



## Republic of Indonesia

### Joint Submission to the UN Universal Periodic Review – Consolidated Version

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#### CIVICUS: World Alliance for Citizen Participation

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#### 1. (A) Introduction

- 1.1 In this consolidated document,<sup>1</sup> CIVICUS, LBH PERS, ICJR, ELSAM, YAPPIKA and AJI examine the Government of Indonesia's compliance with its international human rights obligations to protect, promote and fulfil the rights to freedom of expression, assembly and association and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination on 23 May 2012.
- 1.2 During the 2<sup>nd</sup> UPR cycle, the government of Indonesia received a total of 180 recommendations. Of these recommendations, 150 were accepted by Indonesia and 30 were noted. An evaluation of a range of legal sources and human rights documentation

<sup>1</sup> TO READ THE FULL SUBMISSION PLEASE SEE HERE:

<http://www.civicus.org/images/CIVICUS%20Indonesia%20UPR%20Submission%20Final.pdf>

addressed in subsequent sections of this submission demonstrate that the Government of Indonesia has not fully implemented most of the recommendations it accepted and noted relating to civil society space.

- 1.3** CIVICUS, LBH PERS, ICJR, ELSAM, YAPPIKA and AJI are deeply concerned about judicial persecution, attacks and intimidation of journalists and the brutal killings, and harassment of human rights defenders. We are alarmed by the use of violence to disperse peaceful protests and the subjective manner in which requests for protests by particular groups especially those with a focus on the rights of West Papuans are rejected. We are equally concerned about the use of draconian legislation and policies to restrict freedom of expression, assembly and association.

## **2. (B) Freedom of expression, independence of the media and attacks on journalists**

- 2.1** Under the 2<sup>nd</sup> UPR cycle, the Indonesian government received ten recommendations relating to freedom of expression, independence of the media and the protection of journalists. Of the recommendations received, seven were accepted and three were noted. However, as discussed below, the government has not fully implemented all these recommendations.

### **2.2 Recommendations**

- Review and amend restrictive provisions of the Law on Electronic Information and Transactions, particularly Article 27 (3) on defamation and Article 29 on blasphemy and desist from using the law to target journalists and others who publish information that is critical of government actions.
- Carry out independent and transparent investigations into attacks on journalists by members of law enforcement agencies and the military and in particular attacks by members of the Air Force against peaceful protesters and bring the perpetrators to justice.
- Respect commitments made publicly by President Joko Widodo to allow foreign journalists access to West Papua to enable them carry out their journalistic activities and ensure that restrictions on reporting on issues affecting West Papuans are lifted.

## **3. Harassment, intimidation and attacks against human rights defenders and civil society activists**

- 3.1** Under Indonesia's previous UPR examination, the government accepted five recommendations on the protection of human rights defenders and civil society representatives and noted two. However, as examined in this section, the government has failed to effectively operationalise these recommendations. Of the seven recommendations on protection of HRDs, the government has not fully implemented any of them.

### 3.2 Recommendations

- Civil society members and human rights defenders including those working on issues affecting West Papuans should be provided a safe and secure environment to carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against them and bring perpetrators to justice.
- Carry out independent and transparent investigations into the assassination of environmental activists and ensure that those found guilty are brought to justice.
- All human rights defenders detained for exercising fundamental rights to freedom of expression, association, assembly should be unconditionally and immediately released. Their cases should be reviewed to prevent further harassment.

## 4. (E) Restrictions on freedom of peaceful assembly

4.1 During Indonesia's examination under the 2<sup>nd</sup> UPR cycle, the government received one recommendation related specifically to freedom of assembly (proposed by Canada). In relation to this the government received five recommendations on commitments to address human rights violations by state agents. However, as evidenced below, the government has failed to adequately realise many of these recommendations.

### 4.2 Recommendations

- Best practices on freedom of peaceful assembly should be adopted, as put forward by the UN Special Rapporteur on the Right to Peaceful Assembly and Association in his annual report (2012) which call for simple notification rather than explicit permission to assemble.
- Review, amend or repeal restrictive provisions of Law no 9 of 1998 on the Freedom to Express an Opinion in Public which are being used to pre-empt, disperse, ban, peaceful protests and rallies
- All instances of extra-judicial killing and excessive force committed by security forces while monitoring protests and demonstrations should be immediately and impartially investigated.