



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the initial report of Indonesia\*

#### I. General information

1. Please provide information on cases in which the International Covenant on Economic, Social and Cultural Rights has been invoked in and applied by courts.
2. Please inform the Committee of mechanisms in place to ensure that laws and regulations in force in the State party, including by-laws adopted by local governments as well as customary and religious laws in force in the State party, are consistent with the provisions of the Covenant.

#### II. Issues relating to the general provisions of the Covenant (arts. 1–5)

##### Article 1, paragraph 2 – Free disposal of natural wealth and resources

3. Please provide information on the framework for protecting the right of indigenous populations, including *Masyarakat Adat*, to their customary lands, and on the process through which their customary lands and forests are officially recognized. Please also provide information on concrete measures taken by the State party to address the increasing incidence of land-grabbing, as well as examples of cases where such measures have been effective at preventing land-grabbing.
4. Please indicate how the principle of free and prior informed consent is guaranteed in law and in practice, in decisions on – and the implementation of – development and extractive projects affecting communities.
5. Please provide information on the existing regulatory framework and processes for ensuring that development and extractive projects bring tangible benefits to communities. Please also provide information on the process by which the State party responds to reports of human rights violations, loss of means of livelihood and environmental degradation, caused by development and extractive projects. Please give concrete examples of cases where the State party has taken measures to ensure that affected communities receive reparations.

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\* Adopted by the pre-sessional working group at its fifty-second session (2–6 December 2013).



### **Article 2, paragraph 1 – Maximum available resources**

6. Please explain how the State party's planning and budgeting process takes account of the disadvantage of some provinces and groups in enjoying economic, social and cultural rights.

### **Article 2, paragraph 2 – Non-discrimination**

7. Please indicate to what extent the State party's legislation is effective in enabling the implementation of the provisions on non-discrimination contained in the Constitution and the Covenant, including by prohibiting discrimination in the exercise of all economic, social and cultural rights on all grounds, and by providing for sanctions, remedies and the application of special measures.

8. Please inform the Committee as to whether existing legislative provisions in the State party, including article 28H (2) of the Constitution on the right to facilitation and special treatment, may be invoked to claim reasonable accommodation for persons with disabilities, pending a revision of Law 4 of 1997.

9. Please indicate whether the State party has adopted plans for making public buildings, environment and services accessible to persons with disabilities, as provided for in several laws in force in the State party.

### **Article 3 – Equal rights of men and women**

10. Please indicate whether the State party has adopted gender equality legislation, as well as the progress achieved in enforcing such legislation. Please also provide information on measures taken to overcome stereotypes that continue to negatively affect the equal enjoyment of economic, social and cultural rights by men and women.

## **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

### **Article 6 – The right to work**

11. Please provide information on specialized services extended to unemployed persons to enable them to identify and find available employment. Please provide information on the effectiveness of these services, such as statistical data on the number of persons assisted and those who have secured employment, disaggregated by year, by province, by sex, and by age group.

12. Please provide information on concrete policies and programmes implemented by the State party to create jobs, including targeted employment programmes to promote employment among disadvantaged persons and groups such as women, especially women in rural areas, young persons, older persons, and persons with disabilities. Please also provide information on the impact of these policies and programmes on employment opportunities.

13. Please provide information on the impact of measures taken for the conversion of "work force surplus" from the informal sector to the formal sector. Moreover, please inform the Committee regarding whether measures have been taken to address regulatory impediments to employment creation in the formal economy.

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## **Article 7 – The right to just and favourable conditions of work**

14. Please indicate the measures taken by the State party for application of the principle of equal remuneration for work of equal value.

15. Please provide information on the measures taken to monitor working conditions in plantations, in the fisheries industry and in gold and coal mines, including with regard to the safety and health of workers. Please inform the Committee as to how relevant regulations, such as those on the threshold limit value for physical agents and chemical substances at the workplace, have been brought into conformity with international standards.

16. Please provide information on the enforcement of Law 13 of 2003 on protection against sexual harassment, including on the complaint mechanisms, the number of registered cases and complaints, the sanctions imposed, and compensations paid to victims.

17. Please indicate the steps taken towards the adoption of a law on the protection of domestic workers. Please also provide information on the protections afforded to them, and on the mechanisms of the remedies available to victims of exploitation and abuse by employers.

## **Article 8 – Trade union rights**

18. Please provide information on measures taken to guarantee the right to strike for civil servants. Please also clarify the circumstances under which participation in strikes is criminalized and carries sanctions involving compulsory labour.

19. Please provide information on measures taken to combat unfair dismissal and violence based on trade union affiliation and activity in spite of the existing legal provisions.

## **Article 9 – The right to social security**

20. Please provide information on steps taken to establish an unemployment insurance.

21. Please provide information, including statistical data, on the present coverage of the health insurance, disaggregated by the groups referred to in paragraph 103 of the State report.

22. Please provide information on measures in place to give access to basic services and social protection for those working in the informal economy. Please also provide more information on the informal social insurance mentioned in paragraph 67 of the State report, as well as on measures taken to improve the number of informal workers (non-industrial relationship) participating in the State party's social safety programme, including the programme administered by PT Jamsostek.

23. In view of the fact that only a small fraction of workers contribute to the State party's old-age pension programme, please inform the Committee of the social benefits available to older persons not covered by the programme.

## **Article 10 – Protection of the family, mothers and children**

24. Please provide information on the enforcement of relevant laws prohibiting child labour and on the impact of the implementation of the National Action Plan for the Elimination of the Worst Forms of Child Labour.

### **Article 11 – The right to an adequate standard of living**

25. Please provide information about the measures taken to improve disadvantaged and vulnerable groups' resilience and preparedness for natural disasters, and about the impact of these measures on mitigating the effect of natural disasters on the enjoyment of economic, social and cultural rights for persons belonging to those groups.

26. Please provide information on the measures taken to ensure the availability of affordable food, in particular staple foods, and to prevent speculative action, which is one of the drivers of food price hikes.

27. Please provide information on the impact of measures taken by the State party to ensure access to improved sanitation, particularly in rural areas, and to eliminate the practice of open defecation.

### **Article 12 – The right to physical and mental health**

28. Please provide information on the impact of measures taken to improve access to, and the quality of, sexual and reproductive health services and maternal health services, particularly in rural and remote areas.

29. Please provide information on the measures taken to ensure access to adequate mental health treatment and care.

30. Please indicate whether the State party has adopted a human rights approach to its drugs policy, including prevention and treatment.

### **Articles 13 and 14 – The right to education**

31. Please provide information on the impact of measures taken by the State party to improve access to, and the quality of, education in rural and other disadvantaged areas.

### **Article 15 – Cultural rights**

32. Please provide information on the measures taken to protect the cultural heritage of ethnic and linguistic minorities and of indigenous populations in the State party, and to create favourable conditions for them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.

33. Please provide information on measures taken to preserve the State party's linguistic heritage and diversity. In particular, please provide information on measures, such as research and documentation, taken by the State party for the preservation of endangered regional and local languages.

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