



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/1/IDN/2  
31 March 2008

Original: ENGLISH

---

HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
First session  
Geneva, 7-18 April 2008

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

**Indonesia**

The present 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 on the part of the Office of the High Commissioner for Human Rights (OHCHR) other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. The information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most of the documents used as reference 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recent information, the latest available reports and documents have also been taken into consideration, unless they are outdated. Since this report only compiles information contained in 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<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	25 June 1999	Art. 22	Individual complaints (art. 14): No
ICESCR	23 Feb. 2006	Art. 1	-
ICCPR	23 Feb. 2006	Art. 1	Inter-State complaints (art. 41): No
CEDAW	29 July 1980	Art. 29 (1)	-
CAT	23 Oct. 1985	Arts. 30 (1) and 20 (1), (2) and (3)	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	26 Jan. 1990	Arts. 1, 14, 16, 17, 21, 22 and 29	-

*Core treaties to which Indonesia is not a party:* ICCPR-OP1 and OP2, OP-CEDAW (signature only, 2000), OP-CAT, OP-CRC-AC (signature only, 2001), OP-CRC-SC (signature only, 2001), ICRMW (signature only, 2004), CPD (signature only, 2007), OP-CPD (signature only, 2007), CED.

<i>Other main relevant international instruments<sup>3</sup></i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	No
Palermo Protocol <sup>4</sup>	No
Refugees and stateless persons <sup>5</sup>	No
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>	Conventions only
ILO fundamental conventions <sup>7</sup>	Yes
UNESCO Convention against Discrimination in Education	Yes

1. Indonesia was encouraged to ratify ICRMW,<sup>8</sup> OP-CRC-AC and OP-CRC-SC,<sup>9</sup> conventions relating to the status of refugees, status of stateless persons and reduction of statelessness,<sup>10</sup> ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries,<sup>11</sup> the Rome Statute of the International Criminal Court<sup>12</sup> and OP-CEDAW.<sup>13</sup> Indonesia was invited to make the declarations under ICERD<sup>14</sup> and CAT.<sup>15</sup> CRC welcomed the information that the Child Protection Law renders reservations to the Convention unnecessary<sup>16</sup> and recommended their prompt withdrawal.<sup>17</sup>

### B. Constitutional and legislative framework

2. CERD, CRC and CAT<sup>18</sup> 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 Law No. 39 of 1999 on human rights,<sup>19</sup> and the ongoing harmonization of domestic laws with international human rights instruments.<sup>20</sup>

3. CEDAW commended the adoption of laws on anti-trafficking (2007), victim protection (2006) and domestic violence (2004) and amendments to the 1945 Constitution,<sup>21</sup> but was concerned about the partial integration of the Convention in Indonesian law.<sup>22</sup> It also encouraged Indonesia to align its domestic law with the Convention on the definition of discrimination.<sup>23</sup> CERD welcomed the Law on Citizenship,<sup>24</sup> while CEDAW urged further amendment to Indonesia's nationality and citizenship laws.<sup>25</sup> 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.<sup>26</sup> CRC welcomed laws on child protection, national education and juvenile justice,<sup>27</sup> but expressed concern at discrimination and lack of safeguards in the legislation on adoption.<sup>28</sup> CEDAW urged a review of the implementation of local and regional laws.<sup>29</sup> In 2007, the Special Representative of the Secretary-General on the situation of human rights defenders observed the absence of concrete measures dealing with the protection of human rights defenders<sup>30</sup> and noted legal<sup>31</sup> and institutional gaps<sup>32</sup> and the need for judicial reform.<sup>33</sup>

### 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.<sup>34</sup> CAT in 2001<sup>35</sup> CRC in 2004<sup>36</sup> and CERD in 2007<sup>37</sup> expressed concerns regarding the insufficient impartiality and independence of Komnas-HAM. Recommendations were made in this regard.<sup>38</sup> The Special Representative of the Secretary-General on the situation of human rights defenders was concerned at the ineffectiveness of its power of inquiry<sup>39</sup> and the lack of a mandate to investigate common human rights violations.<sup>40</sup>

5. CERD noted with satisfaction the law on the establishment of the Constitutional Court enabling constitutional review of any legal act.<sup>41</sup> The establishment of institutions on the protection of children and the elimination of the worst forms of child labour were welcomed by CRC,<sup>42</sup> which recommended reinforcing their independence, objectivity, effectiveness and public accountability.<sup>43</sup> The Special Representative of the Secretary-General on the situation of 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,<sup>44</sup> and the Special Rapporteur on the question of torture called for it to be supported.<sup>45</sup> While welcoming efforts of the Ministry of Women Empowerment, CEDAW expressed concern that it may not have sufficient visibility, decision-making power or resources.<sup>46</sup>

### 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.<sup>47</sup> The Second National Plan of Action on Human Rights 2004-2009 was welcomed by CERD and the Special Representative of the Secretary-General on the situation of human rights defenders.<sup>48</sup> The Special Rapporteur on the question of torture noted that the Plan foresees the ratification of OP-CAT in 2008.<sup>49</sup> CRC welcomed the launch of National Plans of Actions on the elimination of: commercial sexual exploitation of children (2002),<sup>50</sup> trafficking in women and children (2002)<sup>51</sup> and the worst forms of child labour,<sup>52</sup> also highlighted by UNICEF.<sup>53</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>54</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2006	Aug. 2007	Due in 2008	
CESCR	-	-	-	Initial report due in 2008
HR Committee	-	-	-	Initial report due in 2007
CEDAW	2005	July 2007	-	Sixth and seventh reports due in 2009
CAT	2001	Nov. 2001		Second report submitted in 2005, to be considered in 2008
CRC	2002	Jan. 2004		Third and fourth reports due in 2007

8. CEDAW commended Indonesia for its 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.<sup>55</sup> In 2001, Indonesia provided further details in relation to the conclusions of CAT.<sup>56</sup> In 2007, CERD expressed appreciation for the participation of Komnas-HAM and the contribution of numerous Indonesian NGOs, which enhanced the quality of the dialogue.<sup>57</sup>

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on the human rights of migrants (12-21 December 2006). <sup>58</sup> Special Representative of the Secretary-General on the situation of human rights defenders (5-13 June 2007), <sup>59</sup> Special Rapporteur on the question of torture (10-23 November 2007) <sup>60</sup>
<i>Visits agreed upon in principle</i>	Independent expert on structural adjustment and foreign debt
<i>Visits requested and not yet agreed upon</i>	Special Rapporteurs on freedom of religion or belief (1996); on the right to freedom of opinion and expression (2002); and on extrajudicial, summary or arbitrary executions (2004); Working Group on Enforced or Involuntary Disappearances (2006)
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on the human rights of migrants expressed his appreciation for the cooperative and constructive dialogue he was able to have with the legislative, executive and judicial authorities and other State organs. <sup>61</sup> The Special Representative of the Secretary-General on the situation of human rights defenders thanked the Government for the good cooperation extended to her in preparation of and during her mission. <sup>62</sup> The Special Rapporteur on the question of torture noted that his fact-finding is fully effective only if he enjoys unrestricted freedom of inquiry, including by conducting visits to places of detention without prior announcement and interviewing detainees in private. In this context, he regretted that in a number of instances his unimpeded access to places of detention was compromised, including his ability to carry out private interviews with detainees, in contravention of his terms of reference. While overall access was by and large granted, such interference carries the risk of distorting an objective assessment of the day-to-day practices in places of detention. <sup>63</sup>
<i>Follow-up to visits</i>	None
<i>Responses to letters of allegation and urgent appeals</i>	Between 1 January 2004 and 31 December 2007, a total of 64 communications were sent to Indonesia. In addition to communications sent for particular groups, 119 individuals, including 32 women, were concerned by these communications. Indonesia replied to 25 communications (39 per cent).

---

*Responses to  
questionnaires  
on thematic issues*<sup>64</sup>

Indonesia responded to none of the 12 questionnaires sent by special procedures mandate holders<sup>65</sup> between 1 January 2004 and 31 December 2007, within the deadlines.

---

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

9. OHCHR engages with the United Nations Country Team<sup>66</sup> and since August 2007, a Human Rights Adviser has been deployed within it<sup>67</sup> and supported by the OHCHR Regional Office for South-East Asia.<sup>68</sup> In 2004, Indonesia made a financial contribution to OHCHR<sup>69</sup> and OHCHR provided technical cooperation to several NGOs and others to set up education against racism initiatives in countries of the region, including Indonesia.<sup>70</sup> Indonesia hosted a Workshop on the Framework on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region in 2007.<sup>71</sup> The High Commissioner for Human Rights visited Indonesia from 11 to 14 July 2007.<sup>72</sup>

#### **B. Implementation of international human rights obligations**

##### **1. Equality and non-discrimination**

10. While it appreciated efforts to harmonize national legislation with 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.<sup>73</sup>

11. In 2007, CEDAW welcomed efforts to revise gender-based 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.<sup>74</sup> CEDAW also expressed concern about the new draft law on gender equality<sup>75</sup> and about discriminatory provisions in the Marriage Act 1974.<sup>76</sup> It further called for the removal of family and spousal consent requirements in the areas of women's employment and health.<sup>77</sup> 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 household in access to housing or food aid in the wake of natural disasters or emergencies.<sup>78</sup>

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

12. The Special Rapporteur on extrajudicial, summary or arbitrary executions questioned the imposition of capital punishment, including cases related to unconstitutional application of retroactive legislation,<sup>79</sup> and sentencing where fair trial guarantees were not met.<sup>80</sup> Indonesia replied that a court applying due process had convicted the individuals, that the judiciary is independent and that executions are rarely carried out.<sup>81</sup> Noting the absence of legal safeguards for detainees, the Special Rapporteur on the question of torture deemed inappropriate the continued application of the death penalty and noted that the secrecy with which executions are handled violates international human rights standards.<sup>82</sup>

13. The Special Rapporteur noted that the crime of torture has still not been included in the Penal Code, a matter which should be addressed urgently.<sup>83</sup> 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 and paramilitary groups reportedly linked to authorities, and in areas of armed conflict.<sup>84</sup> These concerns were echoed by special rapporteurs in 2005 and 2006,<sup>85</sup>

and Indonesia replied in some instances that investigations are ongoing.<sup>86</sup> Police reform to strengthen police independence from the military should continue.<sup>87</sup> The Special Rapporteur on extrajudicial, summary or arbitrary executions noted allegations of excessive use of force by law enforcement officials, including against schoolchildren in West Papua<sup>88</sup> and ill-treatment and the possible extrajudicial execution of a well-known advocate of independence for Papua.<sup>89</sup>

Communications related to cases of alleged rape by members of the army and police forces during the period of martial law in Aceh. A 2003 joint urgent appeal<sup>90</sup> 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.<sup>91</sup>

14. The Special Representative of the Secretary-General on the situation of human rights defenders noted violations suffered by human rights defenders including extrajudicial, summary and arbitrary executions; enforced disappearances;<sup>92</sup> torture; ill-treatment; instances of excessive use of force;<sup>93</sup> arbitrary detention; alleged threats;<sup>94</sup> restrictions on freedom of expression, assembly, association and movement; labelling of defenders as separatists;<sup>95</sup> and stigmatization; these violations were exacerbated in West Papua.<sup>96</sup> She was particularly concerned about defenders working on certain issues<sup>97</sup> and at 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.<sup>98</sup> She noted concerns about lack of accountability of the police, military and intelligence services.<sup>99</sup> She was greatly encouraged by the improvement in the situation of defenders in Aceh since the 2005 peace agreement.<sup>100</sup> She was nevertheless concerned by scores of unsolved cases of human rights violations between 2000 and 2005 in Aceh, where 15 defenders are believed to have been executed extrajudicially and at least 5 subjected to enforced disappearance, with others subjected to torture, unlawful arrest and detention, false charges and other forms of harassment and intimidation. No perpetrator has reportedly been brought to justice.<sup>101</sup> She called for the establishment of a human rights court in Aceh, as provided in the peace agreement.<sup>102</sup>

15. The Special Rapporteur on the question of torture was concerned about police abuse of detainees while in custody, noting prevailing intimidation, problematic conditions of detention and abuse. He had received only a limited number of allegations of ill-treatment and corporal punishment in penitentiaries, but reported allegations and evidence of beatings, punishment and humiliation.<sup>103</sup> Some issues of concern regarding conditions of detention are 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; and high death tolls;<sup>104</sup> in Cipinang, prolonged confinement in punishment cells amounts to inhuman treatment.<sup>105</sup> The Special Rapporteur was also concerned at the insufficient number of female guards.<sup>106</sup>

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 had occurred in 1992 and between 1998 and 2000 in Jakarta, Aceh and East Timor<sup>107</sup> (in 2002, the latter were transmitted to the Government of Timor-Leste<sup>108</sup>).

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.<sup>109</sup> Three Special Rapporteurs<sup>110</sup> wrote about inadequate protection of child domestic workers, especially girls, against economic exploitation and psychological, physical and sexual abuse.<sup>111</sup> Additional issues related to long working hours, few days off to visit their families, discontinuation of education, withholding of salaries and lower pay than agreed.<sup>112</sup>

18. In 2004, CRC was concerned at insufficient legal protection for victims of sexual exploitation, including trafficking, pornography and prostitution, and that there were few preventive and protective measures.<sup>113</sup> CRC was concerned at the very low age limit for sexual consent (12 years).<sup>114</sup> Two Special Rapporteurs<sup>115</sup> were concerned that young Indonesian women were reportedly being trafficked into a neighbouring country, including to sell their babies for illegal adoptions.<sup>116</sup> UNICEF noted that about 80,000-100,000 women and children are victims of sexual exploitation or trafficking every year.<sup>117</sup>

19. The Special Rapporteur on the question of torture welcomed the adoption in 2004 of the law banning violence in the household and establishing complaints channels, but was informed that its implementation is hampered by a lack of awareness and an insufficient number of police units to deal with complaints.<sup>118</sup>

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 that perpetrators of violations of the human rights of children, especially during conflicts, are rarely prosecuted and about the reported use of child soldiers, notably in Aceh and Maluku.<sup>119</sup> CRC was gravely concerned, as highlighted also by UNHCR,<sup>120</sup> at the very large number of children displaced as a result of armed conflict.<sup>121</sup>

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.<sup>122</sup> CRC was also deeply concerned that corporal punishment in the family and in schools is widespread, culturally accepted and still lawful.<sup>123</sup> UNICEF noted that despite reports of abuse and violence against girls and women, particularly in Aceh, very few cases have been addressed or brought to justice.<sup>124</sup> 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.<sup>125</sup>

### **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, despite the recommendation of Komnas-HAM, no ad hoc human rights tribunal had been established.<sup>126</sup>

23. According to the Special Rapporteur on the question of 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.<sup>127</sup> 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, and 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.<sup>128</sup> In June 2007, the Special Representative of the Secretary-General on the situation of human rights defenders advised Indonesia to ensure that justice is done in this case.<sup>129</sup>

24. CAT called on Indonesia to ensure that international crimes such as torture and crimes against humanity committed in the past are investigated and, where appropriate, prosecuted in Indonesian courts.<sup>130</sup> Regarding the Ad Hoc Human Rights Court on East Timor, in 2006 the Secretary-General

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 to review the prosecutions found that they 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 encouraged every effort to be made to ensure that the cases of those persons indicted in Timor-Leste but residing in Indonesia are prosecuted, and also encouraged a re-examination of the prospects of retrial of those persons previously tried before the Ad Hoc Court but acquitted on appeal.<sup>131</sup>

25. The Special Rapporteur on the question of 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.<sup>132</sup> He observed difficulties at the pretrial stage, reportedly widespread corruption in the criminal justice system, and the absence of a national independent body to regularly monitor places of detention.<sup>133</sup> The Special Rapporteur, along with the Special Representative of the Secretary-General on the promotion and protection of human rights while countering terrorism, inquired in 2005 about ensuring judicial review of the lawfulness of detention and the legal basis for measures referring to “terrorism”.<sup>134</sup>

26. CRC expressed serious concern, echoed by the Special Rapporteur on the question of torture<sup>135</sup> and UNICEF,<sup>136</sup> about the very low minimum age of criminal responsibility (8 years);<sup>137</sup> CRC recommended that detained children be separated from adults and that deprivation of liberty of children be used as a last resort, for the shortest appropriate time and in appropriate conditions.<sup>138</sup>

#### **4. Freedoms of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

27. The Special Rapporteur on freedom of religion or belief and CERD expressed concern at distinctions made between different religions. In 2004, the Special Rapporteur sent a communication about a bill which reportedly would, inter alia, ban interreligious adoptions and marriages, ban teachings that “deviate from the main teachings of that religion” and stipulate that places of worship could be established only with the permission of the Government.<sup>139</sup> CERD was concerned about the law requiring the mention of faith on legal documents.<sup>140</sup> CERD also noted with concern difficulties faced by men and women of different religions in registering their marriages and that their children are not provided with birth certificates, and recommended that civil marriages be allowed.<sup>141</sup>

28. The Special Rapporteur also wrote to the Government regarding the taking into custody of a religious community leader under the pretext of protecting her and later charging her with blasphemy;<sup>142</sup> the detention of three women allegedly for trying to convert children to Christianity;<sup>143</sup> and the killing of three Christian schoolgirls.<sup>144</sup> In replying that investigations were being taken in the latter case, the Government highlighted that it should not be automatically assumed that the killings were religion-based.<sup>145</sup> The Special Rapporteur also noted alleged attacks and threats against Ahmadiyyah families, following a fatwa banning the Jammah Ahmadiyyah.<sup>146</sup> The Government replied that measures were taken to keep the peace and guard the assets and activities of the Ahmadiyyah.<sup>147</sup>

29. Mandate holders<sup>148</sup> wrote to the Government about alleged arrests and/or detention of demonstrators in 2006 and 2003.<sup>149</sup> The Government responded that there is an ongoing investigation in the former case.<sup>150</sup> Alleged death threats against a journalist were raised by two Special Rapporteurs in 2004.<sup>151</sup> The Special Rapporteur on freedom of opinion and expression cited difficulties with four 2006 public broadcasting regulations,<sup>152</sup> for which the Government



provided an explanation.<sup>153</sup> Other communications related to the murder of a journalist,<sup>154</sup> which was condemned and investigated by the State,<sup>155</sup> and the prison sentences of two journalists found guilty of defamation.<sup>156</sup> The Government replied that the individuals are not in custody and could appeal,<sup>157</sup> but the Special Rapporteur was concerned at the penal sentence.<sup>158</sup> In 2006, the Special Rapporteur sent a communication concerning the barring of foreign media, churches and NGOs in West Papua.<sup>159</sup> The Government replied that the ban was justified by the situation of unrest caused by instability due to the separatist movement and difficulties in implementing the Papuan autonomy law.<sup>160</sup>

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 Papua Autonomy Law.<sup>161</sup> In 2007, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people 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.<sup>162</sup>

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<sup>163</sup> and urged Indonesia to make it mandatory.<sup>164</sup> The seats held by women in the national parliament increased from 8.0 per cent in 2004 to 11.3 per cent in 2007.<sup>165</sup>

## **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, and the lack of a law prohibiting sexual harassment in the workplace.<sup>166</sup> CRC remained concerned at the high number of children still working in the informal sector,<sup>167</sup> and called for Indonesia to address the root causes of child economic exploitation.<sup>168</sup> An ILO committee in 2007 requested that the Government amend the Manpower Act or issue regulations with a view to incorporating a clear and comprehensive definition of direct and indirect discrimination covering all grounds and aspects of employment. 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.<sup>169</sup>

## **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 described the development of poverty eradication programmes. The report also noted that about half of Papua's population lives below the poverty line.<sup>170</sup> CERD in 2007 expressed concern that Papuans reportedly continue to experience great poverty,<sup>171</sup> and a 2005 UNDP report noted that health standards in Papua are considerably worse than in other parts of Indonesia.<sup>172</sup> CEDAW was concerned that widespread poverty among women and poor socio-economic conditions are among the causes of the violation of the human rights of women, particularly rural women.<sup>173</sup>

34. While welcoming the reintroduction of an initiative to combat maternal mortality, CEDAW was concerned about high rates of maternal and infant mortality and the lack of family planning education.<sup>174</sup> A 2007 WHO report noted good progress towards achieving targets for reducing child

mortality, while noting that major health problems include high undernutrition 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.<sup>175</sup>

35. The Special Rapporteurs on the right to food and the right to adequate housing sent communications regarding the situation of more than 500,000 informal landowners, including those located in areas affected by canal and dam projects. It was alleged that the implementation of a presidential regulation threatens access to the land and livelihoods of the individuals concerned and may have led to mass forced eviction, without compensation.<sup>176</sup>

## **7. Right to education**

36. The 2006-2010 United Nations Development Assistance Framework (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 2 million.<sup>177</sup> A 2007 UNDP report indicated an increase in the net primary enrolment ratio from 94 per cent in 2004 to 96 per cent in 2005.<sup>178</sup> 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.<sup>179</sup>

## **8. Minorities and indigenous peoples**

37. CERD welcomed Indonesia's acknowledgement that it is a multi-ethnic, multicultural, multireligious, and multilingual 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.<sup>180</sup>

38. CERD was also concerned about the plan to establish oil palm plantations over some 850 km along the Indonesia-Malaysia border, the threat that this constitutes for indigenous peoples to own their lands and enjoy their culture, and insufficient references to the rights of traditional communities in domestic law. Recommendations included the review of laws on plantations, securing the possession and ownership rights of local communities before proceeding with the plan and ensuring meaningful consultations with the communities concerned.<sup>181</sup>

## **9. Migrants, refugees and asylum-seekers**

39. CEDAW remained concerned at the situation of women migrants from Indonesia, that bilateral agreements and memorandums of understanding have not been entered into with all countries and regions to which Indonesian women migrate, at discriminatory provisions in some memorandums and at the inadequate protection of women workers who migrate through informal channels.<sup>182</sup> Issues of concern to the Special Rapporteur on the human rights of migrants included debt bondage,<sup>183</sup> labour-related abuses<sup>184</sup> and institutional exploitation of returning migrants at points of entry/return.<sup>185</sup> 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.<sup>186</sup>

40. UNHCR reported that Indonesia continues to show commendable openness towards asylum-seekers and refugees. While UNHCR considered that recognized refugees enjoy freedom of movement as well as a degree of access to public health services and primary education, it also noted that the situation of refugees and asylum-seekers remains informal and precarious due to the lack of legal mechanisms.<sup>187</sup>

### **10. Internally displaced persons**

41. CERD noted with concern the long-standing effects of the transmigration programme, although it has been abolished, and the challenges faced by Indonesia 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.<sup>188</sup>

## **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.<sup>189</sup> CERD welcomed the 2006 ratification of the International Covenants on Human Rights.<sup>190</sup> The Special Rapporteur on the question of torture noted that many prisons were spacious, well-maintained, and relatively open to friends and family (particularly in Papua).<sup>191</sup> In 2007, the Special Representative of the Secretary-General for Children and Armed Conflict highlighted peacebuilding efforts by the Maluku Children's Parliament, serving as a model for adult peace negotiators and bridging the Muslim-Christian divide.<sup>192</sup>

## **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).<sup>193</sup>

### **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 citizens of foreign descent; and strengthening the independence and mandate of Komnas-HAM.<sup>194</sup>

45. In addition to those already mentioned, recommendations made by special procedures included those made by (a) the Special Rapporteur on the human rights of migrants on better regulation and monitoring of private recruitment companies,<sup>195</sup> mechanisms to blacklist employment agencies that break the law,<sup>196</sup> a framework to improve employment conditions of migrant workers as well as a standard contract;<sup>197</sup> (b) the Special Representative of the Secretary-General on the situation of human rights defenders on training military and police officers on the Declaration on Human Rights Defenders<sup>198</sup> and the creation of a special complaint cell for registering and redressing incidents or harm to human rights defenders;<sup>199</sup> and (c) the Special Rapporteur on the question of 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 Indonesia accede to OP-CAT and that the death penalty be abolished.<sup>200</sup>

## 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<sup>201</sup> and on children using drugs;<sup>202</sup> WHO on health issues;<sup>203</sup> UNICEF and others on birth registration;<sup>204</sup> UNESCO, UNICEF, the Asian Development Bank and civil society to improve the education sector;<sup>205</sup> UNHCR for the quick and safe repatriation of all separated children to Timor-Leste;<sup>206</sup> and UNICEF and the International Organization for Migration on the issue of sale, trafficking and abduction of children.<sup>207</sup> UNDAF 2006-2010 would cover: strengthening human development; good governance; and protecting the vulnerable and reducing vulnerabilities.<sup>208</sup> UNICEF provided information on its assistance in building justice for children.<sup>209</sup> UNHCR reported about a Plan of Action in Addressing Refugee Protection and Mixed Migration Movements to assist the State.<sup>210</sup> The Special Rapporteur on the question of torture appreciated the costs of implementing a justice system in accordance with international standards, and requested the international community to support the reforms he outlined.<sup>211</sup>

### Notes

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

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities
OP-CPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Information relating to other relevant international instruments, including regional instruments, may be found in the pledges and commitments undertaken by Indonesia before the Human Rights Council, as contained in the annex to the note verbale dated 12 April 2007 from the Permanent Representative of Indonesia to the United Nations addressed to the President of the General Assembly (A/61/855), available at <http://ww2.ohchr.org/english/bodies/hrcouncil/elections.htm>.

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of

War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); 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). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize 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.

<sup>8</sup> Report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24/Add.3), para. 66, concluding comments of the Committee on the Elimination of Discrimination against Women: Indonesia (CEDAW/C/IDN/CO/5), para. 44; Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/IDN/CO/3), para. 19.

<sup>9</sup> Concluding observations of the Committee on the Rights of the Child: Indonesia (CRC/C/15/Add.223), para. 93.

<sup>10</sup> CRC/C/15/Add.223, para. 66 (c).

<sup>11</sup> CERD/C/IDN/CO/3, para. 15.

<sup>12</sup> CRC/C/15/Add.223, para. 15.

<sup>13</sup> CEDAW/C/IDN/CO/5, paras. 6 and 41.

<sup>14</sup> CERD/C/IDN/CO/3, para. 28.

<sup>15</sup> Conclusions and recommendations of the Committee against Torture, *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 44 (A/57/44)*, chap. III, paras. 39 and 45 (o).

<sup>16</sup> CRC/C/15/Add.223, para. 11.

<sup>17</sup> *Ibid.*, paras. 11 and 12.

<sup>18</sup> CERD/C/IDN/CO/5, para. 7; CRC/C/15/Add.223, para. 7; A/57/44, para. 40 (a).

<sup>19</sup> CEDAW/C/IDN/CO/5, para. 4.

<sup>20</sup> CRC/C/15/Add.223, paras. 7 and 75; CERD/C/IDN/CO/5, paras. 7, 8, 11, 12 and 14; A/57/44, para. 40 (a) and (b).

<sup>21</sup> CEDAW/C/IDN/CO/5, para. 4.

<sup>22</sup> *Ibid.*, para. 8.

<sup>23</sup> *Ibid.*, para. 9.

<sup>24</sup> CERD/C/IDN/CO/5, para. 11.

<sup>25</sup> CEDAW/C/IDN/CO/5, para. 29.

<sup>26</sup> CERD/C/IDN/CO/5, para. 12.

<sup>27</sup> CRC/C/15/Add.223, paras. 7 and 75.

<sup>28</sup> *Ibid.*, paras. 51 and 52.

<sup>29</sup> CEDAW/C/IDN/CO/5, paras. 12 and 13.

<sup>30</sup> A/HRC/7/28/Add.2, para. 23.

<sup>31</sup> *Ibid.*, paras. 24-29.

<sup>32</sup> *Ibid.*, paras. 30-44.

<sup>33</sup> *Ibid.*, para. 30.

<sup>34</sup> For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/7/69, annex and A/HRC/7/70, annex I.

<sup>35</sup> A/57/44, para. 43 (c).

<sup>36</sup> CRC/C/15/Add.223, para. 20.

<sup>37</sup> CERD/C/IDN/CO/3, para. 25.

<sup>38</sup> A/57/44, para. 45 (d); CRC/C/15/Add.223, para. 21 (d); CERD/C/IDN/CO/3, para. 25.

<sup>39</sup> A/HRC/7/28/Add.2, para. 35.

<sup>40</sup> Ibid., para. 37.

<sup>41</sup> CERD/C/IDN/CO/5, para. 10.

<sup>42</sup> CRC/C/15/Add.223, paras. 7 and 20.

<sup>43</sup> Ibid., para. 21 (d).

<sup>44</sup> A/HRC/7/28/Add.2, para. 39.

<sup>45</sup> United Nations press release of 23 November 2007.

<sup>46</sup> CEDAW/C/IDN/CO/5, para. 14.

<sup>47</sup> Ibid., para. 5.

<sup>48</sup> CERD/C/IDN/CO/5, para. 8; A/HRC/7/28/Add.2, para. 8.

<sup>49</sup> Press release of 23 November 2007.

<sup>50</sup> CRC/C/15/Add.223, para. 81.

<sup>51</sup> Ibid., para. 87.

<sup>52</sup> Ibid., paras. 81, 83 (d), 84, 85 (b), and 87.

<sup>53</sup> UNICEF, UPR submission, pp. 5-6. Available at [www.ohchr.org/EN/HRBodies/UPR/PAGES/IDSession1.aspx](http://www.ohchr.org/EN/HRBodies/UPR/PAGES/IDSession1.aspx) (hereafter "UNICEF submission").

<sup>54</sup> The following abbreviations have been used in this document:

CERD - Committee on the Elimination of Racial Discrimination;  
CESCR - Committee on Economic, Social and Cultural Rights;  
HR Committee - Human Rights Committee;  
CEDAW - Committee on the Elimination of Discrimination against Women;  
CAT - Committee against Torture,  
CRC - Committee on the Rights of the Child.

<sup>55</sup> CEDAW/C/IDN/CO/5, para. 2.

<sup>56</sup> CAT/C/GC/2002/1.

<sup>57</sup> CERD/C/IDN/CO/3, paras. 2-5.

<sup>58</sup> See A/HRC/4/24/Add.3.

<sup>59</sup> See A/HRC/7/28/Add.2.

<sup>60</sup> Press release of 23 November 2007.

<sup>61</sup> A/HRC/4/24/Add.3, para. 57.

<sup>62</sup> A/HRC/7/28/Add.2, para. 3.

<sup>63</sup> Press release of 23 November 2007.

<sup>64</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

<sup>65</sup> See (i) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006;

(ii) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in September 2006;

(iii) report of the Special Rapporteur on the human rights aspects of victims of trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in July 2006;

(iv) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005;

(v) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous peoples sent in August 2007;

(vi) report of the Special Rapporteur on trafficking in persons, especially women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005;

(vii) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005;

(viii) report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/61/341), questionnaire concerning its mandate and activities sent in November 2005;

(ix) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006;

(x) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004;

(xi) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003;

(xii) report of the 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 on human rights policies and management practices.

<sup>66</sup> See OHCHR priority areas with regard to country engagement strategies and partnerships described in the High Commissioner's plan of action (A/59/2005/Add.3, annex) and *High Commissioner's Strategic Management Plan 2008-2009*, p. 75.

<sup>67</sup> OHCHR, *Annual Report 2007* (forthcoming).

<sup>68</sup> OHCHR, *Annual Report 2004*, p. 149 and *High Commissioner's Strategic Management Plan 2006-2007* on the role of the regional offices, p. 34.

<sup>69</sup> OHCHR, *Annual Report 2004*, p. 12.

<sup>70</sup> *Ibid.*, p. 198.

<sup>71</sup> OHCHR, *Annual Report 2007* (forthcoming).

<sup>72</sup> United Nations press release of 6 July 2007.

<sup>73</sup> CERD/C/IDN/CO/3, para. 14.

<sup>74</sup> CEDAW/C/IDN/CO/5, para. 10.

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*, para. 18.

<sup>77</sup> *Ibid.*, para. 17.

- <sup>78</sup> Ibid., para. 39.
- <sup>79</sup> A/HRC/4/20/Add.1, annex, pp. 142-144.
- <sup>80</sup> E/CN.4/2006/53/Add.1, annex, pp. 84-86. See also E/CN.4/2005/7/Add.1, paras. 318 and 319.
- <sup>81</sup> E/CN.4/2006/53/Add.1, annex, para. 320.
- <sup>82</sup> Press release of 23 November.
- <sup>83</sup> Ibid. See also A/57/44, paras. 44 (a) and 45 (a). See also A/57/44, paras. 44 (a) and 45 (a).
- <sup>84</sup> A/57/44, para. 42 (a).
- <sup>85</sup> Special Rapporteurs on the question of torture (E/CN.4/2005/62/Add.1, paras. 797, 799 and 807; E/CN.4/2006/6/Add.1, para. 91), on extrajudicial, summary or arbitrary executions (E/CN.4/2005/7/Add.1, para. 318), and on violence against women (E/CN.4/2006/61/Add.1, paras. 80 and 81).
- <sup>86</sup> E/CN.4/2006/6/Add.1, para. 91 and E/CN.4/2006/61/Add.1, para. 81.
- <sup>87</sup> A/57/44, paras. 44 (f) and 45 (g).
- <sup>88</sup> A/HRC/4/20/Add.1, annex, pp. 144-145.
- <sup>89</sup> E/CN.4/2005/7/Add.1, para. 318.
- <sup>90</sup> By the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women. See E/CN.4/2004/66/Add.1, para. 74.
- <sup>91</sup> Ibid., paras. 74-95.
- <sup>92</sup> E/CN.4/2005/101/Add.1, para. 316; see also E/CN.4/2004/66/Add.1, para. 73.
- <sup>93</sup> A/HRC/7/28/Add.2, para. 65.
- <sup>94</sup> E/CN.4/2006/55/Add.1, para. 416.
- <sup>95</sup> A/HRC/7/28/Add.2, para. 66.
- <sup>96</sup> Ibid., para. 48.
- <sup>97</sup> Ibid., paras. 55-60, 61, 62 and 67.
- <sup>98</sup> Ibid., para. 47.
- <sup>99</sup> Ibid., paras. 41-44 and 99.
- <sup>100</sup> Ibid., para. 76.
- <sup>101</sup> Ibid., para. 81.
- <sup>102</sup> Ibid., para. 82.
- <sup>103</sup> Press release of 23 November 2007.
- <sup>104</sup> Ibid.
- <sup>105</sup> Ibid.
- <sup>106</sup> Ibid.
- <sup>107</sup> A/HRC/4/41, chart, p. 47 and para. 222.
- <sup>108</sup> Ibid., para. 223.
- <sup>109</sup> CEDAW/C/IDN/CO/5, paras. 22 and 23.
- <sup>110</sup> The Special Rapporteurs on the sale of children, child prostitution and child pornography; on violence against women; and on trafficking in persons, especially women and children.
- <sup>111</sup> See e.g. report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67/Add.1), para. 60.
- <sup>112</sup> Ibid., para. 61.



- <sup>113</sup> CRC/15/Add.223, para. 88.
- <sup>114</sup> Ibid., para. 81.
- <sup>115</sup> The Special Rapporteurs on the sale of children, child prostitution and child pornography; and on violence against women.
- <sup>116</sup> E/CN.4/2005/72/Add.1, paras. 192-196.
- <sup>117</sup> UNICEF submission, op. cit., p. 2.
- <sup>118</sup> Press release of 23 November 2007.
- <sup>119</sup> CRC/C/15/Add.223, paras. 67 and 69.
- <sup>120</sup> UNHCR submission, op. cit., p. 1, citing CRC/C/15/Add.223, para. 70.
- <sup>121</sup> CRC/C/15/Add.223, para. 70.
- <sup>122</sup> Ibid., paras. 41 and 42.
- <sup>123</sup> Ibid., paras. 43 and 44.
- <sup>124</sup> UNICEF submission, op. cit., p. 7.
- <sup>125</sup> CRC/C/15/Add.223, paras. 79 and 80.
- <sup>126</sup> CERD/C/IDN/CO/5, para. 24.
- <sup>127</sup> Press release of 23 November 2007. See also A/57/44, paras. 42 (a), 44 (a) and (b) and 45 (b), (c) and (k).
- <sup>128</sup> A/HRC/4/20/Add.1, annex, pp. 145-151.
- <sup>129</sup> A/HRC/7/28/Add.2, paras. 51-54.
- <sup>130</sup> A/57/44, paras. 44 (c) and 45 (f).
- <sup>131</sup> See S/2006/580; see also the summary of the report of the Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste (then East Timor) in 1999 (S/2005/458, annex I), esp. para. 17.
- <sup>132</sup> Press release of 23 November 2007.
- <sup>133</sup> Ibid.
- <sup>134</sup> See E/CN.4/2006/98/Add.1, para. 3.
- <sup>135</sup> Press release of 23 November 2007.
- <sup>136</sup> UNICEF submission, op. cit., p. 4.
- <sup>137</sup> CRC/C/15/Add.223, para. 77.
- <sup>138</sup> Ibid., paras. 75-78.
- <sup>139</sup> E/CN.4/2005/6/Add.1, para. 132.
- <sup>140</sup> CERD/C/IDN/CO/3, para. 21.
- <sup>141</sup> Ibid.
- <sup>142</sup> A/HRC/4/21/Add.1, para. 174.
- <sup>143</sup> E/CN.4/2006/5/Add.1, paras. 152 and 153.
- <sup>144</sup> Ibid., para. 159.
- <sup>145</sup> Ibid., paras. 160 and 161.
- <sup>146</sup> Ibid., para. 162.
- <sup>147</sup> Ibid., para. 165.
- <sup>148</sup> The Special Rapporteur on the independence of judges and lawyers, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression.

- <sup>149</sup> See e.g. A/HRC/4/25/Add.1, para. 176 and E/CN.4/2004/60/Add.1, para. 39.
- <sup>150</sup> A/HRC/4/25/Add.1, para. 177.
- <sup>151</sup> The Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on extrajudicial, summary or arbitrary executions. See e.g. E/CN.4/2005/7/Add.1, para. 313.
- <sup>152</sup> A/HRC/4/27/Add.1, para. 267.
- <sup>153</sup> *Ibid.*, para. 274.
- <sup>154</sup> *Ibid.*, para. 270.
- <sup>155</sup> *Ibid.*, para. 276.
- <sup>156</sup> E/CN.4/2006/55/Add.1, para. 414.
- <sup>157</sup> *Ibid.*, para. 415.
- <sup>158</sup> *Ibid.*, para. 417.
- <sup>159</sup> A/HRC/4/27/Add.1, para. 268.
- <sup>160</sup> *Ibid.*, para. 275.
- <sup>161</sup> CERD/C/IDN/CO/5, para. 22.
- <sup>162</sup> A/HRC/6/15/Add.3, para. 42.
- <sup>163</sup> CEDAW/C/IDN/CO/5, para. 26.
- <sup>164</sup> *Ibid.*, para. 27.
- <sup>165</sup> Official United Nations Site for Millennium Development Goals Indicators, <http://mdgs.un.org/unsd/mdg> (accessed on 12 February 2008).
- <sup>166</sup> CEDAW/C/IDN/CO/5, paras. 34 and 35.
- <sup>167</sup> CRC/C/15/Add.223, para. 84.
- <sup>168</sup> *Ibid.*, para. 86.
- <sup>169</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111): Indonesia, Geneva, 2007, doc. No. 092007IDN111.
- <sup>170</sup> *Indonesia: Progress Report on the Millennium Development Goals*, February 2004, pp. 20 and 28, available at [http://www.undp.or.id/pubs/imdg2004/English/MDG-IDN\\_English\\_Complete.pdf](http://www.undp.or.id/pubs/imdg2004/English/MDG-IDN_English_Complete.pdf).
- <sup>171</sup> CERD/C/IDN/CO/5, para. 22.
- <sup>172</sup> UNDP, *Papua Needs Assessment: An Overview of Findings and Implications for the Programming of Development Assistance*, 2005, p. 12, available at [http://www.undp.or.id/papua/docs/PNA\\_en.pdf](http://www.undp.or.id/papua/docs/PNA_en.pdf).
- <sup>173</sup> CEDAW/C/IDN/CO/5, para. 38.
- <sup>174</sup> *Ibid.*, para. 37.
- <sup>175</sup> WHO Regional Office for South-East Asia, *11 health questions about the 11 SEAR countries*, pp. 115 and 117, available at [http://searo.who.int/LinkFiles/Country\\_Health\\_System\\_Profile\\_11health-questions.pdf](http://searo.who.int/LinkFiles/Country_Health_System_Profile_11health-questions.pdf) (accessed on 12 February 2008). See also *Indonesia: Progress Report on the Millennium Development Goals*, op. cit., p. 31 (accessed on 12 February 2008).
- <sup>176</sup> A/HRC/4/18/Add.1, para. 34.
- <sup>177</sup> United Nations Development Assistance Framework in Indonesia (2006-2010), Jakarta, 2006, p. 12, available at [http://www.un.or.id/upload/lib/UNDAF%20\\_Final%202006-2010.pdf](http://www.un.or.id/upload/lib/UNDAF%20_Final%202006-2010.pdf) (accessed on 12 February 2008) (hereafter “UNDAF 2006-2010”).
- <sup>178</sup> UNDP, *Human Development Report 2007*, New York, 2007, p. 271 and *Human Development Report 2006*, New York, 2006, p. 324.

- <sup>179</sup> CEDAW/C/IDN/CO/5, paras. 30 and 31.
- <sup>180</sup> CERD/C/IDN/CO/5, para. 16.
- <sup>181</sup> Ibid., para. 17.
- <sup>182</sup> CEDAW/C/IDN/CO/5, para. 32.
- <sup>183</sup> A/HRC/4/24/Add.3, paras. 20-22.
- <sup>184</sup> Ibid., paras. 23-26.
- <sup>185</sup> Ibid., paras. 27 and 28.
- <sup>186</sup> Ibid., para. 38.
- <sup>187</sup> UNHCR submission, op. cit., pp. 1-2.
- <sup>188</sup> CERD/C/IDN/CO/5, para. 18.
- <sup>189</sup> CRC/C/15/Add.223, para. 8 and A/57/44, para. 41.
- <sup>190</sup> CERD/C/IDN/CO/5, para. 7.
- <sup>191</sup> Press release of 23 November 2007.
- <sup>192</sup> A/62/228, para. 100.
- <sup>193</sup> A/61/855, annex.
- <sup>194</sup> CERD/C/IDN/CO/5, para. 31.
- <sup>195</sup> A/HRC/4/24/Add.3, para. 68.
- <sup>196</sup> Ibid., para. 70.
- <sup>197</sup> Ibid., para. 69.
- <sup>198</sup> A/HRC/7/28/Add.2, para. 97.
- <sup>199</sup> Ibid., para. 98.
- <sup>200</sup> Press release of 23 November 2007. See also A/HRC/7/3/Add.7.
- <sup>201</sup> CRC/C/15/Add.223, para. 54 (d).
- <sup>202</sup> Ibid., para. 74 (d).
- <sup>203</sup> Ibid., para. 57 (e).
- <sup>204</sup> Ibid., para. 39.
- <sup>205</sup> Ibid., para. 63 (i).
- <sup>206</sup> Ibid., para. 66 (d).
- <sup>207</sup> UNICEF submission, op. cit., p. 6.
- <sup>208</sup> See UNDAF 2006-2010, op. cit. The following United Nations agencies, funds and programmes signed this UNDAF: UNDP, UNFPA, UNICEF, WFP, FAO, ILO, WHO, UNIDO, UNAIDS and UNHCR.
- <sup>209</sup> UNICEF submission, op. cit., pp. 5-6. According to the UNICEF *Annual Report 2006*, UNICEF Country Programmes of Cooperation in Indonesia from 2006 to 2010 will amount to \$26.5 million. It also noted that by the end of 2006, as part of its “building back better” programme after the 2004 tsunami, 10 of 367 permanent schools had been opened in Aceh Province with earthquake-resistant buildings equipped with safe running water and separate toilets. UNICEF, *Annual Report 2006*, New York, 2007, pp. 42 and 8.
- <sup>210</sup> UNHCR submission, op. cit., pp. 2-3.
- <sup>211</sup> Press release of 23 November 2007.