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**Submission by CIVICUS: World Alliance for Citizen Participation,  
NGO in General Consultative Status with ECOSOC  
And  
Institute for Policy Research and Advocacy (ELSAM), YAPPIKA-ActionAid**

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## 1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2 Institute for Policy Research and Advocacy (ELSAM) was established in August 1993 in Jakarta. Its objective is to actively participate in efforts to develop, promote and protect civil and political rights and other human rights, as mandated by the 1945 Constitution and Universal Declaration of Human Rights (UDHR).
- 1.3 The Peoples' Participation Initiative and Partnerships Strengthening Foundation (YAPPIKA-ActionAid), a member of ActionAid International, is a CSO that has been working since 1991 to encourage government policies to improve public services in the fields of education and health, and advocate for a better enabling environment for civil society.<sup>1</sup>
- 1.4 In this submission, the three organisations examine the Government of Indonesia's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Indonesia's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination on 3 May 2017. To this end, we assess Indonesia's implementation of recommendations received during the 3<sup>rd</sup> UPR cycle and provide follow-up recommendations.
- 1.5 During the 3<sup>rd</sup> UPR cycle, the Government of Indonesia received 16 recommendations relating to the space for civil society (civic space). Of these recommendations, nine were accepted and seven were noted. An evaluation of a range of legal sources and human rights documentation set out below demonstrates that the Government of

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<sup>1</sup> YAPPIKA-ActionAid is a member of ActionAid International. Since 2010, YAPPIKA-ActionAid has been the secretariat of the Freedom of Association Coalition focused on enabling a conducive environment for civil society organizations in Indonesia.

Indonesia has not fully implemented any of the recommendations relating to civic space.

- 1.6** We are deeply concerned by the continuous implementation of restrictive laws and introduction of further legal restrictions under the pandemic that further restricts civic space and fundamental freedoms. Further, we are alarmed by the ongoing judicial persecution, harassment and intimidation of HRDs, journalists, student protesters and those expressing dissenting opinions against the government.
- 1.7** Between 2017 and 2022, we have observed an alarming trend in criminalisation and the use of excessive force by the authorities against HRDs and communities working on issues such as the environment, labour, anti-corruption, LGBTQI+ rights and the rights of Papuans.
- 1.8** As a result, civic space in Indonesia is currently classified as ‘obstructed’ by the CIVICUS Monitor, indicating the existence of significant civic space restrictions.<sup>2</sup>
- 1.9** This submission examines Indonesia’s implementation of UPR recommendations and compliance with international human rights standards:
- Section 2 examines the freedom of association.
  - Section 3 examines the protection of HRDs, civil society activists and journalists.
  - Section 4 examines the freedom of expression and media freedom.
  - Section 5 examines the freedom of peaceful assembly.
  - Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3<sup>rd</sup> cycle.
  - An annex on the implementation of 3<sup>rd</sup> cycle UPR recommendations related to civic space is in Section 7.

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<sup>2</sup> CIVICUS Monitor: Indonesia, <https://monitor.civicus.org/country/indonesia>.

## 2. Freedom of association

- 2.1** During Indonesia's examination under the 3rd UPR cycle, the government received and supported one recommendation to improve the freedom of association by ensuring the implementation of existing legislation in compliance with international human rights standards. However, the government has failed to take adequate measures to realise this recommendation.
- 2.2** Article 28(E) of the Indonesian Constitution guarantees the right to the freedom of association. It states that everyone shall have the right to freedom of association and assembly and express opinions. The right is also guaranteed under Law No. 39/1999 on Human Rights, article 24. Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party, also guarantees the freedom of association.
- 2.3** After the 3rd UPR cycle, the National Commission on Human Rights (Komnas HAM) adopted the Standard Norms and Procedure No. 3 about the Right to Freedom of Assembly and of Association in December 2020, to be used as a guideline for policy reform and law enforcement to protect these rights.<sup>3</sup> This standard, which has been adopted into Komnas HAM's regulations, has yet to be effectively implemented by governments, judiciaries and law enforcement as a guideline to implement, review or repeal restrictive provisions under existing laws.
- 2.4** Law No. 17/2013 on Societal Organisations regulates CSOs' rights to association.<sup>4</sup> Article 59 prohibits organisations from conducting certain activities, including the use of the flags and symbols of any separatist movements or forbidden organisations; activities related to disturbing public order, separatism, or hatred against any ethnicity, religion, race, or group; law enforcement activities; or subscribing,

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<sup>3</sup> 'Standar Norma dan Pengaturan No.3 tentang Kebebasan Berkumpul dan Berorganisasi', Komnas HAM, 2020, <https://www.komnasham.go.id/index.php/peraturan/2020/12/09/34/standar-norma-dan-pengaturan-nomor-3-tentang-hak-atas-kebebasan-berkumpul-dan-berorganisasi.html>.

<sup>4</sup> 'Undang-Undang Republik Indonesia No. 17/2013 tentang Organisasi Kemasyarakatan', DPR RI, 2013. [https://www.dpr.go.id/dokjdi/dokument/uu/UU\\_2013\\_17.pdf](https://www.dpr.go.id/dokjdi/dokument/uu/UU_2013_17.pdf).

promoting, or spreading ideologies contradictory to the state ideology of Pancasila.<sup>5</sup> The provision, however, does not provide further explanation on what activities might conflict with these categories.<sup>6</sup> The government can selectively interpret this vague provision in a blanket manner to target CSOs, e.g. under the pretext of disturbing public order and inciting separatism.

**2.5** Between 2014 to 2020, YAPPIKA-ActionAid documented at least 804 cases related to the implementation of the Law on Societal Organisations that violated the right to the freedom of association.<sup>7</sup> YAPPIKA-ActionAid found that 33 per cent (324) of cases related to ownership of a registration certificate (Surat Keterangan Terdaftar) for organisations.<sup>8</sup> While the requirement to have the certificate was initially meant as a form of notification only, this has shifted into being a mandatory requirement.

**2.6** Based on the study conducted by the Coalition for Freedom of Association in three cities (Bogor, Salatiga and Surabaya), organisations that do not have a registration certificate are at risk of being stigmatised as illegal organisations, having staff and members criminalised and being deprived of access to facilities and grants provided by local governments.<sup>9</sup>

**2.7** This registration system violates a Constitutional Court ruling that CSO registration should be voluntary and no differentiation should be made between those that are registered and those that are not.<sup>10</sup>

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<sup>5</sup> Pancasila is the Indonesian state ideology based on five principles: Indonesian nationalism; internationalism, or humanism; consensus, or democracy; social prosperity; and belief in one God.

<sup>6</sup> For example, the Law does not explain in detail the interpretation of what activities that are contrary to Pancasila.

<sup>7</sup> 'Monev Implementasi UU Ormas 2013 – 2020 dan Laporan Monev Implementasi Hak Atas Kebebasan Berkumpul dan Berorganisasi di Indonesia Tahun 2019 – 2020', YAPPIKA-ActionAid, 2020, <https://yappika-actionaid.or.id/uploads/downloads/0001.jpg>

<sup>8</sup> Other issues include: 1) difficulties in obtaining a registration certificate; 2) excessive supervision; 3) stigmatisation as an illegal/wild organisation because an organisation does not have a certificate; 4) limitation of access to resources; 5) prohibition of activities; 6) prohibition of an organisation and the dissolution or revocation of the legal entity of an organisation; and 7) arbitrary arrest and criminalisation of members or staff of an organisations.

<sup>9</sup> 'Siaran Pers Koalisi Kebebasan Berserikat [KKB]: Masihkah Perlu Revisi UU Ormas? Tumpang Tindih Kebijakan Pendataan OMS dengan Pemberian Akses Sumber Daya', Yappika-Action Aid, <https://yappika-actionaid.or.id/id/siaran-pers-koalisi-kebebasan-berserikat-kkb-masihkah-perlu-revisi-uu-ormas-tumpang-tindih-kebijakan-pendataan-oms-dengan-pemberian-akses-sumber-daya>.

<sup>10</sup> Constitutional Court Decision No. 82/PUU-XI/2013 on 23 December 2014, gave two main influences on the implementation of the Law on Societal Organisations, namely: (i) the registration of societal

**2.8** Further, in July 2017 the government adopted Government Regulation in lieu of Law No. 2/2017 (Perppu No. 2/2017) to supplement Law No. 17/2013 on Societal Organisations. This new law gives the government the power to revoke an organisation's registration certificate and legal status without the Supreme Court's judicial oversight.<sup>11</sup> Under the new Law, once three ministries decide that a societal organisation is a 'threat to the government' or is 'anti-Pancasila', the organisation is immediately dissolved. Only after it is dissolved can an organisation challenge the decision in court. In contrast, under Law No. 17/2013 organisations were able to challenge a dissolution order in court before being dissolved. The provision undermines the principle of due process of law.<sup>12</sup>

**2.9** Shortly after the enactment of the Law, the Ministry of Law and Human Rights revoked the legal status of Hizbut Tahrir Indonesia (HTI), an organisation with a hard-line Islamic ideology, on the grounds of violating Pancasila. The dissolution, considered an option of last resort under Perppu No. 2/2017, was undertaken without less intrusive measures being taken.<sup>13</sup> The group submitted a request for judicial review<sup>14</sup> to challenge the provision under Perppu No. 2/2017 but this was rejected by the Constitutional Court.<sup>15</sup> It also filed a petition to the Administrative Court but failed.<sup>16</sup>

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organizations is voluntary and organisations that do not register must still be recognised and protected; and (ii) territorial-based societal organisations do not exist. See: [https://www.mkri.id/public/content/persidangan/putusan/39\\_PUU-XV\\_2017.pdf](https://www.mkri.id/public/content/persidangan/putusan/39_PUU-XV_2017.pdf).

<sup>11</sup> 'Nonprofit Law in Indonesia', Council on Foundations, 21 October 2021,

<https://www.cof.org/content/nonprofit-law-indonesia>.

<sup>12</sup> 'Penerbitan Perppu no. 2/2017, potensial Mengancam Kebebasan Berserikat Dan Berorganisasi',

ELSAM, 14 July 2017, <https://elsam.or.id/penerbitan-perppu-no-22017-potensial-mengancam-kebebasan-berserikat-dan-berorganisasi>.

<sup>13</sup> The less intrusive measures under the Perppu No.2/2017 include: warnings, cessation of activities, administrative sanctions and a temporary freeze.

<sup>14</sup> 'HTI Ajukan Gugatan "Judicial Review" Perppu Ormas ke MK', Kompas, 18 July 2017,

<https://nasional.kompas.com/read/2017/07/18/18262621/hti-ajukan-gugatan-judicial-review-perppu-ormas-ke-mk>.

<sup>15</sup> Indonesia's Constitutional Court Decision No. 39/PUU-XV/2017,

[https://www.mkri.id/public/content/persidangan/putusan/39\\_PUU-XV\\_2017.pdf](https://www.mkri.id/public/content/persidangan/putusan/39_PUU-XV_2017.pdf).

<sup>16</sup> 'Jakarta court rejects attempt by Hizb ut-Tahrir to reverse its ban', The Guardian, 7 May 2018,

<https://www.theguardian.com/world/2018/may/07/indonesia-jakarta-court-rejects-hizb-ut-tahrir-attempt-to-reverse-ban>.

**2.10** Following the dissolution of HTI, the government issued a joint decision from the Ministry of Interior, Ministry of Law and Human Rights, Ministry of Communication and Information, General Attorney, Chief of Police, and Chief of the National Counterterrorism Agency to revoke the legal status of Islamic Defenders Front (Front Pembela Islam, FPI), another hard-line Islamist group.<sup>17</sup> This dissolution was followed by the Chief of Police declaring that any symbols associated with FPI were prohibited.<sup>18</sup> These decisions by the government towards HTI and FPI set a worrying precedent that undermines the right to association.

**2.11** The Government has also used political security approach to scrutinise societal organisations,<sup>19</sup> including the use of the amended Law No. 5/2018 on Terrorism to restrict the freedoms of association and expression, particularly targeting political expression for self-determination by the people of Papua – where there are ongoing demands for independence – and organisations supporting them. Any organisation supporting human rights in Papua can easily be labelled as a separatist group and subjected to this Law. The Law also stipulates a longer duration of arrest<sup>20</sup> with no specific explanation of the suspects’ rights to access information, meet family and legal counsel or obtain legal assistance during arrest. This will undermine various rights, including the right to a fair trial.<sup>21</sup>

**2.12** In addition, the implementation of the Presidential Regulation on Beneficial Ownership (Peraturan Presiden No. 13/2018) to prevent money laundering and

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<sup>17</sup> For further information on the decision issued by the government concerning FPI, see: “Keputusan Bersama Nomor 220-4780 Tahun 2020 tentang Larangan Penggunaan Simbol dan Atribut serta Penghentian Kegiatan Front Pembela Islam”, Kementerian Dalam Negeri, 30 Dec 2020.

<https://web.kominfo.go.id/sites/default/files/SKB%20ORMAS%20FPI.pdf>.

<sup>18</sup> ‘Kapolri Keluarkan Maklumat, Larang Simbol FPI di Masyarakat’, CNN Indonesia, 10 Oct 2020, <https://www.cnnindonesia.com/nasional/20210101103440-12-588428/kapolri-keluarkan-maklumat-larang-simbol-fpi-di-masyarakat>.

<sup>19</sup> In the Ministry of Interior Regulation No. 56/2017 about the Monitoring of Societal Organisations, Article 14-16, the duty to monitor societal organisations are jointly conducted by the national and political unit (Kesbangpol), the national police, the national army, attorney general, and intelligent agency. See: ‘Permendagri No. 56/2017 tentang Pengawasan Organisasi Kemasyarakatan Di Lingkungan Kementerian Dalam Negeri Dan Pemerintah Daerah’, Kementerian Dalam Negeri, 31 Jul 2017. <https://peraturan.bpk.go.id/Home/Details/111412/permendagri-no-56-tahun-2017>

<sup>20</sup> Article 28 of the Law stipulates a 21-day period of arrest instead of 24 hours as stipulated in the Law on Criminal Procedure.

<sup>21</sup> ‘ICJR dan ELSAM: Secara Pidana, Penggunaan UU Terorisme untuk KKB di Papua Akan Menimbulkan Banyak Masalah’, ELSAM, 2 May 2021, <https://elsam.or.id/icjr-dan-elsam-secara-pidana-penggunaan-uu-terorisme-untuk-kkb-di-papua-akan-menimbulkan-banyak-masalah>.

funding of terrorism treats CSOs like business corporations. The Regulation does not differentiate between for-profit corporations and not-for-profit organisations. The implementation of this regulation is contrary to the recommendation issued by the Financial Action Task Force<sup>22</sup> that stipulates that any regulation governing CSOs should be reviewed so these will not be used to abuse organisations under the pretext of combatting terrorism financing.

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

- 3.1** Under Indonesia's previous UPR examination, the government received and supported five recommendations on strengthening protection of HRDs, journalists and civil society representatives. However, the government has failed to operationalise these recommendations effectively.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR, to some extent, also guarantees the civil and political rights of HRDs. In 2021, Komnas HAM adopted the Standard Norm and Procedure No. 6 on Human Rights Defenders, an instrument that can be used as a guideline for policy reform and law enforcement to respect, fulfil and protect the rights of HRDs. Yet it is has not been effectively implemented.<sup>23</sup> Komnas HAM is also in the process of revising its Regulation No. 5/2015 to strengthen its institution for the protection of HRDs.
- 3.3** Indonesia's Criminal Code has been used to restrict the activities of HRDs, activists and journalists. This includes its provisions on defamation (article 310) and treason (article 106) to judicially harass HRDs, particularly those working on the issue of racial discrimination and Papua. In addition, Indonesia's Law on Electronic

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<sup>22</sup> The Financial Action Task Force (FATF) is an intergovernmental body dedicated to combatting global money laundering and terrorist financing. Indonesia is a member of the FATF. See: 'Combating the abuse of non-profit organisations: recommendation', *Financial Action Task Force*, June 2015. <https://www.fatf-gafi.org/media/fatf/documents/reports/BPP-combating-abuse-non-profit-organisations.pdf>

<sup>23</sup> 'Standar Norma dan Pengaturan No. 6 tentang Pembela Hak Asasi Manusia', Komnas HAM, 2021, <https://www.komnasham.go.id/index.php/peraturan/2021/11/04/38/standar-norma-dan-pengaturan-nomor-6-tentang-pembela-hak-asasi-manusia.html>.



Information and Transaction (ITE Law) contains several provisions that have been used to unduly restrict the freedom of expression of HRDs, activists, journalists and people with dissenting opinions. The provisions include article 27 (3) on defamation and article 28 on hate speech.<sup>24</sup>

- 3.4** On the ITE Law, three ministries issued a joint decree on 23 June 2021 committing to address the problematic implementation of the Law, with the expectation of providing clear guidelines to implement its provisions. However, the restrictive provisions still exist.<sup>25</sup>
- 3.5** On 22 September 2021, Luhut Binsar Pandjaitan, Coordinating Minister for Maritime Affairs and Investment, filed a police report against HRDs Haris Azhar, Founder of Lokataru Foundation, and Fatia Maulidiyanti, Coordinator of the Commission for the Disappeared and Victims of Violence. The police report alleged that the two violated criminal defamation provisions (Penal Code article 310 (1)) and the ITE Law for discussing the findings of a multi-stakeholder report revealing the alleged involvement of active and retired Indonesian army officials in the business operations of the goldmining sector. Luhut Binsar Pandjaitan has reportedly demanded IDR 300 billion (approx. US\$21 million) in compensation.<sup>26</sup>
- 3.6** In June 2020, seven Papuan activists, known as the Balikpapan Seven, were found guilty of treason under Criminal Code article 106 and sentenced to up to 11 months' imprisonment for their involvement in anti-racism rallies in August 2019.<sup>27</sup> On 23rd October 2020, the Ambon District Court in Maluku found Abner Litamahuputty, Jannies Pattiasina and Simon Taihutu guilty of treason for taking part

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<sup>24</sup> 'Urgensi Revisi Menyeluruh UU ITE: Beberapa Isu Penting', ELSAM, 18 February 2021, <https://elsam.or.id/urgensi-revisi-menyeluruh-uu-it-beberapa-isu-penting>.

<sup>25</sup> 'Koalisi: SKB tak Selesaikan Masalah ITE', Republika, 25 June 2021, <https://www.republika.id/posts/17843/koalisi-skb-tak-selesaikan-masalah-ite>.

<sup>26</sup> 'Indonesia: Government should immediately withdraw arbitrary charges against Fatia Maulidiyanti & Haris Azhar', CIVICUS, 23 September 2021, <https://www.civicus.org/index.php/media-resources/media-releases/open-letters/5301-indonesia-government-should-end-the-judicial-harassment-and-immediately-withdraw-arbitrary-charges-against-defenders-fatia-maulidiyanti-and-haris-azhar>.

<sup>27</sup> 'Papuan activists prosecuted while critics face judicial harassment and digital attacks', CIVICUS Monitor, 10 August 2020, <https://monitor.civicus.org/updates/2020/08/10/papuan-activists-prosecuted-while-critics-face-judicial-harassment-and-digital-attacks>.

in a peaceful protest in Ambon on 25 April 2020. Pattiasina and Taihutu received a two-year sentence, while Litamahuputty was jailed for three years.<sup>28</sup>

- 3.7** In addition to restrictive laws, physical attacks have been used to target HRDs, activists and journalists. As documented by ELSAM, threats and violence against environmental HRDs (EHRDs) increased from 27 to 60 cases from 2019 to 2020. Half of the cases involving EHRDs involve those working in the agrarian sector, followed by mining, environment and infrastructure. The number of cases decreased to 34 in 2021. However, EHRDs continue to work in precarious and vulnerable conditions.<sup>29</sup>
- 3.8** Some notable cases include that of Dedi Sasanto, Untung and James Watt from environmental group Indonesian Forum for the Environment. They were arrested on 7 March 2020 for their involvement in resisting a land grab by the palm oil company PT. Masawit Bangun Persada. The dispute began in 2006 when the company allegedly seized around 117 hectares of land belonging to local communities.<sup>30</sup> Prior to their arrest, the three had gone to Jakarta for meetings with Komnas HAM and other groups to seek their support in the land dispute.<sup>31</sup>
- 3.9** In 2020, ELSAM documented a new pattern of how the government of Indonesia is restricting HRDs through the use of hacking and surveillance. The cases of hacking or attempted hacking of social media accounts and messaging applications included those experienced by Fajar, the Chair of the Student Council of the University of Indonesia, who criticised the adoption of the Omnibus Law on Job Creation in 2020,

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<sup>28</sup> 'Critical voices silenced, impunity for excessive force and unlawful killings in Indonesia', CIVICUS Monitor, 1 February 2021, <https://monitor.civicus.org/updates/2021/02/01/critical-voices-silenced-impunity-excessive-force-and-unlawful-killings-indonesia>.

<sup>29</sup> Most of the 34 result from agrarian conflicts, followed by infrastructure development projects (six), cases related to environmental damage issues (five) and mining conflicts (four). See 'Tinjauan Situasi Pembela HAM atas Lingkungan', ELSAM, 31 December 2021, <https://elsam.or.id/wp-content/uploads/2022/02/Laporan-2021-Caw-III-Final.pdf>

<sup>30</sup> 'Protests in Indonesia against weakening of labour laws as activists and critics are silenced', CIVICUS Monitor, 16 April 2020. <https://monitor.civicus.org/updates/2020/04/16/protests-indonesia-against-weakening-labour-laws-activists-and-critics-are-silenced>.

<sup>31</sup> 'Indonesia rights groups call for release of farmers', UCANews, 9 April 2020. <https://www.ucanews.com/news/indonesian-rights-groups-call-for-release-of-farmers/87677>.

and Rasio Patra, a young activist who criticised the government's responses to the COVID-19 pandemic.<sup>32</sup> In all cases, no perpetrators have been held accountable.

**3.10** LGBTQI+ people have also been subjected to discrimination and harassment enabled by negative comments made by politicians. In October 2018, a Human Rights Watch study revealed how government officials in West Java province have publicly called for policies that would target LGBTQI+ people for arrest and so-called rehabilitation. This included the handing over of lists of allegedly gay and bisexual men to authorities, changes to school curricula to teach falsehoods about and hatred of LGBTQI+ people, the subjection of LGBTQI+ people to false 'conversion therapies' in an attempt to change their sexual orientation or gender identity and the censorship of speech about LGBTQI+ rights, among other measures.<sup>33</sup>

#### **4. Freedom of expression, media freedom and access to information**

**4.1** Under the 3<sup>rd</sup> UPR cycle, the government received nine recommendations relating to the freedom of expression. The government supported only two and noted seven, and has not taken effective measures to implement the recommendations.

**4.2** ICCPR article 19, which has been acceded to by Indonesia through Law No. 12/2005, guarantees the right to the freedoms of expression and opinion. Article 25 of the Constitution also guarantees the right to the freedom of expression, including to express opinions in public. However, in practice, there are various restrictive laws that curb dissenting opinion and political expression. These include the laws set out in section 3.3 above.

**4.3** In 2020, the National Police Chief issued a Circular Letter<sup>34</sup> regarding the guidelines for carrying out the duties and functions of the Criminal Investigation Unit under the

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<sup>32</sup> 'Terror kepada Rakyat Harus Dihentikan, Segera! FRI: 4 Pola digunakan untuk Berangus Suara Kritis', ELSAM, 26 April 2020, <https://elsam.or.id/teror-kepada-rakyat-harus-dihentikan-segera-fri-4-pola-digunakan-untuk-berangus-suara-kritis>.

<sup>33</sup> 'Indonesia: Fresh Wave of Anti-LGBT Rhetoric, Arrests', Human Rights Watch, 29 October 2018, <https://www.hrw.org/node/323811/printable/print>.

<sup>34</sup> 'Surat Telegram ST/1100/IV/HUK.7.1./2020', Kepolisian Republik Indonesia, 4 Apr 2020. <https://covid19.hukumonline.com/2020/04/04/surat-telegram-kepala-kepolisian-republik-indonesia-nomor-st-1100-iv-huk-7-1-2020-tahun-2020/>

pretext of combatting COVID-19. The Letter contains rules on the imposition of criminal penalties related to the dissemination of online information deemed to be false and even emphasises the penalty of imprisonment for insulting the president and government officials during the pandemic. This Letter can be used to limit dissent and civil society's efforts to monitor the government's management of the pandemic.

- 4.4** The police also monitors social media accounts, under the Chief of the National Police Regulation concerning Awareness of Ethical Culture to Create a Clean, Healthy and Productive Indonesian Digital Space (SE Kapolri No. SE/2/11/2021), with the stated aim of monitoring content that is considered to contain hoaxes or incitement to hatred. This practice does not fall under the police's authority. It has created a chilling effect on the freedoms of opinion and expression as the police continuously monitor social media users.
- 4.5** In 2020, the Ministry of Communication and Information Technology adopted Ministerial Regulation No. 5/2020 (MR5) following minimum consultation. The regulation, which requires all private digital services and platforms to provide the government with full access to their systems and data under the pretext of eradicating prohibited content, contains a vague and broad definition of what constitutes prohibited content.<sup>35</sup> The regulation could potentially be used as a tool of censorship against dissenters as it undermines the due process of law and gives discretion for the ministry to label content as prohibited.<sup>36</sup>
- 4.6** In addition to MR5, content restriction procedures are regulated through Government Regulation No. 71/2019. Implementation of this regulation by the government often results in excessive content blocking since the absolute authority to limit content rests entirely with the government without any judicial scrutiny.

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<sup>35</sup> Article 9(4) defines prohibited information or documents as content that violates Indonesian law, 'disturbs the community and public order' or 'informs others how to access or provides access to' prohibited content. This includes not only content in violation of Indonesia's already overly broad laws restricting speech, but also any material 'causing public unrest or public disorder' or information on how to provide access to such material

<sup>36</sup> 'Indonesia: Suspend, Revise New Internet Regulation'. Human Rights Watch, 21 May 2021, <https://www.hrw.org/news/2021/05/21/indonesia-suspend-revise-new-internet-regulation>.

- 4.7** The revised draft of the Indonesia Criminal Code still contains several provisions that could potentially jeopardise the freedom of expression if enacted. Among other issues, the bill contains provisions that criminalise activities that will negatively affect the dignity of the president and vice president<sup>37</sup> (articles 218 and 219) and that insult public authority and state institutions in the public sphere (article 353), with heavier punishment if such acts are conducted through social media technology (article 354). All of the provisions lack the legality, necessity and proportionality required under international law.<sup>38</sup>
- 4.8** In February 2019, Dr Saiful Mahdi, a lecturer in Syiah Kuala University in Aceh, voiced his concern about the university's hiring procedures in a WhatsApp group of faculty and staff members. In particular, he criticised the process for selecting successful candidates from the civil service test to join the Faculty of Engineering and questioned the conduct of the 'leadership ranks' of the university. He did not name any faculty members. A complaint was then filed by the dean of the faculty and criminal defamation charges were brought against Mahdi under the ITE Law article 27(3). He was sentenced to three months' imprisonment and a fine of IDR 10 million (approx. US\$ 690).<sup>39</sup>
- 4.9** On 10 September 2021, Presidential Chief of Staff Moeldoko filed a case against two Indonesia Corruption Watch researchers, Miftah and Egi Primayogha, on allegations of defamation based on their findings accusing Moeldoko of being affiliated with the

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<sup>37</sup> The provisions of insult against president and vice president were deemed unconstitutional in 2006, through the Constitutional Court decision number 013-022/PUU IV/2006. See: 'Putusan No. 013-022/PII-IV/2006', *Mahkamah Konstitusi Republik Indonesia*, 4 Dec 2006, <https://www.kejaksaan.go.id/upldoc/produkhkm/Putusan%20MK%20Nomor%20013-022%20Tentang%20JR%20Pasal%20134,%20Pasal%20136%20bis,%20dan%20Pasal%20137%20%20KUHP.pdf>.

<sup>38</sup> These provisions penalising criticism of public leaders are contrary to the ICCPR because restrictions on the right to the freedom of expression are only allowed if these pursue legitimate and specific aims and should be proportionate to the aim pursued. Public figures, including the president, may be subject to criticism as part of normal checks and balances, and therefore criticism should not be considered an insult and not to be criminalised

<sup>39</sup> 'Indonesia: Academic at risk of imprisonment for online criticism of university hiring procedures', CIVICUS, 1 September 2020, <https://www.civicus.org/index.php/media-resources/news/4592-indonesia-academic-at-risk-of-imprisonment-for-online-criticism-of-university-hiring-procedures>.

vice president of PT Harsen Laboratories, the producer of the controversial Ivermectin drug.<sup>40</sup>

**4.10** In October 2021, journalist Asrul was sentenced to one year in prison for violating the ITE Law article 45 paragraph 1, in conjunction with article 27 paragraph 3. The trial went ahead even though the Press Council stated that Asrul's coverage of alleged corruption by the family of the mayor of Palopo, South Sulawesi was journalistic work and should not be part of the trial.

**4.11** Attacks against journalists covering protests and human rights issues have increased in the past years. Notably, two prominent Indonesian journalists who covered a land dispute between a palm oil company and residents were found dead with multiple stab wounds near a plantation in Sumatra province. The body of Maraden Sianipar was found on 30 October 2019 near a palm plantation in Labuhan Batu. Police found the remains of Maratua Siregar in the same area a day later.

**4.12** The Alliance of Independent Journalists Indonesia (AJI) reports that there were 57 cases related to violence against journalists from May 2019 to May 2020. The number increased to 90 cases between May 2020 and May 2021. Seventy per cent of cases involved police use of excessive force.<sup>41</sup> AJI documented 14 cases of digital attacks against journalists from May 2020 to May 2021. The cases were: doxxing (eight cases), hacking (two), and distributed denials-of-service (two).<sup>42</sup>

**4.13** Events to publicly criticise government policies have also been subject to cyberattacks, including against the committee and speakers involved in an event to discuss presidential impeachment held by the Constitutional Law Society (CLS)

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<sup>40</sup> 'Human Rights Defenders, critics targeted in Indonesia while protests on Papua repressed', CIVICUS Monitor, 21 September 2021, <https://monitor.civicus.org/updates/2021/09/21/human-rights-defenders-critics-targeted-indonesia-while-protests-papua-repressed>.

<sup>41</sup> 'AJI: Ada 90 Kasus Kekerasan Terhadap Jurnalis Sepanjang Mei 2020-2021', KOMPAS, 3 May 2021, <https://nasional.kompas.com/read/2021/05/03/11240261/aji-ada-90-kasus-kekerasan-terhadap-jurnalis-sepanjang-mei-2020-2021>.

<sup>42</sup> 'AJI: Ada 14 Serangan Digital Terhadap Jurnalis dan Media Sepanjang 2020 – 2021', KOMPAS, 3 May 2021, <https://nasional.kompas.com/read/2021/05/03/12035131/aji-ada-14-serangan-digital-terhadap-jurnalis-dan-media-sepanjang-2020-2021>.

University of Gadjah Mada Law Faculty.<sup>43</sup> The Teknokra University of Lampung was also subjected to a digital attack before holding an event to discuss racism in Papua.<sup>44</sup>

#### **4.14 Restrictions of freedom of expression and the right to information in Papua**

**4.14.1** After a wave of protests against racism against Papuan people, the Indonesian government decided to impose an internet shutdown in Papua and West Papua on 21 August 2019. Press release No. 155/HM/KOMINFO/08/2019 mentions the blocking of telecommunication data services in Papua and West Papua on the grounds of accelerating the process of restoring security and order.<sup>45</sup>

**4.14.2** The internet shutdown in Papua is a violation of the constitutional rights of Indonesian citizens to communicate and obtain information, guaranteed in Constitutional article 28F, UHDR article 19 and ICCPR article 19.

**4.14.3** Content of the Suarapapua.com website, which reports information on human rights violations in Papua, has also been blocked. The website allegedly violated laws and regulations, but the authorities did not specify which laws and regulations were violated. Suarapapua.com submitted a judicial review of the ITE Law article 40 paragraph (2)b, which was used to block its website, to the Constitutional Court. However, the Constitutional Court rejected the application on the grounds that the law had not comprehensively considered internet content as part of human rights and therefore there was no need to comply with the principles of restrictions according to human rights law.<sup>46</sup>

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<sup>43</sup> ‘Angkat Tema Pemberhentian Presiden, Panitia Diskusi CLS UGM Diancam hingga Acara Dibatalkan’, 30 May 2020, <https://regional.kompas.com/read/2020/05/30/12251181/angkat-tema-pemberhentian-presiden-panitia-diskusi-cls-ugm-diancam-hingga?page=all>.

<sup>44</sup> ‘Gelar Diskusi, Penyelenggara dari Teknokra dapat Diintimidasi’, Lampungpost.co, 12 June 2020, <https://m.lampost.co/berita-gelar-diskusi-penyelenggara-dari-i-teknokra-i-dapat-diintimidasi.html>.

<sup>45</sup> ‘Internet Shut down Papua: Bentuk Represi Digital dan Menyalahi Prinsip Keadaan Darurat’, ELSAM, 22 August 2019, <https://elsam.or.id/internet-shutdown-papua-bentuk-represi-digital-dan-menyalahi-prinsip-keadaan-darurat>.

<sup>46</sup> ‘Indonesian internet blocks amid social unrest lawful court rules’, Reuters, 27 October 2021, <https://www.reuters.com/business/media-telecom/indonesian-internet-blocks-amid-social-unrest-lawful-court-rules-2021-10-27>.

**4.14.4** In February 2018, Indonesian authorities arrested BBC correspondent Rebecca Henschke for tweets she made while reporting from Papua. Henschke travelled to Papua to report on a measles outbreak, which killed roughly 100 Papuan children, and on how logging and deforestation have destroyed forests. She was arrested the day after tweeting a photo of supplies arriving at a river dock, commenting ‘Aid coming in for severely malnourished children in Papua – instant noodles, super sweet soft drinks, and biscuits’. Another tweet said, ‘Children in hospital eating chocolate biscuits and that’s it’. She was questioned for a total of 17 hours before being released.<sup>47</sup>

## **5. Freedom of peaceful assembly**

- 5.1** During Indonesia’s examination under the 3<sup>rd</sup> UPR cycle, the government received five recommendations on the right to the freedom of peaceful assembly. It accepted three and noted two. However, as evidenced below, the government has not implemented these recommendations.
- 5.2** Article 28 E (3) of the Constitution guarantees the right to the freedom of peaceful assembly. ICCPR article 21 also guarantees this right. However, in practice, the authorities continue to restrict the freedom of assembly through the use of restrictive laws that curb the right to protests. Further, excessive force is used to disperse peaceful protesters.
- 5.3** Law No. 9 of 1998 on Freedom of Expression in Public regulates the right to peaceful assembly of CSOs. Article 10 stipulates the requirement to submit advance notification 24 hours before an assembly. Article 11 also requires the submission of the name and address of the organisation, group or individuals organising an assembly, details of any equipment that will be used and the number of participants. Based on this, spontaneous assemblies are not allowed, apart from academic forums held on campus. The law is specific about particular areas where assemblies are prohibited from taking place, including the presidential palace, religious spaces and

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<sup>47</sup> ‘BBC Correspondent Detained in Indonesia Now Freed’, Human Rights Watch, 6 February 2018, <https://www.hrw.org/news/2018/02/06/bbc-correspondent-detained-indonesia-now-freed>.



military installations, and the time when assemblies are allowed (between 6am and 6pm, with no assemblies permitted on public holidays).

- 5.4** In practice, the submittal of notification has been misinterpreted as a requirement to get mandatory approval from the authorities. In addition to the above regulations, clauses in Indonesia's Criminal Code that restrict the freedom of expression, such as provisions on defamation (article 310) and treason (article 106), have also been used to criminalise protesters and protest organisers.
- 5.5** Other regulations that restrict the freedom of peaceful assembly include the Regulation of the Head of the State Police of the Republic of Indonesia No. 9 of 2008 on Procedures for Providing Services, which provides limitations relating to spontaneous protests, the submission of notification to police (which has been misinterpreted by the authorities as mandatory approval) and size of protests.
- 5.6** In practice, the notification requirement is not only applied to peaceful public demonstrations but also to the holding of closed-door public discussions. For example, the police intimidated the owner of a public cafe that was meant to be hosting a public discussion on the conflict in Wadas on the grounds of not holding a permit.<sup>48</sup>
- 5.7** CIVICUS and ELSAM have documented the use of excessive force by the authorities to disperse peaceful assemblies, targeting protesters, including students and journalists. In September 2019, a huge mass of protesters throughout Indonesia protested against the passing of various laws, including the Criminal Law Code Bill and Revision of the Law on the Anti-corruption Commission (KPK) Bill, commonly called the #ReformasiDikorupsi (reforms corrupted) action. During the protest, police blatantly beat protesters, sprayed teargas, hindered the provision of medical supplies and arrested and harassed medical personnel, activists, students and journalists.<sup>49</sup>
- 5.8** During the protest linked to elections on 21 and 22 May 2019, human rights organisations documented the use of excessive force by the police against protesters. Seven people were killed, four of whom suffered gunshot wounds. Arbitrary arrests

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<sup>48</sup> 'Intimidasi terhadap Penentang Tambang Wadas Berlanjut', Tempo, 19 February 2022, <https://koran.tempo.co/read/nasional/471887/polisi-bubarkan-diskusi-tentang-wadas-di-semarang>.

<sup>49</sup> 'Indonesia: Government should stop abuse of power by Indonesia police', FORUM-ASIA, 27 September 2019, <https://www.forum-asia.org/?p=29892>.

of protesters and denial of access to family members for detainees were among other issues documented. Further, at least 20 journalists suffered injuries while covering the protests, perpetrated both by the police and protesters.<sup>50</sup>

**5.9** In another case, during a protest against the adoption of the Omnibus Law on Job Creation from 6 to 10 October 2020, the police arrested 5,918 people during the protests and charged 240. The police were accused of using excessive force against protesters and journalists, deploying teargas and water cannon, with hundreds of reported cases of alleged physical assault by the security forces.<sup>51</sup>

**5.10** Residents of the village of Wadas who protested against a reservoir development that will affect their houses and the environment were subjected to excessive force by the police in February 2022. No perpetrators of the violence have been held accountable. The government also applied internet throttling in the area during the protests.<sup>52</sup>

**5.11** The use of excessive force by the police has also been documented in protests related to the situation of Papua. Protests against the unilateral renewal of the Papua Special Autonomy Law, which took place in several cities in July and August 2021, were met with excessive force. Police arrested 23 students and activists in Jayapura on 14 July 2021, and four protesters were injured. On 15 July, 18 protesters were arrested in Kaimana, West Papua and a protest in Manokwari was blocked. Another 50 protesters were arrested and beaten in front of the House of Representatives in Jakarta on 15 July 2021, just prior to the passing of the law.<sup>53</sup>

**5.12** The police have also implemented restrictions on the freedom of peaceful assembly during the COVID-19 pandemic under the pretext of preventing the spread of the virus. However, the application of restrictions has not had clear parameters and has often been inconsistent. Restrictions have disproportionately targeted the organisers of peaceful assemblies intended to criticise government policies and to voice the

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<sup>50</sup> 'Indonesian civil society finds human rights violations during deadly post-election protests', CIVICUS Monitor, 28 May 2019, <https://monitor.civicus.org/updates/2019/05/28/indonesian-civil-society-finds-human-rights-violations-during-deadly-post-election-protests>.

<sup>51</sup> 'Arbitrary arrests, excessive force, attacks on media in mass protests in Indonesia against jobs law', CIVICUS Monitor, 12 October 2020, <https://monitor.civicus.org/updates/2020/10/12/arbitrary-arrests-excessive-force-attacks-media-mass-protests-indonesia-against-jobs-law>.

<sup>52</sup> 'Wadas Villagers have the right to protest and to access the internet!', ELSAM, 15 February 2022, <https://elsam.or.id/joint-solidarity-statement-dear-indonesia-wadas-villagers-have-the-right-to-protest-and-to-access-the-internet>.

<sup>53</sup> CIVICUS Monitor, 21 September 2021, op. cit.

rights of excluded groups, such as during the International Women's Day march in 2021.<sup>54</sup>

**5.13** A study conducted by Project Multatuli revealed how the national police use social media platforms and technology to conduct surveillance on news and opinion spread through social media. This is done in an attempt to both improve the police's public image and curtail dissenting opinions.<sup>55</sup>

## **6. Recommendations to the Government of Indonesia**

CIVICUS, ELSAM and YAPPIKA-ActionAid call on the Government of Indonesia to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31. In the light of this, the following specific recommendations are made:

### **6.1 Freedom of association**

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures and practices that unwarrantedly limit the freedom of association.
- Remove all undue restrictions on the ability of CSOs to receive international and domestic funding, including the mandatory registration requirement.
- Ensure that attempts to combat terrorism do not lead to further restrictions on the freedom of association of those promoting human rights of Papuans.
- Refrain from acts leading to the arbitrary closure of CSOs or the suspension of their peaceful activities and uphold due process of law.

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<sup>54</sup> 'Aksi HPI, Nining Elitos Akan Diperiksa Polisi soal Hasut Massa saat Wabah', Suara.com, 12 March 2021, <https://www.suara.com/news/2021/03/12/124128/aksi-hpi-nining-elitos-akan-diperiksa-polisi-soal-hasut-massa-saat-wabah>.

<sup>55</sup> 'Menelusuri Jejak Proyek "Memoles Citra" Bernilai Ratusan Miliar Divisi Humas Polri', Project Multatuli, 15 February 2022, <https://projectmultatuli.org/menelusuri-jejak-proyek-memoles-citra-bernilai-ratusan-miliar-divisi-humas-polri>.

- Ensure the implementation of the Standard Norms and Procedure for the Right to Freedom of Peaceful Assembly and of Association issued by Komnas HAM in all legislation at the national and local levels.
- Repeal restrictive provisions of the Law on Societal Organisations, including on registration certification and dissolution of CSOs, to remove undue restrictions on the freedom of association, to bring it into compliance with the principles of due process of law and ICCPR articles 21 and 22.
- Provide funding sources that can strengthen CSOs programmatic and institutional capacity by formulating policies that ensure equal access of resources for CSOs, accountable programme implementation and reporting and non-bureaucratic and transparent processes at all stages, and ensure that CSOs remain independent and are not co-opted when accessing government funds.

## **6.2 Protection of human rights defenders**

- Provide civil society members, activists, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs working on environmental issues and Papuan/West Papuan issues in particular are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- Ensure the implementation of the Standard Norms and Procedure for the Protection of Human Rights Defenders issued by Komnas HAM across legislative and policy measure and adopt a law to protect HRDs.
- Undertake a consolidated process of repeal or amendment of legalisation and decrees that unwarrantedly restrict the legitimate work of HRDs, including provisions under the Criminal Code and the ITE Law, in line with the UN Declaration on Human Rights Defenders.
- Immediately and unconditionally release all HRDs, including journalists and bloggers, detained for exercising their fundamental rights to the freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.

- Conduct a thorough evaluation of law enforcement institutions, particularly the police, to ensure the implementation and adoption of a human rights-based approach to their work.

### **6.3 Freedom of expression, media freedom and access to information**

- Ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards.
- Specifically repeal laws around criminal defamation, including article 27 para (3) on defamation of the ITE Law.
- Amend laws around cyber-enabled crimes, including articles 27, 28 and 29 of the ITE Law, in order to bring them into line with best practices and international standards in the area of freedom of expression.
- Review and repeal the provisions under the Ministry of Communication and Information Regulation No. 5/2020 that undermine the right to information, including the vague provision that allows the government to define prohibited contents without due process of law.
- Amend the provision that allows arbitrary interpretation by the government of internet content restrictions and internet shutdown procedures under the ITE Law.
- Refrain from introducing provisions that will curb the freedom of expression, including on defamation against president, vice president, parliament and other state institutions in the revised Criminal Code.
- Guarantee and protect the freedom of expression and access to information of HRDs promoting the rights of excluded groups, including Papuans

### **6.4 Freedom of peaceful assembly**

- Adopt best practices on the freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required, and

by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.

- Amend Law No. 9 of 1998 on Freedom of Expressing Opinions in Public and Regulation of the Head of the State Police of the Republic of Indonesia No. 9 of 2008 on Procedures for Providing Services in order to guarantee fully the right to the freedom of peaceful assembly.
- Unconditionally and immediately release all protesters, HRDs and journalists detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.
- Immediately and impartially investigate all instances of extrajudicial killings and excessive force committed by security forces in the context of protests.
- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.

## **6.5 Access to UN Special Procedures mandate holders**

- The Government should extend an invitation to all UN Special Procedure mandate holders and prioritise official visits to Indonesia and particularly Papua/West Papua by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; and 3) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of association.

## **6.6 State engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.

- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

## 7. Annex: Assessment of implementation of civic space recommendations under the 3<sup>rd</sup> cycle

Recommendation	Position	Assessment/Comments on level of implementation
<b>Freedom of Association</b>		
<p><b>141.58.</b> Ensure that existing legal and constitutional provisions protecting human rights in particular freedom of expression, association and assembly are fully implemented nationwide, repeal discriminatory local by-laws contrary to the Constitution of Indonesia, prioritize progress on equality and non-discrimination, including in relation to lesbian, gay, bisexual and transgender persons, take action to prevent extremist groups from harassing, intimidating or persecuting religious and other minorities, and provide human rights training to officials in the legal and judicial system (Ireland)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>	Supported	<p>Status: Not implemented</p> <p>Source: Section 2 - para. 2.2 – 2.12</p>
<b>Human rights Defenders</b>		
<p><b>139.24.</b> Adopt legislative measures to prevent and combat intimidation, repression or violence against human rights defenders, journalists and civil society organizations (Mexico)</p>	Supported	<p>Status: Partially implemented</p> <p>Source: Section 3, para. 3.2</p>



<p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>		
<p><b>139.64.</b> Continue to strengthen national and regional efforts to promote and protect human rights defenders (Ecuador)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>	Supported	<p>Status: Not implemented</p> <p>Source: Section 3; Section 4; Section 5</p>
<p><b>139.65.</b> Facilitate the work of human rights defenders and journalists throughout the country (France)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>	Supported	<p>Status: Not implemented</p> <p>Source: Section 3, para. 3.6 – 3.9</p>
<p><b>139.66.</b> Step up efforts to ensure protection of journalists and human rights defenders (Iraq)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>	Supported	<p>Status: Not implemented</p> <p>Source: Section 3, Section 4 para. 4.10 – 4.12</p>
<p><b>141.56.</b> Take further steps to ensure a safe and enabling environment for all human rights defenders, including those representing the lesbian, gay, bisexual and transgender community and adat communities (Norway)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>	Supported	<p>Status: Not implemented</p> <p>Source: Section 3, para. 3.10</p>
<p><b>Freedom of Expression</b></p>		
<p><b>139.76.</b> Ensure that the freedom of speech of civil society organizations and special interest groups is promoted and respected across Indonesia so that they can, within the legal framework, voice their views and concerns, even on issues that can be sensitive (Netherlands)</p>	Supported	<p>Status: Not implemented</p> <p>Source: Section 3; Section 4</p>

<p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>		
<p><b>141.27.</b> Introduce legislation to repeal the blasphemy law of 1965 (Sweden)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 3</p>
<p><b>141.28.</b> Amend or revoke laws and decrees that limit the right to freedom of thought, conscience and religion (Denmark)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 3; Section 4</p>
<p><b>141.29.</b> End prosecutions under articles 156 and 156a of the Criminal Code for exercising freedom of religion and expression (United States)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 3, Section 4 para. 4.7</p>
<p><b>141.30.</b> Repeal or amend articles 106 and 110 of the Criminal Code to avoid restrictions on freedom of expression (Germany)</p> <p><b>Source of position</b> A/HRC/36/7/Add.1- Para. 10</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 3; Section 4 para. 4.7</p>
<p><b>141.31.</b> End prosecutions under articles 106 and 110 of the Criminal Code for exercising freedom of expression and peaceful assembly (United States)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 3; Section 4; Section 5</p>
<p><b>141.34.</b> Eliminate from the Criminal Code the article relating to blasphemy (Spain)</p>	Noted	<p>Status: Not implemented</p>

<p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>		<p>Source: Section 3; Section 4</p>
<p><b>141.58.</b> Ensure that existing legal and constitutional provisions protecting human rights in particular freedom of expression, association and assembly are fully implemented nationwide, repeal discriminatory local by-laws contrary to the Constitution of Indonesia, prioritize progress on equality and non-discrimination, including in relation to lesbian, gay, bisexual and transgender persons, take action to prevent extremist groups from harassing, intimidating or persecuting religious and other minorities, and provide human rights training to officials in the legal and judicial system (Ireland)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>	<p>Supported</p>	<p>Status: Not implemented</p> <p>Source: Section 3; Section 4</p>
<p><b>141.59.</b> Intensify all efforts to respect and uphold freedom of expression, assembly, and religion and belief, and to prevent discrimination on any grounds including sexual orientation and gender identity (Australia)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>	<p>Noted</p>	<p>Status: Not implemented</p> <p>Source: Section 3 para. 3.10</p>
<p><b>Freedom of Peaceful Assembly</b></p>		
<p><b>139.51.</b> Improve training and administrative instructions for police and local authorities to ensure that the right to peaceful assembly is</p>	<p>Supported</p>	<p>Status: Not implemented</p> <p>Source: Section 2; Section 5</p>

<p>universally respected, including in the provinces of Papua and West Papua (Germany)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>		
<p><b>139.67.</b> Ensure human rights obligations in Papua are upheld, respected and promoted, including freedom of assembly, freedom of the press and the rights of women and minorities (New Zealand)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>	Supported	<p>Status: Not implemented</p> <p>Source: Section 4 para. 4.14; Section 5</p>
<p><b>141.31.</b> End prosecutions under articles 106 and 110 of the Criminal Code for exercising freedom of expression and peaceful assembly (United States)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>	Noted	<p>Status: Not implemented</p> <p>Source: Section 5</p>
<p><b>141.58.</b> Ensure that existing legal and constitutional provisions protecting human rights in particular freedom of expression, association and assembly are fully implemented nationwide, repeal discriminatory local by-laws contrary to the Constitution of Indonesia, prioritize progress on equality and non-discrimination, including in relation to lesbian, gay, bisexual and transgender persons, take action to prevent extremist groups from harassing, intimidating or</p>	Supported	<p>Status: Not implemented</p> <p>Source: Section 5</p>

<p>persecuting religious and other minorities, and provide human rights training to officials in the legal and judicial system (Ireland)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>		
<p><b>141.59.</b> Intensify all efforts to respect and uphold freedom of expression, assembly, and religion and belief, and to prevent discrimination on any grounds including sexual orientation and gender identity (Australia)</p> <p><b>Source of position:</b> A/HRC/36/7/Add.1- Para. 10</p>	<p>Noted</p>	<p>Status: Not implemented</p> <p>Source: Section 3, para. 3.10</p>