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Communication de la Commission nationale des droits de l'homme de l'Indonésie*

Note du secrétariat

Le secrétariat du Conseil des droits de l'homme a l'honneur de transmettre une communication soumise par la Commission nationale des droits de l'homme de l'Indonésie**, reproduite ci-après conformément à l'article 7 b) du Règlement intérieur figurant dans l'annexe de la résolution 5/1 du Conseil, qui dispose que la participation des institutions nationales des droits de l'homme s'exerce selon les modalités et les pratiques que la Commission des droits de l'homme a arrêtées, notamment dans sa résolution 2005/74.

* Institution nationale des droits de l'homme accréditée avec le statut « A » par l'Alliance mondiale des institutions nationales des droits de l'homme.

** La communication est reproduite en annexe telle qu'elle a été reçue, dans la langue de l'original seulement.



Annexe

Communication de la Commission nationale des droits de l'homme de l'Indonésie

I. Introduction

1. The Indonesia: National Commission on Human Rights (Komnas HAM) as a national human rights institution has participated at the 41st UPR session on 9-11 November 2022 at the Palais De Nations, Geneva;
2. Komnas HAM expresses its appreciation to the Government of Indonesia for submitting its report on the implementation of human rights in Indonesia on 9 November 2022. Komnas HAM welcomes 269 recommendations submitted by 108 United Nations member states as a form of global cooperation in improving human rights through constructive and participatory dialogue;
3. Indonesia has received a draft report prepared by the UPR Working Group Number: A/HRC/52/8 dated 21 December 2022;
4. The Government of Indonesia took the opportunity to discuss and explore the draft report, by inviting the participation of national human rights institutions and civil society organizations;
5. Komnas HAM appreciates the openness and participation opened by the Government of Indonesia in the forum for discussion of the report. Komnas HAM encourages the Government of Indonesia to accept the following recommendations.

II. Written Statement of Indonesia: National Commission on Human Rights (Komnas HAM) at the UPR outcomes for Indonesia (4th Cycle)

6. Concerning Ratification of International Human Rights Instruments:

- (a) Continue efforts towards the ratification of the Convention for the Protection of All Persons from Enforced Disappearance.
- (b) Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.
- (c) Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- (d) Ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.
- (e) The ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
- (f) Consider ratifying and acceding to the human right's related agreements such as 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.

7. Concerning Legal, Institutional, and Policy Framework:

- (a) Ensure further implementation of national programmes to support all socially vulnerable segments of the population.
- (b) Strengthen efforts to establish a national human rights indicator as a tool to objectively measure the human rights situation in Indonesia.
- (c) Continue efforts to disseminate and integrate human rights principles into national and sub-national level of development policies.
- (d) Ensure provisions of the draft criminal code are in full compliance with Indonesia's international law obligations including - but not limited to - the International

Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(e) Adopt legislation and implement comprehensive policies for the protection of human rights defenders, including environmental defenders, activists and journalists.

8. Concerning National Human Rights Actions Plans & Implementation Plans:

(a) Continue implementing the 5th National Human Rights Action Plan.

(b) Continue working with civil society organizations and relevant stakeholders in the implementation of the Fifth National Human Rights Action Plan.

(c) Fully implement the National Strategy for Aging so that older persons can enjoy the rights and live with dignity.

(d) Continue the efforts to develop and finalize a National Action Plan in line with the UN Guiding Principles on Business and Human Rights.

9. Concerning National Human Rights Institution: Continue to engage with national human rights institutions, civil society organizations and other stakeholders on the enhancement of national human rights mechanisms.

10. Concerning Equality and Non-Discrimination:

(a) Continue its efforts to review and repeal laws and practices that might entail discriminatory treatments based on gender or religion.

(b) Ensure that protection against any form of discrimination also extends to discrimination based on religion and belief, HIV/AIDS status, sexual orientation and gender identity.

11. Concerning Death Penalty:

(a) Consider establishing a moratorium on executions with a view to abolishing the death penalty.

(b) Commute all death penalty sentences and publish annual data as a first step to its abolition.

12. Concerning Administration of justice and fair trial: Provide resources and sufficient support to the special team composed of the Office of the Attorney General of the Republic in December 2021 to investigate and conduct fair, credible, independent and transparent trials for human rights violations committed in the recent past

13. Concerning Fundamental Freedom:

(a) Take further steps to comply with the UN Declaration on Human Rights Defenders to guarantee a safe and enabling environment for human rights defenders, including by investigating and prosecuting threats, harassment and attacks against them.

(b) Guarantee freedom of religion or belief, the rights of persons belonging to minorities, and ensure accountability for violations.

(c) Repeal or amends laws and regulations that arbitrarily restrict the rights to freedom of expression, of peaceful assembly and association, including, but not limited to Law No.19 of 2016 on Electronic Information and Transaction.

14. Concerning Right to health:

(a) Improve the coverage and quality of essential health services, especially for groups in situations of poverty and persons living on small, remote islands and in the eastern provinces.

(b) Expand the coverage of its national health insurance schemes to ensure access to health services for all in parallel with the full implementation of the programme on the beneficiaries of the national health insurance fees assistance.

(c) Continue efforts to provide health care services, especially for vulnerable groups in society.

15. **Concerning Right to Education & Human Rights Education:**

(a) Develop an inclusive education strategy for children with disabilities at the national, provincial and local levels, covering all levels of education.

(b) Continue human rights related awareness raising and capacity building efforts among relevant stakeholders, especially law enforcement officials.

16. **Concerning Persons with Disability:**

(a) Strengthen the role of the National Commission on Persons with Disabilities to address the challenges which the people with disabilities may face.

(b) Take all necessary measures to ensure inclusive learning environment for children with disabilities, including by increasing adequate school facilities and comprehensive curriculum.

17. **Concerning Indigenous Peoples:** Conduct prior consultations with indigenous communities, as required by international standards, for all plans and projects that could affect them, especially when it comes to large-scale projects.

18. **Concerning Migrant workers:** Continue strengthening laws that protect the rights of migrant workers and their families.

19. **Concerning in Papua:** Uphold, respect and promote its human rights obligations in Papua, including freedom of assembly, speech, expression, the press, and the rights of women and minorities.
