



General Assembly

Distr.: General
1 September 2022

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Forty-first session
7–18 November 2022

National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21*

Indonesia

* The present document is being issued without formal editing.



Contents

	<i>Page</i>
Introduction	3
General remarks on Indonesia's follow-up.....	3
Methodology and consultation process	4
Legal and institutional frameworks on human rights	4
A. Human rights legislation and institutions	4
B. Ratification of international human rights conventions.....	6
C. Human rights education and training	6
Ensuring fulfilment of human rights during the COVID-19 pandemic.....	7
Achievement, best practices, and challenges	8
A. Democracy and elections.....	8
B. Women empowerment and child protection.....	9
C. Rights of specific groups.....	11
D. Right to education	12
E. Right to health	13
F. Business and human rights	14
G. Revision of Penal Code	15
H. Rule of law, access to justice, and good governance.....	16
I. Protection of migrant workers	17
J. Combating trafficking in persons	18
K. Freedom of thought, conscience, and religion.....	18
L. Freedom of opinion and expression	19
M. Cooperation with international human rights mechanisms and institutions	19
Future directions.....	20

Introduction

General remarks on Indonesia's follow-up

1. Indonesia respects and upholds the fulfillment of human rights by the mandate stated in *Pancasila* and the 1945 Constitution of the Republic of Indonesia. Indonesia believes that the Universal Periodic Review (UPR) is a vital instrument in promoting and supporting human rights protection in every country through a constructive and genuine dialogue process. The Government of Indonesia (GoI) participated in the first UPR in 2008 and the second Review in 2012, followed by the third Review in 2017. Indonesia received 225 recommendations during the third Review, of which 167 were accepted, on matters related to the protection of women and children's rights, human rights education, good governance, institutions and policies, freedom of thought, conscience and religion, and others.
2. Against the backdrop of COVID-19, the fourth UPR is unique and unprecedented—with more focus on the interplay of human rights, especially the right to health, and matters concerning the COVID-19 pandemic. While many positive steps have been taken toward increasing the protection of human rights, there is still room for improvement since the impact of the pandemics brought new challenges, if not rolling back, the progress that has been achieved so far.
3. Nevertheless, the GoI has been agile and adaptive for the past few years, particularly amidst the existing and emerging human rights challenges arising from the pandemic. Indonesia's G20 Presidency theme of "Recover Together Recover Stronger" echoes the core principle of government inclusivity in pandemic responses and the notion that "no one is safe until everyone is safe."
4. While believing that there is no such thing as a panacea, the GoI has been employing prudent and adaptive approaches that prioritize its citizens' health and safety in balance with economic recovery efforts.
5. Health protocols and financial incentives programs have been enacted to ensure that the protection and fulfillment of human rights continue to be guaranteed. These programs include social benefits, cash transfer programs, electricity rebates, tax breaks, and the pre-employment card.
6. Moreover, the GoI has made many policy changes and initiated innovations to address the pandemic's impacts, including hindered access to education, increased violence against women and children, rising unemployment and poverty, and the spread of pandemic misinformation. During this critical period, stakeholders' participation in policy-making and contribution from business and philanthropy emerged to ease the government's burden.
7. As of the submission of this report, Indonesia, like other countries, is recovering from the impacts of the pandemic. Therefore, Indonesia's main message for the post-pandemic recovery is the need for stronger international solidarity and cooperation to ensure equal and robust recovery, including timely and equal access to COVID -19 vaccines, medicines, and therapeutics.
8. Despite the challenges posed by the pandemic, the GoI continues to improve the general welfare of all Indonesians, including redoubling its efforts to create equitable distribution of infrastructure development, economy, and social justice throughout its archipelago. In doing so, Law No. 3/2022 was enacted to provide a legal framework for establishing the new State Capital – *Nusantara*, in East Kalimantan, replacing Jakarta soon. Furthermore, Indonesia has also passed three laws that formed three new provinces in Papua to ensure effective implementation of the special autonomy policy.
9. As a staunch supporter of multilateralism, Indonesia has actively participated in the UPRs of other states at the United Nations Human Rights Council. This is reflected, for example, by Indonesia's role as a Human Rights Council troika co-facilitator that facilitated discussions and led consultations on the strengthening and optimization of the UPR with a view to its 4th cycle in 2020 and 2021 and its membership in the Human Rights Council 2020–

2022. Indonesia has announced its candidacy for the Human Rights Council for 2024–2026, further confirming the GoI's priority on human rights at home and internationally.

10. Efforts to fulfill Indonesia's obligations for various multilateral mechanisms continue to be carried out, among others, by conducting constructive dialogues with the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of Persons with Disabilities (CRPD) in 2021 - 2022. In 2023, Indonesia is scheduled to have a dialogue with the Human Rights Committee (ICCPR) and Economic, Social, and Cultural Committee (ICESCR).

11. Indonesia also continues to promote universal human rights norms through various initiatives and collaborations, including the Regional Conference on Humanitarian Assistance (2019 and 2021), the Regional Conference on Business and Human Rights (2021), and the Regional Seminar on the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2019 and 2022).

Methodology and consultation process

12. Immediately after the third Review, the GoI carried out a series of follow-ups on the results, which included holding (i) 5 discussions between ministries and institutions and (ii) 2 public disseminations with NGOs and the media in May-August 2017. Based on this process, the GoI accepted additional 17 recommendations, bringing the final number of recommendations accepted at the third review to 167.

13. Under the newly formed Working Group for Reporting/*Kelompok Kerja Pelaporan*¹, the Ministry for Foreign Affairs (MoFA) and the Ministry of Law and Human Rights (MoLHR) are responsible for following up on UPR recommendations and coordinating the preparation of this report. Since 2020, the WG mechanism has conducted an extensive inter-ministerial and multi-stakeholder consultation process, including regular and open consultations with national human rights institutions (NHRIs), civil society organizations, and the public. Due to the pandemic, new consultation methods had to be utilized when preparations for the report began, by holding meetings virtually.²

14. The consultation process has gathered several valuable opinions and comments that have been beneficial in writing the report. Stakeholders emphasized the importance of ratifying the remaining core human rights instruments and optional protocols, addressing past human rights abuses, promoting criminal justice reform and restorative justice, and addressing discriminatory regulations and by-laws.

Legal and institutional frameworks on human rights

A. Human rights legislation and institutions

15. In the National Mid-Term Development Plan (*Rencana Pembangunan Jangka Menengah Nasional /RPJMN*) 2020-2024, the GoI has set development priorities to achieve an independent, advanced, just, and prosperous Indonesian society. For its implementation, the GoI has conducted a series of structural reforms, deregulation, and de-bureaucratization.

16. The National Action Plan on Human Rights (NAP-HR)/*Rencana Aksi Nasional HAM* (RANHAM) continues to serve as the national guideline for ministries, agencies, and local governments to promote and implement human rights principles at the practical level.

17. Several achievements from the 4th NAP-HR implementation included increased local government participation in the NAP-HR reporting system from 12 provinces and 44 municipalities in 2015 to 32 provinces and 423 municipalities in 2020.³ The performance rate has reached 98.5 percent for ministries/agencies level, and almost 90 percent for local governments level, both of which show a high level of commitment of the central and local governments in implementing the human rights principles.

18. Despite challenges posed by the COVID-19 pandemic, the GoI remains committed to effectively implementing its NAP-HR. Through Presidential Regulation 53/2021, the 5th generation of NAP-HR for 2021–2025 was launched, focusing on accelerating the fulfillment of human rights of four vulnerable groups: women, children, persons with disabilities, and “Adat” Communities (*Masyarakat Hukum Adat*).

19. The Executive Office of the President's Monitoring and Evaluation System conducts regular evaluations of the NAP-HR implementations. The Secretariat of the National Committee of NAP-HR, consisting of five national ministries, ensures the performance and effective implementation of NAP-HR activities.

20. Law No. 11/2020 on Job Creation (Omnibus Law) was passed with a comprehensive scope to strengthen Indonesia's response to economic, environmental, and social issues. The GoI is improving the Omnibus Law in line with the Constitutional Court's decision⁴ and strongly committed to establishing sustainable support for business and investment while prioritizing the protection of the environment as well as human rights.

21. Several regulations have been issued after the third Review in 2017 related to the respect, protection, fulfillment, and promotion of human rights, among others: Law No. 5/2017 on the Advancement of Culture; Law No. 18/2017 on the Protection of Indonesian Migrant Workers; Law No. 15/2019 on Amendments to Legislation Making Law; Law No. 11/2019 on the National System of Science and Technology; Law No. 14/2019 on Social Workers; Law No. 16/2019 on Amendments to Marriage Law; Law No. 17/2019 on Water Resources; Law No. 19/2019 on the Second Amendment to Corruption Eradication Commission Law; Law No. 22/2019 on Sustainable Agricultural Cultivation Systems; Law No. 24/2019 on Creative Economy; Law No. 3/2020 on Amendments to Minerals and Coal Mining Law.

22. In combating violence against women, a key achievement was the enactment of the Sexual Violence Crime Law in April 2022. The new legislation strengthens the legal framework for the protection of women, especially enabling victims of sexual violence to seek justice and hold perpetrators accountable. The Law reaffirms Indonesia's commitment to CEDAW. Moreover, through the Minister of Education, Culture, Research and Technology (ECRT) Regulation No. 30/2021, the GoI strengthens the prevention and handling of sexual violence cases in universities.

23. In addressing violence against children, the GoI has been guided by the National Strategy for the Elimination of Violence Against Children/*Stranas PKTA* 2016 - 2020 and has adopted its 2021 - 2025 National Strategy through Presidential Decree No. 101/2022.⁵

24. Responding to public reaction to the implementation of the Electronic Information and Transactions Law/*Undang-Undang Informasi dan Transaksi Elektronik* (EIT Law), the GoI acknowledges the current challenges in applying the Law. The President has submitted a Bill to amend the EIT Law to the parliament for discussion. Meanwhile, the GoI has issued a Joint Decree on Guidelines for the Implementation of the EIT Law, which supports the application of restorative justice.

25. The GoI continues to improve the guiding and monitoring mechanisms to prevent discriminatory and/or intolerant local laws and by-laws. Through the Minister for Home Affairs (MoHA) Regulation No. 120/2018, the Ministry established a review mechanism to ensure local laws and by-laws comply with statutory regulations at the national and sub-national levels and uphold human rights principles. This review process prevents the issuance of intolerant regional regulations during the drafting stage or results in recommendations to the local government to revoke or amend existing laws. In 2019, the MoHA issued several letters requesting local governments to clarify and take steps in response to the National Commission on Violence Against Women/*Komnas Perempuan*'s study on discriminative laws toward women.⁶

26. In addition, the MoLHR also regularly reviews the content of by-laws that are reported to be discriminatory and/or intolerant by the public, NGOs, and NHRIs. Apart from this mechanism which is provided by the executive branch, individuals have the right to request the Constitutional Court and/or the Supreme Court to invoke a judicial review against these laws.

27. Presidential Decree No. 65/2020 allows the MoWCEP to not only coordinate but also provide comprehensive services, especially in assisting women and children who need special protection, including victims of violence, discrimination, exploitation, and other mistreatments. Moreover, the GoI has issued the Minister of WECP Regulation No. 2/2022 that regulates the standards for public service in women and children protection.

28. The GoI has adopted ten derivative regulations to support the implementation of the Law No. 8/2016 on Persons with Disabilities, including establishing the National Commission on Persons with Disabilities.⁷ As an independent institution, the Commission is tasked to address various challenges in fully implementing the rights of persons with disabilities through national complaint mechanisms and to provide recommendations to relevant stakeholders, including the Government.

29. Presidential Regulation No. 7/2021 has been issued concerning the NAP for the Prevention and Combating of Violence-Based Extremism Leading to Terrorism for 2020-2024/*Rencana Aksi Nasional Pencegahan dan Penanggulangan Ekstremisme Berbasis Kekerasan yang Mengarah pada Terorisme* (RAN PE). RAN PE contains activities to guide ministries, institutions, and local governments in preventing and overcoming threats of violence-based extremism that leads to terrorism.

30. The GoI also launched its second generation of the NAP for Protection and Empowerment of Women and Children in Social Conflict/*Rencana Aksi Nasional Perlindungan dan Perempuan dan Anak dalam Konflik Sosial* (RAN P3A-KS) through the Coordinating Minister for Human Development and Culture (CMfHDC) Regulation No. 5/2021 focusing on prevention, advocacy, community awareness-raising, and empowerment, particularly women's economic empowerment in social conflict.

B. Ratification of international human rights conventions

31. Indonesia has ratified 8 of 9 international human rights instruments. Regarding the recommendation to ratify the Convention for the Protection of All Persons from Enforced Disappearance (CPED), a national process is underway whereby the GoI has submitted the ratification bill to the House of Representatives.

32. The GoI is still in the process of reviewing the follow-up to the recommendation to ratify the Optional Protocol of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP CAT), including through consultations with civil society groups related to strengthening efforts to prevent torture, such as the Cooperation for the Prevention of Torture/*Kerja Sama untuk Pencegahan Penyiksaan* (KuPP), involving five NHRIs.

33. Meanwhile, considerations on the recommendations for other international instruments such as Rome Statute, ILO Convention 189, OP ICESCR, OP ICCPR, and OP CEDAW remain ongoing.

C. Human rights education and training

34. The GoI continues to improve human rights knowledge and awareness among law enforcement officials and all stakeholders.

35. In accordance with the Minister for LHR Regulation No. 41/2021, human rights training for all civil servants, including law enforcement officers continues to be conducted, which includes training materials on women's and children's protection, gender mainstreaming, the Law on the Elimination of Domestic Violence, the Law on the Eradication of Trafficking in Persons, the Child Protection Law, and the Juvenile Justice System Law.

36. As of 2021, 650 investigators, 1,536 public prosecutors, 2,240 judges, 546 correctional counselors, 175 legal aid providers, and 258 social workers have undertaken the training to handle children in conflict with the law.

37. From 2012-2019, the GoI implemented various programs to increase the capacity of government officials in handling cases of violence against women, including through:

(a) Special training on handling cases of women and children for 265 heads of women's police units, 307 police unit chiefs, 1,081 police officers, and special training on people trafficking investigations to 275 police officers;

(b) Gender-responsive and victim-centered training for handling trafficking cases for 497 prosecutors, judges, lawyers, and police officers from districts/cities with high rates of people trafficking cases.

38. Understanding the cross-border nature of trafficking in persons, the GoI has also conducted various trainings for diplomats and staff of the Ministry of Foreign Affairs – as mandated by the Presidential Decree on NAP-HR Year 2021-2025 –, which includes: (i) pre-deployment training on TIP for 235 participants in 2021; and (ii) annual training on protecting the child victim's rights for 133 participants in 2021.

Ensuring fulfillment of human rights during the COVID-19 pandemic

39. Facing the unprecedented COVID-19 pandemic, the GoI prioritizes the safety of the people by responsively making policy adjustments in various fields, including establishing a National COVID-19 Task Force to coordinate pandemic mitigation and response measures. Health protocols and economic incentives programs were enacted as well as special measures, including innovation in telemedicine, to ensure fulfillment of human rights amidst the challenges of the COVID-19 pandemic. Many specific protocols⁸ have also been issued to ensure responsiveness for women and children during the COVID-19 pandemic. For instance, the MoWECF coordinated with ministries/agencies and other relevant stakeholders to strengthen curative and rehabilitation services, including through the issuance of Guidelines for Elderly Protection with Gender Perspective during COVID-19 as a guide for social and health government services.

40. In accelerating health service delivery to all provinces, including remote areas, related ministries collaborate with the Indonesian Police and Army to boost vaccinations and assist health centers in villages to carry out close contact tracing and distribute social assistance to affected communities.

41. In 2021, the GoI launched the nation-wide Cash Assistance Program, namely the Family Hope Program targeting 10 million families, Non-Cash Food Assistance Program targeting 18.8 million families, and Cash Social Assistance targeting 10 million families. Moreover, the GoI also provides electricity rebates, tax breaks, and pre-employment cards to reduce the economic burden.

42. Throughout the COVID-19 pandemic, the GoI is committed to providing complete vaccinations to its people. However, due to the limited access to technology transfer and R&D capacities to develop the vaccines, Indonesia has not been able to manufacture them domestically. Health diplomacy has ensured ready stock for the 208,265,720-vaccination target population, including through a leadership role in COVAX AMC-EG.⁹ The GoI upheld the non-discriminatory principle in healthcare services by prioritizing several target groups, which included people vulnerable to geospatial, social, and economic aspects.¹⁰

43. The COVID-19 vaccination is provided free of charge. As of 4 August 2022, the GoI has administered 202,623,385 first doses (97.29%), 170,201,649 (81.72%) second doses, and 56,829,093 (27.29%) booster doses.¹¹ Approximately 46,507,695 children, 18,147,324 elderly, and 16,410 persons with disabilities have received at least the first dose of the vaccine. Advocacy using local wisdom is carried out to prevent and handle COVID, including vaccinations for *Adat* Communities.

44. The GoI reallocated approximately USD 4.1 billion in 2022 and USD 1.7 billion in 2021 to fund COVID-19 response and recovery programs. Healthcare workers receive financial incentives for their service in treating patients with COVID-19, with an allocated total budget of USD 600 million in 2021 and 800 million in 2022.

45. To fulfill children's right to education, the Ministry of ECRT (MoECRT) has issued numerous circular notes for learning adjustments during the pandemic, including addressing infrastructural constraints and improving internet connectivity for students and teachers, especially those in rural and remote areas.¹²

46. MoECRT has continued the disbursement of internet data assistance and Single Tuition Assistance/Uang Kuliah Tunggal (UKT) for students since the pandemic's beginning, to ensure the continuity of education. About 39.78 million students and 8.24 million university students who underwent "school from home" received free internet packages. The Government also alleviates the pressure on teachers, students, and their parents by eliminating national exams and easing online school registration processes.

47. The GoI also strengthens its mechanism of reporting cases of violence against women and children by launching the Friends of Women and Children Call Center Service (SAPA 129) and online messaging service, since March 2021. Meanwhile, offline services are still operating, particularly when children require rescue actions or access to courts, education, and health services.

48. To mitigate the spread of COVID-19 in correctional facilities and detention centers, the MoLHR issued regulation No. 10/2020 to grant assimilation rights to 69,006 detainees. As of 2022, the assimilation and integration policies continued to be enforced and have so far integrated 26,383 adult and juvenile detainees as well as provided assimilation to 69,654 adult and juvenile detainees.¹³ As of July 6, 2022, 80% of inmates have been vaccinated, and 91% of officers have been fully vaccinated.

49. The GoI has provided additional care and protection for Indonesian migrant workers throughout the COVID-19 pandemic, including by facilitating 221,815 Indonesian for safe repatriation from 2020 to 2021.

50. Moreover, Indonesian embassies and consulates have delivered over 500,000 emergency care packages to Indonesian migrant workers infected by COVID-19. Indonesian missions overseas also provided advocacy and assistance for Indonesian migrant workers who had not received the full payment of their salaries due to pandemic-induced financial hardship experienced by their employers. Through this program, the GoI helped obtain USD 11 million in 2021 and USD 9 million in 2020 backpay for migrant workers' unpaid salaries.

51. The GoI cooperates with foreign local governments to ensure Indonesian citizens living abroad access pandemic-related health services and vaccinations. Furthermore, the MoFA and the Ministry of Health (MoH) have collaborated to send vaccine doses to several Indonesian Missions abroad for Indonesian migrants.

52. In response to the psychological implications of the COVID-19 pandemic, the GoI, in collaboration with stakeholders, set up a call center called SEJIWA to ensure the fulfillment of the mental health rights of the community through education, consultation, and psychological assistance.¹⁴ Moreover, the Ministry of Social Affairs (MoSA) in 2020 launched Guidelines for Health Protection and Psychosocial Support for Persons with Disabilities in connection with the COVID-19 Outbreak, which includes regulations for ensuring inclusive services at Social Rehabilitation institutions for persons with disabilities¹⁵.

Achievements, best practices, and challenges

A. Democracy and elections

53. The 2019 general election has shown Indonesia's stable and well-functioning democracy. With over 192 million voters – 1.2 millions of whom are people with disabilities – the election was billed as the world's largest single-day general election to simultaneously elect the President, Vice President, and members of national and local legislatures.

54. In the following year, despite the challenges posed by the pandemic, Indonesia successfully held a second nationwide election in 2020 to elect local leaders from 9 provinces, 37 cities, and 224 regencies, with adjustments and health protocols imposed to ensure the safety of all voters.

55. By adhering to the principles of *Pancasila*, our society exemplifies its maturity as a well-functioning democracy that remains united to overcome the challenges of division in society during the election period. Disputes over election results were resolved through legal proceedings before the Constitutional Court, in conjunction with mechanisms provided by various electoral bodies in Indonesia, which have proven effective in resolving electoral disputes. This manner ensures transparency, provides political and legal education and paves the way for national conciliation.

56. Amidst the challenges faced by democracies during the pandemic, Indonesia continues to promote democratic norms in the Asia-Pacific region through the Bali Democracy Forum (BDF) in 2020 and 2021. Regional stakeholders exchanged best practices and lessons learned on how democratic principles are an enabler in ensuring an effective and inclusive response to the pandemic.

B. Women empowerment and child protection

57. The GoI continues mainstreaming its national development policies and programs from a gender perspective. Gender equality and the fulfillment of the child's rights are keys to achieving a national development plan.

58. In 2021, President Joko Widodo set forth five priority areas in women's empowerment and child protection plan: (i) Enhancing women's empowerment in entrepreneurship; (ii) Increasing the role of mothers in children's education; (iii) Eliminating violence against women and children; (iv) Eliminating child labor, and (v) Preventing child marriage.

59. One of the focuses of the women empowerment policy is increasing the role of women in economic sectors and decision-making. The GoI supports women's entrepreneurship, including through:

(a) Increasing financial inclusion by providing more comprehensive financial access through government-subsidized micro-credit (*Kredit Usaha Rakyat*/KUR), Revolving Fund Management Agency (*Lembaga Pengelolaan Dana Bergulir*/LPDB), community savings groups or cooperatives, and microfinance institutions;

(b) Organizing Entrepreneurship and Financial Literacy Training nationwide from 2015 to 2019 by the Ministry of SMEs, attended by 31,260 participants, 15,442 or 49.3% of whom are women entrepreneurs;

(c) Enacting Presidential Regulation No. 2/2022 to promote women and youth entrepreneurship in January 2022.

60. Participation of women in decision-making is also increasing, with 20.5% of women representatives in the Indonesian parliament for the 2019–2024 period. While yet to achieve the 30% representation target, this number is a significant increase from the previous period of 17.32%. The GoI continues to strengthen its legal framework to increase women's representation in legislative institutions and enhance women's leadership in rural communities.

61. Based on the 2018–2021 trend, the percentage of female workers in the formal sector tends to increase and the proportion of informal employment for women is significantly higher than men. There are 36.30% female workers in the formal sector, while 63.80% of informal employment is for women.¹⁶ Therefore, to support women's labor force, the GoI adopts gender-responsive regulations and policies that ensure equal remuneration and work-life balance. Integrated rooms for childcare and nursery rooms are increasingly provided in offices, apartments, and public places.

62. To combat violence against women in the workplace, the GoI has issued Guidelines on Prevention of Sexual Violence at the Workplace,¹⁷ a set of recommendations for protecting women against sexual violence, and a settlement process for victims and perpetrators. The Ministry of Manpower (MoM) circulated the Guideline through district governments at the gubernatorial, regent, and mayoral levels.

63. Local governments have established Regional Technical Units on the Protection of Women and Children/*Unit Pelaksana Teknis Daerah dalam Perlindungan Perempuan dan Anak* (UPTD PPA) to manage and deliver services, including special protection to victims and/or survivors of violence against women and children.¹⁸ Currently, these units are located in 29 provinces and 98 regencies/cities across Indonesia.

64. The UPTD PPAs have specific mandates to: (i) receive community reports on cases; (ii) reach victims or survivors; (iii) handle cases in courts; (iv) host survivors in safe houses/crisis centers; (v) mediate; (vi) accompany survivors. In carrying out its mandates, UPTD PPAs closely work and coordinate with other government agencies.

65. To increase data availability on cases of violence against women that are current, real-time, accurate, and accessible to all women and children's service units at the provincial and district/city levels, the GoI has created an online complaint and data collection application system called SIMFONI PPA. The system is ISO-27001 certified and has been implemented in 548 UPTD at the provincial level, 419 Integrated Women and Children Empowerment Service Centers/*Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak* (P2TP2A), 427 Police Units, and 337 Health Care Facilities. As of January 2022, SIMFONI PPA data recorded more than 10,247 cases of violence against women, with most victims related to domestic abuses. The GoI is fully aware that the reported cases signal the need to improve public awareness and training to prevent violence against women.

66. The GoI also continues to ensure the availability of public health centers and hospitals capable of managing cases of violence against women and children. So far, 2,758 primary health care and 466 hospitals in 289 districts/cities are qualified to manage these cases, and 232 hospitals are equipped with Integrated Service Centers/Integrated Crisis Centers¹⁹. Additionally, 25 hospitals and 18 health centers in entry points are appointed and prepared for arriving Indonesian Migrant Workers in need of health services.

67. The GoI also encourages establishing Community Based Child Protection Services to improve the early detection of violence cases at the sub-district level. The MoSA has built integrated health and legal services in several provinces called Child Social Protection Houses/*Rumah Perlindungan Sosial Anak* (RPSA). RPSA operates as an emergency shelter and a long-term protection and rehabilitation house, where child victims can stay for up to 6 months or more if needed.²⁰

68. The Indonesian police force has also strengthened its law enforcement infrastructure by providing 233 specialized and standardized service rooms. As of 2021, there are 528 Women and Children Service Units spread across 34 provinces in Indonesia. The plan to upgrade the Units from the sub-directorate level to the Directorate level is ongoing.

69. MoH Regulation No. 6/2014 prohibits all medical practitioners from performing female genital mutilation. Efforts to end female circumcision include awareness-raising programs and advocacy using a multi-stakeholder approach. The MoH is developing guidelines and tools to equip health workers with the knowledge to inform and educate the community about the consequences of female circumcision, particularly for those who request female circumcision in health facilities.

70. National Scholars of Islamic Boarding Schools and Islamic Organizations adopted the *Risalah Bogor* in 2018 to engage scholars and community leaders in providing a comprehensive understanding of the dangerous practice of female circumcision. The GoI further collaborated with religious and cultural leaders and communities to raise awareness for 45,626 non-civil servant religious instructors and around 5000 civil servant religious instructors. Religious instructors have utilized lectures and counseling at the sub-district level, Islamic forums, and Friday sermons to prevent female circumcision.

71. The GoI continues efforts to eliminate child labor. According to the 2019 National Labor Force Survey data, 2.36 million workforces are children aged 10-17 years or around 6.35%. To address this, the GoI works with NGOs and the business sector to continue to carry out the NAP on the Elimination of the Worst Forms of Child Labour/*Rencana Aksi Nasional Penghapusan Bentuk-Bentuk Pekerjaan Terburuk untuk Anak* (RAN-PBPTA).

72. From 2008–2020, the Child Labor Reduction Program successfully attracted 143,456 child workers to return to schools. MoWECF has also drafted the 2020-2024 strategic plan

for reducing child labor, which includes: (i) Prioritizing preventive action against child labor involving families, schools, and communities; (ii) improving the reporting system and complaints services about the occurrence of child labor; and (iii) reforming the management of child labor cases.

73. Indonesia has made significant progress in preventing early/child marriage. In 2019, the GoI has amended the minimum age limit of women to marry at 19, equal to men, as stated in Law No. 16/2019 on Amendments to Law No. 1/1974 on Marriage.²¹

74. Nevertheless, dispensation on early/child marriage is still allowed, and there are challenges during the pandemic in which the demand for dispensation has increased. The Supreme Court has issued Regulation No. 5/2019 concerning Guidelines for Marriage Dispensation Rules. The Guidelines ensure that judges' primary legal considerations in granting or refusing a marriage dispensation cases are based on strict measures, emphasizing the urgency factor, and considering religious values.

75. The GoI continues programs to address the underlying factors of early/child marriage, such as (i) providing free 12 years of primary education; (ii) youth skills development to ensure future careers, (iii) improving family welfare systems and economic resilience; and (iv) increasing awareness of health risks in early pregnancy for children.

76. On corporal punishment, several legal frameworks, including Article 54 of Law No. 35/2014 on Amendments to Law No. 23/2002 on Child Protection, regulates the prohibition of corporal punishment, including within the family, school, and child care. As of 2021, the GoI conducted training on the Application of Positive Discipline in 9 Provinces to strengthen the capacity of educators in junior and senior secondary education. In 2021, the MoECRT launched a working group on preventing and handling violence in schools that focuses on bullying, sexual violence, and intolerance.

C. Rights of specific groups

Persons with disabilities

77. To accelerate mainstreaming disabilities issues into the national development agenda, the GoI has launched NAP on Persons with Disabilities 2021-2024. It aims at strengthening inter-ministerial and agency coordination as well as the participation of *Organisasi Penyandang Disabilitas/Disabled Persons Organizations* in the planning, implementation, and evaluation processes of respecting, protecting, and fulfilling the rights of persons with disabilities. The NAP is also equipped with guidelines for local governments in formulating local action plans to encourage inclusive development at local level.

78. To better provide access to justice, the GoI enacted Government Regulation No. 39/2020 on Decent Accommodation for Persons with Disabilities in Judicial Proceedings. In 2022, in collaboration with civil society and academics, a handbook was launched to guide law enforcement officers in providing accessibility and decent accommodations to persons with disabilities in all judicial proceedings and correctional facilities.²²

79. The MoM has issued several regulations to fulfill the rights of persons with disabilities to obtain employment, including: Government Regulation No. 60/2020 concerning the Disability Service Unit in the Manpower Sector; and (b) Ministerial Regulation No. 21/2020 concerning Guidelines for Implementing Disability Service Units in the Manpower Sector;

80. To ensure the implementation of Article 53 of the Law on Persons with Disabilities, the GoI incentivizes state-owned enterprises (SoEs) and Regional SoEs that successfully meet their obligation to employ 2% disabled workers and companies that employ disabled workers 1% of the total number of employees. As of June 2022, there are 1271 workers with disabilities in 73 SoEs and 4554 in 588 private companies.

Older persons

81. The GoI continues to ensure that older persons can carry out their daily life more independently, focusing on their right to health and empowerment.

82. Presidential Decree No. 88/2021 on the National Strategy for Aging has been enacted to strengthen the coordination and harmonization of policies and regulations amongst governmental bodies at the national and provincial levels related to older persons' rights.

83. Regarding older persons' rights to health, the NAP on Elderly Health 2020-2024 has been adopted and integrated with the targets of the National Strategy for Aging and the SDGs. Previously, the first NAP 2016-2019 resulted in various achievements: a) age-disaggregated health data collection in all provinces, and b) establishment of home care services in 259 cities/regions in 26 provinces and long-term care in 73 cities/regions in 21 provinces.

84. Indonesia celebrates the National Day of Elderly People every 29 May as a public awareness-raising campaign on elderly issues. The MoWECP strengthens gender-based protection of older persons through the 'Love for the Elderly Movement'/'*Gerakan Sayang Lansia*'. The GoI also routinely provides humanitarian remission to elderly inmates during the national celebration. Meanwhile, the Jakarta Statement on the Treatment of Elderly Prisoners continues to be encouraged by the MoLHR to become the basis for realizing international standards regarding the treatment of elderly inmates.

Masyarakat Hukum Adat/ "Adat" Communities

85. Considering the unique nature of *Masyarakat Hukum Adat (MHA)*/ "Adat" Communities, the GoI continues its efforts to accommodate and protect MHA, as guaranteed in the Constitution. Law No. 6/2014 on Villages has mandated local governments to further recognize and protect MHA within its region. Local governments are also encouraged to use the MoHA Regulation No. 52/2014 on the Guidelines for Recognition and Protection of MHA as the basis for local regulations in recognition and protection of MHAs. MHA's rights are further enforced in various national regulations, including in 34 regulations at the provincial and district levels, related to rights to forestry, fishing, and natural resources management.

86. The MoLHR Regulation No. 13/2017 regarding the Communal Intellectual Property Data, protects the intellectual property rights of the MHA. The Law ensures that any intellectual property that comes from MHA will be attributed to them as well as the commercialization benefits that comes from it (including traditional culture expression, traditional knowledge, and genetic resources).

87. At the national level, the CMfHDC has established the Coordination Team for Advocacy Services for Local Religions and MHA/*Tim Koordinasi bagi Penghayat Kepercayaan dan Masyarakat Adat (TIKOR)* through Decree No. 24/2021. TIKOR consists of 28 ministries/bodies to ensure a coordinated approach to the fulfillment and protection of MHA and local believers.

88. Throughout 2020 and 2021, the TIKOR has been involved in resolving land disputes between MHA and other parties in the Nusa Tenggara Timur Province, ensuring access to education to the followers of local religions, establishing a study program regarding local religions²³, increasing the economic capacities especially of SMEs, and accelerating the vaccination of various MHA in Sumba, Toraja, Lebak (Baduy), and Sukabumi.

D. Right to education

89. The GoI continues to allocate a minimum of 20% of the state budget (APBN) and local budget (APBD) for education. To expand access to education, the GoI launched the Smart Indonesia Program/*Program Indonesia Pintar* in 2014 and the 12-year Compulsory Education Movement in 2015, aiming to address the problem of school dropouts by helping children from poor/vulnerable families to complete secondary education.

90. To guarantee that all school-aged children from disadvantaged families receive financial assistance up to the completion of secondary education, the GoI has launched the Smart Indonesia Card/*Kartu Indonesia Pintar (KIP)* Program. In 2019, 169,127 students benefited from KIP funding to support personal student costs including school supplies, transportation and additional competency test fees.

91. In ensuring education in the frontier, outermost, and disadvantaged (*Terluar, Terdepan, Tertinggal/3T*) areas, the GoI has provided access to information and communication technology (ICT) support. Concurrently, the GoI also continues to assign educators and build new schools in Indonesia's outermost regions.

92. The School Operational Assistance/*Bantuan Operasional Sekolah* (BOS) supports funding of schools in 3T areas with an allocation of USD 176 trillion in 2021. In 2020, BOS was allocated to elementary schools (377 districts), junior high schools (381 districts), senior high schools (386 districts), vocational high schools (387 districts), and special needs schools (390 districts). Transparency, accessibility, and accountability of the BOS programme is continuously improved through online reporting and direct transfer mechanisms from the Ministry of Finance (MoF) to schools.

93. With a 99.26 percent School Enrollment Rate in 2020, almost all children entitled to primary education are pursuing formal education. Likewise, the Net Enrollment Rate of 97.69 percent indicates high access to education for the primary-age population. At all levels of formal education, the opportunities for boys and girls to attend school are almost the same. Nevertheless, the GoI continues efforts to overcome the challenge of ensuring access to education for middle and high school levels.²⁴

94. The GoI continuously works to fulfill the rights to education for children of migrant workers. For example, in 2021 there were 18,439 children studying in community learning center services in Malaysia, which are equivalent to primary education level.

E. Right to health

95. In 2014, the GoI implemented health financing and services reforms by launching the National Health Insurance Schemes/*Jaminan Kesehatan Nasional-Kartu Indonesia Sehat* (JKN-KIS) to ensure access to healthcare for all and to provide financial protection. JKN-KIS provides health services in all public hospitals belonging to central and local governments, including private hospitals. As of January 2022, JKN-KIS covered more than 236.28 million people, or 86.8% of the total population in Indonesia. Moreover, the GoI has launched JKN's mobile application to deliver teleconsultation services.

96. Presidential Decree No. 82/2018 on Health Insurance further strengthens the GoI's efforts to ensure universal health care. It guarantees the rights of all citizens to receive individual health services, including promotional, preventive, curative, and rehabilitative services.

97. To strengthen access to health insurance for all, the Beneficiary of National Health Insurance Fees Assistance/*Penerima Bantuan Iuran Jaminan Kesehatan* (PBI-JK) program, supported the economically underprivileged populations. The PBI-JK beneficiaries are determined annually by the MoSA, and the GoI has increased the budget to USD 2 billion. As of October 2021, the number of recipients has reached 95,060,000 people.

98. The number of first-level health facilities that provide health services under the JKN-KIS schemes has increased from 18,437 in 2014 to 23,360 in January 2022, consisting of Community Health Centres/*Pusat Kesehatan Masyarakat* (Puskemas), pharmacies, laboratories, and independent midwives and doctor practices. Meanwhile, second-level health facilities increased to 2,816 in 2022, consisting of private, public, and special hospitals.

99. In fulfilling the right to health for people in remote areas, the GoI established the *Nusantara Sehat* program to send health workers to remote locations.²⁵ As of June 2022, more than 7,250 health workers have been stationed in remote areas across Indonesia, totaling 19,465 deployments since its establishment.

100. Combating HIV/AIDS remains a national priority, with the MoH accelerating access to antiretrovirals/ARVs. Meanwhile, JKN-KIS covers treatment for diseases caused by complications stemming from AIDS.

101. Presidential Regulation No. 31/2019 on the Utilization of Specialist Doctors ensures the availability of specialist doctors in remote areas by establishing policies and formulating plans to distribute specialist doctors based on the public needs.

102. To ensure health services in disadvantaged, frontier, and outermost areas/*Daerah Tertinggal, Perbatasan, dan Kepulauan* (DTPK), the GoI is committed to improving service standards and the number of mobile health services/*Pelayanan Kesehatan Bergerak* (PKB). In 2021 there are 51 PKB, and by 2024 the number is targeted to increase threefold to 150.²⁶

103. Reducing maternal mortality rate (MMR) and improving access to sexual and reproductive healthcare services across the country continue to be a high priority on the national agenda. Through pre-service and in-service training, the GoI has also increased the number of general practitioners, specialists, midwives, and paramedics with enhanced medical skills. MMR continues to drop from 346 per 100,000 in 2010, 305 per 100,000 in 2015, and 177²⁷ per 100,000 in 2017.

104. The Childbirth Insurance Program (*Jaminan Persalinan/Jampersal*) is employed to reduce maternal and child mortality rates targeting community members with limited access to health insurance. Since 2017, trends in under-five mortality rates²⁸ decreased from 25,6 deaths per 1,000 live births to 23 deaths per 1,000 live births in 2020. As of 2019, Jampersal covers services in 33 provinces and 497 regencies/cities, including financing antenatal services, delivery assistance by health personnel, postpartum services, and family planning services. The GoI has also improved facility-based outreach service by increasing the quality and number of primary cares, which implements essential and comprehensive emergency obstetrics and newborn care.

105. The GoI continues strengthening the supply and distribution program of contraceptive devices, medicine, and services for reproductive health facilities. Moreover, the GoI continues to improve infrastructure to ensure unhindered access to health facilities in remote areas.

106. The capacity of family planning field workers to provide information, education, and communication and maintain participation in family planning has also been strengthened. Social and economic backgrounds often influence the understanding and practice of family planning. Thus, a more comprehensive intervention at the village levels is one of the main targets.

107. According to MoH Regulation No. 4/2019, health workers provide essential services per the Minimum Standard of Services in health facilities belonging to the central government, local government, and the private sector according to their competence and authority.

F. Business and human rights

108. Indonesia continues to lead and strengthen the mainstreaming of human rights principles in business activities by promoting the United Nations Guiding Principles (UNGP) on Business and Human Rights (BHR) at home and abroad.

109. To help businesses identify and mitigate potential human rights impacts arising out of their business activities, the MoLHR in 2021 launched a web-based application called PRISMA (*Penilaian Risiko Bisnis dan HAM*/Business and Human Rights Risk Assessment).

110. Moreover, Indonesia established the National Task Force on BHR (*Gugus Tugas Nasional Bisnis dan HAM*) in 2021– a multistakeholder partnership between the government, civil society organizations, and business associations. The National Task Force is currently finalizing a National Strategy on BHR to adopt the UNGP at the national level. Three main strategies being proposed are (i) improvement of understanding, capacity, and promotion of all stakeholders; (ii) development of regulations or policies that support respect for human rights; (iii) ensuring recovery and access to justice for victims of the business activity. Moreover, provincial task forces on BHR have been established in 9 provinces.

111. To mainstream the principles in the Asia Pacific Region, in November 2021, Indonesia hosted the Regional Conference on Business and Human Rights (RCBHR). The theme “United Nations Guiding Principles: A Pathway to Rebuild Sustainable and Resilient Business During the COVID-19 Pandemic and Beyond” encourages stakeholders to engage

one another and consider how to better advance human rights in the context of business in the post-pandemic period.

G. Revision of Penal Code

112. For years, finalizing the Penal Code Bill has become a national priority to accelerate criminal legal reform in Indonesia and replace the current Penal Code, which is a product of the colonial period. The revision of the Penal Code put forward the principle of restorative justice and was meant to update the Penal Code with contemporary developments in criminal law. The Bill is currently listed in the 2022 National Legislation Program and has become part of the RPJMN 2020-2024.

113. In 2021, the GoI carried out a public consultation on the Penal Code Bill in 12 regions in Indonesia to receive input from stakeholders and to ensure that the public could obtain comprehensive information regarding the revisions of the Penal Code.

114. Some proposed changes in the Bill that are in line with previous recommendations are as follows:

(a) Aligning the definition of torture with the UNCAT. Other related articles on torture crimes are also submitted according to the principles of preventing and eradicating torture in law enforcement activities;

(b) Reform the national criminal legal and justice system whereby imprisonment is proposed to be no longer the primary type of punishment for criminal acts. Other criminal sanctions alternatives include fines, supervision, and social work. The proposed changes are expected to reduce correctional facilities overcrowding, thus improving the conditions of correctional facilities;

(c) The proposed definition of acts punishable under the crime of terrorism is in line with Law No. 5/2018 concerning Terrorism, which provides safeguards covered by international legal instruments.

115. Furthermore, the Penal Code Bill will consider any forms of discrimination as punishable offenses by criminalizing those who commit the act, those who commit other actions in the context of discrimination, and those who publicly incite others to commit discrimination. This addition will strengthen the national anti-discrimination framework in conjunction with the current Law No. 40/2008.

116. The GoI has introduced new reforms regarding capital punishment. Under the new Penal Code, the death penalty will not be considered a principal criminal punishment but rather an alternative form of sanction with a high possibility of commutation.

117. Commutation of death sentences has also been incorporated within the Penal Code Bill. Article 100 of the draft stipulates that a judge may impose the death penalty with a probationary period of 10 (ten) years. Consequently, if a convict demonstrates good behavior during this period, their sentence may be commuted to life imprisonment by Presidential Decree upon consideration by the Supreme Court. Furthermore, Article 101 stipulates another possibility of sentence commutation, wherein after a request of clemency has been rejected and a death penalty has not been carried out after 10 years of sentencing, the death penalty could be commuted into life imprisonment by virtue of a Presidential Decree.

118. The death penalty remains a part of Indonesia's positive law, where its application is safeguarded under the ICCPR and other international legal instruments. The GoI continues to note various concerns from civil society on this issue and continues to facilitate the submission of legal remedies for transferring the death penalty into a life sentence.²⁹

119. It is important to note that in Indonesia, the death penalty is only imposed against what is regarded as the most serious crimes in society and causes a detrimental impact on society as a whole. It is only used as a last resort (*ultimum remedium*), undertaken through a series of strict and exhaustive due process of law.

H. Rule of law, access to justice, and good governance

120. Indonesia has further promoted restorative justice principles in its criminal justice system.³⁰ In 2020, the Attorney General issued Regulation No. 15/2020 that sets out restorative justice principles for certain criminal cases, allowing possible settlement that could terminate the prosecution process. The Supreme Court is formalizing a guide to implement restorative justice principles in the general court.

121. In 2022, the parliament adopted revisions on Law No. 12/1995 concerning Correctional Law. The revised law has further strengthened the correctional process in criminal justice, from pre-adjudication to post-adjudication, in order to ensure full implementation of restorative justice. Furthermore, it ensures that inmates are granted their rights in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners (“Mandela Rule”). While the Law may not be directly able to address the overcrowding in correctional facilities, it is hoped that it will significantly reduce correctional facilities populations.

122. Regarding the juvenile justice system, the GoI continues to provide facilities and infrastructure, human resources and strengthening institutional services to prevent children from committing crimes or recommitting crimes and to ensure fair treatment throughout all levels of investigation, prosecution, examination in court and guidance after a court decision. To ensure this commitment, the Attorney General’s Office (AGO) has issued numerous policies that includes the process of diversions, examinations, restitutions, and compensations.³¹

123. As a preventive measure, as of 2019, community outreach programs have been carried out in 43,277 regional units throughout Indonesia to conduct counseling for children in conflict with the law to prevent further crimes. The “Women Police Goes to School” program was introduced to disseminate the prevention program.

124. In strengthening supporting infrastructures, as of 2019 the GoI has established 362 child-friendly courtrooms (separated from adult rooms), 302 courts with dedicated diversion rooms, 287 courts with a child-friendly waiting room for children who are not detained, and 276 Courts with child-friendly waiting rooms for children in conflict with the law. Except for one province, all 33 provinces have their own juvenile special correctional facilities (*Lembaga Pembinaan Khusus Anak / LPKA*).

125. Through active participation in the Open Government Partnership (OGP), the GoI continues to improve good and accountable governance.³² The NAP for Open Government Indonesia 2020-2022 contains 18 co-creation commitments between related ministries and civil society organizations, including public service innovations for the vulnerable, budget transparency, data integration, and increased accountability in villages. The implementation of OGP is also being disseminated to local authorities through the Local OGP network. To date, five districts/cities have joined.³³

126. The GoI is committed to investigating allegations of past human rights abuses. According to the Indonesian legal system, there are two mechanisms to solve allegations of past human rights abuses: 1) through the judicial process, in which Komnas HAM/*National Commission on Human Rights* (NCHR) and the AGO are mandated to conduct investigations³⁴; and 2) through non-judicial settlement mechanisms. The commitment to continue identifying victims of past human rights abuses is also stated in the National Mid-Term Development Plan.

127. The Government Regulation No. 7/2018 and No. 35/2020 on the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims ensure medical assistance and psychosocial and psychological rehabilitation. The GoI continues to strengthen collaboration with Komnas HAM and the Witness and Victim Protection Commission/*Lembaga Perlindungan Saksi dan Korban* (LPSK) to locate and deliver proper protection, rehabilitation, and reparation to said victims. By the end of 2021, LPSK has provided medical, psychological, and psychosocial assistance to 4,034 victims and witnesses of 7 past human rights abuse cases.

128. Moreover, AGO and Komnas HAM are working together to solve cases of past human rights abuses, including the Paniai Case, in which the AGO has declared that there is sufficient evidence to bring to trial. The trial is set to start when this report is submitted.

129. In addition to the judicial process, the GoI is also taking measures to provide a non-judicial settlement mechanism. The Coordinating Ministry for Political Legal and Security Affairs (CMoPLS) has established a Task Force mandated to assist victims. For the first phase, the Task Force has aided the Talangsari Case victims in 2019. The Task Force is currently preparing to deliver assistance for other past human rights abuses.

130. For the alleged past human rights abuses in Aceh, the work of the Aceh Truth and Reconciliation Commission has shown positive progress, despite facing many challenges in the field. The Commission has conducted meetings and interviews with thousands of victims and families of the victims from 14 cities/regencies and heard the testimony of 50 victims from different human rights cases in Aceh. Moreover, based on the Commission's Recommendation to provide urgent reparations for 245 victims, the Governor of Aceh issued a decree in 2020 to deliver the stated reparations.

I. Protection of migrant workers

131. Indonesia continues strengthening its migrant workers' protection policies by improving legal frameworks and implementing capacity-building programs.

132. In November 2017, the GoI enacted Law No. 18/2017 on the Protection of Indonesian Migrant Workers, which replaced Law No. 39/2004 on the Placement and Protection of Indonesian Overseas Workers. The 2017 Law includes norms and principles in the International Convention on the Protection of All Migrant Workers and Members of Their Families (CMW), which Indonesia ratified in 2012. It also provides a more robust legal basis for the protection of Indonesian migrant workers, including (i) protection of families of migrant workers, (ii) protection of migrant workers before, during, and after their working period, (iii) guidelines on the administrative and technical arrangements for protection, and (iv) clearer division of responsibility between the Government and the private sector in their role to facilitate the placement and protection of Indonesian migrant workers.

133. During the COVID-19 pandemic, the MoM, through its Decree No. 294/2020, limits the placement of Indonesian Migrant Workers to only several countries and sectors deemed safe. The GoI prioritizes receiving countries with access to primary health care and vaccination for migrants.

134. Even though the GoI postponed the placement process, it continues to expand the opportunities to create safe, orderly, intensively, and regular pathways for Indonesian Migrant Workers following its commitment to Marrakech Compact on Migration 2018. The GoI has set policies for better placement protections in bilateral cooperation with numerous traditional and non-traditional countries' destinations for various job sectors.³⁵

135. On April 1, 2022, the GoI and the Government of Malaysia signed an MoU regarding the placement and protection of domestic Indonesian migrant workers. The MoU strengthens the protection system by regulating the use of a one-channel system for the placement, monitoring, and return of Indonesian Migrant Workers. Since 2017, Indonesia has also concluded 6 (six) bilateral agreements and MoUs regarding the protection and placement of migrant workers.³⁶ At the same time, the placement of domestic workers in Middle East countries, except for Saudi Arabia, remains to be postponed pending better protection arrangements.

136. Apart from strengthening bilateral cooperation on placement and protection for migrant workers, the GoI continues to enhance the national capacity to deliver consular assistance to more than 3 million Indonesian citizens overseas. In 2018, the GoI launched the Safe Travel mobile application and the *Portal Peduli WNI* web-based application to provide easy access to consular services and emergency assistance for Indonesians overseas. *Portal Peduli WNI* has been integrated into several critical national information systems, such as the immigration and civil registry. All services are provided to Indonesian citizens irrespective of their immigration status.

137. The GoI launched the Productive Migrant Village program in 2016. The program provides capacity building, financial literacy training, and entrepreneurship workshops for returned migrant workers to improve their livelihoods. In 2019, the GoI implemented the Productive Migrant Village in 150 villages across 11 provinces.

138. As one of the 32 leading countries in migration issues, Indonesia continuously strengthens international cooperation in the management and global migration administration. Indonesia is currently drafting a NAP to implement the Global Compact for Migration (GCM). This NAP aims to create comprehensive coordination between stakeholders to implement the GCM at the national and local levels.

J. Combating trafficking in persons

139. Indonesia continues to strengthen its efforts to combat trafficking in persons (TIPs), including by extending the work of the National Task Force on TIPs. The Task Force now has a local office in 32 provinces and 251 municipalities (an increase from 31 provinces and 151 municipalities in 2017). Currently, the GoI is drafting the National Action Plan on Combating TIP (NAP-TIP) for the next cycle.

140. Spread across 34 provinces and 436 municipalities in Indonesia, the P2TP2A is tasked with providing protection services for women and child victims of TIPs, including legal assistance, psychological counseling, and rehabilitation services.

141. Indonesia actively advocates measures to address TIPs at the regional level through ASEAN and the Bali Process mechanism. Indonesia initiated the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, and ratified it in November 2017. Furthermore, through the Bali Process Working Group on Trafficking in Persons (WG TIP), several important achievements have been made, such as the publication of Policy Guide on Criminalizing Trafficking in Persons, Policy Guide on Identifying and Protecting Victims of Trafficking in Persons, and Policy Guide on Following the Money on Trafficking in Persons Cases.

K. Freedom of thought, conscience, and religion

142. The Ministry of Religious Affairs (MoRA) is now mainstreaming “Religious Moderation” to promote the ‘middle way’ for people to live peacefully in religious harmony. Religious Moderation is included in the 2020-2024 RPJMN, in which seven groups are identified to play pivotal roles in mainstreaming religious moderation: bureaucrats, educators, security forces, media, civil society, political parties, and business sectors.³⁷

143. To ensure its effective application in the field, the GoI has established a 2020-2024 Roadmap for Strengthening Religious Moderation and is currently drafting a presidential regulation on strengthening religious moderation. The Roadmap consists of: (i) developing infrastructure for strengthening the perspective of religious moderation; (ii) enhancing the view and capacity of state administrators and religious institutions; (iii) mainstreaming the standpoint of religious moderation in Indonesia’s spiritual life on all fronts; and (iv) strengthening religious harmony and religious life from the perspective of religious moderation.

144. To improve regulations and strengthen the role of local governments and Religious Harmony Forum/*Forum Kerukunan Umat Beragama* (FKUB), the MoRA is planning to submit a draft Presidential Regulation in replacement of the Minister of Religion and Minister of Home Affairs Regulation/*Peraturan Menteri Bersama* (PMB) No. 9/2006 and 8/2006.

145. Having an immensely diverse population, friction related to religious beliefs remains to be a significant challenge in Indonesia. To address this issue, the GoI has set a dispute resolution mechanism that involves MoRA’s Center of Religious Harmony, public figures, local governments, grassroots communities, and security forces. This mechanism was used, among others, to settle the Yasmin Church dispute.

L. Freedom of opinion and expression

146. Indonesia's Constitution guarantees human rights and equality before the law for all Indonesians, including human rights defenders, who are vital partners in advancing human rights in all backgrounds and professions.

147. The guarantees and protection of the freedom of opinion and expression are enshrined in the Indonesian Constitution Article 28E paragraph (3), Law No. 39/1999 on Human Rights, Law No. 9/1998 on the Freedom of Expressing Opinion in Public, and Law No. 11/2008 on EIT Law.

148. The Komnas HAM, in the context of exercising its mandate of research and counseling of human rights, released Human Rights Norms and Regulations Standards/*Standar Norma dan Pengaturan* No. 6 as a guideline for respecting, protecting and fulfilling the rights of human rights defenders. It provides national definition, assessment, and guidance to operationalize human rights norms regarding human rights defenders' protection while still referring to international human rights principles and standards.

149. Moreover, the GoI has enforced the Anti-Strategic Lawsuit Against Public Participation (*ANTI SLAPP*) in its legal system to protect human rights defenders related to environmental issues.³⁸ By the same token, Chief Justice of the Supreme Court's Decree (KMA) No. 36/2013 concerning the Implementation of Guidelines for Handling Environmental Cases provides human rights defenders with legal protection during and before judicial proceedings.

150. Noting the concerns from groups of civil societies regarding the application of EIT law, the GoI is engaged in a continuous process to evaluate and refine the implementation of EIT Law, including in:

(a) The application of restorative justice in the law enforcement process focuses on efforts to find solution and reparation for victims of fake news/hate speech;

(b) Review of EIT Law by a team established by the CMoPLS.³⁹ The team has completed its task by recommending several articles in the EIT Law to be revised and formulating guidelines for their implementation;

(c) The issuance of a Joint Decree of the Ministry of Communication and Information Technology (MoCIT), Attorney General, and Chief of the National Police in 2021 on the Implementation of Certain Provisions on EIT Law. The Joint Decree provides as a guideline for law enforcement officers at the level of investigation and prosecution in applying criminal provisions of illegal content in the EIT Law, thus ensuring its consistency in protecting freedom of expression.

M. Cooperation with international human rights mechanisms and institutions

151. As a member of the UN Human Rights Council for the period of 2020-2022, Indonesia remains steadfast in promoting universal human rights principles, primarily through a constructive approach and with capacity support. During this membership, the GoI has promoted universal human rights principles at the regional level through various activities such as the Jakarta Conversation on Human Rights (2018), the Regional Conference on Humanitarian Assistance (2019 and 2021), Regional Conference on Business and Human Rights (2021), and the Regional Seminar on the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2019 and 2022).

152. Indonesia also maintains communication and cooperation with the UN Special Procedure Mandate Holders (SPMH) on various issues. At the invitation of the GoI, Indonesia has received the visit of the Special Rapporteur (SR) on the Right to Health, Darius Puras (March 2017) and the SR on the Right to Food, Hilal Elver (April 2018), as well as the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein (February 2018).

153. From 2017 to present, various concerns of the SPMH have also been responded to in time by the GoI in writing. On this note, the GoI consistently encourages constructive

engagement and emphasizes improvements and progress taken by the GoI to address any alleged human rights violations in Indonesia.

154. At the regional level, Indonesia continues to play a leading role in the work of the ASEAN Intergovernmental Commission on Human Rights (AICHR), including by hosting the ASEAN Human Rights Dialogue 2021 in September 2021. The Dialogue promotes human rights among the ASEAN Member States by sharing best practices and experiences.

Future directions

155. The obligation to fulfill human rights will not reach the point of exhaustion, so the Indonesian government remains committed to improving its efforts. Moreover, the COVID-19 pandemic had created an unprecedented situation, prompting countries to take all measures to mitigate the impacts at the expense of human rights. Similar scenarios are bound to happen in the future, given the continuously increasing interconnectedness of peoples and economies. Therefore, Indonesia will continue to employ consistent, agile, and adaptive approaches to ensure just and equitable development, which can ultimately strengthen efforts to fulfill human rights in the country for the betterment of all Indonesians.

156. In the foreseeable future, Indonesia will continue to strengthen the legal framework in human rights protection, including plans to submit the drafts of the Legal Aid Bill, the Gender Equality Bill, the Welfare of Mothers and Children Bill, the Domestic Workers Bill, the National Education System Bill, as well as the National Strategy on BHR. Furthermore, Indonesia is also in the process of devising a national Human Rights Development Index as a tool to measure the human rights situation in Indonesia objectively.

157. In 2024, the Indonesian people will hold General Elections to elect the President and Vice President directly, as well as members of the parliament.

158. Looking ahead, the GoI will continue to strive for a stronger recovery in the post-pandemic world. The current deepening of global food insecurity has inevitably affected the government's efforts to fulfill the fundamental rights of 273.5 million Indonesians. Therefore, Indonesia will continue encouraging international cooperation to solve various challenges significantly to meet the 2030 Sustainable Development Goals.

159. In 2023, Indonesia will also assume the role of Chair of ASEAN. With the same passion and commitment as the G20 President in 2022, Indonesia will put the promotion of human rights, democratic principles, and shared sustainable development forward.

160. These future measures, alongside the continuation of existing best practices, signify the government's unwavering commitment to protect, respect and fulfill the enjoyment of human rights in Indonesia.

Notes

- ¹ Coordinating Minister for Political, Legal, and Security Affairs Decree No. 99 of 2020 concerning the Working Group on Reporting for Main Instruments and International Human Rights Mechanisms. The Working Group consists of four sub-groups focusing on civil and political rights; economic, social, and cultural rights; rights of vulnerable groups; and international human rights mechanisms (which include preparing a universal periodic review (UPR) report).
- ² A kick-off meeting for Indonesia's participation in the 4th UPR was held with the involvement of line ministries and Indonesian NHRI on 2 August 2022, and followed by a series of national consultations from August 2021 - July 2022. The GoI virtually held national consultations with civil societies on 10 August 2021 and 2 June 2022.
- ³ The 4th generation of NAP-HR, which covered the period of 2015-2019 (and extended to 2020), has been concluded.
- ⁴ Constitutional Court's decision No. 91/PUU/18 of 2020.
- ⁵ 7 (seven) strategies: (1) regulation and laws concerning child violence, (2) implementation of child violence prevention, (3) the provision of services for children from violence in a timely, comprehensive and integrated manner (4) strengthening cooperation in the prevention and provision of services for children from violence, (5) law enforcement measures, (6) recording and reporting systems for handling child violence and (7) improving coordination, monitoring, evaluation, and

- reporting on the implementation of prevention and service provision for children from violence.
- ⁶ Letter of the Minister of Home Affairs No. 188.34/1158/OTDA (19 February 2019), No. 4574/OTDA (August 2019), No. 188.34/4483/OTDA (19 August 2019).
- ⁷ Presidential Regulation No. 68/2020.
- ⁸ *36 protocols and technical guidelines mainstream women and children's issues. 19 protocols are specifically related to women and children.*
- ⁹ Indonesia serves as Co-Chairs of COVAX Advanced Market Commitment (AMC) Engagement Group with Canada and Ethiopia, which aims to help facilitate the global distribution of 2 billion COVID-19 vaccines to 20% of the high-risk population in 92 countries in 2021.
- ¹⁰ In article 8 paragraph (3) of the Health Minister Regulation No. 84/2020, it is stated that vaccine recipient priority groups are: (a) Healthcare workers, healthcare worker assistants, supporting workers in Health Service Facilities, the Indonesian Army, the Indonesian Police, law apparatus, and other public service officials; (b) Public/religious figures, strategic economy actors, sub-district apparatus, village apparatus, and Neighborhood/Resident Unit apparatus; (c) Teachers of play group/kindergarten, Elementary, Junior High School, Senior High School or their equivalent, and universities; (d) Ministry/institution apparatus, regional government organization apparatus, and members of the legislative; (e) people vulnerable from the aspects of geospatial, social and economy.
- ¹¹ The percentage figures in brackets indicate the percentage of total vaccinations per vaccination target population. National COVID-19 Vaccination Data is regularly updated and can be accessed at <https://vaksin.kemkes.go.id/#/vaccines>.
- ¹² Minister for ECRT Circular Letter No. 2/2020 on Prevention and Management of COVID-19; Circular Letter No. 3/2020 on Prevention of COVID-19 in the Education Unit; and Circular Letter No. 4/2020 on the Implementation of Education Policy in Emergency during the COVID-19 Outbreak.
- ¹³ Minister of Law and Human Rights Regulation No. 32/2020, No. 24/2021, No. 43/2021, and No. 7/2022.
- ¹⁴ Mental Health Service (SEJIWA) was launched on 29 April 2020 by the MWECP together with the Presidential Staff Office (KSP), MoH, Ministry of Communication and Information Technology, National Disaster Management Authority (BNPB), Indonesian Psychological Association (HIMPSI), and PT Telkom.
- ¹⁵ Services included providing access to messages and tips about COVID-19 i.e., audible COVID-19 information page, text/subtitles for public service announcements on television, and medical personnel who understand sign language or are provided with interpreters to communicate.
- ¹⁶ Based on National Labor Force Survey (Sakernas) 2021 on Percentage of Formal Labor According to Gender" and "Proportion of Informal Employment in Total Employment by Sex." (BPS).
- ¹⁷ Circular of the Minister of Manpower and Transmigration No. SE.03/MEN/IV/2011.
- ¹⁸ In accordance with the Minister for WCEP Regulation No. 4/2018.
- ¹⁹ Integrated Service Centers/*Pusat Pelayanan Terintegrasi* (PPT) allows hospitals and the police to handle violence cases and provide accessible health services, psycho-social support, legal consultation, and child-sensitive investigative procedures.
- ²⁰ RPSA provides specialist services, as well as recovery and reintegration for victims, after which they can choose to return to their families or be handed over to the Government or child care institutions. RSPA has a minimum requirement of one professional social worker and provides individual services and counseling to assist in the recovery and rehabilitation of victims.
- ²¹ Amendments were made as a follow-up to the Constitutional Court Decision No. 30-74/PUU-XII/2014.
- ²² Collaboration between the Inclusion Center and the Difabel Advocacy Movement (SIGAB), Atma Jaya Center for Human Rights Studies, University of Indonesia, Islamic University of Indonesia and the Directorate General of Human Rights of MoLHR.
- ²³ Study program on local religions is taught at the *17 Agustus* University in Semarang.
- ²⁴ Compared to 2019, the NER at all levels has slightly increased, with the highest increase in the NER for middle school, which was 0.72 percent.
- ²⁵ As regulated in MoH Regulation No. 33/2018.
- ²⁶ Implementation of the PKB in accordance with the Regulation of the Minister of Health No. 90 of 2015 concerning the Implementation of Health Services in Health Service Facilities in Remote and Very Remote Areas, as well as Guidelines for Increasing Access to Health Services in Regions in Disadvantaged, Frontier, and Outermost areas/*Daerah Tertinggal, Perbatasan, dan Kepulauan* (DTPK).
- ²⁷ Based on MMR modeled estimate per 100,000 live births, <https://data.worldbank.org/indicator/SH.STA.MMRT>.
- ²⁸ Trends in under-five mortality rate in Indonesia, UN Inter-agency Group for Child Mortality Estimation.

- ²⁹ In accordance with the MoLHR Regulation No. M/03.PS.01.04 of 2000 concerning Lifelong Criminal Remission and Presidential Decree No. 174/1999 concerning Remission.
- ³⁰ Restorative justice system has been strengthened since the adoption of the Juvenile Justice System Law in 2012.
- ³¹ Guideline No. 3/2019 on Criminal Claims in General Criminal Actions, with an attachment of Guidelines for Children Criminal Lawsuits; as well as Decree No. 249/2020 regulating 21 SOPs within the AGO.
- ³² At the OGP Summit 2021, Indonesia won several awards, including the “1-3 Spotlight Award”, the 2nd place “Impact Award”, and the “OGP Accelerator Award” in recognition of the cooperation that the GoI has carried out with civil society.
- ³³ Bojonegoro- East Java Province, Semarang, Central Java Province, Banggai Regency, Central Sulawesi Province; Brebes Regency, Central Java Province; and the combined province of West Nusa Tenggara-West Sumbawa Regency.
- ³⁴ The legal terminology of “investigation” in the Indonesian criminal legal system differs between two phases: the preliminary investigation (*penyelidikan*) to obtain preliminary evidence; and the investigation that is conducted based on the results of the preliminary investigation (*penyidikan*) to obtain more substantial evidence and identify the perpetrator. For investigation of allegations of gross violation of human rights, the preliminary investigation is conducted by the Komnas HAM and the AGO conducts the investigation.
- ³⁵ *New and strengthened provisions in the bilateral agreements include the establishment of one channel system; one migrant worker-one job category with a specific job description; placement cost by the employer; a standard contract of employment to ensure the rights of migrant workers are properly protected; free communication and ease of consular access, as well as mandatory monitoring and evaluation*
- ³⁶ Bilateral agreements with Saudi Arabia, Taiwan, Japan, South Korea, and Malaysia.
- ³⁷ A book on Religious Moderation that elaborates on every technicality regarding religious moderation was also published by the MoRA so that these groups may have a better understanding on religious moderation.
- ³⁸ Such provisions, among others, are Article 66 of Law No. 32/2009.
- ³⁹ Decree No. 23/2021 dated 22 February 2021 and No. 25/2021 dated 26 February 2021.
-