

**Fourth Universal Periodic Review of Indonesia – 14th Session November 2022**  
**Submission by the United Nations Country Team in Indonesia (UNCT)**

*31 March 2022*

**I. Introduction**

Indonesia's 3<sup>rd</sup> Universal Periodic Review (UPR) took place on 3 May 2017. During the 3<sup>rd</sup> UPR, Indonesia received 225 recommendations, 167 of which it "supported"<sup>1</sup>. This submission will comment on progress achieved and highlight persisting issues.

**II. Background and Framework**

Indonesia is a State Party to eight<sup>2</sup> of the core human rights instruments and has signed the Convention for the Protection of All Persons from Enforced Disappearance. Indonesia has not extended a Standing Invitation to Special Procedures. Its most recent Special Procedures visits were from the Special Rapporteur's on the rights to health and food in 2017 and 2018 respectively. It has been a member of the Human Rights Council in 2007, 2017 and was recently elected for the 2020-2022 term. Indonesia was reviewed by the CEDAW Committee in November 2021.

**III. Promotion of Protection of Human Rights on the Ground**

*1. Legislative and legal developments*

Pursuant to the recommendations that it has accepted from previous UPR review processes<sup>3</sup>, the Government of Indonesia has advanced efforts to strengthen national human rights institutions and to harmonize local laws with national and international standards. The fifth National Action Plan of Human Rights (RANHAM) for the 2021-2025 period, stipulated in Presidential Regulation No. 53/2021<sup>4</sup> outlines "strategic objectives to be used as a reference for ministries, institutions, and provincial and district/city governments towards the respect, protection, fulfilment, enforcement and promotion of human rights in Indonesia" focussing on four target groups: women, children, persons with disabilities and Indigenous Peoples<sup>5</sup>. The implementation of the RANHAM will continue to be overseen by a joint secretariat, consisting of the Ministry of Law and Human Rights (chair), the Ministry of Social Affairs, the Ministry of Internal Affairs, and the Ministry of National Development Planning.

In November 2020, the Ministry of Law and Human Rights published a draft National Strategy on Business and Human Rights (NSBHR), which provides guidelines to all stakeholders to ensure compliance with human rights standards and principles in the context of business activities<sup>6</sup>.

The UNCT also notes government efforts to advance its commitment to the 2030 Agenda: Sustainable Development Goals (SDGs) through the enactment of Presidential Regulation No. 59 Year 2017 on the Implementation of the SDGs. Under the mandate of the Regulation, Indonesia has mainstreamed the targets and indicators of sustainable development to the 2017-2019 and 2020-2024 Medium Term National Development Plan (RPJMN), localizing sustainable development in subnational level. The Government also launched a more detailed SDG Roadmap in 2019 elaborating priority targets, gaps and interventions needed to attain its goals. These commitments are reflected in the UN Sustainable Development Cooperation Framework (UNSDCF, 2021-2025). In 2020, Indonesia delivered the third

<sup>1</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/273/32/PDF/G1727332.pdf?OpenElement>

<sup>2</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=80&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=80&Lang=EN)

<sup>3</sup> *3<sup>rd</sup> cycle UPR recommendations No. 139.8, 139.14, 139.15, 139.38, 139.42, 141.62*

<sup>4</sup> In April 2018, Presidential Regulation No. 75 of 2015 was amended by Presidential Regulation No. 33 of 2018 for the 2015-2019 period with the aim to include business and human rights explicitly into the National Action Plan.

<sup>5</sup> Articles 1,4 Presidential Regulation Number 53 of 2021 concerning the National Action Plan for Human Rights 2021 - 2021

<sup>6</sup> "Draft National Strategy on Business and Human Rights aims to integrate human rights and business in Indonesia", 25 November 2020, <https://www.id.undp.org/content/indonesia/en/home/presscenter/pressreleases/2020/Draft-National-Strategy.html>

Voluntary National Review (VNR), after the first and the second in 2017 and 2019 respectively.

Since its last UPR review in 2017, several laws and regulations have been enacted to promote and protect human rights. Some of these laws and regulations are related to a wide range of notable issues, such as: villages empowerment, child protection, protection of migrant workers, improvement of provincial governance system, refugees, persons with disabilities, and protection of witnesses and/or victims of terrorism. On 1 December 2021, pursuant to a Presidential Decree, seven members of the National Commission on Persons with Disabilities Commission were appointed for the 2021-2025 period<sup>7</sup>.

Despite these positive measures, serious concerns remain on procedural and substantive aspects underlying long-delayed legislative and legal reforms, in particular deliberations on the draft revisions to the penal code (*Revisi Kitab Undang-undang Hukum Pidana/RKUHP*)<sup>8</sup>, which was suspended following mass protests across the country in September 2020. The proposed amendments include provisions to criminalise previously unregulated acts such as homosexuality, adultery, dissemination of information about contraception and criminalise some abortions whilst reinforcing existing provisions, including the blasphemy law, which has been used to convict members of minority religions or faith groups.<sup>9</sup> The deliberations on the draft bill, which also fails to criminalise torture, resumed in June 2021<sup>10</sup>.

Meanwhile two crucial bills, including a draft Bill on the Recognition and Protection of the Rights of Indigenous Peoples (the Indigenous Peoples Bill, *RUU Masyarakat Adat*) and the Domestic Worker Protection Bill, under deliberation for 17 years, were withdrawn, yet again, from the National Legislation Program priority list in 2021, deferred for possible discussion in 2022. The Sexual Violence Crime bill (*RUU TPKS*) now the Gender Equality and Justice Bill, delayed for many years, regained impetus after the establishment of the *TPKS Task Force* by the President in April 2021. The UNCT encourages Indonesia to continue efforts to ensure legal, administrative, and regulatory frameworks are established for the promotion and protection of human rights in conformity with relevant international standards.

The UNCT notes with concerns the passing of two laws in 2020 amidst nationwide and violent protests over impacts on labour rights and environmental protections<sup>11</sup> namely Law No. 11/2020 on Job Creation or the Omnibus Law and Law No 3/2020 on the Amendment to Law No. 4/2009 on Mineral and Coal Mining. The laws, reportedly passed with limited inputs and direct participation by local communities and civil society risk narrowing the space for communities to make their concerns heard<sup>12</sup>, including imposing fines and prison terms for those who question activities of permit-holding mining companies<sup>13</sup>. On 25 November 2021, the Indonesian Constitutional Court ruled the Omnibus Law to be “conditionally unconstitutional” on grounds that the legal process behind the passage of the law failed to meet standard law-making methods as stipulated in the constitution. The Court imposed

<sup>7</sup> Presidential Decree (Keppres) Number 53 M of 2021 dated November 30, 2021.

<https://voi.id/en/news/109682/president-jokowi-inaugurates-members-of-the-national-commission-for-disabilities-the-first-step-for-equality>

<sup>8</sup> Finalised by a parliamentary taskforce on 15th September 2019 following the UPR recommendation 141.26 related to the rights of women, sexual minorities, and religious minorities

<sup>9</sup> as recommended by the Republic of Korea in UPR Recommendation 139.53.

<sup>10</sup> Articles 417, 419, 304, 309 of the bill may potentially discriminate against persons based on their sexual orientation, religion, or gender identity. Articles 415, 470, and 471 may limit rights guaranteed by the 2009 Health Law which allow women seek an abortion in a medical emergency and inadequately recognize the importance of high-quality abortion services.

<sup>11</sup> *Indonesia: New Law Hurts Workers, Indigenous Groups, Massive Omnibus Bill Passed With Little Public Consultation 15 October 2020*, Available: <https://www.hrw.org/news/2020/10/15/indonesia-new-law-hurts-workers-indigenous-groups>

<sup>12</sup> See for example the communication sent by the Committee on the Elimination of racial Discrimination (CERD/EWUAP/103 rd session/2021/MJ/CS/ks) on 30 April 2021.

<sup>13</sup> In the previous mining law, mining companies are obliged to rehabilitate and restore the site of their operations and set aside post-mining guarantee in the form of a term deposit. On the point of lack of participation, see Ade Wahyudin, “New Omnibus Law threatens effective participation in environmental decision-making”, *Business & Human Rights Resource Centre*, 17 December 2020, <https://www.business-humanrights.org/en/blog/new-omnibus-law-threatens-effective-participation-in-environmental-decision-making/>; KOMNAS HAM, “UU Minerba Disahkan, Komnas HAM Peringatkan Ada Potensi Konflik dan Pelanggaran HAM” [Human Rights Commission Raises Concerns that New Mining Law Potentially Trigger Conflict and Human Rights Violation], 16 May 2020, <https://www.komnasham.go.id/index.php/news/2020/5/16/1396/uu-minerba-disahkan-komnas-ham-peringatkan-ada-potensi-konflik-dan-pelanggaran-ham.html>; In February 2021, President Joko Widodo signed a number of derivative regulations including Government Regulation (GR) No. 34 of 2021, GR No. 35 of 2021, GR No. 36 of 2021, and GR No. 37 of 2021 to ensure the enforcement of the Law .

a two-year deadline for lawmakers to revise the law failing which the law would be deemed “permanently” unconstitutional. The UNCT continues to engage with the Government on issues of concern, including by submission of a Memorandum of Technical Comments on the Draft of Omnibus Law on Job Creation by the ILO in May 2020.

The UNCT appreciates the Government’s commitment to protect the safety and rights of refugees and asylum seekers, including ensuring search and rescue at sea, safe disembarkation, access to territory and referral of asylum-seekers to UNHCR in compliance with Presidential Regulation 125/2016 on the handling of refugees<sup>14</sup>. However, gaps remain in law and practice, regarding their protection, access to education, healthcare, and employment.<sup>15</sup> The 2011 Immigration Law affords immigration officials the authority to refuse access/entry and deport anyone without valid travel documents or visa without assessing their need for international protection.<sup>16</sup> Protection concerns are further heightened in the absence of a comprehensive national legal framework for protection of refugees and asylum seekers.

While Indonesia has generally respected the principle of non-refoulement, at least eight incidents were reported between 2013 and 2022 of asylum-seekers being returned to countries where they could face persecution<sup>17</sup>.

Indonesia’s ongoing review of the Immigration Law is an important opportunity to address protection gaps and challenges, in law and practice, along with Presidential Regulation 125/2016, in line with international human rights standards.<sup>18</sup>

## 2. Administration of justice, including impunity and accountability for past and ongoing violations

The UNCT notes steps taken by the government, including the Office of the Attorney General (OAG) towards investigating alleged violations of human rights, in compliance with recommendations accepted during the previous UPR cycle. On 3 December 2021, the OAG issued an official order forming a team of 22 prosecutors to investigate thirteen cases of alleged gross human rights violations. All cases have been investigated by the National Human Rights Commission under Law No. 26/2000<sup>19</sup>, including three incidents that occurred in Papua<sup>20</sup>. The OAG order is an important step towards addressing the longstanding impasse regarding the threshold of evidence submitted by Komnas HAM to the OAG, which has caused significant obstacles in the process of resolving gross human rights violations. It is important that the OAG investigations and prosecution are conducted in a fair, credible, independent, open, and transparent manner, and the findings are made public. Also noteworthy, is the development linked to the Aceh Truth and Reconciliation Commission (KKR)<sup>21</sup>, which held its first formal public hearing in November 2018 for victims of past human rights

<sup>14</sup> Presidential Regulation 125/2016, Articles 5 – 9, 20 (2), and 26 - 27.

<sup>15</sup> Including to allow refugees to engage in income-generating activities, and their formal enrolment in universities

<sup>16</sup> Law of the Republic of Indonesia No. 6 Year 2011 on Immigration, Articles 13 and 75

<sup>17</sup> In two incidents, the individuals were already recognised as refugees by UNHCR, and in one particularly serious incident in 2022, an asylum seeker registered with UNHCR who was in her ninth month of pregnancy was detained at the airport, denied access to medical care, and deported despite her already reporting her pregnancy and intention to seek asylum in Indonesia, and despite appeals made to high-level Immigration officials, including by the National Commission on Violence Against Women. - “PERCEPATAN KEPEMILIKAN AKTA KELAHIRAN ANAK, KEMEN PPPA PERKUAT SINERGI BERSAMA KEMENTERIAN/LEMBAGA DAN ORGANISASI MASYARAKAT,” <https://www.kemenpppa.go.id/index.php/page/read/29/3047/percepatan-kepemilikan-akta-kelahiran-anak-kemen-pppa-perkuat-sinerji-bersama-kementerian-lembaga-dan-organisasi-masyarakat>, 10 February. At least two other asylum-seekers are at risk of deportation, while their refoulement has thus far been prevented through UNHCR interventions.

<sup>18</sup> Imigrasi Kawal Pembahasan RUU Keimigrasian Pengganti UU No. 6 Tahun 2011 Oleh Badan Keahlian DPR dan Akademisi Bidang Hukum, <https://www.imigrasi.go.id/en/2021/08/31/imigrasi-kawal-pembahasan-ruu-keimigrasian-pengganti-uu-no-6-tahun-2011-oleh-badan-keahlian-dpr-dan-akademisi-bidang-hukum/>, 31 August 2020

<sup>19</sup> These cases include the purge against the alleged communist members and supporters of 1965-1966, the mysterious killings of alleged criminals in the 1980s, the 1989 Talangsari Lampung mass killings, the Trisakti University shootings, the Semanggi I and II shootings in 1998 and 1999, and two human rights violation cases in Aceh (the 1999 Simpang KKA case in North Aceh and 2003 Jambo Keupok case in South Aceh in 2003).

<sup>20</sup> Wamena in 2003, Wasior in 2001 and Paniai in 2014

<sup>21</sup> The Aceh TRC was established in 2006 to investigate human rights violations perpetrated by the government and the then active Free Aceh Movement between 1976 and 2005

violations committed in Aceh between 1976-2005<sup>22</sup>. On 29 December 2021, the Aceh KKR submitted its findings and recommendations to the Aceh Parliament. A public launch of its final report is scheduled for March 2022.

Despite these positive measures, the UNCT notes with concern the continued lack of progress in the killing of Munir Said Thalib, one of Indonesia's most prominent human rights defenders (HRDs), and member of the Commission of Inquiry into Human Rights Violations (KPP-HAM) in East Timor who was found dead on a Garuda Airlines flight from Jakarta to Amsterdam on 7 September 2004. An autopsy by the Dutch authorities concluded that he died because of arsenic poisoning. In December 2004, Presidential Decree No. 111/2004 authorised an Independent Fact-Finding Team (TPF) to investigate the murder. Although three Garuda Airlines staff were convicted of the killing, key recommendations, and findings of the TPF, including the alleged involvement of officials from the National Intelligence Agency (BIN) were not acted upon. The report has since gone missing. Rights groups have been pushing Komnas HAM to declare the case a gross human rights violation highlighting the 18-year statute of limitations on capital crimes that runs out in September 2022. In September 2021, Komnas HAM announced it would reinvestigate the case.

Also of concern is the lack of progress in providing women victims of sexual violence with justice, truth, reparation, and rehabilitation for gross human rights violations, as noted by the CEDAW Committee in November 2021<sup>23</sup>. The government through the Justice and Human Rights Ministry is currently preparing a draft presidential regulation on the formation of the Presidential Working Unit for Handling Incidents of Gross Human Rights Violations (UKP-PPHB). Also, discussions regarding the establishment of a National Truth and Reconciliation Commission (KKR) that were suspended in 2004 resumed briefly in 2020. However, the COVID-19 pandemic has stalled the discussions. It is imperative that the government restart deliberations and develop a coherent and comprehensive approach that integrates the full range of judicial and non-judicial processes and measures, including truth-seeking, prosecution initiatives, reparations programmes, institutional reform including vetting processes, or an appropriately conceived combination thereof.

### 3. *Equality and non-discrimination issues*

As noted by Komnas HAM, discriminatory laws and regulations issued at the national, provincial, and regency levels continue to limit the right to freedom of religion or belief including prohibitions on teachings, distribution of information pamphlets, restrictions, and limits on issuance of permits for construction or renovation of houses of worship as well as physical closure of religious buildings. Affected groups include Ahmadiyya Muslims, Christian, the Milah Abraham faith community (Gafatar) and believers outside the six officially recognised faiths. The 2006 Joint Regulation on construction of Houses of Worship remains an ongoing concern requiring minority religious groups to get approval from majority faith group, by way of signatures, to build a house of worship, as well as endorsement letters from the local administration and the Religious Harmony Forum (FKUB)<sup>24</sup>. Vigilante groups and hardliner groups have often used the regulation to cite alleged faulty or missing permits and paperwork as a pretext to incite violence, vandalise houses of worship or pressure local officials to delay, deny or revoke permits. According to Komnas HAM, at least 23 houses of worship were reportedly closed and/or vandalised between 2017 and 2020<sup>25</sup>. In 2021, at least two Ahmadiyya mosques were sealed by local authorities in West Java Province following local protests.

Meanwhile, the enforcement of the blasphemy law (Law No. 1/PNPS/1965 on the Prevention of Religious Abuse and/or Defamation) continues to adversely affect members of religious minorities,

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<sup>22</sup> One local hearing in Lhokseumawe, North Aceh; and two thematic hearings in Banda Aceh in which victims of human rights abuses gave public testimony

<sup>23</sup> CEDAW Concluding observations on the eighth periodic report of Indonesia, CEDAW/C/IDN/CO/8, 15 November 2021.

<sup>24</sup> The 2006 Joint Regulation on Houses of Worship requires religious communities to obtain signatures from 90 congregation members and from at least 60 local households of a different faith, as well as receive approval from the local government before building a house of worship.

<sup>25</sup> <https://www.benarnews.org/english/news/indonesian/tolerance-11062020170903.html>; This includes the forced closure of an Ahmadiyya mosque in 2017 and halting of construction of a Hindu temple in Depok and North Lombok respectively following complaints from the local community.

and individuals deemed to have criticised Islam<sup>26</sup>. In November 2018, Bakor Pakem, a body charged with religious oversight within the office of the Attorney General, launched a mobile phone application called “Smart Pakem” that allows mobile device users to report individuals suspected of “religious heresy” and blasphemy. The app, available in the Google Play store, lists minority religious groups, names their leaders and describes their “deviant teachings”<sup>27</sup>. The 2016 Law on Information and Electronic Transactions (ITE Law)<sup>28</sup> has also been increasingly applied to cases of alleged blasphemy. For example, in October 2020, in Medan North Sumatra, a popular YouTube blogger was convicted and sentenced to seven months’ imprisonment on blasphemy charges for sharing a song about a wife of the Prophet Muhammad with altered lyrics that were deemed offensive. At least three others were also imprisoned after posting a video of them dancing and singing to the song in question.

In 2018, the Constitutional Court dismissed a petition challenging the constitutionality of the blasphemy law, ruling that criminalising blasphemy was a constitutionally appropriate means of combatting inter-religious tension (the third time the court has reaffirmed the law). The legislature is currently considering a Religious Rights Protection Bill, which includes provisions that would expand the legal definition of blasphemy to include offences such as “persuading someone to be a non-believer”.

The UNCT also notes with concern, broad restrictions on expression related to religion or belief, including the censor, filtering and/or blocking of digital applications to curtail access to religious scriptures. In 2020, in separate incidents, at least two mobile phone applications that enabled reading the Holy Bible, including in the minority Minangkabau language were removed from the Google Play store following protests by local authorities in West Sumatra and Aceh.

Meanwhile deeply embedded homophobic and transphobic attitudes combined with the absence of legal protection against discrimination on grounds of sexual orientation and gender identity<sup>29</sup> continue to pose significant risks to the physical security and right to free expression of LGBTI people across the country<sup>30</sup>, including arbitrary arrests and detention<sup>31</sup>, unlawful searches by law enforcement personnel and public order officers and in some cases death threats by hardliner Islamists<sup>32</sup>. Several conservative regions have produced local ordinances discriminating and criminalizing LGBTI people<sup>33</sup>. The practices of “conversion therapy” based on the incorrect and harmful notion that LGBTI and gender-diverse people could be helped to “get back on track to normalcy”<sup>34</sup> have further perpetuated the cycle of hate and intolerance. The situation in Aceh remains particularly problematic

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<sup>26</sup> Komnas HAM *Submission to Human Rights Committee List of Issues Prior to Reporting (LOIPR) on Indonesia’s second periodic report under the International Covenant on Civil and Political Rights (ICCPR), 2021*

<sup>27</sup> Komnas HAM *Submission to Human Rights Committee List of Issues Prior to Reporting (LOIPR) on Indonesia’s second periodic report under the International Covenant on Civil and Political Rights (ICCPR), 2021*

<sup>28</sup> Inputs from Setara Institute for Democracy and Peace; Findings by YLBHI regarding application of Article 27 of the ITE Law (insulting religion through social media). Also see : [https://www.thejakartapost.com/news/2020/06/10/indonesians-remain-sensitive-to-perceived-blasphemy-ylbhi.html?utm\\_medium=Social&utm\\_source=Facebook&utm\\_term=Autofeed](https://www.thejakartapost.com/news/2020/06/10/indonesians-remain-sensitive-to-perceived-blasphemy-ylbhi.html?utm_medium=Social&utm_source=Facebook&utm_term=Autofeed)

<sup>29</sup> Indonesia currently has, at least, 8 local ordinances discriminating and/or criminalizing LGBTI- Joint submission by the LGBTIQ Forum of Indonesia to the UPR, September 2016, available at

<https://aseansogiecaucus.org/images/resources/upr-reports/Indonesia/Indonesia-UPR-JointSubmission-3rdCycle.pdf>

<sup>30</sup> Indonesia: LGBT Crisis Exposed Official Bias,” Human Rights Watch news release, August 10, 2016

<https://www.hrw.org/news/2016/08/10/indonesia-lgbt-crisis-exposed-official-bias>

<sup>31</sup> Kyle Knight, “Vigilantes Stalk Indonesian Transgender Women,” Human Rights Watch dispatch, December 18, 2018,

<https://www.hrw.org/news/2017/12/18/vigilantes-stalk-indonesian-transgender-women>.

<sup>32</sup> “Indonesia: Stop Raids on Homes of ‘Suspected Lesbians’,” Human Rights Watch news release, September 5, 2017,

<https://www.hrw.org/news/2017/09/05/indonesia-stop-raids-homes-suspected-lesbians>.

<sup>33</sup> In November 2021, Bogor City Bylaw No. 10/2021 regarding the Prevention and Control of Sexual Deviant Behaviours and other discriminatory laws was passed which outlines at least 15 “sexual deviant behaviours”, including homosexuality, bisexuality, transgender identity, and other sexual activities “prohibited by religions, culture, social norms, psychological and/or medical.” Under the bylaw all behaviour deemed sexually deviant will be subjected to preventive and control measures, which include “public order measures” and rehabilitation.

<sup>34</sup> Practices of so-called “conversion therapy”, Report of the IE on protection against violence and discrimination based on sexual orientation and gender identity, Human Rights Council, June-July 2020; Submission to the UN Committee on the Elimination of all forms of discrimination against women (CEDAW) for adoption of the List of Issue, September 2021 by Crisis Response Mechanism Consortium, Arus Pelangi, Sanggar Swara, Community Legal Aid Institute, GWL, INA.

where Sharia bylaws criminalise consensual same-sex relations, prohibit adultery and permit as punishment up to 100 lashes and up to 100 months in prison for these offences.<sup>35</sup> In 2018, the Aceh governor issued an order that caning should be executed only in prison facilities, however public canings continue. In December 2019, Aceh introduced its first all-female flogging squad, which it expanded in early 2020.

Furthermore, stigma, discrimination, and other HIV-related human rights violations remained rampant in Indonesia, taking various forms from bullying at schools, denial of services in health setting to arbitrary law enforcement<sup>36</sup>.

#### 4. *Freedom of expression, opinion, and assembly*

During the 3<sup>rd</sup> UPR cycle, Indonesia accepted recommendations to take steps to prevent and combat intimidation, repression, or violence against HRDs, journalists, and civil society organizations<sup>37</sup>. Whilst the government has taken steps to protect freedom of expression such as in February 2021 the President committed to revise and/or address problematic provisions of the ITE Law, which criminalises ‘immorality’, defamation, and hate speech<sup>38</sup>, independent media and journalists continue to face significant challenges in law and practice. The UNCT remains deeply concerned that despite a Joint Ministerial Letter<sup>39</sup>, which provides guidelines and criteria on implementing the ITE Law, its provisions, in particular defamation, continue to be used to arbitrarily arrest, detain, and prosecute political dissidents, HRDs, peaceful protestors, and journalists<sup>40</sup>. Concerns also remain regarding the Communication and Information Ministerial Regulation No 5/2020 on Private Electronic System Operators (Ministerial Regulation 5/2020) that has the potential to allow the government to overly regulate the Internet.

The reported use of online surveillance and cyber-attacks against HRDs, students, civil society organisations and journalists/media remains a serious issue of concern in Indonesia and was particularly prominent during the social unrest in Papua in 2019, in tandem with the internet shut down and suspension of mobile data services in certain areas. There are concerns regarding the rights and protection of HRDs, including environmental HRDs, defenders working on Papua as well as lawyers defending their cases who face routine and serious harassment, intimidation, surveillance, physical attacks, and criminalisation on spurious charges of crimes against the state. At least four HRDs currently face alleged defamation charges, including Mr. Egi Primayogha, Mr. Miftachul Choir, *Lokataru* Director Mr. Haris Azhar and *KontraS* coordinator and WHRD Ms. Fatia Maulidiyanti<sup>41</sup>. On 21 March 2022, the police officially named Mr. Haris and Ms. Fatia, as suspects in a defamation case against Coordinating Minister of Maritime Affairs and Investments, Luhut Binsar Pandjaitan, under the ITE Law. The case follows the upload of a YouTube video containing a dialogue between the HRDs about findings from a 2021 report outlining the alleged involvement of the military in mining operations in Papua.

The UNCT also notes with concern the case of WHRD Veronica Koman, who was among five other HRDs mentioned in the UN Secretary-General’s 2021 annual report on cooperation with the United

<sup>35</sup> “Indonesia: Aceh’s New Islamic Laws Violate Rights,” Human Rights Watch news release, October 2, 2014, <https://www.hrw.org/news/2014/10/02/indonesia-acehs-new-islamic-laws-violate-rights>.

<sup>36</sup> A civil society report shows that throughout 2016-2019, there have been at least 662 individuals reported experiencing stigma and discrimination on the basis of their HIV status, 973 people reported experiencing discrimination, violence, and persecution on the grounds of their sexual orientation and gender identity; while, hundreds of sex workers lost income opportunity due to massive brothel closures as part of the implementation of the “Indonesia without brothels” policy imposed by the Ministry of Social Affairs. See LBHM, “Disinformasi yang Menjadi Diskriminasi: Permasalahan HIV di Indonesia”, 2020; LBHM, “Bahaya Akut Persekusi LGBT”, 2018; CNN Indonesia, “Ministry of Social Affairs Closed 160 Brothels within Three Years”, 4 October 2019, available at: <https://www.cnnindonesia.com/nasional/20191004125624-20-436709/kemensos-tutup-160-lokalisasi-se-indonesia-dalam-tiga-tahun>.

<sup>37</sup> Report of the Working Group on the UPR, A/HRC/WG.6/27/L.5 Recommendations 5.24, 5.64-5.67, 7.56

<sup>38</sup> Art 27, 28, 29, <https://indonesiaatmelbourne.unimelb.edu.au/attempts-to-revise-draconian-ite-law-stumble/>

<sup>39</sup> Signed in 2021 by the Attorney General, the Head of the Indonesian Police, and the Minister of Communications and Information

<sup>40</sup> <https://www.bu.edu/bucflp/files/2012/01/Law-No.-11-Concerning-Electronic-Information-and-Transactions.pdf>

<sup>41</sup> Communication sent to the government of Indonesia by Special Procedures mandate holders on 26 October 2021, Ref: AL/IDN/09/21, available here: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26758> and Communication Res: AL/IDN/08/21, available here: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26731>

Nations, its representatives, and mechanisms in the field of human rights<sup>42</sup>.

In 2020, the Indonesian Alliance of Independent Journalist (AJI) raised concerns on press freedom following a spate of cyberattacks on at least two online news websites, the website of a policy thinktank and the twitter account of an epidemiologist, all of whom have been critical of the government's handling of the COVID-19 pandemic and the role in the response of the State Intelligence Agency and the military. The attacks ranged from doxing (the release of private information about individuals), SMS phishing to the removal of select articles from websites and overloading the server to prevent people from accessing relevant websites<sup>43</sup>. In 2021, SAFENET recorded at least 193 incidents of digital attacks against civil society organisations/individuals, while AJI recorded 43 cases of violence and intimidation against journalists alone, including digital attacks and cases of criminal and civil prosecution<sup>44</sup>.

## 5. Sexual and Gender Based Violence

Discriminatory by-laws and local regulations continue to disproportionately affect women, girls, and other minority groups in Indonesia, including LGBT and gender diverse people. Indonesia's National Commission on Violence Against Women (Komnas Perempuan) has identified at least 421 regional regulations which discriminate against women, in intent or impact, including regulations on dress codes such as mandatory wearing of the hijab in government buildings, schools or public places<sup>45</sup>. Proposed amendments to the penal code pose additional risks to the rights of women, and LGBT and gender diverse people.

The UNCT notes with concern an increase of gender-based violence (GBV) against women and girls, especially those belonging to disadvantaged and marginalized groups, both online and offline. In 2021, Komnas Perempuan noted a worrying rise in reported cases of sexual violence with an 18-percent rise in incidents of domestic violence and an almost three-fold increase in incidents of gender-based cyber violence.<sup>46</sup> Reports of intimidation, harassment, and arbitrary arrest of LGBT and gender diverse people are also a concern<sup>47</sup>. Despite the adoption of sectorial regulations, such as the Ministerial Regulation<sup>48</sup> on the prevention and treatment of sexual violence in university, the UNCT remains concerned of the lack of a comprehensive legislative framework.

While the UNCT welcomes efforts by the government to establish and strengthen protection and referral mechanisms on GBV cases, including the establishment of the Integrated Service Centre for Women Empowerment and Children<sup>49</sup>, it is critical that these mechanisms are adequately resourced and funded to ensure access and delivery of timely, appropriate, and quality services for victims of

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<sup>42</sup> <https://srdefenders.org/indonesia-stop-reprisals-against-woman-human-rights-defender-un-expert/>

<sup>43</sup> 2021 Digital Rights in Indonesia Situation Report: The Pandemic Might be under control, but digital repression continues, SAFENET February 2022

<sup>44</sup> Ongoing harassment, threats and criminalisation of activists and journalists in Indonesia, 26 January 2022. Available here: <https://monitor.civicus.org/updates/2022/01/26/ongoing-harassment-threats-and-criminalisation-activists-and-journalists-indonesia/>; 2021 Digital Rights in Indonesia Situation Report: The Pandemic Might be under control, but digital repression continues, SAFENET February 2022

<sup>45</sup> Concluding Observations on the eighth periodic review of Indonesia, CEDAW Committee, November 2021

<sup>46</sup> <https://www.indoleft.org/news/2021-10-05/womens-rights-commission-records-sharp-rise-in-sexual-violence-during-pandemic.html>

<sup>47</sup> Women accused of "lesbian deviant behaviour," as well as trans women, have been victims of arrest. Local governments, such as in West Java, have ordinances to criminalize same-sex relations. Source:

"Indonesia: Stop Raids on Homes of 'Suspected Lesbians'," Human Rights Watch news release, September 5, 2017,

<https://www.hrw.org/news/2017/09/05/indonesia-stop-raids-homes-suspected-lesbians>; Kyle Knight, "Vigilantes Stalk Indonesian Transgender Women," Human Rights Watch dispatch, December 18, 2018; Andreas Harsono, "Indonesian Police Harass Transgender Women," Human Rights Watch dispatch, November 8, 2018

<https://www.hrw.org/news/2018/11/08/indonesian-police-harass-transgender-women>.

<https://www.hrw.org/news/2017/12/18/vigilantes-stalk-indonesian-transgender-women>; Andreas Harsono, "Indonesian Police Harass Transgender Women," Human Rights Watch dispatch, November 8, 2018,

<https://www.hrw.org/news/2018/11/08/indonesian-police-harass-transgender-women>; "Indonesia: Fresh Wave of Anti-LGBT Rhetoric, Arrests," Human Rights Watch news release, October 29, 2018,

<https://www.hrw.org/news/2018/10/29/indonesia-fresh-wave-anti-lgbt-rhetoric-arrests>.

<sup>48</sup> Regulation of the Ministry of Education, Culture, Research and Technology

<sup>49</sup> Such as the Integrated Service Centre for Women and Children or P2TP2A and Mobile Protection of Women and Children (MOLIN and TORLI). Source: *State responses to the list of issues and questions with regard to the consideration of the eighth periodic report*, October 2020

violence. In this regard, the UNCT has been supporting the Government through their Covid-19 National Task Force to increase gender responsive socio-economic plans and actions, including development of Guidelines and Protocols on handling GBV.

The UNCT reiterates concerns raised by the CEDAW Committee regarding access to sexual and reproductive health services for women and girls in rural areas ( Papua, Sulawesi, Maluku, and Nusa Tenggara Provinces), those living with HIV/AIDS, women with disabilities, women in prisons and women using drugs. This includes access to comprehensive age-appropriate sexuality education, health information and services such as emergency and modern methods of contraception, safe abortion, and post abortion services, including for unmarried couples<sup>50</sup>.

The UNCT commends the government's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including through community based interactive digital programmes on women empowerment. However, such efforts risk being undermined by delays in the passing of the Gender Equality and Justice Bill. The UNCT urges the government to engage constructively with relevant stakeholders and prioritise the finalising of the provisions of the Bill and its passing in line with its international human rights obligations.

#### 6. Stereotypes and harmful practice

The UNCT notes with deep concern the prevalence of harmful practices, such as Female Genital Mutilation/Cutting (FGM/C). While we appreciate efforts by the Government to discourage and gather information<sup>51</sup> on the practice and development of the 2030 National Road Map and Action Plan on the Prevention of FGM/C, the practice continues to be rampant<sup>52</sup>. Furthermore, the Ministry of Health Regulation No. 6/2014 while explicitly states that female genital mutilation and circumcision are not medical treatments, it does not prohibit female genital mutilation or impose sanctions on those who perform it. Intensified efforts are thus needed, in law and practice, to support behaviour change and address core values and enforcement mechanisms that support the practice.

The UNCT highly appreciates the amendment of Indonesia's Marriage Law in September 2019, which outlaw's child marriage and raises the minimum legal age for women to marry from 16 to 19, which is the same for men. The National Strategy on the Prevention of Child Marriage launched in February 2020 reinforces the government's commitment to ending the practice<sup>53</sup>. The ending of child marriage is also included as a priority area in the National Mid-Term Development Plan 2020-2024. Concerted efforts are needed to compliment these initiatives, including by way repealing or abolishing all exceptions to the prohibition of marriage of those under the age of 18 ( Article 7 (2) of Law 16/2019) which authorize Religious Courts to grant exemptions from the legal minimum age of marriage. Despite the Police having taken appropriate steps and public calls for the practice to stop, ongoing reporting of virginity testing being used in recruitment processes by military institutions remains a key concern of the UNCT<sup>54</sup>.

#### 7. Development, the environment, and business and human rights

Since the last UPR review, several initiatives have been taken to by the government to implement the UN Guiding Principles on Business and Human Rights in Indonesia. In November 2020, the draft National Strategy on Business and Human Rights (NSBHR) was launched by the Ministry of Law and Human Rights to advance human rights compliance in business operations, implemented by an inter-

<sup>50</sup> Para's 43-44, Concluding Observations on the eighth periodic review of Indonesia, CEDAW 15 November 2021

<sup>51</sup> Data on FGM was gathered through the nation-wide survey on Violence Against Women. Violence against Women Survey. 2021 Presented on 27 December 2021 by the Ministry of Women Empowerment and Child Protection.

<sup>52</sup> <https://indonesia.unfpa.org/en/news/ending-fgmc-through-education-and-community-engagement>

<sup>53</sup> UNFPA Indonesia: We must protect girls from the overwhelmingly harmful impacts of child marriage, 11 February 2021. Available here: <https://indonesia.unfpa.org/en/news/unfpa-indonesia-we-must-protect-girls-overwhelmingly-harmful-impacts-child-marriage>

<sup>54</sup> Based on TNI Regulation No. KEP/920/XI/2020 dated November 23, 2020, Technical Guidance for Examination and Health Tests for TNI Soldiers, hymen examination is still carried out as part of the reproductive health examination.



ministerial National Task Force, also comprised of representatives from civil society, academia, business associations and the private sector<sup>55</sup>.

The RANHAM has recognized the absence of an adequate legal protection framework for Indigenous Peoples Groups and that violations of land rights of Indigenous Peoples Groups are still common<sup>56</sup>. The Government has since taken positive steps to address long existing concerns on land rights, environmental protection, and climate change, including the Presidential moratorium on granting new permits for palm oil companies (19 August 2018), a Presidential decree on agrarian reform (24 September 2018) and Presidential cancellation of logging, plantation, and mining concessions (January 2022). Concerns, however, remain on the effective implementation of these measures in the absence of the bill on the recognition and protection of indigenous peoples (draft law on *Masyarakat Hukum Adat*), which remains stalled in parliament. Komnas HAM has noted with concern that the government “has not indicated any formal support to the draft law”<sup>57</sup>.

The lack of legal recognition of indigenous peoples based on the principle of self-identification, significantly hindering the possibility of indigenous peoples to register collective rights to land, and the lack of oversight mechanisms has made it easier for state and private actors to appropriate lands, territories, and natural resources without the free prior and informed consent of indigenous peoples. The implementation of large extractive business activities, such as mining, logging and palm oil plantations has heightened tensions and exacerbated land and/or forest-related conflicts between indigenous peoples, private companies, and State-owned enterprises<sup>58</sup>.

Widespread corruption with impunity, and ambiguous land and resource tenure continue to pose enormous challenges for improving Indonesia’s land governance system, preserving its diverse ecosystem and for the indigenous people whose livelihood depends on the land and its natural resources. Serious concerns remain on heightened attacks, surveillance, targeting and criminalisation of HRDs, environmental HRDs, lawyers defending their cases, as well as representatives of local communities resisting and/or critical of business operations linked to the protection of their environment and land. UN human rights experts have consistently raised concerns on these issues<sup>59</sup>. Concerns have also been raised on the impact of infrastructure and investment projects on affected communities, including forcible relocation, displacement, the loss of livelihood and housing, and the right to meaningful participation and consultation of indigenous peoples in policy formulations. One such case is the Kalimantan Border Oil Palm Mega-Project on which communications have been sent to the Government by the Committee on the Elimination of Racial Discrimination (CERD Committee)<sup>60</sup>. The CERD Committee has also raised concerns about the alleged negative effects of the Omnibus Law on the livelihood and rights of indigenous peoples. UN experts have also raised concerns regarding alleged human rights violations linked to coal mining operations in East Kalimantan<sup>61</sup>, the Mandalika Super Premium Tourism development project in the Mandalika Special

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<sup>55</sup> <https://globalnaps.org/country/indonesia>

<sup>56</sup> Annex I *Presidential Regulation Number 53 of 2021 concerning the National Action Plan for Human Rights 2021 – 2021: RANHAM STRATEGIC OBJECTIVES*

<sup>57</sup> Komnas HAM Submission to The Committee on Economic, Social and Cultural Rights: List of Issues Prior to Reporting (LOIPR) on Indonesia’s anticipated 2<sup>nd</sup> periodic report under the International Covenant on Economic, Social and Cultural Rights (ICESCR), February 2022

<sup>58</sup> *When we lost the forest, we lost everything- Oil Palm Plantations and Rights Violations in Indonesia*, HRW report 22 September 2019. Available here: <https://www.hrw.org/report/2019/09/23/when-we-lost-forest-we-lost-everything/oil-palm-plantations-and-rights-violations>.

Also see Communication sent to the Government of Indonesia from the Committee on the Elimination of Racial Discrimination, 30 April 2021, Ref: CERD/EWUAP/103<sup>rd</sup> session/2021/MJ/CS/ks. Available here:

[https://www.forestpeoples.org/sites/default/files/documents/CERD\\_EarlyWarning\\_Indonesia\\_OmnibusLaw.pdf](https://www.forestpeoples.org/sites/default/files/documents/CERD_EarlyWarning_Indonesia_OmnibusLaw.pdf) 1

<sup>59</sup> Communication sent to the Government of Indonesia from Special Procedures mandate holders, 7 September 2020, Ref: AL/IDN 4/2020 Available here: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25413>

<sup>60</sup> Communication sent to the Government of Indonesia from the Committee on the Elimination of Racial Discrimination, 30 April 2021, Ref: CERD/EWUAP/103<sup>rd</sup> session/2021/MJ/CS/ks. Available here:

[https://www.forestpeoples.org/sites/default/files/documents/CERD\\_EarlyWarning\\_Indonesia\\_OmnibusLaw.pdf](https://www.forestpeoples.org/sites/default/files/documents/CERD_EarlyWarning_Indonesia_OmnibusLaw.pdf) 1

<sup>61</sup> Communication sent to the Government of Indonesia from Special Procedures mandate holders on 6 February 2019. Available here: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24296>

Economic Zone (KEK Mandalika)<sup>62</sup> and questioned state-initiated, agro-industrial mega-projects, and the expansion of “Food Estate Programs”<sup>63</sup> such as the Merauke Integrated Food and Energy Estate in Papua province<sup>64</sup>.

The UNCT urges the government to prioritize consultations with representatives of indigenous groups to finalize the bill that would protect indigenous peoples’ rights and ensure that simple recognition procedures are put in place. This would go a long way in implementing the 2013 Constitutional Court decision that granted indigenous people rights to their customary forests.

#### 8. Papua and West Papua Provinces<sup>65</sup>

During the previous UPR cycles, the Indonesian Government accepted recommendations to ensure human rights obligations in Papua are upheld, respected, and promoted, including freedom of assembly, freedom of the press and the rights of women and minorities<sup>66</sup>. It also accepted recommendations to take steps to guarantee accountability by ensuring that human rights violations, including abuses committed by Indonesian security forces are investigated and prosecuted in a fair prompt and impartial manner<sup>67</sup>. The UNCT, whilst welcoming various steps taken by the Government towards addressing impunity and accountability, including by initiating investigations into alleged excessive use of force by Indonesian security forces in Nduga, Pegunungan Bintang and Intan Jaya regencies in 2020-2021 notes with concerns that the findings have yet to be made public or communicated to relatives<sup>68</sup>. In October 2020, the Indonesian Military initiated an investigation on the alleged involvement of army personnel in the disappearance of two indigenous Papuans, Mr. Apinus Zanambani and Mr. Luther Zanambani<sup>69</sup>. Whilst initial findings, including the alleged involvement of 19 army personnel in the case, were communicated via a press release<sup>70</sup> no further information was made available on the follow-up to these findings. Also, the outcome of the investigation initiated in the alleged torture and killing of Pastor Yeremia Zanambani by the military is yet to be made public<sup>71</sup>.

The UNCT acknowledges the complexities of the situation in Papua, which has shown no signs of improvement amid clashes with armed groups and ongoing security operations since December 2018 and reiterates calls for urgently stepping up efforts to address the protracted and grave problems in the Papua region. Significant abuses continue against indigenous Papuans, including extrajudicial killings, enforced disappearances, arbitrary arrests and detention, torture, and inhumane treatment whilst in police custody<sup>72</sup>. Heightened violence between security forces and armed groups have reportedly resulted in significant and forced displacement of thousands of indigenous Papuans, the majority of whom reportedly remain in forests without access to adequate and timely food, healthcare, and education facilities. An estimated, 60,000 to 100,000 people have been displaced since the escalation of violence in December 2018.

The extension of the Special Autonomy Law for Papua until 2041 and plans to create new provinces in Papua reportedly without any genuine and meaningful consultation of Papuan institutions or communities has further heightened tensions, as shown in political protests some which have led to

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<sup>62</sup> Indonesia: UN experts flag rights concerns over \$3bn tourism project, 31 March 2021. Available here: <https://www.ohchr.org/en/press-releases/2021/03/indonesia-un-experts-flag-rights-concerns-over-3bn-tourism-project?LangID=E&NewsID=26962>; Also see Allegation Letter (AL) or written communication sent by Special Procedures mandate holders to the Government on 4 March 2021, Ref AL IDN5/2021 Available here: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26108>

<sup>63</sup> Greenpeace et al., “Swallowing Indonesia’s forests”, 2021, <https://www.rainforest-rescue.org/files/en/swallowing-indonesias-forests.pdf>.

<sup>64</sup> See CERD/GH/mja/vdt <https://www.forestpeoples.org/sites/default/files/publication/2013/09/cerdindonesiamifeaugust2013.pdf> and GH/ST <https://www.forestpeoples.org/sites/default/files/publication/2011/09/cerduaindonesia02092011fm.pdf>

<sup>65</sup> Papua and West Papua provinces will be referred to as ‘Papua’ from hereon.

<sup>66</sup> Recommendation 139.67, 2017 UPR, A/HRC/36/7

<sup>67</sup> Recommendation 108.91 and 108.95, 2012 UPR

<sup>68</sup> <https://humanrightspapua.org/news/2021/relatives-demand-update-on-law-enforcement-process-in-cases-of-enforced-disappearances/>

<sup>69</sup> Reply sent by the Government to UN Special Procedures in response to joint communication, Ref. AL IDN 2/2021, 1 February 2021

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36249>

<sup>70</sup> Issued by the Commander of the Indonesian Army Military Police on 20 December 2020

<sup>71</sup> Allegation letter/communication sent by Special Procedures mandate holders to the Government of Indonesia on 29 December 2020, Ref: AL IDN 5/2020, available here: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25772>

<sup>72</sup> Indonesia: UN experts sound alarm on serious Papua abuses, call for urgent aid, press statement by UN Special Procedures mandate holders, 1 March 2022. Available here:

<https://www.ohchr.org/en/press-releases/2022/03/indonesia-un-experts-sound-alarm-serious-papua-abuses-call-urgent-aid>

killings and mass arrests of protestors.

Concerns have consistently been raised by UN human rights mechanisms, with the special procedure's mechanisms having sent ten communications to the government between January and December 2021. The High Commissioner for Human Rights<sup>73</sup> also called for all parties to prevent further violence and create a platform for meaningful and inclusive dialogue with the people of Papua that addresses longstanding economic, social, and political grievances as well as the lack of accountability for past and recent human rights violations and abuses<sup>74</sup>.

Komnas HAM and Komnas Perempuan have consistently raised concerns regarding the situation in Papua and made concrete recommendations in this regard. It is crucial that their mandate and autonomy continue to be respected, that they are sufficiently resourced, and their recommendations are implemented.

#### **IV. Recommendations**

- Take urgent measures to concretely review, amend and/or repeal, within a clear time frame, all discriminatory laws, and regulations, including the blasphemy law and mandatory hijab regulations provisions, review proposed amendments to the criminal code that risk violating rights of women, LGBTI people, as well as freedom of speech and association and seriously impede the Government's efforts to achieve the SDGs. The ongoing amendments to the Criminal Code afford an opportunity to reform the laws and regulation to bring them into compliance with international human rights standards.
- Expedite efforts to protect indigenous peoples right to access and use natural resources and lands, including by expanding the scope of *Masyarakat Hukum Adat* and repeal or otherwise amend legislation that undermines their right to land use and/or excludes their participation in decision making on all matters that affect them, including the Omnibus Law and the Law No 3/2020 on Mineral and Coal Mining to ensure that they reflect international human rights standards.
- Adopt comprehensive anti-discrimination legislation to strengthen legal protection for vulnerable groups, including for HIV-related discrimination.
- Regarding Papua, as noted by Komnas HAM and Komnas Perempuan and repeatedly by the UN special procedures mechanisms take immediate steps to ensure a meaningful and inclusive dialogue between all parties to the conflict and allow immediate humanitarian access for the UN and ICRC to displaced/civilian populations and those in detention in Papua.
- Facilitate multi-stakeholder platforms to address, prevent and mitigate business-related human rights abuses and challenges such as those regarding land titling and administration with a risk-to people approach rather than a risk-to-business approach. The ongoing efforts towards drafting a National Strategy on Business and Human Rights affords an opportunity to strengthen compliance , in law and practice, with the UN Guiding Principles on Business and Human Rights.
- Take systematic action to address human rights violations, loss of means of livelihood and environmental degradation, caused by development and extractive projects, including by enacting necessary regulations, and investigating systematically and thoroughly each complaint in a fair, credible, independent, open, and transparent manner.

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<sup>73</sup> High Commissioners meeting with the Indonesian Foreign Minister in February 2019 and in February 2020 in a joint meeting with the Minister of Foreign Affairs, Director General of Multilateral Cooperation (MFA), Director of Human Rights and Humanitarian Affairs (MFA), and Mr. Ahmad Rizal Purnama, Acting Chief of Staff (MFA); Deputy High Commissioner's meeting with the Ambassador of Indonesia, April 2020; Deputy High Commissioner's meeting with Charge de affaires Indonesia, 03 March 2021

<sup>74</sup> <https://bangkok.ohchr.org/papua-statement/>

- Ensure adequate resources for national contact points and establish other non-judicial grievance mechanisms to provide remedies to individuals and communities affected by corrupt business practices. These should recognise the human rights abuse inherent in corrupt practices, and not exclude access to judicial remedies.
- Expedite, as a matter of priority and within a concrete time frame, the adoption of the draft law on Gender Equality and Justice, in line with article 1 of the Convention and target 5.1 of the SDGs.
- Adopt legislative and policy measures to combat gender-based violence and discrimination, including against LGBT and gender diverse people, that ensure that all perpetrators of gender-based violence are prosecuted and adequately punished by a competent court, that victims and witnesses can file complaints without fear of retribution or stigma and have access to effective remedies and victim support, such as medical and psychological assistance and shelters.
- Enact a comprehensive legal framework to ensure the right to seek asylum as well as access for asylum seekers to education, healthcare, and employment.
- As a matter of priority, effectively combat impunity by promptly investigating past and ongoing human rights violations in a fair, credible, independent, open, and transparent manner, including sexual and gender-based violence, and by prosecuting and adequately punishing perpetrators, including law enforcement personnel, and develop a coherent and comprehensive approach that integrates the full range of judicial and non-judicial processes and measures.
- Increase efforts towards the ratification of international instruments, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, ILO Convention 189 on the Decent Work for Domestic Workers, ILO Convention 190 on Violence and Harassment, ILO Convention 188 on Work in Fishing, ILO Convention 169 on Indigenous and Tribal Peoples, the Convention on Enforced Disappearances, the Optional Protocol to the Convention against Torture.
- Adopt effective measures for the protection of HRDs, including women and environmental rights defenders so they can freely undertake their work without fear of threat of intimidation, harassment, or violence; and ensure the violations against HRDs are promptly, effectively, and impartially investigated and that those responsible are brought to justice in fair trials. The UNCT calls on the government to support the passage of specific legislation aimed at providing better legal protection for HRDs, as outlined in the 2011-2014 National Human Rights Action Plan.