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HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF
RESOLUTION 5/1 OF THE HUMAN RIGHTS COUNCIL

Indonesia

This 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 of the Office of the High Commissioner for Human Rights (OHCHR). It follows the structure of the general guidelines adopted by the Human Rights Council. Information included therein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being of four years, most documents 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of recent information, the latest available reports and documents have also been taken into consideration, unless outdated. Since this report only compiles 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 obligations¹

<i>Core universal human rights treaties</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of Treaty bodies</i>
ICERD ²	25/06/99	Yes (Art. 22)	Individual complaints (art. 14): No
ICESCR ³	23/02/06	Yes (Art. 1)	-
ICCPR ⁴	23/02/06	Yes (Art. 1)	Inter-state complaints (art. 41): No
CEDAW ⁵	29/07/80	Yes (Art. 29(1))	-
CAT ⁶	23/10/85	Yes (Art. 30(1) and Art. 20(1),(2) and (3))	Inter-state complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC ⁷	26/01/90	Yes (Arts. 1, 14, 16, 17, 21, 22 and 29)	-
<i>Core treaties to which Indonesia is not a party: ICCPR-OP 1⁸ and OP 2⁹, OP CEDAW¹⁰ (signature only, 2000), OP-CAT¹¹, OP-CRC-AC¹² (signature only, 2001), OP-CRC-SC¹³ (signature only, 2001), ICRMW¹⁴ (signature only, 2004), CPD¹⁵ (signature only, 2007), CPD-OP¹⁶, (signature only, 2007), CED¹⁷.</i>			
<i>Other relevant main instruments</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 ¹⁸		No	
Refugees and Stateless Persons ¹⁹		No	
Geneva Conventions and their Protocols ²⁰		Yes, except the three protocols	
ILO Fundamental Conventions Nos. 29, 105, 87, 98, 100, 111, 138 and 182 ²¹		Yes	
UNESCO Convention against Discrimination in Education		Yes	

1. Indonesia was encouraged to ratify the ICRMW²², the OP-CRC-AC and OP-CRC-SC²³, conventions relating to the status of refugees, status of stateless persons and reduction of statelessness²⁴, ILO Convention No. 169 on Indigenous and Tribal Peoples²⁵, the Rome Statute of the International Criminal Court²⁶ and the OP-CEDAW.²⁷ Indonesia was encouraged to make declarations under ICERD²⁸ and CAT.²⁹ CRC welcomed information that the Child Protection law renders reservations to the Convention unnecessary and recommended their prompt withdrawal.³⁰

B. Constitutional and legislative framework

2. CERD, CRC and CAT³¹ 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 Act No. 39 of 1999 on Human Rights³², and the on-going harmonization of domestic laws with international human rights instruments.³³

3. CEDAW commended the adoption of laws on anti-trafficking (2007), victim protection (2006), domestic violence (2004), and amendments to the 1945 Constitution³⁴ but was concerned about the partial integration of the Convention in Indonesian law.³⁵ Indonesia was encouraged to align its domestic law with the ICERD on the definition of discrimination.³⁶ CERD welcomed the law on Citizenship³⁷ yet CEDAW urged further amendment.³⁸ 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.³⁹ CRC welcomed laws on child protection, national education and juvenile justice⁴⁰ but expressed concern at discrimination and lack of safeguards in the legislation on adoption.⁴¹ CEDAW also urged a review of implementation of local and regional laws, in particular in Aceh.⁴² In 2007, the Special Representative of the Secretary-General (SRSG) on human rights defenders observed the absence of concrete measures dealing with the protection of human rights defenders⁴³ and noted legal⁴⁴ and institutional gaps⁴⁵ and the need for judicial reform.⁴⁶

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 2007.⁴⁷ CRC in 2004 and CERD in 2007 expressed concerns regarding insufficient impartiality and independence of Komnas-HAM.⁴⁸ Recommendations were made in this regard.⁴⁹ The SRSG on human rights defenders was concerned at the ineffectiveness of its power of inquiry and the lack of a mandate to investigate common human rights violations.⁵⁰

5. CERD noted with satisfaction the law on the establishment of the Constitutional Court enabling constitutional review of any Act.⁵¹ The establishment of institutions on the protection of children and the elimination of the worst forms of child labour were welcomed by the CRC,⁵² which recommended reinforcing their independence, objectivity, effectiveness and public accountability.⁵³ The SRSG on 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,⁵⁴ and the Special Rapporteur on torture called for its support.⁵⁵ While welcoming efforts of the Ministry of Women Empowerment, CEDAW expressed concern that it may not have sufficient visibility, decision-making power or resources.⁵⁶

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.⁵⁷ The Second National Plan of Action on Human Rights 2004-2009, which also foresees the ratification of the OP-CAT in 2008, was welcomed by CERD, the SRSG on human rights defenders⁵⁸ and the Special Rapporteur on torture.⁵⁹ CRC welcomed the launch of National Plans of Actions on the elimination of: commercial sexual exploitation of children (2002), trafficking in women and children (2002) and the worst Forms of Child Labour,⁶⁰ as also highlighted by UNICEF.⁶¹

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with Treaty bodies

<i>Treaty Body</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD ⁶²	2006	August 2007	Due in 2008	
CESCR ⁶³	-	-	-	Initial report due in 2008
HR Committee ⁶⁴	-	-	-	Initial report due in 2007

<i>Treaty Body</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CEDAW ⁶⁵	2005	July 2007	-	6 th and 7 th periodic reports due in 2009
CAT ⁶⁶	2001	Nov 2001		2 nd periodic report submitted in 2005, to be considered in 2008
CRC	2002	Jan 2004		3 rd and 4 th periodic reports due in 2007

8. CEDAW commended the State for 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.⁶⁷ In 2001, Indonesia provided further details in relation to CAT's conclusions.⁶⁸ CERD appreciated Komnas-HAM's participation and the contribution of numerous Indonesian NGOs, which enhanced the quality of the dialogue.⁶⁹

2. Cooperation with Special procedures

<i>Standing invitation</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on the human rights of migrants, 12-21 December 2006 ⁷⁰ ; SRSG on human rights defenders, 5-13 June 2007 ⁷¹ ; Special Rapporteur on the question of torture, 10-23 November 2007 ⁷² .
<i>Visits agreed upon in principle</i>	Independent Expert on structural adjustments policies and foreign debt.
<i>Visits requested and not yet agreed upon</i>	Special Rapporteurs on freedom of religion or belief (1996); on freedom of expression (2002); on extrajudicial, summary and 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 ⁷³ . The SRSG on human rights defenders thanked the government for the good cooperation extended to her in preparation of and during her mission ⁷⁴ . The Special Rapporteur on 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 interferences carry the risk of distorting an objective assessment of the day to day practices in places of detention ⁷⁵ .
<i>Responses to letters of allegations and urgent appeals</i>	Between 01 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 covered by these communications. Between 01 January 2004 and 31 December 2007, Indonesia replied to 25 communications, which represents replies to 39% of communications sent.
<i>Follow-up to visits</i>	None
<i>Responses to questionnaires on thematic issues⁷⁶</i>	Out of 12 questionnaires sent by the Special Procedures mandate holders ⁷⁷ between 01 January 2004 and 31 December 2007, Indonesia has responded to none of the questionnaires within the deadlines.

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

9. OHCHR engages with the UN Country Team (UNCT)⁷⁸ and since August 2007, a Human Rights Adviser has been deployed within it⁷⁹ and supported by the OHCHR Regional Office for South-East Asia.⁸⁰ In 2004, the State made a financial contribution to OHCHR⁸¹ and OHCHR provided technical cooperation to several NGOs and others to set up education against racism

initiatives in countries of the region including Indonesia.⁸² Indonesia hosted a Workshop on the Framework on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region in 2007.⁸³ The High Commissioner for Human Rights visited Indonesia from 11 to 14 July 2007.⁸⁴

B. Implementation of international human rights obligations

1. Equality and non-discrimination

10. While it appreciated efforts to harmonize national legislation with the 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.⁸⁵

11. In 2007, CEDAW welcomed efforts to revise gender-biased 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. CEDAW also expressed concern about the new draft law on gender equality⁸⁶ and about discriminatory provisions in the Marriage Act 1974.⁸⁷ It further called for the removal of family and spousal consent requirements in the areas of women's employment and health.⁸⁸ 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 households in access to housing or food aid in the wake of natural disasters or emergencies.⁸⁹

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

12. The Special Rapporteur on extrajudicial, summary and arbitrary executions questioned the imposition of capital punishment including cases related to unconstitutional application of retroactive legislation,⁹⁰ and sentencing where fair trial guarantees were not met.⁹¹ Indonesia replied that a court applying due process convicted the individuals, that the judiciary is independent, and that executions were rarely carried out.⁹² Noting the absence of legal safeguards for detainees, the Special Rapporteur on torture deemed inappropriate the continued application of the death penalty and noted that the secrecy with which executions were handled violate international human rights standards.⁹³

13. The Special Rapporteur on torture regretted that the crime of torture had still not been included in the Penal Code, which should be addressed urgently.⁹⁴ 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 (TNI), and paramilitary groups reportedly linked to authorities, and in areas of armed conflict.⁹⁵ These concerns were echoed by Special Rapporteurs in 2005 and 2006⁹⁶ and the State replied in some instances about on-going investigations.⁹⁷ Police reform to strengthen police independence from the military should continue.⁹⁸ The Special Rapporteur on extrajudicial, summary and arbitrary executions noted allegations of excessive use of force by law enforcement officials, including against school children in West Papua⁹⁹ and ill-treatment and possible extrajudicial execution of a well-known advocate of independence for Papua.¹⁰⁰ Communications related to cases of alleged rape by the army and police forces during the period of martial law in Aceh. A 2003 urgent appeal¹⁰¹ 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.¹⁰²

14. The SRSG on human rights defenders noted violations suffered by human rights defenders including: extrajudicial, summary and arbitrary executions, enforced disappearances¹⁰³, torture, ill-treatment, instances of excessive use of force,¹⁰⁴ arbitrary detention, alleged threats,¹⁰⁵ restrictions on freedom of expression, assembly, association and movement, labelling of defenders as separatists,¹⁰⁶ and stigmatisation, exacerbated in West Papua.¹⁰⁷ She was particularly concerned for defenders working on certain issues¹⁰⁸ and by 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.¹⁰⁹ She called for mechanisms for more credible accountability of the police, military and intelligence apparatus.¹¹⁰ She was greatly encouraged by the improvement in the situation of defenders in Aceh since the 2005 peace agreement.¹¹¹ She was nevertheless concerned by scores of unsolved cases of human rights violations between 2000 and 2005 in Aceh, where fifteen defenders are believed to have been executed extrajudicially and at least five subject to enforced disappearance, others subjected to torture, unlawful arrest and detention, false charges and other forms of harassment and intimidation. No perpetrator was reportedly brought to justice.¹¹² She called for the establishment of a Human Rights Court in Aceh, as provided in the peace agreement.¹¹³

15. The Special Rapporteur on torture was concerned about police abuse of detainees while in custody, noting prevailing intimidation, problematic detention conditions and abuse. Regarding penitentiaries, he received only a limited number of allegations of ill-treatment and corporal punishment, but reported allegations and evidence of beatings, punishment and humiliation.¹¹⁴ Some issues of concern regarding conditions of detention were: 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; high death tolls;¹¹⁵ and that in Cipinang, prolonged confinement in punishment cells amounted to inhuman treatment.¹¹⁶ The Special Rapporteur was also concerned at the insufficient number of female guards.¹¹⁷

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 occurred in 1992 and between 1998 and 2000 in Jakarta, Aceh and East Timor¹¹⁸ (in 2002, the latter were transmitted to the Government of Timor-Leste¹¹⁹).

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.¹²⁰ Three Special Rapporteurs¹²¹ wrote about inadequate protection of child domestic workers, especially girls, against economic exploitation, psychological, physical and sexual abuse.¹²² Additional issues related to long work hours, few days off to visit their families, discontinuation of education, withholding of salaries, and lower pay than agreed.¹²³

18. In 2004, CRC was concerned at insufficient legal protection for victims of sexual exploitation, including trafficking, pornography and prostitution, and of few preventive and protective measures. CRC was concerned at the very low age limit for sexual consent (12 years). Two Special Rapporteurs¹²⁴ were concerned that young Indonesian women were reportedly being trafficked into a neighbouring country, including to sell their babies for illegal adoptions.¹²⁵ UNICEF informed that about 80,000-100,000 women and children are victims of sexual exploitation or trafficking every year.¹²⁶

19. The Special Rapporteur on torture welcomed the 2004 adoption of the law banning violence in the household and establishing complaints channels, but was informed that its implementation was hampered by a lack of awareness and insufficient police units to deal with complaints.¹²⁷

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 about rare prosecutions of perpetrators of violations of the human rights of children, especially during conflicts, and about the reported use of child soldiers, notably in Aceh and Maluku.¹²⁸ CRC was gravely concerned, as highlighted also by UNHCR,¹²⁹ at the very large number of children displaced as a result of armed conflict.¹³⁰

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.¹³¹ CRC was deeply concerned that corporal punishment in the family and in schools is widespread, culturally accepted and still lawful.¹³² UNICEF informed that despite reports of abuse and violence against girls and women, particularly in Aceh, very few cases have been addressed or brought to justice.¹³³ 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.¹³⁴

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, contrary to Komnas-HAM's recommendation, an ad hoc human rights tribunal had not been established.¹³⁵

23. According to the Special Rapporteur on 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.¹³⁶ 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, 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.¹³⁷ In June 2007, the SRSG on human rights defenders advised Indonesia to ensure that justice is done in this case.¹³⁸

24. CAT called on Indonesia to ensure that international crimes such as torture and crimes against humanity committed in the past be investigated and, where appropriate, prosecuted in Indonesian courts.¹³⁹ Regarding the ad hoc human rights court on East Timor, the report of the Secretary-General on justice and reconciliation for Timor-Leste 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 found that prosecutions 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 also encouraged that every effort be made to ensure that the cases of those persons indicted in Timor-Leste but residing in Indonesia are prosecuted and that there be further examination of those prospects of retrial of those persons previously tried before the Ad-Hoc Court.¹⁴⁰

25. The Special Rapporteur on 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.¹⁴¹ He observed difficulties at the pre-trial stage,

reportedly widespread corruption in the criminal justice system, and the absence of a national independent body to regularly monitor places of detention.¹⁴² Two Special Rapporteurs¹⁴³ inquired in 2005 about ensuring judicial review of the lawfulness of detention and the legal basis for measures referring to “terrorism”.¹⁴⁴

26. CRC expressed serious concern, echoed by the Special Rapporteur on torture¹⁴⁵ and UNICEF¹⁴⁶, about the very low minimum age of criminal responsibility (8 years); CRC recommended that detained children be separated from adults, and that deprivation of liberty of children is a last resort, for the shortest appropriate time and in appropriate conditions.¹⁴⁷

4. Freedom of religion and belief, expression, association and peaceful assembly, and right to participate in public and political life

27. The Special Rapporteur on freedom of religion and belief and CERD expressed concern at distinctions made between different religions. In 2004, the Special Rapporteur wrote about a Bill which reportedly would, inter alia, ban interreligious adoptions and marriages, ban teachings that “deviate from the main teachings of that religion”, stipulate that places of worship could be established only with the permission of the government.¹⁴⁸ CERD was concerned about the law requiring the mention of faith on legal documents. CERD also noted with concern difficulties faced by men and women of different religions in registering their marriages, that their children are not provided with birth certificates¹⁴⁹ and recommended that civil marriages be allowed.¹⁵⁰

28. The Special Rapporteur on freedom of religion wrote regarding the taking into custody of a religious community leader under the pretext of protecting her and later charging her with blasphemy;¹⁵¹ the detention of three women allegedly for trying to convert children to Christianity;¹⁵² and the killing of three Christian school girls.¹⁵³ In replying that investigations were being taken in this latter case, Indonesia highlighted that it should not be automatically assumed that the killings were religion-based.¹⁵⁴ The Special Rapporteur also noted alleged attacks and threats on Ahmadiyyah families, following a fatwa banning the Jammah Ahmadiyyah.¹⁵⁵ Indonesia replied that measures were taken to keep the peace and guard the assets and activities of the Ahmadiyyah.¹⁵⁶

29. Mandate holders¹⁵⁷ wrote about alleged arrests and/or detention of demonstrators in 2006 and 2003.¹⁵⁸ Indonesia responded that there was an ongoing investigation in the former case.¹⁵⁹ Alleged death threats against a journalist were raised by two Special Rapporteurs in 2004.¹⁶⁰ The Special Rapporteur on freedom of expression expressed difficulties with four 2006 public broadcasting regulations¹⁶¹ for which Indonesia provided an explanation.¹⁶² Other communications related to the murder of a journalist¹⁶³, which was condemned and investigated by the State¹⁶⁴, and prison sentences of two journalists found guilty of defamation.¹⁶⁵ The State replied that the individuals were not in custody and could appeal,¹⁶⁶ but the Special Rapporteur was concerned at the penal sentence.¹⁶⁷ In 2006, the Special Rapporteur on freedom of expression wrote about the barring of foreign media, churches and NGOs in West Papua.¹⁶⁸ The State justified the ban by the situation of unrest due to the separatist movement and difficulties in implementing the Papuan autonomy law.¹⁶⁹

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 Papuan autonomy law.¹⁷⁰ In 2007, the Special Rapporteur on indigenous peoples 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.¹⁷¹

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 compliance¹⁷² and urged Indonesia to make it mandatory.¹⁷³ The seats held by women in the national parliament increased from 8.0 % in 2004 to 11.3 % in 2007.¹⁷⁴

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,¹⁷⁵ and the lack of a law prohibiting sexual harassment in the workplace.¹⁷⁶ CRC remained concerned at the high number of children still working in the informal sector, and called for addressing root causes of child economic exploitation.¹⁷⁷ An ILO Committee in 2007 requested an amendment to the Manpower Act or to issue regulations with a view to incorporating a clear and comprehensive definition of direct and indirect discrimination covering all grounds and aspects of employment.¹⁷⁸ 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.¹⁷⁹

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 informed of the development of poverty eradication programmes. The report also noted that about half of Papua's population lives below the poverty line.¹⁸⁰ CERD in 2007 expressed concern that Papuans reportedly continue to experience great poverty¹⁸¹, and a 2005 UNDP report noted that health standards in Papua are considerably worse than in other parts of Indonesia.¹⁸² CEDAW was concerned that widespread poverty among women and poor socio-economic conditions are among the causes of the violation of women's human rights, particularly rural women.¹⁸³

34. While welcoming the reintroduction of an initiative to combat maternal mortality, CEDAW¹⁸⁴ and CRC¹⁸⁵ were concerned about high rates of maternal and infant mortality and the lack of family planning education. A 2007 WHO report noted good progress towards achieving targets for reducing child mortality, while noting that major health problems include high under-nutrition 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.¹⁸⁶

35. The Special Rapporteurs on the right to food and the right to adequate housing wrote regarding the situation of more than 500,000 informal landowners, located, inter alia, in areas related to the Canal and Dam projects. It was alleged that the implementation of a presidential regulation threatened access to land and livelihoods of the individuals concerned, and may have led to mass forced eviction, without compensation.¹⁸⁷

7. Right to education

36. The 2006-2010 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 two million.¹⁸⁸ A 2007 UNDP report indicated an increase in the net primary enrolment ratio from 94% in 2004 to 96% in 2005.¹⁸⁹ 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.¹⁹⁰

8. Minorities and indigenous peoples

37. CERD welcomed Indonesia's acknowledgement that it is a multi-ethnic, multi-cultural, multi-religious, and multi-lingual 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.¹⁹¹

38. CERD was also concerned about the plan to establish oil palm plantations over some 850 kilometers along the Indonesia-Malaysia border (the Plan), the threat for indigenous peoples' to own their lands and enjoy their culture, and insufficient references to the rights of traditional communities in domestic law. Recommendations include: the review of laws on Plantations; securing possession and ownership rights of local communities before proceeding with the Plan; and ensuring meaningful consultations with the concerned communities.¹⁹²

9. Migrants, refugees and asylum seekers

39. CEDAW remained concerned at the situation of women migrants from Indonesia, that bilateral agreements and memoranda of understanding (MOUs) have not been entered into with all countries and regions to which Indonesian women migrate, at discriminatory provisions in some MOUs, and at the inadequate protection of women workers who migrate through informal channels.¹⁹³ Issues of concern to the Special Rapporteur on the human rights of migrants included debt bondage¹⁹⁴, labour-related abuses¹⁹⁵, and institutional exploitation of returning migrants at points of entry/return.¹⁹⁶ 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.¹⁹⁷

40. UNHCR informed that Indonesia continued to show commendable openness towards asylum seekers and refugees. While UNHCR considers that recognized refugees enjoy freedom of movement as well as a degree of access to public health services and primary education, it also notes that the situation of refugees and asylum seekers remains informal and precarious due to the lack of legal mechanisms.¹⁹⁸

10. Internally displaced persons

41. CERD noted with concern the longstanding effects of the transmigration programme, although it has been abolished and challenges faced 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.¹⁹⁹

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.²⁰⁰ CERD welcomed the 2006 ratification of the two international covenants on human rights.²⁰¹ The Special Rapporteur on torture noted that many

prisons were spacious, well-maintained, and relatively open to friends and family (particularly in Papua).²⁰² In 2007, the SRSG for Children and Armed Conflict highlighted peacebuilding efforts by the Maluku Children's Parliament, serving as a model for adult peace negotiators, bridging the Muslim-Christian divide.²⁰³

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).²⁰⁴

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 citizen of foreign descent; and strengthening Komnas-HAM's independence and mandate.²⁰⁵

45. In addition to those already mentioned, recommendations made by Special Procedures included those by (a) the Special Rapporteur on the human rights of migrants for better regulation and monitoring of private recruitment companies²⁰⁶, mechanisms to blacklist employment agencies²⁰⁷, a framework to improve employment conditions of migrant workers as well as a standard contract²⁰⁸; (b) the SRSG on human rights defenders for training military and police officers on the Declaration on Human rights Defenders,²⁰⁹ and the creation of a special complaint cell for registering and redressing incidents or harm to human rights defenders;²¹⁰ and (c) the Special Rapporteur on 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 OP-CAT be acceded to and the death penalty be abolished.²¹¹

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, and on children using drugs; WHO on health issues; UNICEF and others on birth registration; UNESCO, UNICEF, the Asian Development Bank and civil society to improve the education sector; UNHCR for the quick and safe repatriation of all separated children to Timor-Leste; UNICEF and IOM on the issue of sale, trafficking and abduction of children.²¹² UNDAF 2006-2010 would cover: strengthening human development; good governance; and protecting the vulnerable and reducing vulnerabilities.²¹³ UNICEF provided information of its assistance in building justice for children.²¹⁴ UNHCR informed of a Plan of Action in Addressing Refugee Protection and Mixed Migration Movements to assist the State.²¹⁵ The Special Rapporteur on torture appreciated the costs of implementing a justice system in accordance with international standards, and requested the international community to support reforms he outlined.²¹⁶

Notes

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

² International Convention on the Elimination of All forms of Racial Discrimination.

³ International Convention on Economic, Social and Cultural Rights.

⁴ International Covenant on Civil and Political Rights.

⁵ Convention on the Elimination of all Forms of Discrimination Against Women.

⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁷ Convention on the Rights of the Child.

⁸ Optional Protocol to the International Covenant on Civil and Political Rights

⁹ Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

¹⁰ Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

¹¹ Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

¹² Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

¹³ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

¹⁴ [International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families](#)

¹⁵ Convention on the Rights of Persons with Disabilities

¹⁶ Optional Protocol to the Convention on the Rights of Persons with Disabilities

¹⁷ International Convention for the Protection of All Persons from Enforced Disappearances

¹⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

¹⁹ 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.

²⁰ Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Convention (III) relative to the Treatment of Prisoners of War; Convention (IV) relative to the Protection of Civilian Persons in Time of War; 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). Source: Switzerland, Federal department of foreign affairs, <http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.

²¹ International Labour Organization Convention No. 29 Concerning Forced or Compulsory Labour and Convention; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise 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.

²² A/HRC/4/24/Add.3, para. 66, CEDAW, Concluding comments, para. 44, CERD, Conclusions and recommendations, para. 19.

²³ CRC, Concluding observations, para. 93.

²⁴ CRC, Concluding observations, para. 66(c).

²⁵ CRC, Concluding observations, para. 84; CERD, Conclusions and recommendations, para. 15.

²⁶ CRC, Concluding observations, para. 15.

²⁷ CEDAW, Concluding Comments, §. 6 and 41.

²⁸ CRC Committee, Concluding observations, CRC/C/15/Add.223, adopted on 30 January 2004, § 52, § 65-66, § 84; CERD Concluding observations, CERD/C/IDN/CO/3, adopted on 17 August 2007, advance unedited version, § 13, 15, 19 and 28; CEDAW/C/IDN/CO/5 adopted on 27.07.2007, para 44.

²⁹ CAT, Conclusions and Recommendations, § 4 and § 10 (o).

³⁰ CRC, Concluding observations, § 11-12.

³¹ CERD, Concluding Observations, para. 7; CRC, Concluding Observations, para. 7; CAT, Conclusions and Recommendations, § 5 (a).

³² See also CEDAW, Concluding Comments, CEDAW/C/IDN/CO/5 adopted on 27.07.2007, § 4.

³³ CRC, Concluding observations, *op. cit.*, § 7 and 75; CERD, Concluding observations, § 7, 8, 11, 12 and 14; CAT, Conclusions and Recommendations, § 5 (a) and (b).

³⁴ CEDAW, Concluding Comments, CEDAW/C/IDN/CO/5 adopted on 27.07.2007, § 4.

³⁵ CEDAW, Concluding Comments, § 8.

³⁶ CEDAW, Concluding Comments, § 9.

³⁷ CERD, Concluding observations, para. 11.

³⁸ CEDAW, Concluding Comments, para. 29.

³⁹ CERD, Concluding observations, para. 12.

⁴⁰ CRC, Concluding observations, *op. cit.*, paras. 7 and 75.

⁴¹ CRC, Committee, Concluding observations, § 51-52.

⁴² CEDAW, Concluding Comments, § 13

⁴³ A/HRC/7/28/Add.3, para. 23.

⁴⁴ A/HRC/7/28/Add.3, para. 24, 25 and 26. A/HRC/7/28/Add.3, para. 27 and 28. A/HRC/7/28/Add.3, para. 29.

⁴⁵ A/HRC/7/28/Add.3, para.30-44.

⁴⁶ A/HRC/7/28/Add.3, para. 30.

⁴⁷ A list of national human rights institutions (NHRIs) with accreditation status granted by the International Coordination Committee of NHRIs (ICC), is included as an annex in the forthcoming report of the Secretary general on national institutions for the promotion and protection of human rights (A/HRC/7/69) and the report of the Secretary general on the process currently utilized by the ICC to accredit NHRIs in compliance with the Paris Principles and ensure that the process is strengthened with appropriate periodic review and on ways and means of enhancing participation of NHRIs in the work of the Human Rights Council (A/HRC/7/70).

⁴⁸ CERD, Concluding observations, § 25 ; CRC, Concluding observations, § 20; ⁴⁸ CAT, Concluding observations, § 8(c)

⁴⁹ CERD/C/IDN/CO/3, 15 August 2007, paras. 4, 9, 24, 25; CAT, Concluding observations, § 8(c) and 10(d).

⁵⁰ A/HRC/7/28/Add.2, para. 37

⁵¹ CERD, Concluding observations, para. 10.

⁵² CRC, Concluding observations, § 7 and 20.

⁵³ Rf: CRC/C/15/Add.223, 26 February 2004 – 35th session, §21.

⁵⁴ A/HRC/7/28/Add.2, para. 39.

⁵⁵ Press Release, Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.

⁵⁶ CEDAW, Concluding Comments, § 14.

⁵⁷ CEDAW, Concluding Comments, § 5.

⁵⁸ CERD, Concluding observations, § 8. UN Press Release, UN Special representative of the Secretary-General on human rights defenders concludes visit to Indonesia, 12 June 2007 and Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para.8.

⁵⁹ Press Release, Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.

⁶⁰ CRC, Concluding observations, § 81-87.

⁶¹ UNICEF submission, p. 5.

⁶² Committee on the Elimination of Racial Discrimination.

⁶³ Committee on Economic, Social and Cultural Rights.

⁶⁴ Human Rights Committee.

⁶⁵ Committee on the Elimination of Discrimination Against Women.

⁶⁶ Committee against Torture.

⁶⁷ CEDAW, Concluding comments, para. 2.

⁶⁸ CAT/C/GC/2002/1, 7 December 2001.

⁶⁹ CERD Concluding observations, § 2-5.

⁷⁰ Special Rapporteur on the Human Rights of Migrants, A/HRC/4/24/Add.3.

⁷¹ Press Release, Special representative of the Secretary General on the Situation of human rights defenders concludes visit to Indonesia, 12 June 2007.

⁷² Press Release, Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.

⁷³ Special Rapporteur on the human rights of migrants, A/HRC/4/24/Add.3, para. 57.

⁷⁴ Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 3.

⁷⁵ Press Release, Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.

⁷⁶ The questionnaires included in this section are those which have been reflected in a report by a Special Procedure mandate holder.

⁷⁷ - Special Rapporteur on the right to education (A/HRC/4/29): Questionnaire on the right to education of persons with disabilities Report of the Special Rapporteur on the right to education, the right to education of persons with disabilities sent in 2006)

- Special Rapporteur on the human rights of migrants (A/HRC/4/24): Questionnaire on the human rights of migrants on border control and measures to reduce/address irregular migration; expulsion; conditions for admission/stay; rights of migrants; and the protection of migrants sent on 8 and 9 September 2006

- Special Rapporteur on trafficking in persons, especially in women and children (A/HRC/4/23): Questionnaire on Forced marriages in the context of trafficking in persons, especially women and children Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children sent on 26 July 2006.

- Special Representative on human rights defenders (E/CN.4/2006/95/Add.5): Questionnaire aimed at identifying the main areas of progress and the remaining challenges that need to be addressed in relation to the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms sent in June 2005.

- 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

- Special Rapporteur on trafficking in persons, especially in 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 demand for commercial sexual exploitation and trafficking and demand for sexual services deriving from exploitation sent on 25 and 26 July 2005.

- Special Rapporteur on the right to education (E/CN.4/2006/45): Questionnaire on girl's right to education sent in 2005.

- Working Group on the use of mercenaries as a means of violating human rights(A/61/341): Questionnaire on Mercenaries sent in mid-November 2005.

-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 on July 2006.

- 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 on 30 July 2004.

- 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 on 29 July 2003.

-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 to identify policies and practices by which states regulate, adjudicate and otherwise influence corporate actions

⁷⁸ See OHCHR priority areas on country engagement strategies and partnerships described in the OHCHR Plan of Action and High Commissioner's Strategic Management Plan 2008-2009 (page 75).

⁷⁹ OHCHR Annual Report 2007 (forthcoming).

⁸⁰ OHCHR Annual Report 2004, p.149 and High Commissioner's Strategic Management Plan 2006-2007 on the role of the regional offices (page 34).

⁸¹ Ibid, page 12.

⁸² OHCHR Annual Report 2004, page 198.

⁸³ OHCHR Annual Report 2007 (forthcoming).

⁸⁴ OHCHR Press release, Geneva, 6 July 2007.

⁸⁵ CERD, Concluding observations, § 14.

⁸⁶ CEDAW, Concluding Comments, paras. 10- 11

⁸⁷ CEDAW, Concluding Comments, § 18

⁸⁸ CEDAW, Concluding Comments, § 17.

⁸⁹ CEDAW, Concluding Comments, § 39.

⁹⁰ Special Rapporteur on extrajudicial, summary and arbitrary executions, A/HRC/4/20/Add.1, page 142-144.

⁹¹ Special Rapporteur on extrajudicial, summary and arbitrary executions, E/CN.4/2006/53/Add.1, page 84-86. See also E/CN.4/2005/7/Add.1, page 127-128.

⁹² E/CN.4/2006/53/Add.1, para. 320.

⁹³ Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.

⁹⁴ Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007. See also CAT, Concluding Observations, § 9(a) and 10 (a).

⁹⁵ CAT, Concluding Observations, para. 7(a).

⁹⁶ Special Rapporteur on torture (E/CN.4/2005/62/Add.1, paras. 797, 799 and 807; E/CN.4/2006/6/Add.1, para. 91) and on extrajudicial, summary and arbitrary executions (E/CN.4/2005/7/Add.1, para. 318), and on violence against women (E/CN.4/2006/61/Add.1, paras. 40, 80-81).

⁹⁷ E/CN.4/2006/72/Add.1, para. 81.

⁹⁸ CAT, Concluding Observations, 9(f) and 10(g).

⁹⁹ A/HRC/4/20/Add.1, page144-145.

¹⁰⁰ Special Rapporteur on extrajudicial, summary and arbitrary executions, E/CN.4/2005/7/Add.1, para. 318.

¹⁰¹ by the Special Rapporteur on torture and the Special Rapporteur on violence against women

¹⁰² by the Special Rapporteur on torture and the Special Rapporteur on violence against women Special Rapporteur on violence against women, E/CN.4/2004/66/Add.1, paras 74-95.

¹⁰³ SRS Human Rights Defenders, E/CN.4/2005/101/Add.1, para. 316; Special Rapporteur on violence against women, E/CN.4/2004/66/Add.1, para. 73.

¹⁰⁴ Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 65.

¹⁰⁵ E/CN.4/2006/55/Add.1, para. 416.

¹⁰⁶ Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 66.

¹⁰⁷ Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 48.

¹⁰⁸ Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 55-60, 61, 62 and 67.

¹⁰⁹ A/HRC/7/28/Add.2, para. 47.

¹¹⁰ UN Press Release, Special representative of the Secretary-General on human rights defenders ends visit to Indonesia, 12 June 2007.

¹¹¹ Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 76.

¹¹² Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 81.

¹¹³ Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 82.

¹¹⁴ Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.

¹¹⁵ Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.

¹¹⁶ Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.

- ¹¹⁷ Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
- ¹¹⁸ Working Group on Enforced or involuntary disappearances, A/HRC/4/41, chart page 47 and para.222.
- ¹¹⁹ A/HRC/4/41, para. 223.
- ¹²⁰ CEDAW, Concluding Comments, paras. 22 and 23.
- ¹²¹ on sale of children, on violence against women and on trafficking in persons
- ¹²² Special Rapporteur on the sale of children, E/CN.4/2006/67/Add.1, para. 60.
- ¹²³ E/CN.4/2006/67/Add.1, para. 61.
- ¹²⁴ on the sale of children and on violence against women
- ¹²⁵ Special Rapporteur on violence against women, E/CN.4/2005/72/Add., para. 192-196.
- ¹²⁶ UNICEF submission to the UPR, p. 1.
- ¹²⁷ Press release following visit of Special Rapporteur on Torture to Indonesia, 23 November 2007.
- ¹²⁸ CRC, Concluding observations, § 67-72.
- ¹²⁹ UNHCR submission to the UPR on Indonesia, p. 1, citing CRC/C/15/Add.223, para. 70.
- ¹³⁰ CRC, Concluding observations, para. 70.
- ¹³¹ CRC, Concluding observations, § 41-42.
- ¹³² CRC, Committee, Concluding observations, § 43-44.
- ¹³³ UNICEF submission to the UPR, p. 4.
- ¹³⁴ CRC, Concluding observations, § 79 and 80.
- ¹³⁵ CERD, Concluding observations, § 24.
- ¹³⁶ Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007. See also CAT, Concluding Observations, § 7(a), 9(a), 9(b), and 10 (b), (c) and (k).
- ¹³⁷ A/HRC/4/20/Add.1, pages 145-151.
- ¹³⁸ UN Press Release, UN Special representative of the Secretary-General on human rights defenders concludes visit to Indonesia, 12 June 2007 and Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, paras 51-54.
- ¹³⁹ CAT, Concluding Observations, § 9 (c) and 10(f).
- ¹⁴⁰ Report of the Secretary-General on justice and reconciliation for Timor-Leste (S/2006/580) and Summary of the report to the Secretary-General 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)
- ¹⁴¹ Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
- ¹⁴² Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
- ¹⁴³ on human rights and counter-terrorism and on torture
- ¹⁴⁴ Special Rapporteur on the promotion and protection of human rights while countering terrorism, E/CN.4/2006/98/Add.1, para. 3.
- ¹⁴⁵ Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
- ¹⁴⁶ UNICEF submission to the UPR, pp. 1-2.
- ¹⁴⁷ CRC, Concluding observations, § 75 to 78.
- ¹⁴⁸ E/CN.4/2005/61, para. 132.
- ¹⁴⁹ CERD, Concluding observations, § 21.
- ¹⁵⁰ CERD, Concluding observations, § 21.
- ¹⁵¹ Special Rapporteur on freedom of religion, A/HRC/4/21/Add.1, para. 174.
- ¹⁵² Special Rapporteur on freedom of religion, E/CN.4/2006/5/Add.1, para. 152-153.
- ¹⁵³ ¹⁵³ E/CN.4/2006/5/Add.1, para. 159.
- ¹⁵⁴ E/CN.4/2006/5/Add.1, para. 160-161.
- ¹⁵⁵ E/CN.4/2006/5/Add.1, para 162.
- ¹⁵⁶ E/CN.4/2006/5/Add.1, para 162.
- ¹⁵⁷ Special Rapporteur on independence of judges and lawyers, Chairperson-Rapporteur of the Working Group on Arbitrary Detention and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.
- ¹⁵⁸ A/HRC/4/25/Add.1, para. 176; Special Rapporteur on Independence of judges and lawyers, E/CN.4/2004/60/Add.1, para. 39.
- ¹⁵⁹ A/HRC/4/25/Add.1, para. 177.
- Special Rapporteur on Independence of judges and lawyers, the Working Group on Arbitrary detention and the Special Rapporteur on freedom of opinion and expression
- ¹⁶⁰ The Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on extrajudicial, summary and arbitrary executions. Special Rapporteur on extrajudicial, summary and arbitrary executions, E/CN.4/2005/7/Add.1, page 125.
- ¹⁶¹ Special Rapporteur on freedom of expression and opinion, A/HRC/4/27/Add.1, para. 267.
- ¹⁶² Special Rapporteur on freedom of expression and opinion, A/HRC/4/27/Add.1, para.274.
- ¹⁶³ A/HRC/4/27/Add.1, para.270.

- ¹⁶⁴ A/HRC/4/27/Add.1, para.276.
- ¹⁶⁵ Special Rapporteur on freedom of expression and opinion, E/CN.4/2006/55/Add.1, para.414.
- ¹⁶⁶ E/CN.4/2006/55/Add.1, para. 415.
- ¹⁶⁷ E/CN.4/2006/55/Add.1, para. 417.
- ¹⁶⁸ A/HRC/4/27/Add.1, para. 268.
- ¹⁶⁹ A/HRC/4/27/Add.1, para. 275.
- ¹⁷⁰ CERD, Concluding observations, § 22
- ¹⁷¹ Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, A/HRC/6/15/Add.4, 2 October 2007, para. 41
- ¹⁷² CEDAW, Concluding Comments, § 26.
- ¹⁷³ CEDAW, Concluding Comments, § 27.
- ¹⁷⁴ Official United Nations Site for Millennium Development Goals Indicators, available at <http://mdgs.un.org/unsd/mdg/> (up-dated 27 July 2007, accessed on 12 February 2008).
- ¹⁷⁵ CEDAW, Concluding Comments, para. 22.
- ¹⁷⁶ CEDAW, Concluding Comments, § 34 and 35.
- ¹⁷⁷ CRC, Concluding observations, § 84-86.
- ¹⁷⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, 2007, Geneva, Doc. No. 062007IDN111, para. 1.
- ¹⁷⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, 2007, Geneva, Doc. No. 092007IDN111, para. 1.
- ¹⁸⁰ Indonesia Progress Report on the MDGs, 2004, pp. 20 and 28, see http://www.undp.or.id/pubs/imdg2004/English/MDG-IDN_English_Complete.pdf.
- ¹⁸¹ CERD, Concluding observations, § 22
- ¹⁸² UNDP “Papua Needs Assessment: An Overview of Findings and Implications for the Programming of Development Assistance”, 2005, p. 12, see http://www.undp.or.id/papua/docs/PNA_en.pdf.
- ¹⁸³ CEDAW, Concluding Comments, § 39.
- ¹⁸⁴ CEDAW, Concluding Comments, § 37.
- ¹⁸⁵ CRC, Concluding observations, § 55 to 57.
- ¹⁸⁶ WHO Regional Office for Southeast 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 (accessed on 12 February 2008). See also Indonesia Progress Report on the MDGs, 2004, p.31, available at http://www.undp.or.id/pubs/imdg2004/English/MDG-IDN_English_Complete.pdf (accessed on 12 February 2008).
- ¹⁸⁷ Special Rapporteur on adequate housing as a component of an adequate standard of living, A/HRC/4/18/Add.1, para. 34.
- ¹⁸⁸ 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 (accessed on 12 February 2008).
- ¹⁸⁹ UNDP Human Development Report 2007, New York, 2007, p. 271, and UNDP Human Development Report 2006, New York, 2006, p. 324.
- ¹⁹⁰ CEDAW, Concluding Comments, § 30 and 31.
- ¹⁹¹ CERD, Concluding observations, § 16.
- ¹⁹² CERD, Concluding Comments, § 17. See also more generally,
- ¹⁹³ CEDAW, Concluding Comments, § 32.
- ¹⁹⁴ A/HRC/4/24/Add.3, para. 20-22.
- ¹⁹⁵ A/HRC/4/24/Add.3, para. 23-26.
- ¹⁹⁶ A/HRC/4/24/Add.3, para.27-28.
- ¹⁹⁷ A/HRC/4/24/Add.3, para. 38.
- ¹⁹⁸ UNHCR submission to the UPR, pp. 1-2.
- ¹⁹⁹ CERD, Concluding observations, § 18.
- ²⁰⁰ CRC, Concluding observations, § 8.
- ²⁰¹ CERD, Concluding observations, para. 7.
- ²⁰² Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.
- ²⁰³ A/62/228 of 13 August 2007.
- ²⁰⁴ A/61/855, annex to the note verbale from the Permanent Mission of Indonesia to the United Nations, 8 March 2007.
- ²⁰⁵ CERD, Concluding observations, § 31.
- ²⁰⁶ A/HRC/4/24/Add.3, para. 68.
- ²⁰⁷ A/HRC/4/24/Add.3, para. 70.
- ²⁰⁸ A/HRC/4/24/Add.3, para.69.
- ²⁰⁹ Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 97.

²¹⁰ Special representative of the Secretary-General on human rights defenders, Mission to Indonesia, A/HRC/7/28/Add.2, para. 98.

²¹¹ Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007 and Report of the Special Rapporteur on torture, A/HRC/7/3/Add.7, forthcoming.

²¹² CRC, Concluding observations, § 52-53; § 56-57; § 37-38; § 63; § 47-48 and § 65-66; § 73-74; and § 87-89.

²¹³ See UNDAF in Indonesia, 2006-2010, June 2006, accessible at http://www.undg.org/archive_docs/6133-Indonesia_UNDAF_2006-2010_-_UNDAF_-_INDONESIA.doc. The UN agencies, funds and programmes which signed this UNDAF were: UNDP, UNFPA, UNICEF, WFP, FAO, ILO, WHO, UNIDO, UNAIDS and UNHCR.

²¹⁴ UNICEF submission to the UPR, pp. 5-6. The 2006 UNICEF Annual Report mentioned that UNICEF Country Programmes of Cooperation in Indonesia amounted to \$26,500,000 from 2006-2010. See UNICEF 2006 Annual Report, New York, 2007, p. 42. It also noted that by the end of 2006, as part of its 'building back better' programme after the 2004 tsunami, ten of 367 permanent schools were opened in Aceh Province with earthquake-resistant buildings equipped with safe running water and separate toilets. See UNICEF 2006 Annual Report, New York, 2007, p. 8.

²¹⁵ UNHCR submission to the UPR, pp. 2-3.

²¹⁶ Press Release, UN Special Rapporteur on torture concludes visit to Indonesia, 23 November 2007.