



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Indonesia and welcome your constructive engagement and that of your Government during the 27<sup>th</sup> session of the UPR Working Group in early May 2017.

As the final outcome report on the review of Indonesia was recently adopted by the Human Rights Council at its 36<sup>th</sup> session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review of Indonesia – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations and/or statements made by 101 countries, Indonesia's presentation and responses, and the action taken by Indonesia to implement the 150 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I am encouraged by the commitment of Indonesia to strengthen the independence and effective functioning of National Human Rights Institutions by continuing the deliberation on the revision of Law No. 39/1999 on Human Rights. I also welcome the adoption of the fourth National Human Rights Action Plan and encourage Indonesia to strengthen the plan by integrating the areas contained in the annex in order to achieve concrete results and to facilitate Indonesia's preparations for the fourth cycle of the UPR. Such efforts should involve consultations with all stakeholders, in particular civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities under the leadership of the UN Resident Coordinator.

I also encourage Indonesia to strengthen its national mechanism for comprehensive follow up and reporting in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to Indonesia the use of the practical guide that my Office released in 2016 on this topic and which is available at: [http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

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H.E. Mrs. Retno L.P. Maršudi  
Minister of Foreign Affairs  
Indonesia



Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I encourage Indonesia to submit such a report for the third cycle, by September 2019.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals"*.

I look forward to discussing with you ways in which my Office may assist Indonesia to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein  
High Commissioner for Human Rights

cc: Mr. Yasonna H. Laoly, Minister of Law and Human Rights



## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratify the international human rights treaties, to which Indonesia is yet to become a party, including the 2nd Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Protection of Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Rome Statute of the International Criminal Court and the Genocide Convention, the International Labour Organization Conventions 169 and 189;
- Increase interactions with international human rights mechanisms, including issuing a standing invitation to all special procedures mandate holders.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Ensure a comprehensive anti-discrimination law and repeal laws discriminating against indigenous people, lesbian, gay, bisexual, transsexual and inter-sex persons, persons with HIV/AIDs and other vulnerable groups;
- Eliminate all discriminatory provisions against women, including those in the family code, in line with the provisions of the Convention on the Elimination of Discrimination against Women.

#### **B. Civil and political rights**

##### *Right to life, liberty and security of person*

- Enact a law on violence against women, including domestic violence, as well as prohibit female genital mutilation;
- Abolish the death penalty, as well as reinstate a moratorium on death sentences;
- Reform the Penal Code so as to ensure that the definition of torture fully complies with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as set up a national preventive mechanism.



*Administration of justice, including impunity and the rule of law*

- Reform legislation on children in keeping with the provisions of the Convention on the Rights of the Child and, accordingly, reform the Criminal Procedure Code and raise the minimum age of criminal responsibility to internationally accepted standards.

*Fundamental freedoms and the right to participate in public and political life*

- Ensure religious freedom, inter alia, through repealing of the legislation on blasphemy;
- Repeal Articles 156, 156 (a), 106, 110 of the Criminal Code and Law Number 1/PNPS/1965 concerning the Prevention of Religious Abuse and/or Defamation, which impose restrictions on the right to freedom of expression and thought, conscience and religion.

*Prohibition of all forms of slavery*

- Enhance its legislation to criminalize child trafficking in all its forms, including for the purpose of sexual exploitation;
- Strengthen its efforts to eliminate child marriages.

**C. Economic, social and cultural rights**

*Right to work and to just and favourable conditions of work*

- Promote gender-equality in the workplace and take measures to remove obstacles for women's career advancement such as sexual harassment in the workplace and traditional gender role stereotypes.

*Right to health*

- Repeal laws limiting access to sexual and reproductive health services and provide contraception and family planning services, including to unmarried couples.

*Right to education*

- Ensure that education is available to all children, including asylum seeking and refugee children, children of migrant workers and children who do not have birth certificates.

**D. Rights of specific persons or groups**

*Women*

- Put an end to adverse cultural norms and deep rooted stereotypes regarding the roles, responsibilities and identities of women and girls;
- Repeal the Law 1/1974 authorizing polygamy, discriminatory inheritance rules, and restricting Muslim women to marry and divorce under civil law;



- Amend discriminatory by-laws in the Aceh province restricting women's rights in conducting their daily life.

#### *Children*

- Eliminate child labour, especially the worst forms of child labour in hazardous conditions in agriculture as well as exploitation of children in domestic and sex work;
- Prohibit corporal punishment in all settings, including in the home, schools, child care institutions and in the penal system.

#### *Persons with disabilities*

- Ensure that all children with disabilities have access to inclusive education, quality health care services and facilities, public space and infrastructure, among others;
- Amend its legislation to define denial in reasonable accommodation as a form of discrimination.

#### *Specific regions or territories*

- Ensure that there is no impunity for human rights violations thorough independent and impartial investigation of such violations that occurred in Papua and West Papua Provinces.