rights perspectives.

15. Medical officers, including health professionals association and medical schools, are the major target for dissemination of the Minister of Health Regulation. Dissemination programs have been conducted for managers of reproductive (mother and child) health programs and of provincial hospitals in 8 provinces, namely Jambi, Lampung, West Java, East Nusa Tenggara, Central Sulawesi, Southeast Sulawesi, West Papua and Papua.

16. Civil society actors—such as Female Health Foundation, Indonesian Medical Doctor Association, Indonesian Nurse Association, and several religious-based women's associations such as Fatayat and Muslimat NU and Aisyiah Muhammadiyah, as well as Women Studies Centers—have undertaken extensive researches and studies on the negative impacts of female circumcision. The results and recommendations of these studies are useful for further advocacy to community and other stakeholders.

17. In a broader context, the Government also conducted a campaign entitled "Stop Violence Against Women" in 2014 to 106 organizations in 511 municipalities/districts and 23 provinces in Indonesia.

**Follow-up to the recommendation contained in paragraph 25 of the concluding observations**

18. As stated in the Constitution, freedom of religion is a basic and non-derogable human right. This freedom shall be respected and protected by the State, Government, and individuals. The Government is committed to this cause.

19. The Government is also of the view that the practice of one's religion or belief must be carried out responsibly and with respect for the rights of others. As stipulated in the Covenant, exercise of freedom to worship, the freedom to have or adopt a religion or belief of one's choice, and the freedom of expression may be subjected to limitations as prescribed by law when it is necessary to protect public safety, order, health, moral values and the fundamental rights and freedoms of others.

20. It is in this above context that Law No. 1 PNPS of 1965 should be understood. The Committee's recommendation to repeal Law No. 1 PNPS Year 1965 on the Abuse and/or Blasphemy of Religion is constrained by the Constitutional Court's decision, which is final and binding, that affirms the Law does not contradict the Constitution and therefore does not need to be revoked. However, the Court also recognises that revision of the Law is encouraged further improvement.

21. Using this latter part Court's decision, the Ministry of Religious Affairs is currently preparing a Bill on the Protection of Religious Communities that is expected to provide a solid platform for pluralism, promotion and protection of freedom of religion and belief, and the promotion of social harmony among followers of different religions and faiths.

22. As many other places in other countries, challenges is a constant feature. The Government is fully committed to maintaining pluralism, diversity, and multiculturalism in the country, which is a fact of life since its inception.

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