



Economic and Social Council

Distr.: General
26 February 2024

Original: English

Committee on Economic, Social and Cultural Rights Seventy-fifth session

Summary record of the 13th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 20 February 2024, at 10 a.m.

Chair: Ms. Crăciunean-Tatu

Contents

Consideration of reports (*continued*)

- (a) Reports submitted by States parties under articles 16 and 17 of the Covenant
(*continued*)

Second periodic report of Indonesia

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 10 a.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties under articles 16 and 17 of the Covenant
(*continued*)

Second periodic report of Indonesia (E/C.12/IDN/2; E/C.12/IDN/Q/2;
E/C.12/IDN/RQ/2)

1. *At the invitation of the Chair, the delegation of Indonesia joined the meeting.*
2. **A representative of Indonesia** said that the coronavirus disease (COVID-19) pandemic had presented significant challenges to efforts to promote economic, social and cultural rights. However, thanks to government policy measures, economic growth had remained steady, at around 5 per cent in 2022 and 2023. The extreme poverty rate had fallen from 3.5 per cent in 2021 to 2.5 per cent in 2022, while unemployment had decreased from 5.86 per cent in August 2022 to 5.32 per cent in August 2023. The World Health Organization had commended Indonesia as one of the countries with the best achievement in handling the pandemic through its national vaccination programme.
3. The Government had continued its inclusive approach of involving relevant ministries, law enforcement agencies, national human rights institutions, academia and civil society organizations at all stages of the reporting process. Various aspects of the realization of economic, social, and cultural rights had been integrated into the National Development Plan, the National Action Plan on Human Rights and the recently enacted National Strategy on Business and Human Rights. As a member of the Human Rights Council, Indonesia had been actively promoting economic, social and cultural rights.
4. Law No. 11/2020 on Job Creation was aimed at strengthening the economy of Indonesia, attracting foreign investment and creating jobs. It covered a wide range of issues and provided legal clarity through regulatory streamlining. The law had had positive effects on the Indonesian economy, the business environment, environmental protection and overall development. For example, between January 2021 and March 2022, flows of foreign direct investment into Indonesia had risen by 29.4 per cent compared with the period from June 2019 to September 2020. The judicial system provided ways and means to submit requests for reviews of particular laws and regulations, including the Job Creation Law.
5. The Government had made significant progress in settling overlapping land claims and digitizing land registration. From 2019 to 2023, around 9.1 million acres of land had been certified. The Government was strongly committed to continuing the land reform programme, in order to protect the rights of all citizens.
6. **Mr. Nonthasoot** (Country Rapporteur) said that he would like to know whether the Government provided human rights training, including on international human rights mechanisms, for judges at various levels, as well as those in the specialized courts. He also wished to know if such training would be made compulsory for the 60 judges of the Constitutional Court and the more than 10,000 public prosecutors nationwide. He would appreciate the delegation's comments on the fact that the criminalization by the revised Criminal Code of December 2022 of a number of actions, such as the dissemination of information about contraception to minors and cohabitation by unmarried couples, ran counter to the provisions of the Covenant.
7. He asked when the Government intended to accede to the International Convention for the Protection of All Persons from Enforced Disappearance that it had signed in 2012, and when it would ratify the Optional Protocol to the Covenant. He would welcome any information on the Government's efforts to strengthen the institutional capacity of national human rights institutions, including the availability of adequate budgetary and human resources, particularly for Komnas Perempuan (the National Commission on Violence Against Women).
8. In view of the Committee's general comment no. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, he would welcome the delegation's comments on the absence of

mandatory human rights due diligence in the National Strategy on Business and Human Rights. One of the consequences of that omission was the toxic chemical contamination of cough syrup in 2022, which had caused 324 cases of acute kidney failure in children. He wished to know whether and when all State-owned enterprises would be required to conduct and make publicly available the results of human rights due diligence of their policies and projects.

9. He asked whether the Task Force for Business and Human Rights or the regional task forces established by the National Strategy would reprioritize vulnerable sectors and groups, including Indigenous peoples and human rights defenders. It would be useful to know whether the Government planned to strengthen policy actions in sectors associated with adverse impacts, particularly nickel mining and the palm oil industry.

10. Law No. 6/2023 had relaxed forestry regulatory requirements aimed at preventing natural disasters, such as landslides, and had removed channels of participation by indirectly affected communities and environmental experts. Legislation on mineral and coal mining amended in 2020 had removed the limit on operation size and enabled automatic permit extensions of up to 20 years. He would like to know how those developments aligned with the National Business and Human Rights Strategy.

11. The delegation might wish to comment on the fact that the revised Law on Electronic Information and Transactions, adopted in 2023, had been used to criminalize human rights defenders. He asked what steps were being taken to ensure that the militarization of large-scale development and infrastructure projects was not used to threaten or prevent the participation of civil society in such projects.

12. It would be useful to know whether the State party was still committed to reducing the use of coal. He would welcome information on steps taken to implement the Association of Southeast Asian Nations Agreement on Transboundary Haze Pollution. He wondered how the State party planned to minimize deforestation and coastal destruction on the site of the new capital, Nusantara, and how it intended to protect coastal communities and densely populated areas inland from rising sea levels and potential flooding.

13. He wished to know whether the Government would put in place a robust, measurable mechanism of resource allocation to enhance service delivery and the quality of basic public services, including health care in rural areas. He wondered whether and why Law No. 19/2019 on the Second Amendment to Law No. 30/2002 on the Corruption Eradication Commission had weakened the functioning of the Commission.

14. He would appreciate it if the delegation could outline the Government's plan to develop comprehensive anti-discrimination legislation. In particular, it would be useful to know what progress had been made on the bill that stipulated the recognition and protection of Indigenous peoples' rights, including the right to customary lands and free, prior and informed consent. He would welcome information regarding persons who had been internally displaced by the armed conflict in West Papua and who did not have proper access to health services and education. Could the delegation provide information on internally displaced children who had been reported to show symptoms of malnutrition and acute respiratory and dermatological problems? He wondered how the Government planned to address budgetary support for local government, which was responsible for managing refugees. He would welcome up-to-date information on the current treatment and situation of refugees and asylum-seekers.

15. It would be useful to know how the Government planned to redress the issue of discrimination against lesbian, gay, bisexual, transgender, and intersex persons, both in law and in fact, including denial of access to public services and enforced conversion therapies.

16. In view of the fact that Indonesia was ranked 87th of 146 countries in the 2023 Global Gender Gap Index released by the World Economic Forum, and given that women's labour force participation in the State Party was 52 per cent, compared with 81 per cent for men, and that 73 local mandatory hijab regulations were still in force as of August 2023, he would appreciate it if the delegation could provide more detail on measures taken to ensure the equal rights of men and women.

17. **A representative of Indonesia** said that, between 2018 and 2019, the Constitutional Court had conducted a number of human rights training courses for 1,500 court officials nationwide, and in 2021 it had partnered with the Norwegian Centre for Human Rights to conduct human rights training for 29 judges. In total, between 2018 and 2021, the Supreme Court had provided human rights training for 1,672 judges and judge candidates.

18. **A representative of Indonesia** said that the Second Amendment to Law No. 30/2002 on the Corruption Eradication Commission was intended to ensure that the Commission was aligned with developments in the field of corruption, as well as to improve its structure and effectiveness. It also sought to maintain the Commission's independence and prevent it from becoming a political tool or evolving into a judicial agency that overlapped with existing law enforcement mechanisms.

19. The Government was committed to continuously improving national strategic projects, of which 173 had been completed for a value of \$96 million. The projects had improved connectivity between the centre of the country and the regions and increased national competitiveness, as demonstrated in a study by the University of Indonesia of 137 projects, which showed that they had contributed \$111 million to economic output and created 4.5 million jobs. Completed projects had helped move Indonesia from 44th to 34th place on the International Institute for Management Development's world competitiveness ranking in 2022.

20. The projects had given rise to various challenges, however, including problems with land acquisition, which had led the Government to implement legal reforms that provided increased clarity for citizens and legal entities regarding entitlement to government compensation for the loss of their lands. The reforms were also intended to reduce negative social impacts, such as agrarian conflict or unlawful obtention of government compensation.

21. National legislation emphasized the principle of equality before the law for all citizens. As Indonesia was the world's third largest democracy, its national legal framework took into account its diverse social and religious values and norms. Views and perspectives on sexual orientation were diverse and there was a lack of universal consensus on that sensitive issue. The Government was bound by the Constitution to uphold the basic principles adhered to by the people of Indonesia. It was working on enhancing and harmonizing laws and policies to provide better protection for the rights of all its citizens.

22. The bill for ratification of the International Convention for the Protection of All Persons from Enforced Disappearance had been submitted to the House of Representatives. The Government intended that the Convention would be ratified during 2024.

23. Prosecution of cases of adultery, cohabitation and extramarital sex could only be initiated on the basis of a complaint made exclusively by the immediate family members of those accused. The relevant provisions of the Criminal Code were intended to ensure respect of the institution of marriage, as stipulated under Law No. 1/1974 on Marriage, as well as social, cultural and religious values within Indonesia. The State served merely as a facilitator to persons wishing to preserve the sanctity of marriage and their own cultural and religious values, while simultaneously respecting individuals' right to privacy; furthermore, nothing in the provisions of that law singled out minority groups. Law enforcement officers could no longer launch investigations related to alleged cohabitation and adultery solely on their own initiative.

24. Articles 408 to 410 of the revised Criminal Code of 2022, which prohibited the showing of contraceptive devices to minors, were not new; similar provisions could also be found in articles 534 and 535 of the former Code. The rationale behind those rules was that it was necessary to protect children from premature exposure to sexual activities and that it was the State's obligation to adopt all appropriate legislative measures to protect children from sexual abuse. Unlimited access to contraception would make it easier to obtain the means for sexual exploitation and abuse. Similar provisions could also be found in article 28 of Law No. 52/2009 on population and family development, which limited the provision of information on and/or demonstration of contraceptive methods. Contraceptive drugs and methods could be delivered only by trained health personnel. The Government was improving the supply and distribution of contraceptive devices and drugs through reproductive health-care facilities and was expanding infrastructure to ensure unhindered

access to health facilities in remote areas. The capacity of family planning field workers to provide information and education had been strengthened.

25. Civil society organizations and human rights activists were regarded as vital partners in the Government's efforts to promote and protect all forms of human rights. In the absence of specific legislation, some regulations and guidelines nonetheless guaranteed the rights of human rights defenders. For example, the Anti-Strategic Lawsuit against Public Participation mechanism and the Human Rights Norms and Regulations Standards, to which reference was made in paragraphs 27 and 28 of the replies of Indonesia to the list of issues in relation to its second periodic report (E/C.12/IDN/RQ/2), had been used successfully to protect human rights defenders.

26. **A representative of Indonesia** said that Presidential Regulation No. 60/2023 had established a regulatory and institutional framework that would enable the State to protect various aspects of human rights in the business sector, by ensuring corporate responsibility in that regard and providing access to remedies in the event of violations of those rights. The Ministry of Law and Human Rights had designated the national strategy as a matter of priority in 2024 and had drafted implementing regulations. The Government was continuing to widen the scope of PRISMA (Business and Human Rights Risk Assessment). Since it had been launched in February 2021, 237 enterprises had participated in PRISMA and 31 had received a PRISMA green certificate.

27. The Ministry of Home Affairs had established a review mechanism to ensure that local laws were consonant with national anti-discrimination legislation. Local authorities could be told to revoke or amend existing laws that were non-compliant. In 2019, in response to studies by Komnas Perempuan, the Ministry of Home Affairs had requested several local governments to amend laws discriminating against women. The Ministry of Law and Human Rights also regularly looked into reports by the public, civil society organizations or human rights institutions that by-laws were discriminatory or intolerant. Individuals also had the right to request the Constitutional Court or the Supreme Court to initiate a judicial review of those laws.

28. **A representative of Indonesia** said that, when Law No. 6/2023 on the minimum wage, outsourcing and environmental protection had been at the drafting stage, 57 public consultation meetings had been held and lawyers, business associations and trade unions had been consulted on 639 occasions. The minimum wage was decided through dialogue in regional wage councils, which comprised representatives of the Government, workers, employers and academia and experts. Rules on outsourcing had also been modified to offer greater access to permanent employment. Environmental impact analysis had been linked to the procedure for obtaining a business licence. A company's business licence could be revoked if it violated environmental standards. The communities affected by a company's activities had to be consulted as part of the impact analysis, and they could be assisted from the outset by non-governmental organizations.

29. **A representative of Indonesia** said that implementation of the National Medium-Term Development Plan 2020–2024 had been hampered by the COVID-19 pandemic, but it was hoped that the targets that it set could be achieved on time. The main national priorities in that respect were strengthening economic resilience and equality for fair growth; enhancing the competitiveness of human resources; promoting cultural development; and ensuring a more stable political, legal and security situation. Economic, social and cultural rights were fulfilled through the provision of special budgets for the activities of line ministries and institutions that supported one or multiple national priorities. Regional development was not only a matter of economic growth; it also encompassed the equitable fulfilment of economic, social and cultural rights. The National Action Plan for Persons with Disabilities, the Papua Development Acceleration Master Plan, the National Strategy for Strengthening the Implementation of Gender Mainstreaming and the National Action Plan for Human Rights had all been formulated for that purpose.

30. In 2024, resources for the National Commission on Human Rights were double those allocated in 2023 and the number of the staff of the National Commission and of Komnas Perempuan had gone up from 45 to 95.

31. **Mr. Nonthasoot** said that the Committee wished to learn what steps the Government had taken to resolve various disputes concerning the agrarian community. It wished to know whether the State party intended to ratify the ILO Domestic Workers Convention, 2011 (No. 189) and whether it already had a specific law protecting domestic workers.

32. **Mr. Windfuhr** (Country Task Force) said that the Committee would appreciate information on the State party's plans to mitigate climate change and reduce its own carbon footprint by phasing out the use of fossil fuels and expanding that of renewable resources.

33. **Mr. Fiorio Vaesken** said that he wished to know whether the State party's report had been shared with civil society before it was submitted to the Committee and whether the State party had a standing body to monitor follow-up of the Committee's recommendations.

34. **Ms. Rossi** said that she wished to know what the State party had done to increase the availability of affordable childcare and to provide parental leave to both parents, in order to ensure more equitable distribution of domestic and family responsibilities and thereby facilitate women's wider participation in the labour market. She would be grateful for information on the State party's timeline for ratification of the ILO Violence and Harassment Convention, 2019 (No. 190) and on measures to secure effective implementation of the law criminalizing sexual violence, in particular Ministry of Manpower Decree No. 88 of 2023 on Guidelines for the Prevention of and Response to Sexual Harassment in the Workplace.

35. **A representative of Indonesia** said that, in March 2023, the House of Representatives had agreed to debate the Domestic Workers Protection Bill that would entitle domestic workers to social security, an employment contract and decent working hours, inter alia.

36. Since 2019, there had been a moratorium on forest clearing that covered about 66 million hectares of primary forest and peatlands; in addition, 3 million hectares of degraded land and 3 million hectares of peatlands had been rehabilitated. The deforestation rate had fallen by 75 per cent. In 2024, the Government was aiming to rehabilitate 600,000 hectares of mangrove swamps. Total greenhouse gas emissions in 2021 amounted to 1,141 million tonnes of carbon dioxide equivalent emission. By 2022, greenhouse gas emissions had been reduced by 27.65 per cent from the cumulative baseline. Indonesia was strongly committed to achieving net zero emission by 2060, or sooner, through decarbonization as the main driving force in the transition to an inclusive and sustainable green economy.

37. In an effort to resolve agrarian disputes, the Minister of Agrarian Affairs and Spatial Planning had issued Regulation No 21/2020 on the handling and settlement of land cases. Women from customary law community units had taken part in its drafting.

38. **A representative of Indonesia** said that PRISMA was an effective tool informing business decisions. Its use had substantially increased companies' environmental social governance scores.

39. **A representative of Indonesia** said that the national Government and local authorities were endeavouring to address the needs of persons in Papua who had been displaced by social conflict or natural causes. During the drought in 2023, the Government had supplied rice, instant foods, milk, groceries and blankets and had met other basic needs of 7,500 affected individuals. Social conflict, including terrorism by armed criminal groups, had displaced communities in eight regencies. The displaced persons had been provided with food and clothing and had been helped to return to their community. The Government also facilitated trauma healing and social rehabilitation services, as well as the rebuilding of homes. It would continue to work with tribal figures and churches in ensuring that impacted communities could obtain assistance.

40. **A representative of Indonesia** said that, in 2021, the budget of the Ministry of Villages, Development of Disadvantaged Regions and Transmigration had amounted to 20.7 trillion rupiah; by 2024, it had risen to 71 trillion rupiah. Fiscal incentives in the amount of 1 trillion rupiah had been allocated for the development of infrastructure in disadvantaged regions. Village funds had led to a significant drop in the number of underdeveloped villages and disadvantaged regions, from around 33,000 in 2016 to 7,000 in 2023, while the number of extremely underdeveloped villages had fallen from some 13,000 in 2016 to 4,850 in 2023.

Between 2015 and 2019, there had been 122 disadvantaged regions, but by 2024 only 62 regions came within that category. The Government's efforts to reduce regional disparity were guided by several policy frameworks, such as the National Strategy on the Acceleration of the Development of Disadvantaged Regions.

41. **A representative of Indonesia** said that, prior to the submission of his country's report, civil society organizations had been consulted in six formal drafting meetings. The follow-up mechanism would ensure dissemination of information to the relevant stakeholders and the translation of all related documentation. It would likewise convene meetings with the relevant ministries and institutions, including those involved in the National Action Plan on Human Rights. National outreach programmes were also conducted regularly for stakeholders at the provincial and regency levels, as well as for the national human rights institutions and civil society.

42. **A representative of Indonesia** said that the Government was striving to create a safe working environment for women, as it had explained in paragraphs 56 and 57 of its replies to the list of issues. Law No. 12/2022 strengthened the legal framework for the protection of women, by enabling victims of sexual violence to seek justice and hold perpetrators accountable. Three follow-up regulations would focus on implementation, coordination and evaluation, as well as on strengthening internal capacity, including that for the rehabilitation for victims. There were also plans to formulate an interministerial strategy on action at the local level.

43. The Government had provided compensation amounting to \$1.1 million to persons affected by acute kidney injury caused by defective cough syrups; victims' beneficiaries had each received \$3,000, while surviving victims who continued to require medical treatment had received \$4,000, a portion of which was intended to cover treatment-related travel expenses. Administrative sanctions had been imposed on the pharmaceutical companies that had produced the faulty syrups, which had been taken off the market. Moreover, four persons had been sentenced to 2 years' imprisonment, fines of \$67,000 and subsidiary imprisonment of 3 months. The Government had notified the World Health Organization of the matter, and draft legislation that would strengthen the Indonesian Food and Drug Authority was being prioritized.

44. **Mr. Windfuhr** said that he wished to know what progress had been made towards adopting the Domestic Workers Bill and what interim measures were planned to support domestic and other informal workers in the meantime. It would be useful to have statistics on the most vulnerable groups affected by regional disparities in employment formalization. He would also be interested to hear how Law No. 6/2023 on the Adoption of the Job Creation Law differed from Law No. 11/2020 on Job Creation, whether further consultation on Law No. 6/2023 would take place, and how the State party would address potential conflicts caused by changes to the job market in areas surrounding large-scale development projects. He would like to know how vocational training would be revitalized and tailored to unemployed young persons.

45. The Committee would welcome information on steps taken to improve protection for migrant workers in the State party, on safeguards that allowed non-unionized workers to negotiate the fair termination of their contracts, and on plans to address calls for more labour-friendly regulations. It would also appreciate details of safeguards that allowed workers in micro- and small enterprises to negotiate fair wages, and plans to strengthen sectoral minimum wages and reinstate previous wage levels. Information would also be welcome on plans to reform labour inspection, to ensure effective, data-driven compliance monitoring, and to provide labour inspectors with specific training on informal work and forced labour. It would be particularly useful to know which sectors required the greatest effort to tackle fatal workplace accidents and other safety issues.

46. He would like to know whether the State party agreed with the recommendation of the ILO Committee of Experts on the Application of Conventions and Recommendations that it should adopt the measures necessary to guarantee the right of all civil servants to form and join trade unions of their choosing and what steps had been taken to that end. He asked how the State party determined whether trade union activities breached legislation on the security of national vital objects and how it ensured that the related security measures were not

arbitrary or disproportionate. Given that Law No. 6/2023 appeared to prevent trade unions from representing workers in some negotiations of working hours and wages, it was important to know how workers' right to collective bargaining was upheld. He would also welcome the delegation's comments on reports that workers and trade union representatives suffered intimidation during legitimate protests, and information on how often the police declared trade union activity to be criminal acts.

47. He wished to know whether cash benefits for unemployed persons provided protection from poverty, how long they could be granted for, whether there were plans to extend them to the informal sector, and how the system would be monitored. He would welcome details of plans to extend social security and social assistance to informal workers and vulnerable groups in all regions.

48. **A representative of Indonesia** said that Government Regulation No. 44/2015 granted drivers working for ride-hailing services access to health-care services, medical rehabilitation, transportation costs and a dependent stipend. The House of Representatives had agreed to formally propose the Domestic Workers Bill. The Pre-Employment Card training programme had so far reached more than 17 million persons, of whom 51 per cent were women and 64 per cent resided in villages. The employability of most participants had increased, while the entrepreneurial skills of almost half had been boosted.

49. Guidelines issued to employers during the COVID-19 pandemic had advised them to avoid redundancies by introducing flexible working arrangements, in agreement with workers. Illegal practices by recruitment agencies had been curbed by means of revisions to the relevant administrative sanctions. Some labour inspectors had the authority to undertake criminal investigations into labour violations, and inspectors underwent training in cooperation with ILO. Regulations had been enacted to support the implementation of Law No. 18/2017 on the Protection of Migrant Workers. Indonesian migrant workers benefited from memorandums of understanding signed with countries of destination, and during the COVID-19 pandemic they had received financial, consular and repatriation assistance and vaccination. Foreign workers in Indonesia were protected under Law No. 6/2023 and regulations on the hiring of foreign workers. They could access the services of the Ministry of Manpower online.

50. As of 2023, the social security system covered more than 41 million workers. The number of informal workers covered had increased by more than 50 per cent between 2022 and 2023, to more than 9 million; around 400,000 migrant workers were also covered. Social assistance and subsidies, including non-food cash assistance and energy subsidies, were provided to meet the basic needs of disadvantaged and vulnerable persons. The economic fallout of the COVID-19 pandemic had been addressed through, inter alia, electricity rebates and tax credits, and employees on low incomes received wage subsidies. The Government liaised with social security providers in countries of destination to ensure the portability of social security benefits for migrant workers, and applications for benefits could be submitted and renewed online.

51. **A representative of Indonesia** said that adjustments to the minimum wage were made by considering factors such as economic growth and inflation, and with the involvement of regional wage councils, which comprised representatives of the Government, employers, workers and academia and experts.

52. **A representative of Indonesia** said that workers had the right to join or establish trade unions free from interference or compulsion from employers, the Government, political parties or other political groups. Informal workers had formed associations, although they differed from trade unions. Civil servants had established a trade union that aimed, among other things, to afford its members legal aid and protection. The right to strike was protected in law and subject to straightforward procedural requirements, which differed from those applicable to public protests, including the submission of written notice at least seven days in advance. The list of essential service providers whose right to strike was more strictly regulated was limited and included hospital workers, firefighters and air traffic controllers. The strike-related provisions contained in Law No. 13/2003 on Employment had not changed following the adoption of Law No. 6/2023.

53. **Mr. Nonthasoot** said that he would like to know what the State party's position was on incorporating its high numbers of informal workers into the formal sector and how those workers were protected. He would also like to hear the delegation's comments on the platform economy.

54. **Mr. Windfuhr** said that he would welcome data on how Law No. 6/2023 had affected employment in the formal sector and what plans there were to introduce sectoral minimum wages.

55. **Ms. Rossi** said that she wished to have more specific information on protection for migrant workers, particularly on measures to ensure that all such workers, regardless of migration or labour status, enjoyed the right to health. She would also like to know what steps had been taken to ensure that the recruitment of workers abroad adhered to international labour standards, particularly to effectively prohibit the levying of charges on migrant workers.

56. **A representative of Indonesia** said that the transfer of the capital city from Jakarta to Kalimantan was intended to address pollution – more than 50 per cent of the new capital would remain forested – and to improve the distribution of economic growth in the country.

57. **A representative of Indonesia** said that definite work contracts were limited to set time periods or expired upon completion of the relevant work, while indefinite contracts could last until the worker reached retirement age. Regardless of contract type, workers' basic rights were guaranteed in legislation, thereby eradicating slavery.

58. **A representative of Indonesia** said that a protection policy for drivers working for ride-hailing services was being drafted and would afford them access to health and injury benefits and ensure that the partnership between drivers and platforms was fair and equal. Indonesian migrant workers received protection at all stages of migration, including consular protection, help in recovering money owed to them, and evacuation from areas affected by conflict or pandemic. Between 2014 and 2023, the authorities had recovered around \$68 million owed to Indonesian migrant workers and dealt with more than 3,000 cases of trafficking in persons and 260 cases of revocation of the death penalty. In 2023 alone, the Government had evacuated more than 18,000 migrant workers from conflict zones or areas affected by the COVID-19 pandemic.

59. **A representative of Indonesia** said that measures to address air pollution in Jakarta included monitoring vehicle exhaust emissions; planting trees; enforcing compliance with industrial and waste management permits; imposing administrative, civil and criminal sanctions; applying weather modification technology; and providing support for provincial and local governments. The success of the measures would be monitored through air quality monitoring stations. The rights protected under the Domestic Workers Bill included the rights to social security, employment contracts, decent working hours and the minimum wage.

60. **Mr. Windfuhr** said that he wished to know how many times companies had requested the assistance of the police or military forces to halt trade union activity deemed to pose a threat to national vital objects.

61. **Mr. Amarti** said that he wished to know why the State party had not ratified the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees, and why the dissemination of information on contraception had been criminalized.

The meeting was suspended at 12.20 p.m. and resumed at 12.30 p.m.

62. **A representative of Indonesia** said that deliberations on the Domestic Workers Bill would begin in the near future. The Government supported the bill since very high numbers of Indonesians worked abroad as domestic workers.

63. **A representative of Indonesia** said that the Government had ratified the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98). While regulations on collective bargaining agreements had not been affected by Law No. 11/2020 on Job Creation, that law stipulated that, in the case of micro- and small enterprises, wages and other financial benefits must be agreed upon by employers and workers since those companies' financial capacity was relatively low. The legal provisions in that regard were consistent with ILO Convention No. 98 and upheld the principle of compulsory arbitration when negotiation

failed. The Government promoted collective bargaining agreements, of which more than 18,000 had been concluded by the end of 2022, as a means of avoiding labour disputes. Law No. 11/2020 also provided that employers must inform workers and trade unions of the reason for redundancies, and disputes must be resolved through bipartite negotiations or, if such negotiations failed, through an industrial relations dispute resolution mechanism. The average maximum level of redundancy pay was around 19 times a worker's wage, excluding, for example, situations in which employment contracts were terminated because of retirement or injury resulting from a workplace accident. Redundancy pay for workers in micro- and small enterprises was determined through bipartite agreements.

64. **A representative of Indonesia** said that the dissemination of information on contraception was limited in order to protect children from abuse and exploitation and to ensure that such information was provided by health professionals and therefore accurate and appropriate.

65. Indonesia had a long history of providing protection to refugees and asylum-seekers, who benefited from protections set out in Indonesian legislation. All sectors of society were participating in the ongoing debate on ratification of the Convention relating to the Status of Refugees; it had been noted that not all States parties to the Convention adhered to its provisions. The final decision would be taken by the House of Representatives.

66. **A representative of Indonesia**, referring to restrictions on trade union activity close to national vital objects, said that all persons were required to respect the law when exercising their rights and freedoms, including through activities such as demonstrations and marches, which were subject to prior notification to the police to ensure that they did not jeopardize public safety. Restrictions on such activities must be legal, proportionate and necessary, and the police followed strict procedures to maintain public order, with firearms being used only in the most violent situations based on assessments on the ground.

67. **The Chair**, speaking as a member of the Country Task Force, said that the Committee would like to know whether the State party planned to ratify the Optional Protocol to the Covenant, what steps had been taken in that regard and what obstacles had been encountered. She wished to know what progress had been made towards eliminating the legal exceptions and judicial waivers that permitted child marriage. Details of awareness-raising campaigns, legislative measures and statistical data – disaggregated by age, gender and location – on the subject of child marriage would also be welcome. It would be useful to have information on investigations into forced marriages, measures to hold perpetrators to account, and support mechanisms for victims. She would like to know how the State party had strengthened its legal framework and enforcement to combat forced marriage and secure justice for persons affected. An update on amendments to legal texts that perpetuated gender inequality would be useful, along with information on how the State party ensured that all marriages were registered.

68. Clarification was required as to the apparent lack of consistency in dealing with religious matters, including the approach of the Supreme Court to interfaith marriage documentation, and the rationale behind regulations that appeared to contradict the principle of non-discrimination. She wished to know what concrete action had been taken to address violence against vulnerable children in the public and private sectors, what progress had been made on a national action plan on exploitation and violence towards children, how universal birth registration was guaranteed and how effective those measures were.

69. Information would be welcome on steps to guarantee the right to food and food security in the light of corporate influences on agriculture and the proliferation of unhealthy processed food, along with details of the budget allocations and measures in place to guarantee the right to food, and disaggregated data on persons facing hunger. Similarly, she wished to know what steps had been taken to guarantee access to clean water and remediate the adverse effects of industrial activities on water sources, including plans to compensate communities affected financially by water pollution and mechanisms to calculate such compensation.

70. The Committee wished to know what legislative and policy measures had been adopted to address and resolve land disputes and forced relocation, and how effective those measures were; how transparency and coordination were promoted among ministries and

agencies that managed land and natural resources; and whether there were plans to amend conflicting legal provisions in that regard and to ensure harmonized land and resource management. She wished to know what steps had been taken to recognize and protect the land rights of Indigenous and local communities; how barriers to land access for those communities were eliminated; and whether there were plans to ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).

71. She would appreciate disaggregated data on the population's access to health care and details of measures adopted to improve that access, particularly for persons with disabilities in rural and remote areas. She wished to know how the State party planned to ensure universal, comprehensive access to public health insurance. It would be interesting to hear whether consideration was being given to expanding access to abortion in cases of incest, severe fetal abnormalities or risk to a pregnant woman's life, and how sexual and reproductive health education and services were being improved, particularly for vulnerable groups. Information would be welcome on the situation of children with psychosocial disabilities detained in care facilities and hospitals, including with regard to measures to prohibit involuntary treatment and protect their rights, as well as mechanisms to monitor conditions and evaluate the effectiveness of the implemented reforms. Lastly, she wished to know what programmes were in place to assist persons affected by conflict in West Papua, how they were structured and how they had improved access to health care and trauma services for Indigenous Papuans.

The meeting rose at 12.55 pm.