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in accordance with articles 16 and 17 of the Covenant**

Replies of Indonesia to the list of issues in relation to its second periodic report^{*, **}

[Date received: 30 June 2023]

* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.



1. This document is prepared in response to the List of Issues and Questions in relation to the Second Periodic Report of the Republic of Indonesia (E/C.12/IDN/2).
2. The preparation of Indonesia's response to the List of Issues and Questions was carried out through consultations coordinated by the Ministry of Law and Human Rights (MoLHR), in close collaborations with the Ministry of Foreign Affairs (MoFA) and the Coordinating Ministry for Human Development and Cultural Affairs (CMoHDCA). Consultations involved related Ministries/Agencies to acquire information on the implementation of the Covenant.

A. General Information

Reply to paragraph 1 of the list of issues (E/C.12/IDN/Q/2)

3. Provisions on economic, social, and cultural rights have been invoked by claimants/applicants and applied by Indonesian courts (such as the Constitutional Court and the Civil Court) in a number of judicial cases. The Constitutional Court in particular has revoked legislation or some of its part for non-compliance with economic, social, and cultural rights articles under Indonesia's 1945 Constitution. Some of the notable cases are, among others:

(a) Judicial review of Water Resources Law (Constitutional Court Decision No. 058-059-060-063/PUU-II/2004, 008/PUU-III/2005, and 85/PUU-XII/2013);

(b) Judicial review of Housing and Settlement Areas Law (Constitutional Court Decision No. 14/PUU-X/2012);

(c) Citizen lawsuit concerning national exam (Central Jakarta District Court Decision No. 228/PdtG/2006/PNJKTPT, Indonesian Supreme Court Decision No. 2596 K/PDT/2008);

(d) Citizen lawsuit concerning forest fire (Palangkaraya District Court Decision No. 118/PdtG/LH/2016/PN Plk);

(e) Citizen lawsuit concerning water privatisation (Central Jakarta District Court Decision No. 527/PdtG/2012/PNJKTPT).

4. The GoI continues to improve the guiding and monitoring mechanisms to ensure that local laws and by-laws fully comply with the statutory regulations at the national and sub-national levels and uphold human rights principles. Through the Minister for Home Affairs Regulation No. 120/2018, the Ministry establishes a review mechanism to prevent the adoption of discriminatory and/or intolerant provisions in new local laws and by-laws as well as to amend or revoke the existing local laws and by-laws which contain discriminatory and/or intolerant provisions.

5. The MoLHR Regulation No. 24/2017 on Guidelines for Human Rights Substance in the Formation of Legislation has gradually been introduced to regional governments and referred to in drafting local regulations. Briefings to encourage the Regulation's implementation have been held in several provinces such as Jakarta, West Java, East Java, South Sumatra, Maluku, and South Sulawesi. The Jakarta Provincial Government for instance has utilised the Regulation as a guideline to draft regional regulation on the rights of persons with disabilities. Rights protected under relevant human rights instruments have been integrated into the draft regulation's substance and articles.

Reply to paragraph 2 of the list of issues

6. Indonesia's commitments under the Sustainable Development Goals (SDGs) 2030 Agenda, that are closely interlinked with Indonesia's obligations under the Covenant, have been mainstreamed in the 2020-2024 National Medium-Term Development Plan (*Rencana Pembangunan Jangka Menengah Nasional/RPJMN*). This approach is aimed to ensure that sustainable development and human rights fulfilment can be translated into the programs and activities of the national government and become a reference point for those of sub-national governments. SDGs are now an integral agenda in Indonesia's national development plan;

94 SDGs targets have been mainstreamed in the 2015-2019 RPJMN, increased to 124 in the 2020-2024 RPJMN.

7. Indonesia is committed to implementing sustainable development which integrates economic, social, and environmental dimensions. The targets of the SDGs of no poverty, zero hunger, good health, and quality education are reflected in the national development priorities for a qualified and competitive workforce. Likewise, climate change, maritime and terrestrial environments, consumption, production, cities, and sustainable housing are integrated into the national development priorities for the environment and disaster resilience.

8. The RPJMN is further supported by the National Action Plan on Human Rights (*Rencana Aksi Nasional HAM/RANHAM*), which continues to serve as the national guideline for ministries, agencies, and local governments to promote and implement human rights principles at the practical level. Through Presidential Regulation No. 53/2021, the 5th generation of RANHAM for 2021 – 2025 was launched, focusing on accelerating the fulfilment of human rights of four vulnerable groups: women, children, persons with disabilities, and “Adat” Communities (*Masyarakat Hukum Adat*). The Executive Office of the President (EOP) conducts regular evaluations of RANHAM implementations. This ensures that economic and development policies remain in line with the protection of Covenant rights for vulnerable groups.

Reply to paragraph 3 of the list of issues

9. To implement the ruling of the Constitutional Court on 25 November 2021 in relation to Law No. 11/2020 on Job Creation (Case No. 91/PUU-XVIII/2020), the GoI has taken the following steps:

(a) The GoI and the House of Representatives (HoR) have amended Law No. 12/2011 on the Creation of Law, to also include an “omnibus law” model and meaningful public participation requirement;

(b) The GoI has amended Law No. 11/2020 on Job Creation, through the enactment of Government Regulation in Lieu of Law No. 2/2022 in December 2022;

(c) The HoR has agreed to and adopted the Government Regulation in Lieu of Law No. 2/2022, through the enactment of Law No. 6/2023 in March 2023.

10. The revision of the Job Creation Law has been carried out through public consultation and engagement with various stakeholders (unions, employers, universities, and other public sectors). The GoI also paid attention to proposals and suggestions from independent research institutions, notably on critical issues raised by the public.

11. The Job Creation Law was enacted to foster structural reform to create more jobs and increase entrepreneurship. The Law streamlines multiple regulations from central and local governments to improve the ease of doing business in Indonesia, simplifies and digitalizes the licensing process to prevent corruption, and strengthens the protection of workers’ rights.

12. The Law prevents unilateral layoff by prohibiting companies from terminating employment unilaterally and stipulates that mutual agreement between the company and the worker should be reached during a layoff.

13. Moreover, by integrating Environmental Permits as part of Business Licensing, environment protection is guaranteed with the possibility of suspension of the Business Licensing in case of environmental violations.

14. The Job Creation Law (Law No. 11/2020 and the amendment) does not amend the regulations on collective bargaining agreements (CBAs). The rules on CBAs remain under Law No. 13/2003 on Manpower and Law No. 2/2004 on Settlement of Industrial Relations Disputes. Regarding CBAs for workers of small and medium-sized enterprises (SMEs), the Job Creation Law clearly stipulates that wages and workers’ rights at the termination of employment (compensation and other financial rights) must be based upon agreement between workers and employers. This is because the financial capacity of SMEs is not as high as that of large companies.

15. Indonesia's national law incorporates procedures to settle anti-union discrimination or violation of workers' rights to organize under Law No. 21/2000 on Workers' Unions and Law No. 2/2004 on Settlement of Industrial Relations Disputes. All workers and unions can utilize such procedures as stipulated by the law to address violations of their rights.

Reply to paragraph 4 of the list of issues

16. There is significant progress from 2014 to 2018 in the number of underdeveloped villages (*desa tertinggal*). A village is classified as underdeveloped based on its status of: (1) provision of basic needs, (2) basic services, (3) environment, and (4) activities of empowerment of villagers. Underdeveloped villages are classified as such due to minimal availability and access to basic services, infrastructure, accessibility/transportation of public services, and governance. An index is developed based on those indicators. Underdeveloped villages score less than or equal to 50.

17. Underdeveloped villages had declined from 20,432 villages in 2014 to 14,461 villages in 2018. The decline was almost 30% in 4 years or around 8.6% per year. This is a positive progress considering that Indonesia's economic growth has been at around 5% per year.

18. Another indicator that measures the progress of development is the number of underdeveloped districts (*daerah tertinggal*). Underdeveloped districts are districts that are less developed than other districts at a national level. Underdeveloped districts are determined based on criteria of the economy of its population; quality of its human resources; quality of facilities and infrastructure; regional financial capacity; accessibility; and certain regional characteristics. Based on these criteria in 2015, there were at least 122 districts in Indonesia (out of 416 districts) classified as underdeveloped districts. In 2018, it declined to 62 districts, or almost half in 4 years.

19. The significant decline in the number of underdeveloped villages and districts demonstrates a meaningful progress in reducing disparity of regional development in Indonesia.

20. The national budget has allocated funds for various projects to improve public services and fulfilment of economic, social, and cultural rights in remote areas and outermost islands. Numerous projects for this purpose have been completed by the central government between 2018-2022, reaching 52 villages in 43 underdeveloped districts across 16 provinces (including Aceh, Papua, and West Papua). These projects include among others the building of water and sanitation infrastructure; electrification with solar energy; improvement of shipping and transportation access; development of fisheries, agriculture, and tourism potential; upgrading of post-harvest technologies; as well as capacity building to maintain food security.

Reply to paragraph 5 of the list of issues

21. The mandate for the National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia/Komnas HAM*) is specified under Law No. 39/1999 on Human Rights, Law No. 40/2008 on Elimination of Racial and Ethnic Discrimination, and Law No. 7/2012 on Social Conflict.

22. Explicitly, Komnas HAM is given the mandate to be an independent institution with the task of conducting assessments, research, education, monitoring, and mediation of human rights, including economic, social, and cultural rights. As a follow-up to the monitoring and research activities, Komnas HAM has issued a number of recommendations to improve the implementation of policies in the fields of economic, social, and cultural rights. Based on these recommendations, relevant Ministries/Agencies strive to make policy changes in accordance with the suggested improvements.

23. The independence of the National Commission on Violence Against Women (*Komisi Nasional Anti Kekerasan terhadap Perempuan/Komnas Perempuan*) was established through Presidential Decree No. 181/1998, and further reinforced by Presidential Regulation No. 65/2005.

24. The GoI continues to take steps and efforts to ensure that Komnas Perempuan has adequate resources to support complaint handling. The assessment of human resources needs

and budgeting is a key component in the budgeting process conducted annually between the planning and budgeting authorities (Ministry of National Development Planning and Ministry of Finance) and Komnas Perempuan.

25. The allocation of national budget for Komnas HAM and Komnas Perempuan has increased every year. Between 2018 to 2022, the national budget allocated jointly for Komnas HAM and Komnas Perempuan grew by 2.5% annually on average, from IDR 84.6 billion in 2018 to IDR 93.4 billion in 2022. The budget grew most significantly in 2019, due to the recruitment of new employees and the increase of performance allowance in that year. The most recent national budget for 2024 has allocated IDR 110 billion for Komnas HAM and Komnas Perempuan.

Reply to paragraph 6 of the list of issues

26. Indonesia's Constitution guarantees the protection of human rights and equality before the law for all, regardless of their backgrounds. This protection extends to everyone, including activists, journalists, and human rights defenders.

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

28. Moreover, the GoI has enforced the Anti-Strategic Lawsuit Against Public Participation (ANTI SLAPP) mechanism regulated in the Law No. 32/2009 on Environmental Protection and Management, which aims to protect human rights defenders advocating environmental issues.

29. The ANTI SLAPP provision under Article 66 of Law No. 32/2009 has been successfully used in a number of cases to free human rights defenders from civil lawsuit or criminal charges arising out of their environmental advocacy efforts, such as in *PT Bumi Konawe v. Daeng Kadir and Abdul Aziz* (Indonesian Supreme Court, 2015, Case No. 1934 K/Pdt/2015), *LSM Forum Peduli Lingkungan Pali v. PT Pertamina RP Asset 2 Pendopo Adera Field* (Muara Enim District Court, 2016, Case No. 17/Pdt.G-LH/2016/PN.Mre), as well as *GoI v. Robandi et al* (Bangka Belitung High Court, 2021, Case No. 21/PID/2021/PT BBL).

30. Concerning Law No. 19/2016 on Electronic Information and Transactions (EIT Law), the GoI is engaged in a continuous process to evaluate and refine its implementation, while noting the concerns from groups of civil societies. In this regard, the President has submitted a Bill to amend the EIT Law to the HoR. In 2023, the GoI and the HoR continue to discuss the ongoing EIT Law review. In March 2023, the HoR has held public consultations with civil society organizations (CSOs) concerning the EIT law revision. In April 2023, the HoR also established a dedicated Working Group to revise the EIT Law.

31. The GoI has also issued a Joint Decree on Guidelines for the Implementation of the EIT Law, which supports the application of restorative justice. The Joint Decree provides as a guideline for law enforcement officers at the level of investigation and prosecution in applying criminal provisions of illegal content in the EIT Law.

Reply to paragraph 7 of the list of issues of the list of issues

32. Indonesia is committed to climate action and a more ambitious greenhouse gas reduction target. Based on the latest Enhanced Nationally Determined Contributions (NDC) Submission in September 2022, Indonesia has been committed to increasing its emissions reduction target from previously 29% to 31.89% unconditionally; from previously 41% to 43.20 % with international assistance in 2030. This demonstrates Indonesia's strong commitment to enhancing our climate actions.

33. As a State-Party to the Paris Agreement, Indonesia, in its efforts to address climate change and its adverse impacts, is committed to respecting, promoting and considering its respective obligations on human rights, including ensuring the right to development, the right

to health, the rights of its local communities, children, persons with disabilities and people in vulnerable situations, as well as gender equality, empowerment of women and intergenerational equity.

34. In this regard, the GoI has undertaken many strategic efforts to mitigate the impacts of climate change while at the same time ensuring the fulfilment of development rights for all. Several strategic efforts to reduce emissions and mitigate the impacts of climate change are, among others:

(a) Enacting a Presidential Instruction for a permanent moratorium on the conversion of primary forests and peatlands;

(b) Building a National Transparency Framework by Article 13 of the Paris Agreement, through the National Registry System to implement mitigation and adaptation from national and international sources;

(c) Developing renewable energy sources to achieve national energy security, with a renewable energy composition of 23% of the national energy mix in 2025 and 31% in 2050;

(d) Mainstreaming the Low Carbon Development Initiative in the 2020–2024 RPJMN, which also includes a series of efforts to address climate change;

(e) Addressing deforestations by adopting an evidence-based approach while measuring effective progress being achieved on the ground;

(f) In 2021, enacting Presidential Regulation on the implementation of carbon pricing to achieve our NDC target;

(g) Establishing an Environmental Fund Management Agency to manage financing in the environmental sector (i.e. to facilitate carbon trading, investment in environmentally friendly industries, ecotourism);

(h) Increasing State Budget support for national programs related to climate change issues (climate budget tagging);

(i) Improving the quality of public transportation to reduce the use of private vehicles;

(j) Improving national energy resilience and promoting other sustainable energy resources, through Presidential Regulation No. 55/2019 on the Acceleration on Battery Electric Vehicle for Road Transportation Program.

35. The GoI also provides temporary and permanent relocation for people affected by natural disasters, especially for low-income communities. Provision and rehabilitation of decent houses for victims of natural disasters (including climate-related disasters) are mandatory, both at the provincial and district/city levels. This has become part of the basic services regulated in the Minimum Service Standards in the Public Housing sector under the Minister for Public Works and Housing Regulation No. 29/2018.

36. A recent example of relocation service for victims of climate-related natural disaster is the provision of temporary housing and building of new permanent housing for victims who lost their houses due to abrasion in Amurang Beach, North Sulawesi in June 2022. The relocation service was carried out by the National Agency for Disaster Management, the Ministry of Public Works and Housing, and the North Sulawesi Provincial Government.

Reply to paragraph 8 of the list of issues

37. The GoI has enacted regulations on human rights due diligence in the fisheries industry, as well as on sustainability certification system, such as:

- Minister for Marine Affairs and Fisheries Regulation No. 35/PERMEN-KP/2015 on Human Rights System and Certification in the Fishing Industry;
- Minister for Marine Affairs and Fisheries Regulation No. 2/PERMEN-KP/2017 on Requirement and Mechanism of Human Rights Certification for Fisheries;
- Presidential Regulation No. 42/2020 on Indonesian Sustainable Palm Oil Certification System;

- Minister for Environment and Forestry Decree No. SK.9895/MenLHK-PHL/BPPHH/HPL.3/12/2022 on Standard and Guidelines for Timber Legality and Sustainability Verification System.

38. Furthermore, in February 2021, MoLHR has launched PRISMA (*Penilaian Risiko Bisnis dan HAM*/Business and Human Rights Risk Assessment), a web-based voluntary self-assessment application to help business enterprises identify and mitigate potential human rights impacts arising out of their business activities. For this purpose, the application poses questions that business enterprises need to answer on 13 topics: company profile, potential human rights impact, internal human rights policy, complaint mechanism, supply chain, labour, working condition, trade union, discrimination, privacy, environment, land and *Masyarakat Hukum Adat* (MHA), as well as corporate social responsibility. Trainings on the use of PRISMA have been held in 8 cities across Indonesia with 238 participants, while 70 companies have utilized the application. In January 2023, Pertamina Group became the first company to receive the PRISMA Certificate after completing the application's self-assessment tool in 2020.

39. Indonesia established the National Task Force on Business and Human Rights (BHR) in 2021 – a multistakeholder partnership between the government, civil society organizations, and business associations. The National Task Force is currently finalizing a Draft Presidential Regulation on National Strategy on BHR. Three main strategies being proposed are (i) enhancing knowledge, capacity, and promotional activities for all stakeholders; (ii) development of regulations and policies that support protection and respect for human rights; (iii) strengthening mechanisms for access to remedies for victims of business and human rights cases. The National Strategy on BHR has been listed as one of the Draft Presidential Regulations planned to be concluded in 2023.

40. Persons or groups affected by business operations in Indonesia can seek compensation for the loss and harm they suffered through civil law claim or class action lawsuit (due to 'unlawful act' committed by business enterprises), and through criminal law enforcement (due to corporate crimes that gave rise to restitution claims). Examples of cases, in which Indonesian courts have ordered compensation or restitution for victims of business activities, are, among others: PT Mahkota Ulfa Sejahtera underage migrant worker trafficking case (Bekasi District Court Decision No. 459/PidSus/2015/PNBks), Trinidad and Tobago fisherfolk trafficking case (West Jakarta District Court Decision No. 2044/PidSus/2013/PNJKTBAR), and PT Cahaya Bintan Abadi marine pollution case (Tanjung Pinang District Court Decision No. 26/PDT.G/2009/PN.TPI).

B. Issues relating to the general provisions of the Covenant (arts. 1–5)

Right to freely dispose of natural wealth and resources (art. 1(2))

Reply to paragraph 9 of the list of issues

41. The draft law on MHA has been included in the 2023 National Legislation Program, as one of the 39 priority draft laws to be concluded. The draft law was initially tabled at the HoR in 2020, when it went through a series of discussions, including with CSOs advocating MHA affairs. The draft law is currently at the harmonisation stage, pending further deliberation by the HoR to finalise it. The July 2020 version of the draft law (publicly available in Indonesian language through the HoR website) reaffirms the recognition and protection of MHA rights, including regulating criminal sanctions for violations of MHA's land rights and right to access natural resources (Articles 53-54).

42. Law No. 6/2014 on Villages has mandated local governments to further recognize and protect MHA within its region. Local governments are also encouraged to use the Minister for Home Affairs Regulation No. 52/2014 on the Guidelines for Recognition and Protection of MHA as the basis for drafting local regulations regarding MHA. MHA's rights are further enforced in various national regulations, including in 34 regulations at the provincial and district levels, related to rights to forestry, fishing, and natural resources management.

43. The GoI has protected the right of MHA to customary forest land through Government Regulation No. 23/2021 on Forestry Management. The free, prior, and informed consent principle has also been adapted into Indonesian regulation as '*pemberitahuan atas dasar informasi awal*' (PADIA), as regulated under Minister for Environmental Affairs and Forestry Regulation No. P.34/MENLHK/SETJEN/KUM.1/5/2017 on the Recognition and Protection of Local Wisdom in the Management of Natural Resources and Environment.

44. At the national level, the CMoHDCA has established the Coordination Team for Advocacy Services for Local Religions and MHA (*Tim Koordinasi bagi Penghayat Kepercayaan dan Masyarakat Adat/TIKOR*) through Decree No. 24/2021. TIKOR consists of 28 GoI ministries/agencies working to ensure a coordinated approach to protect various aspects of MHA's rights. For instance, throughout 2020 and 2021, the TIKOR has been involved in resolving land disputes between MHA and other parties in the Nusa Tenggara Timur Province, ensuring access to education to the followers of local religions, establishing a study program regarding local religions, increasing the economic capacities especially of SMEs, and accelerating the vaccination of various MHA in Sumba, Toraja, Lebak (Baduy), and Sukabumi.

Maximum available resources (art. 2 (1))

Reply to paragraph 10 of the list of issues

45. From 2015 to 2019, the Indonesian poverty rate based on the national poverty line decreased from 11.13% in 2015 to 9.22% in 2019. The annual rate reduction was 0.48%. The year 2018 was an important milestone for Indonesia as the poverty rate has touched a single-digit figure for the first time. In line with the reduction of poverty rate based on the national poverty line, the extreme poverty rate decreased from 7.2% in 2015 to 3.7% in 2019.

46. In Indonesia, inequality indicators are typically measured using the Gini ratio of per capita expenditure or consumption. From March 2015 to March 2019, Indonesia's Gini ratio (of per capita expenditure) continued to decline from 0.408 to 0.380. Particularly, during this period, the Gini ratio decreased more rapidly in urban areas (-8.6%) than in rural areas (-5.7%).

47. The COVID-19 pandemic undoubtedly made an impact on inequality. Statistics Indonesia reported a slight increase in Gini ratio from 0.380 in September 2019 to 0.381 in March 2020; while Gini ratio of September 2020 was reported to be 0.385, an increase of 1.3% from the previous year.

48. The data on GoI's tax revenue and spending between 2015-2020 are as follows:

Government Spending and Domestic Revenue (Trillion IDR)

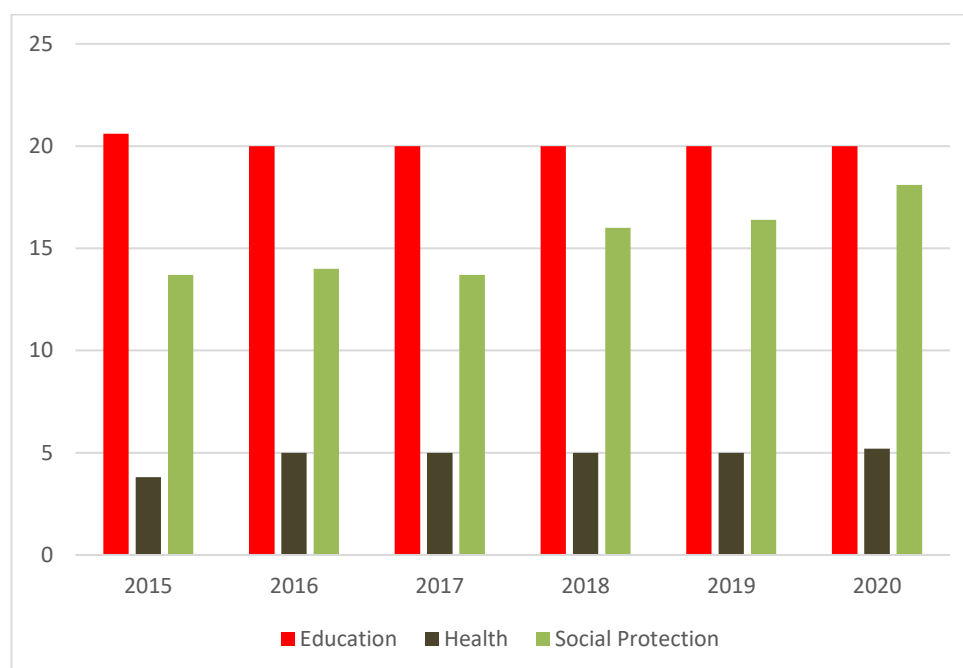
| Item | 2016 | 2017 | 2018 | 2019 | 2020 |
|---|---------|---------|---------|---------|---------|
| Proportion of domestic budget financed by domestic taxes (%)* | 67.02 | 64.98 | 67.01 | 65.18 | 62.60 |
| Total Spending** | 1 864.3 | 2 007.4 | 2 213.1 | 2 309.3 | 2 739.1 |
| + Central Government** | 710.3 | 742.0 | 757.8 | 813.0 | 763.9 |
| + Transfer to Sub-national Governments** | 1 154.0 | 1 265.4 | 1 455.3 | 1 496.3 | 1 975.2 |
| Domestic Revenue** | 1 546.9 | 1 645.7 | 1 928.1 | 1 955.1 | 1 698.6 |
| + Tax** | 1 285.0 | 1 343.5 | 1 518.8 | 1 546.1 | 1 404.5 |
| + Non-Tax** | 262.0 | 311.2 | 409.3 | 409.0 | 294.1 |

(Source: Indonesia's Voluntary National Review 2021.)

Sources of Tax Revenue (Trillion IDR)

| <i>Sources of tax revenue</i> | <i>2015</i> | <i>2016</i> | <i>2017</i> | <i>2018</i> | <i>2019</i> | <i>2020</i> |
|--|-------------|-------------|-------------|-------------|-------------|-------------|
| Tax Revenue | 1 240.2 | 1 285.0 | 1 343.5 | 1 518.8 | 1 546.2 | 1 404.5 |
| a. Domestic Tax Revenue | 1 205.3 | 1 249.5 | 1 304.3 | 1 472.9 | 1 505.1 | 1 371.0 |
| a.1. Income Tax Revenue | 602.3 | 666.2 | 646.8 | 750.0 | 772.3 | 670.4 |
| a.1.a. Income Tax Revenue: Oil and Gas | 49.7 | 36.1 | 50.3 | 64.7 | 59.2 | 31.9 |
| a.1.b. Income Tax Revenue: Non-Oil and Gas | 552.6 | 630.1 | 596.5 | 685.3 | 713.1 | 638.5 |
| a.2. Value Added Tax Revenue | 423.7 | 412.2 | 480.7 | 537.3 | 531.6 | 507.5 |
| a.3. Land and Building Tax Revenue | 29.3 | 19.4 | 16.8 | 19.4 | 21.1 | 13.4 |
| a.4. Excise Revenue | 144.6 | 143.5 | 153.3 | 159.6 | 172.4 | 172.2 |
| a.5. Other Income Tax | 4.6 | 8.1 | 6.7 | 6.6 | 7.7 | 7.5 |
| b. International Tax Revenue | 34.9 | 35.5 | 39.2 | 45.9 | 41.1 | 33.5 |
| b.1. Import Duties | 31.2 | 32.5 | 35.1 | 39.1 | 37.5 | 31.8 |
| b.2. Export Duties | 3.7 | 3.00 | 4.1 | 6.8 | 3.6 | 1.7 |

(Source: Indonesia's Voluntary National Review 2021.)

Proportion of government spending on basic services and social protection (%)

(Source: Indonesia's Voluntary National Review 2021.)

49. The GoI reallocated approximately IDR 62 trillion in 2020 and IDR 26 trillion in 2021 of its state budgets to provide the fund required for COVID-19 response and recovery programmes.

Non-discrimination (art. 2 (2))**Reply to paragraph 11 of the list of issues**

50. In addition to Law No. 39/1999 on Human Rights, Indonesia has enacted a number of legislations that prohibits discrimination based on various grounds, as well as requires non-discriminative provision of public services, such as:

- (a) Law No. 13/2003 on Manpower (Articles 5-6 and 32);
- (b) Law No. 20/2003 on National Education System (Article 11);
- (c) Law No. 40/2008 on the Elimination of Racial and Ethnic Discrimination;
- (d) Law No. 36/2009 on Health (Articles 2 and 54);
- (e) Law No. 8/2016 on Persons with Disabilities.

51. Meanwhile, Articles 28-29 and 31-32 of the Indonesian Constitution guarantees the protection of a range of human rights (including various economic, social and cultural rights) for everyone without discrimination. Furthermore, the recently enacted Law No. 1/2023 on the Penal Code (Article 244) explicitly regulates criminal sanction for acts of racial and ethnic discrimination that hinders equal enjoyment of civil, political, economic, social, and cultural rights.

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

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

Equal rights of men and women (art. 3)

Reply to paragraph 12 of the list of issues

54. Indonesia's women labour force participation rate is 53.41% compared to 83.87% of men. This number is comparable to the World Bank's data on women's global labour forces participation rate of over 50% compared to men of 80%.

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

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

57. In combating violence against women, a key achievement was the enactment of Law No. 12/2022 on Sexual Violence Crimes. The new legislation strengthens the legal framework for the protection of women, especially enabling victims of sexual violence to seek justice and hold perpetrators accountable.

58. To increase data availability on cases of violence against women, the GoI has created an online complaint and data collection application system called SIMFONI PPA (*Sistem Informasi Online Perlindungan Perempuan dan Anak*/Online Information System for the

Protection of Women and Children). The system is ISO-27001 certified and has been implemented in 548 Regional Technical Units on the Protection of Women and Children (*Unit Pelaksana Teknis Daerah dalam Perlindungan Perempuan dan Anak/UPTD PPA*) at the provincial level, 419 Integrated Women and Children Empowerment Service Centres (*Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak/P2TP2A*), 427 Police Units, and 337 health care facilities.

59. The GoI also continues to ensure the availability of public health centres and hospitals capable of managing cases of violence against women and children. So far, 2,758 primary health care units and 466 hospitals in 289 districts/cities are qualified to manage these cases, and 232 hospitals are equipped with Integrated Crisis Centres.

B. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to work (art. 6)

Reply to paragraph 13 of the list of issues

60. To formalize the informal economy and improve the protection of informal workers, GoI has enacted or drafted several regulations/policies:

- Government Regulation No. 35/2021 on Wage allows companies to employ part-time workers with flexible working hours and location, and regulates the payment of hourly wage;
- The Domestic Workers Bill is currently in the drafting stage. In March 2023, the HoR agreed to formally propose the Bill and initiate its deliberation. The Bill is set to protect various rights and entitlements of domestic workers, such as the right to social security, employment contracts, decent working hours, etc;
- The MoM is drafting a protection policy for ride-hailing drivers, such as to ensure their access to health and injury benefit, as well as to facilitate fair and equal partnership between the drivers and ride-hailing platforms.

61. To address youth unemployment and skills mismatch in the labour market, the GoI has revamped the vocational education system and implemented the Pre-Employment Card program.

62. To revamp the vocational education system, the GoI enacted Presidential Regulation No. 68/2022 on Revitalization of Vocational Education and Training, and the 2022 National Strategy on Vocational Education and Training. These regulations provide the legal framework for increased synergy between the business/industry sector and the GoI in developing vocational programs, to better align vocational education with industry needs.

63. The Pre-Employment Card program has been implemented since 2020, which was also intended to aid communities impacted by the COVID-19 pandemic. The program provides trainings and educational stipend for the jobless, to encourage their reskilling/upskilling and improve their employment/entrepreneurship potential. As of 2022, the Pre-Employment Card program has had 16,425,419 recipients. An evaluation survey of the Pre-Employment Card program in 2022 indicated that 54% of recipients reside in underdeveloped districts, and 20% of recipients gained employment after joining the program.

Right to just and favourable conditions of work (art. 7)

Reply to paragraph 14 of the list of issues

64. To address challenges in protecting the workforce during the pandemic, the GoI issued the Minister for Manpower Decree No. 104/2021 on Guidance for Employment Relations During the COVID-19 Pandemic. The Decree provides guidelines for employers to avoid layoffs through flexible arrangements such as adjustments in working hours and locations.

The Decree emphasises that such arrangements must be made through bipartite agreement between employers and workers, and any inevitable layoffs must be carried out in accordance with the applicable laws.

65. The most recent regulation on minimum wage is the Minister for Manpower Regulation No. 18/2022 on the Minimum Wage of Year 2023, which allows each Province and District/Cities to set their minimum wage. The minimum wage is determined based on economic growth, inflation, and relevant indexes. The average provincial minimum wage in 2023 is IDR 2.923 million (a 7.26% increase from the 2022 average provincial minimum wage).

66. Equal pay for equal work of equal value is explicitly stipulated in Government Regulation No. 36/2021 on Wage, under Article 2.

Reply to paragraph 15 of the list of issues

67. The data concerning occupational accidents and diseases that were covered by the Employees' Social Security System – Employment Injury Benefits (*Jaminan Kecelakaan Kerja/JKK*) program, managed by the Social Security Management Agency for Employment (*Badan Penyelenggara Jaminan Sosial Ketenagakerjaan/BPJS Ketenagakerjaan*), in recent years are as follows:

Number of Fatal Occupational Accidents and Diseases Covered by JKK Disaggregated by Sex

| Year | Number of fatal cases | | Total of Fatal Cases |
|--------------|-----------------------|--------------|----------------------|
| | M | F | |
| 2019 | 3 531 | 476 | 4 007 |
| 2020 | 3 050 | 360 | 3 410 |
| 2021 | 5 873 | 679 | 6 552 |
| Total | 12 454 | 1 515 | 13 969 |
| (%) | 89.2 | 10.8 | 100 |

(Source: BPJS Ketenagakerjaan, 2022.)

Number of Occupational Accidents and Diseases Covered by JKK Disaggregated by Age Groups

| Age Groups | 2019 | 2020 | 2021 | Total |
|------------|--------|--------|--------|---------|
| ≤20 | 395 | 1 385 | 5 242 | 7 022 |
| 20–25 | 27 308 | 35 650 | 41 862 | 104 820 |
| 25–30 | 40 243 | 41 617 | 43 082 | 124 942 |
| 30–35 | 34 378 | 35 069 | 36 617 | 106 064 |
| 35–40 | 32 036 | 33 242 | 33 649 | 98 927 |
| 40–45 | 26 984 | 26 791 | 27 064 | 80 839 |
| 45–50 | 21 337 | 21 604 | 22 001 | 64 942 |
| 50–56 | 17 268 | 17 438 | 17 357 | 52 063 |
| >56 | 10 840 | 8 944 | 7 496 | 27 280 |

(Source: BPJS Ketenagakerjaan, 2022.)

Number of Occupational Accidents and Diseases Covered by JKK
Disaggregated by Business Sectors

| <i>Business Sectors/Year</i> | <i>2019</i> | <i>2020</i> | <i>2021</i> | <i>Total</i> | <i>%</i> |
|--|----------------|----------------|----------------|----------------|------------|
| Multiple Industries | 49 524 | 50 898 | 48 195 | 148 617 | 22.3 |
| Energy, Telecommunication, Transportation | 8 917 | 9 163 | 10 214 | 28 294 | 4.2 |
| Consumer Goods Industries | 31 361 | 33 483 | 38 879 | 103 723 | 15.5 |
| Basic and Chemical Industries | 27 381 | 26 039 | 27 187 | 80 607 | 12.1 |
| Finance and Investment | 3 408 | 3 492 | 3 651 | 10 551 | 1.6 |
| Commerce and Service | 43 502 | 46 426 | 52 224 | 142 152 | 21.4 |
| Mining | 2 494 | 3 131 | 6 565 | 12 190 | 1.8 |
| Agriculture, Fisheries, Plantation, and Forestry | 36 301 | 40 947 | 38 476 | 115 724 | 17.3 |
| Property and Real Estate | 3 739 | 3 551 | 3 402 | 10 692 | 1.6 |
| Others | 4 162 | 4 610 | 5 577 | 14 349 | 2.2 |
| Total | 210 789 | 221 740 | 234 370 | 666 899 | 100 |

(Source: BPJS Ketenagakerjaan, 2022.)

68. The JKK provides, among others, free medical care, homecare (where needed), temporary unemployment benefits, disability benefits, prosthetics, and death benefits.

69. Indonesia has ratified the International Labour Organization (ILO) Labour Inspection Convention, 1947 (No. 81) through Law No. 21/2003. Indonesia has also enacted Presidential Regulation No. 21/2010 on Labour Inspection and Minister for Manpower Regulation No. 33/2016 on Labour Inspection Mechanisms, which govern the procedure and coordination system for labour inspections. As of early 2022, Indonesia had 1,694 labour inspectors, consisting of 1,554 general inspectors and 382 specialized inspectors. Furthermore, 365 labour inspectors also have the authority to carry out criminal investigation on labour violations. The highest number of deployments of labour inspectors are in provinces of East Java (170 inspectors), West Java (164 inspectors), and Central Java (164 inspectors). The MoM have also received support from the ILO to enhance training programs for Indonesia's labour inspectors, as well as to improve labour inspection systems in the fisheries and garment industries.

70. Furthermore, the MoM have a dedicated Directorate General on Labour Inspection Management and Occupational Health and Safety. The Directorate General has recently developed a labour inspection grand design to plan out labour inspection reforms, as well as launched a compulsory online labour reporting system for companies (<https://wajiblapor.kemnaker.go.id/>).

Reply to paragraph 16 of the list of issues

71. At national level, GoI has issued Law No. 18/2017 on Protection of Migrant Workers, which stipulates the penalty for migrant worker placement companies violating its provisions, including the prohibition to impose fees that has been paid by the employer to the migrant worker (Article 72).

72. To control placement fees, GoI through the National Board on the Protection of Indonesian Migrant Workers (*Badan Pelindungan Pekerja Migran Indonesia/BP2MI*), issues several decrees on cost structure for each destination country. Such a cost structure consists of costs required by Indonesian regulations, and serves as the ceiling price for recruitment/placement fee. In the event of bilateral labour agreement, such a cost structure/placement fee/recruitment fee will be negotiated with the government of destination country. It aims to set out the price cap for each element, and the party which will be liable to bear such a cost. Normally, government of destination country will propose to include any cost required under their prevailing laws. Negotiations on these costs/fees are important to ensure the effectiveness of the migration cost, as to hinder double payment by certain party.

73. Following the issuance of BP2MI Regulation No. 9/2020 on Placement Fee Exemption, GoI has conducted several inter-ministerial meetings to enhance the national policy on placement fee and its exemption. The meetings involved the MoM, MoFA, EOP, and BP2MI.

74. In principle, GoI is of the view that clear definition on placement fee needs to be established. In this light, a placement fee ideally reflects only necessary costs incurred for the migration process, therefore it needs to be borne by the employer proportionally. This cost includes, among others, health and work insurance, travel costs, and medical check-up. Meanwhile, the cost to obtain private documents, such as passport, should be borne by the migrant worker.

75. During the pandemic, the GoI through Indonesian missions worldwide has assisted the repatriation of thousands of Indonesian migrant workers, including the evacuation and repatriation of hundreds of Indonesian seafarers who worked in COVID-19-infected vessels in Japan and Taiwan.

76. In parallel, around 2 million logistic aids have been distributed to Indonesian migrant workers to ease their suffering during the pandemic situation. Several Indonesian missions also worked closely with the local authorities in destination countries to facilitate vaccination programs for Indonesian migrant workers, irrespective of their immigration status.

77. GoI is currently negotiating bilateral labour agreement (BLA) with several destination countries pertaining to the placement of Indonesia migrant worker. GoI is in the position to ensure that the BLAs include provision regarding the protection of basic rights of the Indonesian migrant workers in accordance with international standards, Indonesian laws, and laws of the destination countries. This position aims to prevent any form of exploitation by the employer, as well as any party involved during the migration process. The BLAs commonly stipulate process of recruitment, placement, and return of the migrant workers with due regards to the laws of GoI and those of destination countries.

78. Recently, GoI has initiated the ASEAN Leaders' Declaration on Combatting Trafficking in Persons Caused by the Abuse of Technology. This declaration aims to strengthen ASEAN's response to address the situation in the region pertaining to the increasing number of human trafficking cases where victims were exploited to commit online scams activities. GoI is also working closely with the Bali Process to address the said problem, as to provide member countries with adequate policy guidance to build effective national referral responses, including prevention mechanism, particularly against human trafficking related to online scam activities.

Trade union rights (art. 8)

Reply to paragraph 17 of the list of issues

79. GoI firmly guarantees that all workers have the right to join or establish trade unions or labour unions through the implementation of Law No. 21/2000 on Trade Union. According to Article 9, workers can decide to create unions with their own free will, free from interference or compulsion from their employers, political parties, the government, and any political group.

80. Article 28 of Law No. 21/2000 strictly prohibits anyone from interfering with the work of trade unions or labour unions in any way, including but not limited to: (i) dismissal, temporarily dismissing, demoting, or transferring employees; (ii) failing to pay wages; (iii) using intimidation of any kind; and (iv) launching campaigns to prevent the formation of trade unions or labour unions.

81. Based on data gathered from the MoM (satudata.kemnaker.go.id), as of June 2020, there were estimated 10,748 unions in Indonesia with 3.25 million members. This number has increased by almost 47.35 percent from 2019.

82. Additionally, requirements for the establishment of unions are set up to make things as simple as possible for the workers. The newly established union has to notify the government of its establishment, have at least ten members, establish an article of association,

have a name distinct from another union, and be not in conflict with the Indonesian Constitution.

83. For Indonesian civil servants, there is only one union, namely Indonesian Civil Service Corps (*Korps Pegawai Republik Indonesia/KORPRI*), which serves to (as stipulated by Presidential Decree No. 16/2005):

- (a) Foster and strengthen “esprit de corps”;
- (b) Maintain and establish cooperative cooperation among civil servants;
- (c) Improve civil servants’ well-being and professionalism;
- (d) Provide legal aid and protection for civil servants;
- (e) Provide forum for civil servants’ aspirations.

Reply to paragraph 18 of the list of issues

84. The right to strike is protected under Law No. 13/2003 on Manpower (Articles 137-145). The Law provides straightforward procedural requirements to carry out a strike, such as submitting written notice at least 7 days prior to the planned strike (Article 140). The list of essential service providers with more regulated strike procedure is limited to hospitals, firefighters, railway crossing guards, dam operators, air traffic and marine traffic controllers (explanation of Article 139). Provisions on the right to strike under Law No. 13/2003 remain applicable and were not modified by Law No. 6/2023 on the Adoption of Job Creation Law.

85. Provisions under the Indonesian Penal Code are applicable to the general public and not specifically targeted to trade unions. Any case brought under the Penal Code must be evaluated on a case per case basis in accordance with the facts, evidence, and context of each case.

Right to social security (art. 9)

Reply to paragraph 19 of the list of issues

86. As of December 2022, the active participation in Employees’ Social Security System consists of 35,864,017 workers (including 22,839,463 wage earners; 6,004,021 non-wage earners/informal workers; and 7,020,533 construction workers); showing a 14.5% increase from December 2021 (30,660,901 workers). Expanding the coverage of informal workers remains a challenge, as informal workers face limitations in their ability to pay participation fees.

87. As a social safety net, social assistance and subsidies are offered to ensure that the basic needs of the underprivileged and vulnerable are met. These assistance programmes include, among others, the Family Hope Programme, Non-Cash Food Assistance, Direct Cash Assistance, and Energy Subsidies. In 2022, the GoI allocated IDR 28.7 trillion for the Family Hope Programme, and 9,783,966 families have received conditional cash transfers through the Programme.

88. The GoI has also taken adaptive steps in response to the COVID-19 pandemic. In 2021, in addition to existing assistance programmes, the GoI also provides electricity rebates, tax breaks, and pre-employment cards to reduce the economic burden.

89. The implementation of the Unemployment Benefits Program (*Jaminan Kehilangan Pekerjaan/JKP*) is regulated under Government Regulation No. 37/2021, to provide workers who experience termination of employment with cash benefits, labour market information, and job training benefits. The implementation of the JKP program is regulated by the MoM through Minister for Manpower Regulation No. 5/2021 on Participant Registration Procedures and Implementation of Contribution Recomposition in the JKP Program and Minister for Manpower Regulation No. 15/2021 on Procedures for Providing JKP Benefits.

Protection of the family and children (art. 10)

Reply to paragraph 20 of the list of issues

90. Indonesia has made significant progress in preventing early/child marriage. In 2019, the GoI has amended the minimum age limit of women to marry at 19, equal to men, as stated in Law No. 16/2019 on Amendments to Law No. 1/1974 on Marriage. Nevertheless, dispensation on early/child marriage is still allowed, and there are challenges during the pandemic in which the demand for dispensation has increased. The Supreme Court has issued Regulation No. 5/2019 concerning Guidelines for Marriage Dispensation Rules. The Guidelines ensure that judges' primary legal considerations in granting or refusing marriage dispensation cases are based on strict measures.

91. Ensuring rights to education of children are amongst the priority of the government, including through the creation of Child Friendly Schools (*Sekolah Ramah Anak/SRA*). One indicator of SRA is the existence of a mechanism for handling cases, including helping pregnant female students or children who are victims of violence to get special protection, in collaboration with service agencies. Pregnant children who are in SRA shall not be expelled and can receive assistance by child psychologists from P2TP2A.

92. Referring to the 2021 National Labour Force Survey data, 1.05 million of the workforce is children with the highest proportion in the 15-17 age group, or 2.41% from total workforce. In terms of sector distribution, 57.51% of those children worked in the service sector, 27.63% in the agricultural sector, and 14.86% in the industrial sector.

93. This number has been reduced greatly compared to 2019, in which the number of children in workforces reached 2.36 million. GoI continues to carry out various programs to realize the National Action Plan on the Elimination of the Worst Forms of Child Labour.

94. In 2021, supervision, inspection, coordination, and handling of cases related to child labour norms were carried out in 8 provinces (West Java, Central Java, Banten, DKI Jakarta, South Sumatra, North Sumatra, East Kalimantan, West Kalimantan) covering 20 regions.

95. The government continues to promote the elimination of child labour in the palm oil plantation sector through advocacy activities in 2021, involving 287 companies in 7 provinces (North Sumatra, South Sumatra, Riau, Jambi, East Kalimantan, West Kalimantan, and Central Kalimantan) across 35 districts/cities. In 2022, inspections of child labour norms were conducted in 21 companies in the service and palm oil plantation sectors, along with guidance and supervision of child labour norms involving relevant companies, agencies, and institutions.

96. The government also imposes sanctions for those who violate provisions related to child labour. Law No. 13/2003 on Manpower (Article 183) regulates imprisonment for 2 – 5 years and/or a fine of IDR 200 million – IDR 500 million.

Right to an adequate standard of living (art. 11)

Reply to paragraph 21 of the list of issues

97. Policies implemented by the Ministry of Agriculture (MoA) to reduce hunger and malnutrition include efforts to increase agricultural production, maintain food reserves, and diversify food and nutrition sources. The MoA also works on stabilizing food supply and improving food distribution.

98. Several measures that have been taken to protect small scale farmers include providing subsidized fertilizers; microfinancing; agricultural insurance; and support for plant cultivation (such as release of varieties, certification of cultivation facilities, and registration of fertilizers).

99. The GoI has also supported small-scale fishers through measures such as: providing fishers insurance; facilitating the obtainment of land certificates for fishers' assets; providing microfinancing; encouraging the formation of small-scale fishers' business groups; collecting

data and providing fishers' identification card; facilitating development and diversification of fisheries business; and revitalizing fishing villages and markets.

Reply to paragraph 22 of the list of issues

100. Through the National Agrarian Operation Project (*Proyek Operasi Nasional Agraria/Prona*), low to middle income communities can apply for the issuance of their land certificates without any cost. This program offers several benefits to the community, including certainty of land ownership rights, legal certainty and protection, increased land economic value, and administrative order and protection. Prona is a mass land certification process that is conducted comprehensively and has been integrated with the Complete Systematic Land Registration (*Pendaftaran Tanah Sistematis Lengkap/PTSL*) program.

101. According to Minister for Agrarian Affairs and Spatial Planning/Head of National Land Agency Regulation No. 33/2021, Land Deed Officials are obligated to provide land deed services free of charge to individuals from low-income communities.

102. To address the legal and procedural challenges faced by small-scale farmers, as well as disadvantaged individuals and groups, in acquiring land ownership and resolving land disputes, the MoA has implemented policies to regulate the protection of sustainable agricultural land for farmers.

103. In relation to the moratorium on issuing new permits for oil palm plantations and the extension status of the moratorium, the MoA has taken the following measures:

- The determination of Indonesia's palm oil plantation coverage in 2019 has been carried out based on Minister for Agriculture Decree No. 833/KPTS/SR.020/M/12/2019. This decision aims to synchronize the one-map policy to evaluate the suitability of palm oil licensing;
- Standardizing the licensing procedures for the plantation subsector, including palm oil plantations. This includes considering the risks to Health, Safety, and Environment (HSE), such as adhering to infrastructure standards, implementing zero-burning land clearing systems, and effectively controlling fires. These standards are outlined in Government Regulation No. 5/2021 on Risk-Based Business Licensing and Minister for Agriculture Regulation No. 15/2021 on Business Activity Standards and Product Standards in Risk-Based Business Licensing for the Agricultural Sector.

Reply to paragraph 23 of the list of issues

104. The GoI regrets the danger posed by criminals or terrorist groups aiming to spread terror among civilians and hinder progressive development in West Papua. Indonesia is continuously ensuring the law enforcement process to maintain peace, security and public order in West Papua. Further, we wish to clarify that the term "armed conflict" used by the Committee should not refer to a legal term under applicable international case law and practices as it does not sufficiently reflect the situation in West Papua.

105. The GoI has taken measures to engage with the local authorities and local communities to ensure prompt delivery of the basic needs, including adequate food, housing and health care, to its people in Papua, who have been deeply affected by the security situation on the ground.

106. In 2018, the Ministry of Social Affairs (MoSA) has provided social protection assistance to victims who were displaced and spread across several districts in other regencies by providing basic needs. MoSA also established psychosocial support services, in collaboration with University of Indonesia and University of Padjadjaran, to help victims heal from traumas and other mental stresses. The total logistical assistance as per 2021 that has been distributed is around IDR 4.9 billion.

107. In addressing internal displacement, the GoI has been collaborating with heads of local tribes and churches, who are highly regarded by local citizens. For example, to ensure access to education, the district governments of Nduga and Jayawijaya have worked together with the church community in building emergency schools and providing access to exams and study.

108. It is worth mentioning that the GoI has enacted Law No. 2/2021 on Revised Autonomy for West Papua to enhance the welfare of its people in Papua.

109. The law brought several changes in strengthening the implementation of the autonomy, namely:

- A more functional and well-allocated autonomy funding scheme that aims for better transparency in furtherance of the welfare of West Papuan people;
- Increasing avenue of participation and representation of West Papuans in various political organs in West Papua (election of Governor and Vice Governor, Papuan People's Assembly);
- The provision set forth under the law enables a specified allocation for education and health services for West Papuans;
- The formation of an authority that oversees the implementation and acceleration of autonomy for West Papua.

110. The Government is also in the process of issuing the Master Plan for the Acceleration of Development in Papua (*Rencana Induk Percepatan Pembangunan Papua*) that serves as a complementary to the new autonomy law for developing the region for the next 25 years. This implementing regulation will ensure a structured approach to fostering physical and human resources development across the region.

Right to physical and mental health (art. 12)

Reply to paragraph 24 of the list of issues

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

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

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

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

115. Indonesia specifically regulates mental health on Law No. 18/2014 to protect and guarantee a right-based mental health services and to provide an integrated, comprehensive and sustainable health services through promotive, preventive, curative and rehabilitative efforts. It is also part of services provided by JKN in both primary and specialized service, for Indonesian citizens, including for women.

116. As part of primary health services, training modules for Puskesmas doctors and health personnel is provided in accordance with World Health Organization's mhGAP Intervention Guide for mental disorders in non-specialized health settings. The Government continues to

expand mental health services in Puskesmas. As of 2022, there are 4,426 Puskesmas that have been trained to carry out mental health services in 327 districts/cities in Indonesia.

117. The COVID-19 vaccination is provided free of charge. As of 4 August 2022, the GoI has administered 202,623,385 first doses (97.29%), 170,201,649 (81.72%) second doses, and 56,829,093 (27.29%) booster doses. Approximately 46,507,695 children, 18,147,324 elderly, and 16,410 persons with disabilities have received at least the first dose of the vaccine.

Reply to paragraph 25 of the list of issues

118. Improving access to sexual and reproductive healthcare services across the country continue to be a high priority in the national agenda. The GoI has enacted several relevant legislative frameworks, such as Government Regulation No. 61/2014 on Reproductive Health; Minister for Health Regulation No. 21/2021 on Health Services Prior, During, and After Pregnancy and Contraceptive and Sexual Health Services; and MoH Regulation No. 3/2023 on Health Services Standard Charge for Contraceptive Services under Health Insurance Program.

119. Through pre-service and in-service training, the GoI has also increased the number of general practitioners, specialists, midwives, and paramedics with enhanced medical skills. The GoI continues strengthening the supply and distribution program of contraceptive devices, medicine, and services for reproductive health facilities. Moreover, the GoI continues to improve infrastructure to ensure unhindered access to health facilities in remote areas. The capacity of family planning field workers to provide information, education, and communication and maintain participation in family planning has also been strengthened. Social and economic backgrounds often influence the understanding and practice of family planning. Thus, a more comprehensive intervention at the village levels is one of the main targets.

120. Law No. 1/2023 on the Penal Code (Article 463) stipulates that abortion can be conducted due to health emergencies, or in cases of pregnancy due to rape or sexual violence (up to 14 weeks gestational age).

121. To protect children from the exposure of tobacco, RPJMN 2020 – 2024 stipulates strategy on preventing and controlling the consumption of tobacco through reducing the prevalence of child smokers in the age group of 10-18 from 9.1% in 2020 to 8.7% in 2024.

122. Ministry of Health (MoH) with other relevant Ministries are in the process of revising Government Regulation No. 109/2012 on Safeguarding Materials Containing Addictive Substances in the Form of Tobacco Products. One of the revisions of the regulations are related to the depiction of tobacco packaging warning messages, prohibition of advertising tobacco product in media, and to increase monitoring mechanisms.

123. At the local level, 340 district/municipalities have issued by-law on Non-Smoking Area in public place to protect, particularly children from the exposure of tobacco and effect of smoking, as mandated by Law No. 36/2009 on Health and Government Regulation No. 109/2012.

124. The revision of the Narcotics Law has been included in the 2024 Legislative Program. In tackling this issue, dissemination activities have been done, involving children and families regarding the danger of HIV, AIDS, and how to prevent infections, as well as about the dangers of narcotics and how to prevent addiction.

125. To achieve the reduction of AIDS by 2030, the government has implemented the following measures: facilitating Puskesmas to provide HIV testing and treatment, ensuring that hospitals are able to provide comprehensive HIV management, increasing the capacity of health professionals, ensuring the availability of pharmaceutical and medical devices, health financing through JKN, and monitoring the implementation of regulations.

Reply to paragraph 26 of the list of issues

126. Indonesia has taken various steps to address and prevent forest fire which causes transboundary haze, including by increasing joint patrols, as well as utilizing climate

modification technology and water bombings. Prior to 2015, Indonesia often focused on handling the crisis phase when the forest fire had already taken place. But since 2015, Indonesia's approach has prioritised prevention, early warning, and early response, by involving the participation of grassroot communities. The Ministry of Environment and Forestry has established the forest fire brigade across 34 operational areas for this purpose; with 1,997 personnel and 11,119 volunteers.

127. Monitoring of forest fire data is also publicly accessible online (<https://sipongi.menlhk.go.id/>). From 2019 to 2022, forest fire area in Indonesia decreased by 87.5% and contributed to the reduction and prevention of transboundary haze. In 2021 and 2022, there was no transboundary haze recorded to have crossed borders to neighbouring countries from Indonesia.

128. Indonesia is further committed to bending the curve of biodiversity loss through a strong collaboration with other countries in achieving the Post 2020 Global Biodiversity Framework (GBF) targets by 2030 and the Vision 2050 Living in Harmony.

129. Indonesia is taking action to conserve its biodiversity through various programs and policies including through the establishment of protected areas; reforestation and restoration programs; conduct of campaigns on environmental protection; adjustment and update of its national biodiversity regulations; and specific allocation of budget for programs and activities related to Post 2020 GBF targets achievement particularly on research, capacity building, and awareness and communication program.

130. During Indonesia's G20 Presidency, Indonesia led G20 member countries to reach consensus on G20 Bali Leaders' Declaration which include the call for countries to adopt Post 2020 GBF and to update its National Biodiversity Strategies and Action Plans – emphasizing on the importance of achieving and synergizing the objectives of the three Rio Convention, and commitment to step up efforts to combat biodiversity loss, deforestation, desertification, land degradation and drought, and restore degraded land.

131. Indonesia is also actively involved in various multilateral environmental agreements to conserve its biodiversity including the Convention on Biological Diversity, Convention on International Trade in Endangered Species of Wild Fauna and Flora, Ramsar Convention, as well as the newly adopted Agreement under United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction.

Right to education (arts. 13–14)

Reply to paragraph 27 of the list of issues

132. In recent years, Indonesia has made significant progress in ensuring the right to education at all levels, including early childhood education. In order to increase student participation in early childhood education (*Pendidikan Anak Usia Dini/PAUD*) and increase the establishment of PAUD centres in villages, the Government of Indonesia has accredited PAUD centres and Non-Formal Education units to 18,491 institutions by 2021.

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

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

135. In ensuring education in the frontier, outermost, and disadvantaged areas, the GoI has provided access to information and communication technology support. Concurrently, the

GoI also continues to assign educators and build new schools in Indonesia's outermost regions.

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

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

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

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

Cultural rights (art. 15)

Reply to paragraph 28 of the list of issues

140. To address widening inequalities due to digital divide and digital illiteracy, GoI's Ministry of Communication and Informatics (MoCI) have taken measures to enhance digital infrastructure and internet access in various settings, as well as to improve digital skills in the wider community.

141. To enhance digital infrastructure and internet access across Indonesia – including in remote regions – MoCI have worked on widening the 4G network, building Base Transceiver Stations and the Palapa Ring fibre optic network, as well as utilizing satellites. MoCI have also aimed to increase internet service provision in public facilities. As of December 2020, internet services are available in 11,817 different locations across the country, including in educational areas (4,554 locations); health service centres (3,803 locations); government offices (2,540 locations); places of worship (451 locations); public activity centres (239 locations); tourism spots (76 locations); public spaces (63 locations); defence and security zones (49 locations); and business service offices (42 locations).

142. To improve digital skills in the wider community, MoCI have established the Digital Talent Scholarship (DTS) program, which provides training classes on information and communication technology. The DTS training classes are freely accessible for all Indonesians through the MoCI website <https://digitalent.kominfo.go.id/>. Various topics of training are available, such as web development, digital marketing, content creation, and data science. In 2020, 58,116 people have participated in DTS training classes. The DTS has also held women-focused trainings (such as 'Indonesian Women in Tech: Programming with Python' and 'Basic Content Creator Introduction for Women'), and provided classes that are accessible to persons with disabilities.

143. The 2020 National Digital Literacy Survey result indicated that based on digital literacy assessments in 34 provinces in Indonesia, respondents stated that internet access is getting faster, more affordable, and had spread to remote areas. Meanwhile, national surveys

between 2020-2022 showed the improvement of Indonesia's literacy index from 3.46 in 2020, 3.49 in 2021, to 3.54 in 2022a.
