HUMAN RIGHTS COUNCIL
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ADVANCE UNEDITED VERSION
25 February 2008

COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF RESOLUTION 5/1 OF THE HUMAN RIGHTS COUNCIL

Indonesia

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions of the Office of the High Commissioner for Human Rights (OHCHR). It follows the structure of the general guidelines adopted by the Human Rights Council. Information included therein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being of four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have also been taken into consideration, unless outdated. Since this report only compiles official United Nations documents, lack of information or focus on specific issues may be due to non ratification of a treaty, and / or to a low level of interaction or cooperation with international human rights mechanisms.
I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

<table>
<thead>
<tr>
<th>Core universal human rights treaties</th>
<th>Date of ratification, accession or succession</th>
<th>Declarations /reservations</th>
<th>Recognition of specific competences of Treaty bodies</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICERD 2</td>
<td>25/06/99</td>
<td>Yes (Art. 22)</td>
<td>Individual complaints (art. 14); No</td>
</tr>
<tr>
<td>ICESCR 3</td>
<td>23/02/06</td>
<td>Yes (Art. 1)</td>
<td></td>
</tr>
<tr>
<td>ICCPR 4</td>
<td>23/02/06</td>
<td>Yes (Art. 1)</td>
<td>Inter-state complaints (art. 41); No</td>
</tr>
<tr>
<td>CEDAW 5</td>
<td>29/07/80</td>
<td>Yes (Art. 29(1))</td>
<td></td>
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<tr>
<td>CAT 6</td>
<td>23/10/85</td>
<td>Yes (Art. 30(1) and Art. 20(1),(2) and (3))</td>
<td>Inter-state complaints (art. 21); No</td>
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<td></td>
<td></td>
<td></td>
<td>Individual complaints (art. 22); No</td>
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<td></td>
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<td>Inquiry procedure (art. 20); Yes</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>CRC 7</td>
<td>26/01/90</td>
<td>Yes (Arts. 1, 14, 16, 17, 21, 22 and 29)</td>
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</tbody>
</table>

Core treaties to which Indonesia is not a party: ICCPR-OP 18 and OP 2, OP CEDAW 10 (signature only, 2000), OP-CAT 11, OP-CRC-AC 12 (signature only, 2001), OP-CRC-SC 13 (signature only, 2001), ICRMW 14 (signature only, 2004), CPD 15 (signature only, 2007), CPD-OP 16, (signature only, 2007), CED 17.

Other relevant main instruments

- Ratification, accession or succession

| Convention on the Prevention and Punishment of the Crime of Genocide | Yes |
| Rome Statute of the International Criminal Court | No |
| Palermo Protocol 18 | No |
| Refugees and Stateless Persons 19 | No |
| Geneva Conventions and their Protocols 20 | Yes, except the three protocols |
| ILO Fundamental Conventions Nos. 29, 105, 87, 98, 100, 111, 138 and 182 21 | Yes |
| UNESCO Convention against Discrimination in Education | Yes |

1. Indonesia was encouraged to ratify the ICRMW 22, the OP-CRC-AC and OP-CRC-SC 23, conventions relating to the status of refugees, status of stateless persons and reduction of statelessness 24, ILO Convention No. 169 on Indigenous and Tribal Peoples 25, the Rome Statute of the International Criminal Court 26 and the OP-CEDAW. 27 Indonesia was encouraged to make declarations under ICERD 28 and CAT. 29 CRC welcomed information that the Child Protection law renders reservations to the Convention unnecessary and recommended their prompt withdrawal. 30

B. Constitutional and legislative framework

2. CERD, CRC and CAT 31 welcomed steps taken to strengthen the constitutional and legislative framework for human rights, in particular the revision of the Constitution in 2002, which includes a Bill of Rights, the adoption of Act No. 39 of 1999 on Human Rights 32, and the on-going harmonization of domestic laws with international human rights instruments. 33

3. CEDAW commended the adoption of laws on anti-trafficking (2007), victim protection (2006), domestic violence (2004), and amendments to the 1945 Constitution 34 but was concerned about the partial integration of the Convention in Indonesian law. 35 Indonesia was encouraged to align its domestic law with the ICERD on the definition of discrimination. 36 CERD welcomed the law on Citizenship 37 yet CEDAW urged further amendment. 38 CERD also welcomed the banning of the use of the terms “pribumi” (natives) and “non-pribumi” (non-
natives), and a decree under which the practice of religions, beliefs and traditions followed by
Indonesians of Chinese origin no longer requires a special permit. CRC welcomed laws on
child protection, national education and juvenile justice but expressed concern at
discrimination and lack of safeguards in the legislation on adoption. CEDAW also urged a
review of implementation of local and regional laws, in particular in Aceh. In 2007, the
Special Representative of the Secretary-General (SRSG) on human rights defenders observed
the absence of concrete measures dealing with the protection of human rights defenders and
noted legal and institutional gaps and the need for judicial reform.

C. Institutional and human rights structure

4. Komnas-HAM, the National Commission for Human Rights of Indonesia received ‘A’
status accreditation in 2001, which was confirmed in March 2007. CRC in 2004 and CERD in
2007 expressed concerns regarding insufficient impartiality and independence of Komnas-
HAM. Recommendations were made in this regard. The SRSG on human rights defenders
was concerned at the ineffectiveness of its power of inquiry and the lack of a mandate to
investigate common human rights violations.

5. CERD noted with satisfaction the law on the establishment of the Constitutional Court
enabling constitutional review of any Act. The establishment of institutions on the protection
of children and the elimination of the worst forms of child labour were welcomed by the CRC,
which recommended reinforcing their independence, objectivity, effectiveness and public
accountability. The SRSG on human rights defenders expressed great satisfaction with the
work of the National Commission on Violence against Women but noted that many of its
findings were unimplemented, and the Special Rapporteur on torture called for its support.
While welcoming efforts of the Ministry of Women Empowerment, CEDAW expressed concern
that it may not have sufficient visibility, decision-making power or resources.

D. Policy measures

6. CEDAW expressed its appreciation for the adoption of a five-year national development
programme (2000-2004) and the inclusion of gender mainstreaming in the next plan. The
Second National Plan of Action on Human Rights 2004-2009, which also foresees the
ratification of the OP-CAT in 2008, was welcomed by CERD, the SRSG on human rights
defenders and the Special Rapporteur on torture. CRC welcomed the launch of National
Plans of Actions on the elimination of: commercial sexual exploitation of children (2002),
trafficking in women and children (2002) and the worst Forms of Child Labour, as also
highlighted by UNICEF.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with Treaty bodies

<table>
<thead>
<tr>
<th>Treaty Body</th>
<th>Latest report submitted and considered</th>
<th>Latest concluding observations</th>
<th>Follow-up response</th>
<th>Reporting status</th>
</tr>
</thead>
<tbody>
<tr>
<td>CESCR 63</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Initial report due in 2007</td>
</tr>
<tr>
<td>HR Committee  64</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>
8. CEDAW commended the State for replies to issues and questions raised during the pre-
session working group and the expression of its commitment to address challenges facing
women in the country.67 In 2001, Indonesia provided further details in relation to CAT’s
conclusions.68 CERD appreciated Komnas-HAM’s participation and the contribution of
numerous Indonesian NGOs, which enhanced the quality of the dialogue.69

2. Cooperation with Special procedures

<table>
<thead>
<tr>
<th>Treaty Body</th>
<th>Latest report submitted and considered</th>
<th>Latest concluding observations</th>
<th>Follow-up response</th>
<th>Reporting status</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEDAW 65</td>
<td>2005</td>
<td>July 2007</td>
<td>-</td>
<td>6th and 7th periodic reports due in 2009</td>
</tr>
<tr>
<td>CRC</td>
<td>2002</td>
<td>Jan 2004</td>
<td>3rd and 4th periodic reports due in 2007</td>
<td></td>
</tr>
</tbody>
</table>

3. Cooperation with the Office of the High Commissioner for Human Rights

9. OHCHR engages with the UN Country Team (UNCT)78 and since August 2007, a Human
Rights Adviser has been deployed within it79 and supported by the OHCHR Regional Office for
South-East Asia.80 In 2004, the State made a financial contribution to OHCHR81 and OHCHR
provided technical cooperation to several NGOs and others to set up education against racism

B. Implementation of international human rights obligations

1. Equality and non-discrimination

10. While it appreciated efforts to harmonize national legislation with the ICERD, and noted a draft law on the elimination of racial and ethnic discrimination, CERD encouraged, inter alia, the adoption of a comprehensive law on the elimination of racial discrimination.

11. In 2007, CEDAW welcomed efforts to revise gender-biased laws, including amendments to the Law on Population. It was concerned, however, that not all 21 laws identified as discriminatory have been revised, and that some amendments still discriminate against women. CEDAW also expressed concern about the new draft law on gender equality and about discriminatory provisions in the Marriage Act 1974. It further called for the removal of family and spousal consent requirements in the areas of women’s employment and health. While noting the 2007 Law on Natural Disaster Management, CEDAW urged Indonesia to take measures to eliminate all forms of discrimination against women heads of households in access to housing or food aid in the wake of natural disasters or emergencies.

2. Right to life, liberty and security of the person

12. The Special Rapporteur on extrajudicial, summary and arbitrary executions questioned the imposition of capital punishment including cases related to unconstitutional application of retroactive legislation, and sentencing where fair trial guarantees were not met. Indonesia replied that a court applying due process convicted the individuals, that the judiciary is independent, and that executions were rarely carried out. Noting the absence of legal safeguards for detainees, the Special Rapporteur on torture deemed inappropriate the continued application of the death penalty and noted that the secrecy with which executions were handled violate international human rights standards.

13. The Special Rapporteur on torture regretted that the crime of torture had still not been included in the Penal Code, which should be addressed urgently. CAT expressed concern about the large number of allegations of torture and ill-treatment committed by police forces, especially the mobile police units ("Brimob"), the army (TNI), and paramilitary groups reportedly linked to authorities, and in areas of armed conflict. These concerns were echoed by Special Rapporteurs in 2005 and 2006 and the State replied in some instances about on-going investigations. Police reform to strengthen police independence from the military should continue. The Special Rapporteur on extrajudicial, summary and arbitrary executions noted allegations of excessive use of force by law enforcement officials, including against school children in West Papua and ill-treatment and possible extrajudicial execution of a well-known advocate of independence for Papua. Communications related to cases of alleged rape by the army and police forces during the period of martial law in Aceh. A 2003 urgent appeal indicated that an estimated 100 women had reportedly been raped since the declaration of martial law in Aceh on 19 May 2003, resulting in three soldiers being convicted and given short jail terms by a military court, and listed 21 cases of alleged rape, gang rape and sexual violence that had been transmitted to the Special Rapporteurs.
14. The SRSG on human rights defenders noted violations suffered by human rights defenders including: extrajudicial, summary and arbitrary executions, enforced disappearances, torture, ill-treatment, instances of excessive use of force, arbitrary detention, alleged threats, restrictions on freedom of expression, assembly, association and movement, labelling of defenders as separatists, and stigmatisation, exacerbated in West Papua. She was particularly concerned for defenders working on certain issues and by testimonies that law enforcement authorities continued to harass defenders or restrict their access to victims and sites of human rights violations in the capital, Aceh and West Papua. She called for mechanisms for more credible accountability of the police, military and intelligence apparatus. She was greatly encouraged by the improvement in the situation of defenders in Aceh since the 2005 peace agreement. She was nevertheless concerned by scores of unsolved cases of human rights violations between 2000 and 2005 in Aceh, where fifteen defenders are believed to have been executed extrajudicially and at least five subject to enforced disappearance, others subjected to torture, unlawful arrest and detention, false charges and other forms of harassment and intimidation. No perpetrator was reportedly brought to justice. She called for the establishment of a Human Rights Court in Aceh, as provided in the peace agreement.

15. The Special Rapporteur on torture was concerned about police abuse of detainees while in custody, noting prevailing intimidation, problematic detention conditions and abuse. Regarding penitentiaries, he received only a limited number of allegations of ill-treatment and corporal punishment, but reported allegations and evidence of beatings, punishment and humiliation. Some issues of concern regarding conditions of detention were: serious overcrowding in some prisons; issues linked to medical care; endemic corruption in Cipinang prison; “orientation programmes” placing new inmates in small, dark and dirty cells; high death tolls; and that in Cipinang, prolonged confinement in punishment cells amounted to inhuman treatment. The Special Rapporteur was also concerned at the insufficient number of female guards.

16. In 2006, the Working Group on enforced or involuntary disappearances noted that as at 25 January 2007, there were 154 outstanding cases, the majority of which occurred in 1992 and between 1998 and 2000 in Jakarta, Aceh and East Timor (in 2002, the latter were transmitted to the Government of Timor-Leste).

17. CEDAW was concerned about abuse and exploitation of women domestic workers, and about the partial implementation of the Law on Domestic Violence to domestic workers. Three Special Rapporteurs wrote about inadequate protection of child domestic workers, especially girls, against economic exploitation, psychological, physical and sexual abuse. Additional issues related to long work hours, few days off to visit their families, discontinuation of education, withholding of salaries, and lower pay than agreed.

18. In 2004, CRC was concerned at insufficient legal protection for victims of sexual exploitation, including trafficking, pornography and prostitution, and of few preventive and protective measures. CRC was concerned at the very low age limit for sexual consent (12 years). Two Special Rapporteurs were concerned that young Indonesian women were reportedly being trafficked into a neighbouring country, including to sell their babies for illegal adoptions. UNICEF informed that about 80,000-100,000 women and children are victims of sexual exploitation or trafficking every year.

19. The Special Rapporteur on torture welcomed the 2004 adoption of the law banning violence in the household and establishing complaints channels, but was informed that its implementation was hampered by a lack of awareness and insufficient police units to deal with complaints.
20. CRC in 2004 was alarmed at the high level of fatalities in Aceh, West Kalimantan, Central Sulawesi, Maluku and Ambon. The Committee was further concerned about rare prosecutions of perpetrators of violations of the human rights of children, especially during conflicts, and about the reported use of child soldiers, notably in Aceh and Maluku.\(^\text{128}\) CRC was gravely concerned, as highlighted also by UNHCR,\(^\text{129}\) at the very large number of children displaced as a result of armed conflict.\(^\text{130}\)

21. CRC was concerned at the high number of child victims of violence, abuse and neglect, including sexual abuse, in schools, public places, detention centres and in the family.\(^\text{131}\) CRC was deeply concerned that corporal punishment in the family and in schools is widespread, culturally accepted and still lawful.\(^\text{132}\) UNICEF informed that despite reports of abuse and violence against girls and women, particularly in Aceh, very few cases have been addressed or brought to justice.\(^\text{133}\) CRC welcomed programmes tackling the issue of children living in the street but was concerned at the high number of such children and at the violence, arbitrary arrest and detention to which they are subject, especially during sweep operations.\(^\text{134}\)

3. Administration of justice and the rule of law

22. In 2007, CERD noted with concern that Indonesians of Chinese descent were targeted during the May 1998 riots and that the State provided contradictory information in this respect. CERD was concerned that, contrary to Komnas-HAM’s recommendation, an ad hoc human rights tribunal had not been established.\(^\text{135}\)

23. According to the Special Rapporteur on torture, no state official alleged to have perpetrated torture has been found guilty, in spite of inquiries by Komnas-HAM and others identifying the alleged perpetrators.\(^\text{136}\) The Special Rapporteur on extrajudicial, summary and arbitrary executions discussed a Supreme Court decision acquitting the only person convicted of the murder of Munir Thalib, a leading human rights activist, despite reported evidence of a conspiracy including high ranking intelligence officers to kill him. The case was reportedly investigated by an independent fact-finding team, one individual was convicted, but State Intelligence Agency officials failed to cooperate. In response, Indonesia highlighted numerous efforts undertaken to shed light on the events. The Special Rapporteur noted that the information provided failed to clarify several issues.\(^\text{137}\) In June 2007, the SRSG on human rights defenders advised Indonesia to ensure that justice is done in this case.\(^\text{138}\)

24. CAT called on Indonesia to ensure that international crimes such as torture and crimes against humanity committed in the past be investigated and, where appropriate, prosecuted in Indonesian courts.\(^\text{139}\) Regarding the ad hoc human rights court on East Timor, the report of the Secretary-General on justice and reconciliation for Timor-Leste noted that the judicial process was not effective in delivering justice for the victims of serious violations of human rights and the people of Timor-Leste. The Commission of Experts found that prosecutions were inadequate, owing to a lack of commitment on the part of the prosecution, as well as to the lack of expertise, experience and training in the subject-matter. The Secretary-General also encouraged that every effort be made to ensure that the cases of those persons indicted in Timor-Leste but residing in Indonesia are prosecuted and that there be further examination of those prospects of retrial of those persons previously tried before the Ad-Hoc Court.\(^\text{140}\)

25. The Special Rapporteur on torture concluded that given the lack of legal and institutional safeguards and the prevailing structural impunity, persons deprived of their liberty are extremely vulnerable to torture and ill-treatment.\(^\text{141}\) He observed difficulties at the pre-trial stage,
reportedly widespread corruption in the criminal justice system, and the absence of a national independent body to regularly monitor places of detention.\textsuperscript{142} Two Special Rapporteurs\textsuperscript{143} inquired in 2005 about ensuring judicial review of the lawfulness of detention and the legal basis for measures referring to “terrorism”.\textsuperscript{144}

26. CRC expressed serious concern, echoed by the Special Rapporteur on torture\textsuperscript{145} and UNICEF\textsuperscript{146}, about the very low minimum age of criminal responsibility (8 years); CRC recommended that detained children be separated from adults, and that deprivation of liberty of children is a last resort, for the shortest appropriate time and in appropriate conditions.\textsuperscript{147}

4. Freedom of religion and belief, expression, association and peaceful assembly, and right to participate in public and political life

27. The Special Rapporteur on freedom of religion and belief and CERD expressed concern at distinctions made between different religions. In 2004, the Special Rapporteur wrote about a Bill which reportedly would, inter alia, ban interreligious adoptions and marriages, ban teachings that “deviate from the main teachings of that religion”, stipulate that places of worship could be established only with the permission of the government.\textsuperscript{148} CERD was concerned about the law requiring the mention of faith on legal documents. CERD also noted with concern difficulties faced by men and women of different religions in registering their marriages, that their children are not provided with birth certificates\textsuperscript{149} and recommended that civil marriages be allowed.\textsuperscript{150}

28. The Special Rapporteur on freedom of religion wrote regarding the taking into custody of a religious community leader under the pretext of protecting her and later charging her with blasphemy;\textsuperscript{151} the detention of three women allegedly for trying to convert children to Christianity;\textsuperscript{152} and the killing of three Christian school girls.\textsuperscript{153} In replying that investigations were being taken in this latter case, Indonesia highlighted that it should not be automatically assumed that the killings were religion-based.\textsuperscript{154} The Special Rapporteur also noted alleged attacks and threats on Ahmadiyyah families, following a fatwa banning the Jammah Ahmadiyyah.\textsuperscript{155} Indonesia replied that measures were taken to keep the peace and guard the assets and activities of the Ahmadiyyah.\textsuperscript{156}

29. Mandate holders\textsuperscript{157} wrote about alleged arrests and/or detention of demonstrators in 2006 and 2003.\textsuperscript{158} Indonesia responded that there was an ongoing investigation in the former case.\textsuperscript{159} Alleged death threats against a journalist were raised by two Special Rapporteurs in 2004.\textsuperscript{160} The Special Rapporteur on freedom of expression expressed difficulties with four 2006 public broadcasting regulations\textsuperscript{161} for which Indonesia provided an explanation.\textsuperscript{162} Other communications related to the murder of a journalist\textsuperscript{163}, which was condemned and investigated by the State\textsuperscript{164}, and prison sentences of two journalists found guilty of defamation.\textsuperscript{165} The State replied that the individuals were not in custody and could appeal,\textsuperscript{166} but the Special Rapporteur was concerned at the penal sentence.\textsuperscript{167} In 2006, the Special Rapporteur on freedom of expression wrote about the barring of foreign media, churches and NGOs in West Papua.\textsuperscript{168} The State justified the ban by the situation of unrest due to the separatist movement and difficulties in implementing the Papuan autonomy law.\textsuperscript{169}

30. In 2007, CERD welcomed efforts made towards the decentralization of power and consolidation of regional autonomy, but regretted receiving insufficient information on the implementation of the 2001 Special Papuan autonomy law.\textsuperscript{170} In 2007, the Special Rapporteur on indigenous peoples noted that, while constructive arrangements have been seen as positive steps, the West Papua experience is disquieting. Indonesia has continued promoting the massive
arrival of settlers, the region is still heavily militarized, and episodes of repression and abuse in Puncak Jaya and other parts of the highlands have recently been reported.\textsuperscript{171}

31. CEDAW welcomed a law establishing a 30 per cent quota for women candidates for political parties in the legislature, but was concerned at the lack of sanctions or enforcement mechanisms to ensure compliance\textsuperscript{172} and urged Indonesia to make it mandatory.\textsuperscript{173} The seats held by women in the national parliament increased from 8.0 \% in 2004 to 11.3 \% in 2007.\textsuperscript{174}

5. Right to work and to just and favourable conditions of work

32. CEDAW was concerned about recruitment processes, the pay gap between women and men, inequalities in social security benefits, the omission from the 2003 Manpower Act of recognition of equal pay for equal work and work of equal value and the exclusion of domestic workers therefrom,\textsuperscript{175} and the lack of a law prohibiting sexual harassment in the workplace.\textsuperscript{176} CRC remained concerned at the high number of children still working in the informal sector, and called for addressing root causes of child economic exploitation.\textsuperscript{177} An ILO Committee in 2007 requested an amendment to the Manpower Act or to issue regulations with a view to incorporating a clear and comprehensive definition of direct and indirect discrimination covering all grounds and aspects of employment.\textsuperscript{178} It also noted the adoption in 2005 of Equal Employment Opportunity Guidelines and encouraged the revision or adoption of legislation to explicitly define and prohibit sexual harassment at work, and providing protection to victims of such practices.\textsuperscript{179}

6. Right to an adequate standard of living

33. A 2004 Government report noted that in many regions the economic crisis increased unemployment, poverty and other social problems, and informed of the development of poverty eradication programmes. The report also noted that about half of Papua’s population lives below the poverty line.\textsuperscript{180} CERD in 2007 expressed concern that Papuans reportedly continue to experience great poverty\textsuperscript{181}, and a 2005 UNDP report noted that health standards in Papua are considerably worse than in other parts of Indonesia.\textsuperscript{182} CEDAW was concerned that widespread poverty among women and poor socio-economic conditions are among the causes of the violation of women’s human rights, particularly rural women.\textsuperscript{183}

34. While welcoming the reintroduction of an initiative to combat maternal mortality, CEDAW\textsuperscript{184} and CRC\textsuperscript{185} were concerned about high rates of maternal and infant mortality and the lack of family planning education. A 2007 WHO report noted good progress towards achieving targets for reducing child mortality, while noting that major health problems include high under-nutrition in children and infectious diseases exacerbated by malnutrition, particularly tuberculosis and malaria. A challenge is ensuring that the poor population, especially women and young children, have adequate nutritious food at an affordable price.\textsuperscript{186}

35. The Special Rapporteurs on the right to food and the right to adequate housing wrote regarding the situation of more than 500,000 informal landowners, located, inter alia, in areas related to the Canal and Dam projects. It was alleged that the implementation of a presidential regulation threatened access to land and livelihoods of the individuals concerned, and may have led to mass forced eviction, without compensation.\textsuperscript{187}

7. Right to education

36. The 2006-2010 UNDAF referred to the Government’s Nine-Year Compulsory Basic Education Programme and efforts to achieve basic education for all, while noting that the
number of out of school children is estimated to be two million.\textsuperscript{188} A 2007 UNDP report indicated an increase in the net primary enrolment ratio from 94\% in 2004 to 96\% in 2005.\textsuperscript{189} In 2007, CEDAW was concerned about obstacles to access for girls and young women to education, particularly for girls in rural or remote areas. CEDAW was further concerned about low representation of girls and women in academic and professional fields.\textsuperscript{190}

8. Minorities and indigenous peoples

37. CERD welcomed Indonesia’s acknowledgement that it is a multi-ethnic, multi-cultural, multi-religious, and multi-lingual country. CERD was concerned, however, that in practice, indigenous peoples’ rights have been compromised. Indonesia should ensure that the concepts of national interest, modernization and economic and social development are not used as a justification to override the rights of indigenous peoples.\textsuperscript{191}

38. CERD was also concerned about the plan to establish oil palm plantations over some 850 kilometers along the Indonesia-Malaysia border (the Plan), the threat for indigenous peoples’ to own their lands and enjoy their culture, and insufficient references to the rights of traditional communities in domestic law. Recommendations include: the review of laws on Plantations; securing possession and ownership rights of local communities before proceeding with the Plan; and ensuring meaningful consultations with the concerned communities.\textsuperscript{192}

9. Migrants, refugees and asylum seekers

39. CEDAW remained concerned at the situation of women migrants from Indonesia, that bilateral agreements and memoranda of understanding (MOUs) have not been entered into with all countries and regions to which Indonesian women migrate, at discriminatory provisions in some MOUs, and at the inadequate protection of women workers who migrate through informal channels.\textsuperscript{193} Issues of concern to the Special Rapporteur on the human rights of migrants included debt bondage\textsuperscript{194}, labour-related abuses\textsuperscript{195}, and institutional exploitation of returning migrants at points of entry/return.\textsuperscript{196} The Special Rapporteur noted that one of the bilateral agreements signed with labour receiving countries left migrants vulnerable as it does not guarantee standard labour protections nor include measures to prevent and respond to cases of abuse and that the signing was not advertised publicly.\textsuperscript{197}

40. UNHCR informed that Indonesia continued to show commendable openness towards asylum seekers and refugees. While UNHCR considers that recognized refugees enjoy freedom of movement as well as a degree of access to public health services and primary education, it also notes that the situation of refugees and asylum seekers remains informal and precarious due to the lack of legal mechanisms.\textsuperscript{198}

10. Internally displaced persons

41. CERD noted with concern the longstanding effects of the transmigration programme, although it has been abolished and challenges faced due to the increased number of internally displaced persons (IDPs), resulting from natural disasters and conflicts. Indonesia should, inter alia consider preparing a set of guiding principles for IDPs.\textsuperscript{199}

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

42. CRC and CAT acknowledged challenges faced, such as internal armed conflicts, terrorism, and the State’s geography.\textsuperscript{200} CERD welcomed the 2006 ratification of the two international covenants on human rights.\textsuperscript{201} The Special Rapporteur on torture noted that many
prisons were spacious, well-maintained, and relatively open to friends and family (particularly in Papua). In 2007, the SRSG for Children and Armed Conflict highlighted peacebuilding efforts by the Maluku Children’s Parliament, serving as a model for adult peace negotiators, bridging the Muslim-Christian divide.

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

A. Pledges by the State

43. Indonesia pledged to continue acceding to or ratifying international human rights instruments in accordance with its Second Plan of Action on Human Rights (2004-2009).

B. Specific recommendations for follow-up

44. In 2007, CERD requested Indonesia to provide information within one year on the way it has followed up on its recommendations related to: indigenous peoples’ rights, in particular the Kalimantan Border Oil Palm Mega-project; the prohibition of the Proof of Indonesian Citizenship for citizens of Chinese origin and other citizen of foreign descent; and strengthening Komnas-HAM’s independence and mandate.

45. In addition to those already mentioned, recommendations made by Special Procedures included those by (a) the Special Rapporteur on the human rights of migrants for better regulation and monitoring of private recruitment companies, mechanisms to blacklist employment agencies, a framework to improve employment conditions of migrant workers as well as a standard contract; (b) the SRSG on human rights defenders for training military and police officers on the Declaration on Human rights Defenders, and the creation of a special complaint cell for registering and redressing incidents or harm to human rights defenders; and (c) the Special Rapporteur on torture that torture and ill treatment be publicly condemned; accessible and confidential complaints mechanisms be established; time limits for police custody be reduced to 48 hours; judicial safeguards be introduced; national mechanisms to carry out unannounced visits to all places of detention be established, that OP-CAT be acceded to and the death penalty be abolished.

V. CAPACITY BUILDING AND TECHNICAL ASSISTANCE

46. CRC recommended assistance and cooperation with: UNICEF and WHO on access by children with disabilities to special services and rehabilitation centres, and on children using drugs; WHO on health issues; UNICEF and others on birth registration; UNESCO, UNICEF, the Asian Development Bank and civil society to improve the education sector; UNHCR for the quick and safe repatriation of all separated children to Timor-Leste; UNICEF and IOM on the issue of sale, trafficking and abduction of children. UNDAF 2006-2010 would cover: strengthening human development; good governance; and protecting the vulnerable and reducing vulnerabilities. UNICEF provided information of its assistance in building justice for children. UNHCR informed of a Plan of Action in Addressing Refugee Protection and Mixed Migration Movements to assist the State. The Special Rapporteur on torture appreciated the costs of implementing a justice system in accordance with international standards, and requested the international community to support reforms he outlined.
Notes

1 Unless indicated otherwise, the status of ratifications of instruments listed below may be found in Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006, ST/LEG/SER.E.25.; complemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs, http://untreaty.un.org/.

2 International Convention on the Elimination of All forms of Racial Discrimination.


4 International Covenant on Civil and Political Rights.

5 Convention on the Elimination of all Forms of Discrimination Against Women.

6 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

7 Convention on the Rights of the Child.

8 Optional Protocol to the International Covenant on Civil and Political Rights

9 Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

10 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

11 Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.


14 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

15 Convention on the Rights of Persons with Disabilities.

16 Optional Protocol to the Convention on the Rights of Persons with Disabilities.

17 International Convention for the Protection of All Persons from Enforced Disappearances.


20 Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Convention (III) relative to the Treatment of Prisoners of War; Convention (IV) relative to the Protection of Civilian Persons in Time of War; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). Source: Switzerland, Federal department of foreign affairs, http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

21 International Labour Organization Convention No. 29 Concerning Forced or Compulsory Labour and Convention; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for
Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

23 CRC, Concluding observations, para. 93.
24 CRC, Concluding observations, para. 66(c).
25 CRC, Concluding observations, para. 84; CERD, Conclusions and recommendations, para. 15.
26 CRC, Concluding observations, para. 15.
27 CEDAW, Concluding Comments, § 6 and 41.
29 CAT, Conclusions and Recommendations, § 4 and § 10 (o).
30 CRC, Concluding observations, §§ 11-12.
31 CERD, Concluding Observations, para. 7; CRC, Concluding Observations, para. 7; CAT, Conclusions and Recommendations, § 5 (a).
32 See also CEDAW, Concluding Comments, CEDAW/C/IDN/CO/5 adopted on 27.07.2007, § 4.
33 CRC, Concluding observations, op. cit., § 7 and 75; CERD, Concluding observations, § 7, 8, 11, 12 and 14; CAT, Conclusions and Recommendations, § 5 (a) and (b).
34 CEDAW, Concluding Comments, CEDAW/C/IDN/CO/5 adopted on 27.07.2007, § 4.
35 CEDAW, Concluding Comments, § 8.
36 CEDAW, Concluding Comments, § 9.
37 CERD, Concluding observations, para. 11.
38 CEDAW, Concluding Comments, para. 29.
39 CERD, Concluding observations, para. 12.
40 CRC, Concluding observations, op. cit., paras. 7 and 75.
41 CRC, Committee, Concluding observations, § 51-52.
42 CEDAW, Concluding Comments, § 13
43 A/HRC/7/28/Add.3, para. 23.
45 A/HRC/7/28/Add.3, para.30-44.
46 A/HRC/7/28/Add.3, para. 30.
47 A list of national human rights institutions (NHRIs) with accreditation status granted by the International Coordination Committee of NHRIs (ICC), is included as an annex in the forthcoming report of the Secretary general on national institutions for the promotion and protection of human rights (A/HRC/7/69) and the report of the Secretary general on the process currently utilized by the ICC to accredit NHRIs in compliance with the Paris Principles and ensure that the process is strengthened with appropriate periodic review and on ways and means of enhancing participation of NHRIs in the work of the Human Rights Council (A/HRC/7/70).
48 CERD, Concluding observations, § 25; CRC, Concluding observations, § 20; CAT, Concluding observations, § 8(c).
49 CERD/C/IDN/CO/3, 15 August 2007, paras. 4, 9, 24, 25; CAT, Concluding observations, § 8(c) and 10(d).
50 A/HRC/7/28/Add.2, para. 37.
51 CERD, Concluding observations, para. 10.
52 CRC, Concluding observations, § 7 and 20.
54 A/HRC/7/28/Add.2, para. 39.
55 Press Release, Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
56 CEDAW, Concluding Comments, § 14.
57 CEDAW, Concluding Comments, § 5.
58 CERD, Concluding observations, § 8. UN Press Release, UN Special representative of the Secretary-General on human rights defenders concludes visit to Indonesia, 12 June 2007 and Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para.8.
59 Press Release, Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
60 CRC, Concluding observations, § 81-87.
61 UNICEF submission, p. 5.
62 Committee on the Elimination of Racial Discrimination.
63 Committee on Economic, Social and Cultural Rights.
64 Human Rights Committee.
65 Committee on the Elimination of Discrimination Against Women.
66 Committee against Torture.
67 CEDAW, Concluding comments, para. 2.
69 CERD Concluding observations, § 2-5.
71 Press Release, Special Representative of the Secretary General on the Situation of human rights defenders concludes visit to Indonesia, 12 June 2007.
72 Press Release, Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
74 Special Rapporteur on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 3.
75 Press Release, Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
76 The questionnaires included in this section are those which have been reflected in a report by a Special Procedure mandate holder.

77 - Special Rapporteur on the right to education (A/HRC/4/29): Questionnaire on the right to education of persons with disabilities Report of the Special Rapporteur on the right to education, the right to education of persons with disabilities sent in 2006)

- Special Rapporteur on the human rights of migrants (A/HRC/4/24): Questionnaire on the human rights of migrants on border control and measures to reduce/address irregular migration; expulsion; conditions for admission/stay; rights of migrants; and the protection of migrants sent on 8 and 9 September 2006


- Special Representative on human rights defenders (E/CN.4/2006/95/Add.5): Questionnaire aimed at identifying the main areas of progress and the remaining challenges that need to be addressed in relation to the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms sent in June 2005.


- Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprise (A/HRC/4/35/Add.3): Questionnaire to identify policies and practices by which states regulate, adjudicate and otherwise influence corporate actions.

78 See OHCHR priority areas on country engagement strategies and partnerships described in the OHCHR Plan of Action and High Commissioner’s Strategic Management Plan 2008-2009 (page 75).


81 Ibid, page 12.


85 CERD, Concluding observations, § 14.

86 CEDAW, Concluding Comments, paras. 10 - 11

87 CEDAW, Concluding Comments, § 18

88 CEDAW, Concluding Comments, § 17.

89 CEDAW, Concluding Comments, § 39.

90 Special Rapporteur on extrajudicial, summary and arbitrary executions, A/HRC/4/20/Add.1, page 142-144.


93 Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.

94 Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007. See also CAT, Concluding Observations, § 9(a) and 10 (a).

95 CAT, Concluding Observations, para. 7(a).


97 E/CN.4/2006/72/Add.1, para. 81.

98 CAT, Concluding Observations, 9(f) and 10(g).


100 Special Rapporteur on extrajudicial, summary and arbitrary executions, E/CN.4/2005/7/Add.1, para. 318.

101 by the Special Rapporteur on torture and the Special Rapporteur on violence against women


104 Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 65.


106 Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 66.

107 Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 48.


109 A/HRC/7/28/Add.2, para. 47.

110 UN Press Release, Special representative of the Secretary-General on human rights defenders ends visit to Indonesia, 12 June 2007.

111 Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 76.

112 Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 81.

113 Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 82.

114 Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.

115 Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.

116 Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
117 Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
120 CEDAW, Concluding Comments, paras. 22 and 23.
121 on sale of children, on violence against women and on trafficking in persons
124 on the sale of children and on violence against women
126 UNICEF submission to the UPR, p. 1.
127 Press release following visit of Special Rapporteur on Torture to Indonesia, 23 November 2007.
128 CRC, Concluding observations, § 67-72.
129 UNHCR submission to the UPR on Indonesia, p. 1, citing CRC/C/15/Add.223, para. 70.
130 CRC, Concluding observations, para. 70.
131 CRC, Concluding observations, § 41-42.
132 CRC, Committee, Concluding observations, § 43-44.
133 UNICEF submission to the UPR, p. 4.
134 CRC, Concluding observations, § 79 and 80.
135 CERD, Concluding observations, § 24.
136 Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007. See also CAT,
137 Concluding Observations, § 7(a), 9(a), 9(b), and 10(b), (c) and (k).
139 UN Press Release, UN Special representative of the Secretary-General on human rights defenders concludes
140 visit to Indonesia, 12 June 2007 and Special representative of the Secretary-General on human rights defenders,
141 Mission to Indonesia, A/HRC/7/28/Add.2, paras 51-54.
142 CAT, Concluding Observations, § 9 (c) and 10(f).
143 Report of the Secretary-General on justice and reconciliation for Timor-Leste (S/2006/580) and Summary of the
144 report to the Secretary-General of the Commission of Experts to Review the Prosecution of Serious Violations of
145 Human Rights in Timor-Leste (then East Timor) in 1999 (S/2005/458, Annex 1)
146 Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
147 Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
148 on human rights and counter-terrorism and on torture
149 Special Rapporteur on the promotion and protection of human rights while countering terrorism,
150 E/CN.4/2006/98/Add.1, para. 3.
151 Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
152 UNICEF submission to the UPR, pp. 1-2.
153 CRC, Concluding observations, § 75 to 78.
155 CERD, Concluding observations, § 21.
156 CERD, Concluding observations, § 21.
159 E/CN.4/2006/5/Add.1, para. 159.
163 Special Rapporteur on freedom of religion and the Working Group on Arbitrary Detention and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.
164 A/HRC/4/25/Add.1, para. 176; Special Rapporteur on Independence of judges and lawyers,
166 A/HRC/4/25/Add.1, para. 177.
167 Special Rapporteur on Independence of judges and lawyers, the Working Group on Arbitrary detention and the
168 Special Rapporteur on freedom of opinion and expression
169 The Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on extrajudicial,
170 summary and arbitrary executions. Special Rapporteur on extrajudicial, summary and arbitrary executions,
170 CERD, Concluding observations, § 22
172 CEDAW, Concluding Comments, § 26.
173 CEDAW, Concluding Comments, § 27.
175 CEDAW, Concluding Comments, para. 22.
176 CEDAW, Concluding Comments, § 34 and 35.
177 CRC, Concluding observations, § 84-86.
181 CERD, Concluding observations, § 22
183 CEDAW, Concluding Comments, § 39.
184 CEDAW, Concluding Comments, § 37.
185 CRC, Concluding observations, § 55 to 57.
187 Special Rapporteur on adequate housing as a component of an adequate standard of living, A/HRC/4/18/Add.1, para. 34.
190 CEDAW, Concluding Comments, § 30 and 31.
191 CERD, Concluding observations, § 16.
192 CERD, Concluding Comments, § 17. See also more generally,
193 CEDAW, Concluding Comments, § 32.
198 UNHCHR submission to the UPR, pp. 1-2.
199 CERD, Concluding observations, § 18.
200 CRC, Concluding observations, § 8.
201 CERD, Concluding observations, para. 7.
202 Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
205 CERD, Concluding observations, § 31.
206 A/HRC/4/24/Add.3, para. 68.
207 A/HRC/4/24/Add.3, para.70.
208 A/HRC/4/24/Add.3, para.69.
209 Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 97.
210 Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 98.
212 CRC, Concluding observations, § 52-53; § 56-57; § 37-38; § 63; § 47-48 and § 65-66; § 73-74; and § 87-89.
213 See UNDAF in Indonesia, 2006-2010, June 2006, accessible at http://www.undg.org/archive_docs/6133-Indonesia_UNDAF__2006-2010__-UNDAF_-_INDONESIA.doc. The UN agencies, funds and programmes which signed this UNDAF were: UNDP, UNFPA, UNICEF, WFP, FAO, ILO, WHO, UNIDO, UNAIDS and UNHCR.
215 UNHCR submission to the UPR, pp. 2-3.
216 Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.