

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: ASA 21/026/2013
31 July 2013

Indonesia: Human Rights Committee makes recommendations on civil and political rights

Amnesty International urges the Indonesian government to take concrete and immediate steps to implement recommendations made by the UN Human Rights Committee to ensure that civil and political rights are respected and protected in the country.

On 25 July 2013 the UN Human Rights Committee (the Committee), an independent body of experts tasked with reviewing the implementation of the International Covenant on Civil and Political Rights (the Covenant), published its Concluding Observations after assessing Indonesia's compliance with the provisions of the Covenant both in law and practice during its 108th session. In the Concluding Observations, the Committee expressed concern about a range of areas where Indonesia is failing to meet its obligations under the Covenant.

The following are some of the concerns raised and recommendations made by the Human Rights Committee:

- The Committee expressed “regret” about ongoing impunity for past human rights violations by the security forces and called for the setting up of an *ad hoc* Human Rights Court to bring to justice those involved in the enforced disappearances of 13 political activists in 1997-98. It also called for the “effective prosecution” of all those involved in the killing of prominent human rights activist Munir;
- The Committee expressed concern about reports of extrajudicial executions and excessive use of force by the Indonesian security forces during protests. It highlighted in particular concerns that Indonesia “uses its security apparatus to punish political dissidents and human rights defenders”. The Committee called on Indonesia to ensure full accountability for human rights violations by the security forces and provide adequate compensation to victims’ families. The Committee also recommended that Indonesia take steps to strengthen the National Police Commission to ensure that all cases of misconduct by law enforcement officers can be effectively dealt with;
- The Committee raised concerns about “undue restrictions” on the rights to freedom of expression and assembly in the Papua region during demonstrations and protests. It called on Indonesia to protect protesters from harassment, intimidation and violence. It also called for the revision of criminal defamation provisions in the Criminal Code and the Law on Information and Electronic Transaction, both of which have been used to criminalize human rights defenders and other critics of the state;
- The Committee expressed concern about the recently revised Law on Mass Organizations, which “introduced undue restrictions on the freedoms of association, expression and religion of both domestic and ‘foreign’ associations”. The Committee called on Indonesia to revise the law to bring it in line with Indonesia’s obligations under the Covenant.
- The Committee expressed concern at the “inordinate delay” in enacting a revised Criminal Code (*Kitab Undang-Undang Hukum Pidana*, KUHP) which includes a comprehensive definition of torture. It called on the Indonesian authorities to “expedite the process” of

enacting a revised Code, and to ensure that it includes a definition of torture consistent with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

- The Committee expressed concern about the failure of the authorities to protect religious minorities against violent attacks. It urged the Indonesian authorities to take adequate steps to protect them as well as to investigate and bring the perpetrators to justice;
- The Committee called for blasphemy laws such as Law No. 1 of 1965 on Defamation of Religion to be repealed and stated that a 2008 Joint Ministerial Decree places “undue restrictions” on the religious minorities such as the Ahmadiyya;
- The Committee raised concerns about laws at the national and regional level that it considered “severely restricted” human rights and that discriminated against women. It reminded the Indonesian authorities of their duty to ensure that all laws at the national, regional and local levels are consistent with Indonesia’s obligation’s under the Covenant;
- The Committee highlighted concerns around the use of corporal punishment in the criminal justice system, particularly in Aceh province. The Committee called on the Indonesian authorities to end the use of caning in Aceh province and to repeal laws which allowed for it within the legal system;
- The Committee raised concerns about ongoing reports of early marriages among girls in Indonesia and called for a review of laws to prohibit the practice. It also called on the authorities to repeal the 2010 Regulation of the Minister of Health No. 1636 which authorizes medical practitioners to perform female genital mutilation, and to enact laws with adequate penalties to prohibit the practise of FGM in the country.
- The Committee called on the Indonesian authorities to establish a moratorium on the death penalty. It noted that Indonesia retains the death penalty for drug-related offences, offences which do not meet the threshold of “most serious crimes”. In the event Indonesia refused to establish a moratorium, the Committee called on the authorities to review legislation so that the death penalty is not imposed for drug-related offences.

Many of these recommendations echo calls by civil society groups and national and international human rights organizations. Amnesty International believes that if effectively implemented, the recommendations would strengthen the protection and promotion of civil and political rights in the country.

Amnesty International submitted a briefing entitled *Indonesia: Submission to the United Nations Human Rights Committee* (Index: ASA 21/018/2013) in June 2013. It highlighted a number of concerns relating to human rights violations by the security forces; restrictions on the rights to freedom of expression and religion; discrimination and other violations of women’s human rights; abuses of the rights of migrant domestic workers; the failure to ensure justice, truth and reparation for past abuses; and the continued use of the death penalty.

The Human Rights Committee’s Concluding Observations can be accessed via the following link: http://www2.ohchr.org/english/bodies/hrc/docs/co/CCPR-C-IND-CO-1_en.doc

Background

The Human Rights Committee comprises 18 independent experts who monitor implementation of the treaty by the 167 States Parties to the Covenant. At the 108th session, held from 8 to 26 July 2013 in Geneva, Amnesty International presented information in respect of Albania, Czech Republic, Finland, Indonesia, Tajikistan and Ukraine.