

Human Rights Watch Submission to the Universal Periodic Review of Indonesia

UPR Submission

Indonesia – September 2016

Since Indonesia's previous Universal Periodic Review in 2012, President Joko "Jokowi" Widodo took office in October 2014 with a reformist agenda that implicitly recognizes universal human rights and freedoms by reaffirming Indonesia's diversity and pluralism.¹

However, President Jokowi has failed to translate his rhetorical support for human rights into meaningful policy initiatives. Religious minorities remain vulnerable to restrictions on their religious freedom due to discriminatory regulations. Women, LGBT people, and people with disabilities face various forms of government-promoted discrimination in their daily lives. And in Papua abuses by the security forces are committed with impunity, while dozens of Papuan and Moluccan political prisoners remain behind bars for exercising their free expression rights.² Jokowi's appointment of former general Wiranto, who was indicted for crimes against humanity by a UN-sponsored tribunal, as security minister has heightened concerns about the government's commitment to human rights and accountability.³ And the end of a four-year unofficial moratorium on the death penalty has brought a spate of executions of convicted drug traffickers.

1. Accountability for Past Gross Human Rights Abuses

On May 22, 2015, Indonesia's Attorney General Muhammad Prasetyo announced that the government would form a "Reconciliation Commission" to seek a "permanent solution for all unresolved human rights abuses" of the past half century.⁴ Prasetyo said the commission would focus on abuses including the state-sanctioned mass killings of 1965-1966 that killed up to one million people.⁵

¹ Andreas Harsono, "Indonesia's President Jokowi Silent on Human Rights," commentary, Human Rights Watch Dispatch, August 16, 2016, <https://www.hrw.org/news/2016/08/16/indonesias-president-jokowi-silent-human-rights-0>.

² FULL QUOTES PLEASE. NOT JUST URLS <https://www.hrw.org/world-report/2016/country-chapters/indonesia>

³ "Indonesia" Indicted General Unfit for Cabinet Post," Human Rights Watch news release, July 28, 2016, <https://www.hrw.org/news/2016/07/28/indonesia-indicted-general-unfit-cabinet-post>.

⁴ Param Preet-Sing, "Reconciliation Should Not Sideline Justice," commentary, Human Rights Watch oped, *Jakarta Post*, August 14, 2015, <https://www.hrw.org/news/2015/08/14/reconciliation-should-not-sideline-justice>

⁵ Ibid.

Despite accepting all recommendations to investigate past human rights abuses during its 2012 UPR, including to *Ensure prompt, comprehensive, and effective investigations into credible allegations of human rights violations by members of the security forces, and examine options for establishing an independent review mechanism with the ability to recommend prosecutions*, the government has provided no further details of when the “Reconciliation Commission” might begin operations or how the process of accountability will proceed.⁶ Meanwhile, paramilitary and nationalist groups that oppose accountability have criticized calls for redress for past rights abuses as an attempt “to revive communism.”⁷

On addressing accountability for past gross human rights abuses, Indonesia should:

- Publicly reaffirm its intent to seek accountability for past gross human rights abuses and disclose a timetable for how the accountability process will proceed;
- Ensure that the structure, procedures and practices of an accountability mechanism for past gross rights abuses are consistent with human rights standards;
- Ensure that those responsible for the injustices of the past are fully and fairly held accountable for their actions, including through criminal prosecution if and when applicable.

2. Religious Freedom

In its last UPR review in 2012, the Indonesian government accepted several recommendations on ending violations of the right of freedom of religion (recommendations 108.68, 108.98, 108.99, 108.101, 108.102, 108.103, 108.104, 108.105, 108.106, 108.107, 108.108, 108.109, 108.110, 108.111, 108.112, 108.113, 108.139).⁸ However, the rights of religious minorities remain under threat from both discriminatory regulations as well as militant Islamists.

Discrimination against religious minorities is deeply entrenched in the state bureaucracy.⁹ That is fueled by discriminatory laws and regulations, including a blasphemy law that officially recognizes only six religions, and house of worship decrees that give local majority populations significant leverage over religious minority communities.¹⁰

State institutions have also directly violated the rights and freedoms of minorities. The Ministry of Religious Affairs, the Coordinating Board for Monitoring Mystical Beliefs in Society under the Attorney General’s Office, and the Indonesian Ulama Council, have eroded religious freedom by issuing decrees

⁶ Andreas Harsono, “Indonesia’s President Jokowi Silent on Human Rights,” commentary, Human Rights Watch Dispatch, August 16, 2016, <https://www.hrw.org/news/2016/08/16/indonesias-president-jokowi-silent-human-rights-0>.

⁷ Andreas Harsono, “Indonesia’s Step Toward Accountability for 1965 Massacres,” commentary, Human Rights Watch Dispatch, April 20, 2016, <https://www.hrw.org/news/2016/04/20/dispatches-indonesias-step-toward-accountability-1965-massacres>.

⁸ “Indonesia: Recommendations and Pledges,” UPR Info, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/150/17/PDF/G1215017.pdf?OpenElement> (accessed Aug. 27, 2016).

⁹ “Indonesia: Religious Minorities Targets of Rising Violence,” Human Rights Watch news release, February 28, 2013, <https://www.hrw.org/news/2013/02/28/indonesia-religious-minorities-targets-rising-violence>.

¹⁰ Ibid.

and fatwas against members of religious minorities, and pressing for the prosecution of “blasphemers.”¹¹

The government response has been weak at best and complicit at worst. Officials and security forces frequently facilitate harassment of religious minorities, in some cases even blaming the victims for the attacks. Authorities have made blatantly discriminatory statements, refused to issue building permits for houses of worship, and pressured minority congregations to relocate.¹²

Indonesian officials and security forces have been complicit in the violent forced eviction of more than 7,000 members of the Gafatar religious community from their homes on Kalimantan island since January 2016.¹³ In January 2016, local Indonesian authorities banned the activities of the Ahmadiyah religious community in the town of Subang in West Java province.¹⁴ Neither Jokowi nor other national officials have spoken out or intervened to lift the ban. That same month, local government officials on Bangka Island, located off the east coast of Sumatra, told the island’s Ahmadiyah community to convert to Sunni Islam or face forcible expulsion from the area.¹⁵

On addressing violence and discrimination against religious minorities, Indonesia should:

- Implement a “zero-tolerance” policy for attacks on religious minorities. Attacks on religious minority communities should be promptly investigated and appropriately prosecuted;
- Take active measures against local officials who fail to respect court judgments guaranteeing religious freedom, including construction of houses of worship;
- Review existing laws, regulations, and decrees on religion to identify provisions at odds with freedom of religion and freedom of conscience, followed by a timetable for revision or repeal of offending provisions.

3. Children’s Rights

In its last UPR review in 2012, the Indonesian government accepted several recommendations to protect children’s rights (recommendations 108.62, 108.63, 108.73, 108.74).¹⁶

Thousands of children in Indonesia, some just 8-years-old, are working in hazardous conditions on tobacco farms.¹⁷ Child tobacco workers are exposed to nicotine, handle toxic chemicals, use sharp tools,

¹¹ Ibid.

¹² Ibid.

¹³ “Indonesia: Persecution of Gafatar Religious Group,” Human Rights Watch news release, March 29, 2016, <https://www.hrw.org/news/2016/03/29/indonesia-persecution-gafatar-religious-group>.

¹⁴ “Indonesia: Ahmadiyah Community Persecuted,” Human Rights Watch news release, February 11, 2016, <https://www.hrw.org/news/2016/02/11/indonesia-ahmadiyah-community-persecuted>.

¹⁵ Phelim Kine, “Indonesia’s Island of Intolerance,” commentary, Human Rights Watch Dispatch, January 26, 2016, <https://www.hrw.org/news/2016/01/26/dispatches-indonesias-island-intolerance>.

¹⁶ “Indonesia: Recommendations and Pledges,” UPR Info, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/150/17/PDF/G1215017.pdf?OpenElement> (accessed Aug. 27, 2016).

¹⁷ “Indonesia: Child Tobacco Workers Suffer as Firms Profit,” Human Rights Watch news release, May 25, 2016, <https://www.hrw.org/news/2016/05/25/indonesia-child-tobacco-workers-suffer-firms-profit>.

lift heavy loads, and work in extreme heat. The work could have lasting consequences for their health and development.¹⁸

Indonesia detains and neglects migrant and asylum-seeking children.¹⁹ Each year, hundreds are detained in sordid conditions, without access to lawyers, and sometimes beaten. Others are left to fend for themselves, without any assistance with food or shelter. Indonesia detains hundreds of migrant and asylum-seeking children each year without giving them a way to challenge their detention. Indonesian law permits up to 10 years of immigration detention.²⁰

On addressing abuses of the rights of children, Indonesia should:

- Revise the list of jobs that endanger the health, safety, and morals of children set out in the Minister of Manpower and Transmigration's Decree 235 of 2003, or enact a new law or regulation to explicitly prohibit children from working in direct contact with tobacco in any form;
- Vigorously investigate and monitor child labor in small-scale tobacco farming, including through unannounced inspections at the times of year, times of day, and locations where children are most likely to be working;
- Develop and implement an extensive public education and training program in tobacco farming communities to promote awareness of the health risks to children of work in tobacco farming;
- Stop detaining unaccompanied children and detain children with families only as a last resort;
- Improve detention conditions and end abuse of migrants in detention;
- Accede to international refugee treaties and provide access to asylum.

4. Women Rights

In its last UPR review in 2012, the Indonesian government accepted several recommendations to protect women's rights (recommendations 108.64, 108.65, 108.66, 108.67, 108.72, 108.73)²¹, including to *Eliminate completely all legal and political provisions which discriminate on the basis of civil status of women and violate sexual and reproductive rights.*

The Indonesian government subjects female applicants for Indonesia's National Police²² and all branches of the military to discriminatory and degrading "virginity tests."²³ Virginity testing is a form of gender-based violence and is a widely discredited practice. In November 2014, the World Health Organization issued guidelines that stated, "There is no place for virginity (or 'two-finger') testing; it has no scientific

¹⁸ Ibid.

¹⁹ "Indonesia: Children Seeking Refuge Find Relief," Human Rights Watch news release, June 24, 2016, <https://www.hrw.org/news/2013/06/24/indonesia-children-seeking-refuge-find-abuse-neglect>.

²⁰ Ibid.

²¹ "Indonesia: Recommendations and Pledges," UPR Info, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/150/17/PDF/G1215017.pdf?OpenElement> (accessed Aug. 27, 2016).

²² "Indonesia: 'Virginity Tests' for Female Police," Human Rights Watch news release, November 17, 2014, <https://www.hrw.org/news/2014/11/17/indonesia-virginity-tests-female-police>.

²³ "Indonesia: Military Imposing 'Virginity Tests,'" Human Rights Watch news release, May 13, 2015, <https://www.hrw.org/news/2015/05/13/indonesia-military-imposing-virginity-tests>.

validity.”²⁴ Reports that the National Police has ceased this abusive practice are yet to be officially confirmed. Senior military personnel have defended the use of “virginity tests.”²⁵

Millions of Indonesian women work abroad as domestic workers and risk serious abuses including nonpayment or delayed wages, excessive work and a lack of rest, and physical or sexual abuse at the hands of their employers.²⁶ In 2015, Indonesia announced that it would move towards a total ban on sending Indonesian women abroad for domestic work even though such measures have repeatedly proved ineffectual and violate the right to freedom of movement.²⁷ The government is yet to ratify the ILO Convention No. 189 on Domestic Workers and introduce protections for migrant domestic workers in accordance with international standards, despite accepting a recommendation during the second cycle UPR to *Enhance efforts in undertaking measures to ensure better protection for its migrant workers abroad.*

Indonesia's official Commission on Violence against Women reported in August 2016 that the number of discriminatory national and local regulations targeting women and lesbian, gay, bisexual and transgender people had risen to 422 in 2016 from 389 in 2015.²⁸ They include local laws compelling women and girls to don the hijab, or headscarf, in schools, government offices and public spaces. While many of these laws specify traditional Sunni Muslim garb both for women and men, research by Human Rights Watch indicates they disproportionately target women.²⁹

On addressing violations of women’s rights, Indonesia should:

- Require the Indonesian military and police to immediately stop inflicting abusive “virginity tests” on female applicants and discipline officials who express support for such tests;
- Ratify the ILO Convention No. 189 on Domestic Work and strengthen recruitment and grievance redress procedures to make women’s migration abroad safer;

²⁴ “Indonesia: Military Imposing ‘Virginity Tests,’” Human Rights Watch news release, May 13, 2015, <https://www.hrw.org/news/2015/05/13/indonesia-military-imposing-virginity-tests>.

²⁵ Phelim Kine, “End International Complacency with Indonesia’s Virginity Tests,” Human Rights Watch oped, *Jakarta Globe*, May 19, 2015, <https://www.hrw.org/news/2015/05/19/end-international-complacency-indonesias-virginity-tests>.

²⁶ For the nature of abuses that migrant domestic workers risk in Middle Eastern countries, see for example, Human Rights Watch “I Was Sold: Abuse and Exploitation of Migrant Domestic Workers in Oman,” <https://www.hrw.org/report/2016/07/13/i-was-sold/abuse-and-exploitation-migrant-domestic-workers-oman#39f2cb> (35,109 Indonesian migrant domestic workers in Oman); “I Already Bought You: Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates,” October 2014, <https://www.hrw.org/report/2014/10/22/i-already-bought-you/abuse-and-exploitation-female-migrant-domestic-workers-united>.

²⁷ Nisha Varia, “Indonesia: Banning Migrant Domestic Work is Short-Sighted,” Human Rights Watch News release, February 17, 2015, <https://www.hrw.org/news/2015/02/17/indonesia-banning-migrant-domestic-work-short-sighted>.

²⁸ “Sexist, discriminatory policies proliferate in regions,” *Jakarta Post*, August 20, 2016, <http://www.thejakartapost.com/news/2016/08/20/sexist-discriminatory-policies-proliferate-regions.html> (accessed August 27, 2016).

²⁹ Andreas Harsono, “Indonesian Women’s Rights Under Siege,” commentary, Human Rights Watch oped, *Al Jazeera*, November 25, 2014, <https://www.hrw.org/news/2014/11/25/indonesian-womens-rights-under-siege>.

- Repeal discriminatory local regulations that violate women's rights.

5. Lesbian, Gay, Transgender and Bisexual (LGBT) People's Rights

The Indonesian government stoked an unprecedented attack on the security and rights of sexual and gender minorities in early 2016.³⁰ Anti-LGBT statements by government officials provided social sanction for harassment and violence against LGBT Indonesians, and even death threats by militant Islamists.³¹ State institutions, including the National Broadcasting Commission and the National Child Protection Commission, issued censorship directives banning information and broadcasts that portrayed the lives of LGBT people as "normal" as well as so-called "propaganda" about LGBT lives. That combination of discriminatory rhetoric and policy decisions harmed the physical security and right to free expression of LGBT people across the country.³²

On September 27, 2014, the Aceh provincial parliament approved the Principles of the Islamic Bylaw and the Islamic criminal code (Qanun Jinayah), which create new discriminatory offenses that do not exist in the Indonesian national criminal code (Hukum Pidana).³³ The bylaws extend Sharia, or Islamic law, to non-Muslims, which criminalizes consensual same-sex sexual acts as well as all *zina* (sexual relations outside of marriage). The criminal code permits as punishment up to 100 lashes and up to 100 months in prison for consensual same-sex sexual acts, while *zina* violations carry a penalty of 100 lashes.³⁴ When these laws came into force in September 2015, Sharia police arrested two "suspected lesbians" – women aged 18 and 19 – for hugging in public. Police detained the women for four days, and released them into a government-run religious "rehabilitation" center for one week.³⁵

In June 2016, Indonesia's Minister of Home Affairs Tjahjo Kumolo backtracked on a pronounced commitment to abolish abusive Sharia regulations.³⁶ Kumolo said that the government intentionally chose to ignore discriminatory Sharia regulations while cancelling 3,143 other "problematic regional regulations" for violating the country's credo of "unity in diversity."³⁷ This comes after Indonesia noted the only recommendation it received during its second cycle UPR to eliminate legislation which criminalizes sexual relations among persons of the same sex.

On addressing violations of the rights of LGBT people, Indonesia should:

³⁰ "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>.

³¹ Ibid.

³² Ibid.

³³ "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>.

³⁴ Ibid.

³⁵ Human Rights Watch, "Indonesia: 'Suspected Lesbians' Detained," October 2, 2016, <https://www.hrw.org/news/2015/10/02/indonesia-suspected-lesbians-detained>

³⁶ "Indonesia's Blind Eye to Abusive Sharia Bylaws," commentary, Human Rights Watch Dispatch, June 21, 2016, <https://www.hrw.org/news/2016/06/21/dispatches-indonesias-blind-eye-abusive-sharia-bylaws>.

³⁷ Ibid.

- Publicly condemn all major incidents of anti-LGBT violence that occur in Indonesia, including attacks on individuals, organizations, or gatherings;
- Publicly acknowledge the scope and gravity of the problem of violence and harassment against LGBT people in Indonesia, and commit to taking steps to end these abuses;
- Instruct government officials not to make public statements that target lesbian, gay, bisexual, or transgender people in a discriminatory or otherwise abusive manner;
- Repeal all local regulations, including Sharia rules in Aceh, that violate the rights of LGBT people.

6. Accountability for Abuses by Military and Police Forces, especially in Papua

In its last UPR review in 2012, the Indonesian government accepted several recommendations to address human rights abuses by the military and police forces, especially in Papua (recommendations 108.84, 108.85, 108.86, 108.87, 108.90, 108.91, 108.95, 108.114, 108.115).³⁸

Indonesia's military justice system continues to lack the transparency, independence, and impartiality required to properly investigate and prosecute serious human rights violations.

Under Indonesian law, military personnel cannot be tried in civilian courts, with only a few rarely invoked exceptions.³⁹ The 1997 Law on Military Courts provides that such courts have jurisdiction to prosecute all crimes committed by soldiers. Additionally, the 1997 Law on Military Courts states that military courts can only apply one of two laws: the Military Penal Code and the general Criminal Code. This means that while civilians are subject to a criminal liability under a host of criminal laws outside the Criminal Code, soldiers are not.⁴⁰ While the 2000 Law on Human Rights Courts authorizes human rights courts to assert jurisdiction over cases involving allegations that military personnel committed serious human rights violations, at present the law applies only to allegations of genocide and crimes against humanity, and not to the broad spectrum of conduct that constitutes human rights violations.⁴¹ A prime example of the impunity for serious crimes is Jokowi's appointment in July 2016 of former general Wiranto as the country's security chief – despite his indictment by a United Nations-backed tribunal for alleged crimes against humanity during East Timor's drive for independence.⁴²

In the past five years, Human Rights Watch has documented dozens of cases in which Indonesian security forces have used unnecessary or excessive force when dealing with Papuans exercising their

³⁸ "Indonesia: Recommendations and Pledges," UPR Info, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/150/17/PDF/G1215017.pdf?OpenElement> (accessed Aug. 27, 2016).

³⁹ "Indonesia: Seek Just Punishments for Military Murderers," Human Rights Watch news release, September 9, 2013, <https://www.hrw.org/news/2013/09/09/indonesia-seek-just-punishments-military-murderers>.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*

rights to peaceful assembly and association.⁴³ Authorities frequently arrest and prosecute Papuan protesters peacefully advocating independence or other political change.⁴⁴

In April 2016, the government announced that it would seek accountability for 11 high-priority past human rights cases in Papua.⁴⁵ However the government has not provided any details of an accountability mechanism for past abuses in Papua.

On addressing accountability for abuses by military and police forces, especially in Papua, Indonesia should:

- Ensure that Indonesian military personnel implicated in serious human rights violations—including those involving command responsibility—are credibly and impartially investigated and disciplined or prosecuted as appropriate;
- Revive a bill proposed in parliament that would provide civilian criminal court jurisdiction over military personnel responsible for offenses against civilians;
- Fully implement President Jokowi's directive lifting restrictions on access to all regions of Papua by foreign journalists and appropriately discipline any government or military personnel who obstruct that access;
- Publicly reaffirm its intent to seek accountability for past gross human rights abuses in Papua and disclose a timetable for how the accountability process will proceed.

7. Disability Rights

In its last UPR review in 2012, the Indonesian government accepted several recommendations to address abuses of the rights of people with disabilities (recommendations 108.134, 108.135, 108.136).⁴⁶

Despite a 1977 government ban on the practice, more than 18,000 people with psychosocial disabilities (mental health conditions) in Indonesia are currently living in *pasung* – shackled or locked up in confined space – for weeks, months or even years at a time.⁴⁷ Due to prevalent stigma and the absence of adequate community-based support services or mental health care, people with psychosocial disabilities often end up locked up in overcrowded and unsanitary institutions, without their consent, where they

⁴³ Human Rights Watch, "Something to Hide? Indonesia's Restrictions on Media Freedom and Rights Monitoring in Papua, November 2015, https://www.hrw.org/report/2015/11/10/something-hide/indonesias-restrictions-media-freedom-and-rights-monitoring-papua#_ftn20.

⁴⁴ "Indonesia: Free All Political Prisoners," Human Rights Watch news release, May 9, 2015, <https://www.hrw.org/news/2015/05/09/indonesia-free-all-political-prisoners>.

⁴⁵ Andreas Harsono, "Indonesia: Match Words with Action on Papua Abuses," commentary, Human Rights Watch op-ed, *Jakarta Post*, May 19, 2015, <http://www.thejakartapost.com/news/2016/05/19/match-words-with-action-papua-abuses.html>.

⁴⁶ "Indonesia: Recommendations and Pledges," UPR Info, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/150/17/PDF/G1215017.pdf?OpenElement> (accessed Aug. 27, 2016).

⁴⁷ "Indonesia: Treating Mental Health Shackles," Human Rights Watch news release, March 20, 2016, <https://www.hrw.org/news/2016/03/20/indonesia-treating-mental-health-shackles>.

face abuses ranging from physical and sexual violence, and involuntary treatment including electroshock therapy, to seclusion, restraint and forced contraception.⁴⁸

On addressing the rights of people with disabilities, Indonesia should:

- Ensure regular and independent monitoring of mental hospitals, social care institutions, and faith healing centers and implement the ban on *pasung*;
- Ban all forms of treatment, including electroconvulsive therapy, without the person's free and informed consent. Prohibit the use of seclusion, prolonged restraint and all restraints as a form of punishment, control, retaliation or as a measure of convenience for staff;
- Develop and implement a de-institutionalization policy and a time-bound action plan for de-institutionalization with a progressive shift to providing community-based support and mental health services, based on the values of equality, independence, and inclusion for persons with disabilities.

8. Death Penalty

Indonesia ended a four-year unofficial moratorium on the death penalty in March 2013.⁴⁹ President Jokowi has sought to justify the use of the death penalty on the basis that drug traffickers on death row had “destroyed the future of the nation.”⁵⁰ Since 2014, the government has executed 18 convicted drug traffickers and indicated that executions will continue.⁵¹ During the 2012 UPR, Indonesia noted all four recommendations it received regarding the establishment of a moratorium on the death penalty.

On addressing the death penalty, Indonesia should:

- Immediately reinstate a moratorium on the use of the death penalty;
- Move toward abolition of the death penalty.

9. Freedom of Expression

In its last UPR review in 2012, the Indonesian government accepted recommendation 108.116 to address restrictions on freedom of expression.⁵²

⁴⁸ Ibid.

⁴⁹ “Indonesia: Stop Imminent Executions,” Human Rights Watch news release, July 27, 2016, <https://www.hrw.org/news/2016/07/27/indonesia-stop-imminent-executions>.

⁵⁰ Ibid.

⁵¹ Phelim Kine, “Indonesia’s Drug Trafficker Executions Aren’t Over Yet,” commentary, Human Rights Watch Dispatch, April 18, 2016, <https://www.hrw.org/news/2016/04/18/indonesias-drug-trafficker-executions-arent-over-yet>.

⁵² “Indonesia: Recommendations and Pledges,” UPR Info, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/150/17/PDF/G1215017.pdf?OpenElement> (accessed Aug. 27, 2016).

Authorities frequently arrest and prosecute Papuan protesters peacefully advocating independence or other political change.⁵³ A total of 37 Papuan activists⁵⁴ and 28 Moluccan activists are in prison on charges of treason for “crimes” including public display of pro-independence symbols such as flags.⁵⁵ Indonesian authorities often prosecute such activists for *makar*, that is, rebellion or treason for non-violent expressions of support for independence from Indonesia. Indonesian authorities also continue to restrict access by foreign journalists and rights monitors to Papua.⁵⁶ This raises serious concerns about the government’s commitment to media freedom.

In May 2015, Jokowi signaled a possible easing in the government’s chokehold on freedom of expression in Papua by granting clemency to five Papuan political prisoners.⁵⁷ In November 2015, Indonesian authorities subsequently released the Papuan activist Filep Karma, whom the United Nations Working Group on Arbitrary Detention declared a political prisoner in November 2011.⁵⁸ However, the government has failed to indicate when it will release the remaining Papuan and Moluccan political prisoners.

On addressing abuses of freedom of expression, Indonesia should:

- Amend or repeal laws that criminalize peaceful political expression, including articles 106 and 110 of the Criminal Code on treason;
- Release all political prisoners immediately and unconditionally;
- Revoke article 6 of Government Regulation No. 77/2007, which prohibits the display of separatist logos or flags, or bring it into compliance with international human rights standards and the Indonesian constitution.

⁵³ “Indonesia: Free All Political Prisoners,” Human Rights Watch news release, May 9, 2015, <https://www.hrw.org/news/2015/05/09/indonesia-free-all-political-prisoners>.

⁵⁴ Papuans Behind Bars, “Current Prisoners,” http://www.papuansbehindbars.org/?page_id=17 (accessed September 2, 2016).

⁵⁵ Andreas Harsono, “Indonesia’s Forgotten Political Prisoners,” commentary, Human Rights Watch oped, *Jakarta Globe*, March 16, 2016, <https://www.hrw.org/news/2016/03/16/indonesias-forgotten-political-prisoners>.

⁵⁶ Phelim Kine, “Indonesia’s Opening of Papua Still Needs to Bridge the Gap Between Reality and Rhetoric,” commentary, Human Rights Watch oped, *The Conversation*, <http://theconversation.com/indonesias-opening-of-papua-still-needs-to-bridge-the-gap-between-reality-and-rhetoric-50399> (Accessed August 27, 2015).

⁵⁷ “Indonesia: Free All Political Prisoners,” Human Rights Watch news release, May 9, 2015, <https://www.hrw.org/news/2015/05/09/indonesia-free-all-political-prisoners>.

⁵⁸ Phelim Kine, “Indonesia Frees Papuan Political Prisoner,” commentary, Human Rights Watch Dispatch, November 23, 2015, <https://www.hrw.org/news/2015/11/23/dispatches-indonesia-frees-papuan-political-prisoner>.

