



International Covenant on Civil and Political Rights

Distr.: General
21 March 2024

Original: English

Human Rights Committee 140th session

Summary record of the 4088th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 12 March 2024, at 10 a.m.

Chair: Ms. Abdo Rocholl

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

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Second report of Indonesia (continued) (CCPR/C/IDN/2; CCPR/C/IDN/QPR/2)

1. *At the invitation of the Chair, the delegation of Indonesia joined the meeting.*
2. **The Chair** invited the delegation to resume replying to the questions raised by Committee members at the previous meeting.
3. **A representative of Indonesia** said that the provisions on abortion in the new Penal Code were in compliance with international standards, including those set out in the Committee's general comment No. 36 (2019) on the right to life. The time limits applicable to abortion established in the new Penal Code were intended to protect women from unsafe abortions and to safeguard their health. As explained in paragraph 127 of the State party's periodic report (CCPR/C/IDN/2), Law No. 36/2009 on Health provided that abortion was permitted in the event of health emergencies during early pregnancy that could threaten the lives of both the mother and fetus, resulting in irreversible genetic diseases or disabilities that would affect the life of the baby after birth, and in the event of pregnancy resulting from rape that inflicted psychological trauma on the victim. The health of pregnant women was also protected under Government Regulation No. 61/2014 concerning Reproductive Health. Article 463 of the new Penal Code reinforced the legal framework for the protection of victims of sexual offences by extending the deadline for seeking an abortion to 14 weeks of gestation. Under Law No. 12/2022 on Sexual Offences, women victims of sexual violence had the right to seek treatment and rehabilitation.
4. **A representative of Indonesia** said that Presidential Instruction No. 2/2023 set out various measures to enhance cooperation between the National Commission on Human Rights and the Attorney General's Office in addressing gross violations of human rights, including in the Paniai, Wasior, and Wamena cases. Regarding access to information, under Law No. 14/2008, all ministries and government agencies were required to make information on their work accessible to the public, with the exception of information related to ongoing investigations into grave violations of human rights. Information on regular criminal cases was available to the public on the websites of the Attorney General's Office and the criminal courts.
5. **A representative of Indonesia** said that the ratification of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto was not a priority for Indonesia. There were currently only around 13,000 refugees in the country, significantly fewer than in neighbouring countries such as Malaysia and Sri Lanka, which were not parties to the Refugee Convention either. The Government's priority was promoting national development for the benefit for the general population, which currently stood at over 250 million people. In that context, the fundamental rights of the small refugee population would also be protected. Moreover, it was important to differentiate between refugees, illegal migrants, economic migrants, asylum-seekers and victims of trafficking in persons, as different legal regimes applied to each category. Indonesia was committed to protecting persons fleeing political persecution, including Rohingya refugees, and to upholding the principle of non-refoulement. The Government had determined, however, that not all Rohingya refugees who had arrived in Indonesia were eligible for protection because some of them had travelled to the country from refugee camps under the international protection of the Office of the United Nations High Commissioner for Refugees (UNHCR) in the hope of reaching Malaysia – travel which qualified as secondary movement – after having been promised work in that country.
6. **A representative of Indonesia** said that the budgets of the National Commission on Human Rights and the National Commission on Violence against Women had, on average, increased by 2.5 per cent annually between 2018 and 2022. In 2024, the annual budget for both commissions had been set at 110 billion rupiahs and, under Presidential Instruction No. 13/2022, remuneration of the commissioners of the National Commission on Human Rights had more than doubled. Under Presidential Instructions No. 55/2023 and No. 8/2024, remuneration of the commissioners of the National Commission on Violence against Women

had been doubled as well, and the Commission's staff had been increased from 45 to 95 persons. Work was under way to strengthen the institutional framework of both commissions as part of the National Strategic Plan 2025–2029.

7. **Mr. Gómez Martínez** said that he wished to know whether a bill on the proposed new legal definition of torture had been presented to the Indonesian parliament and, if so, what the bill's current procedural status was. He would also be grateful for disaggregated data on the follow-up given to the recommendations of the body known as Cooperation for the Prevention of Torture since its establishment in 2016 and on the number of judges, prosecutors and law enforcement officials who had participated in training activities on human rights, in particular training on the prohibition of torture and the application of the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles), during the reporting period, as well as statistics on complaints of torture or ill-treatment by law enforcement and security officials.

8. In the light of reports that persons who committed morality offences in Aceh Province continued to be flogged, he would welcome information on the steps the State party was taking to ensure that flogging was no longer used as a form of punishment. In addition, in view of reports of the alleged torture of activists and human rights defenders in Papua and West Papua during the civil unrest and armed rebellion that had occurred there between May 2022 and July 2023 and of acts of torture and unlawful killings by law enforcement officials in those provinces in 2022, he would welcome information on the procedures and legal framework in place to prevent torture, including by police and security officers, and to ensure that persons found responsible for torture were held accountable in accordance with the Covenant.

9. It would be useful to receive information on the number and results of any unannounced visits conducted by oversight bodies to prisons and detention centres during the reporting period. An explanation of how the new provisions in the Penal Code and the Correctional System Law would reduce overcrowding in prisons would be appreciated. An explanation of how Regulation No. 15/2020 on the Dismissal of Charges based on Restorative Justice of the Attorney General's Office had influenced prison conditions would also be welcome, as would updated information on the total number of prisoners and correctional officers in Indonesia over the reporting period and on the application of non-custodial measures over that period, in particular in the case of migrants and their families.

10. Given that Law No. 18/2014 on Mental Health provided for the punishment of persons who shackled persons with mental disabilities, he would appreciate information on the number of cases of shackling reported to the Ministry of Health that had given rise to criminal investigations and to the prosecution and conviction of those found responsible. In that regard, he also wished to know whether persons with mental disabilities were placed in appropriate facilities, whether the internment of persons with mental disabilities was carried out on the basis of judicial decisions, whether the conditions of internment of such persons were periodically reviewed by judges and whether the State party had taken steps to ensure that interned persons with mental disabilities received adequate health care and support aimed at their reintegration into society.

11. **Mr. Ndiaye** said that he would be grateful if the delegation could provide information on how the Government planned to ensure the meaningful participation of civil society in consultations on the amendment of laws, including counter-terrorism laws, and how it ensured that the national armed forces did not encroach on the area of responsibility of law enforcement agencies specifically entrusted with applying counter-terrorism laws, especially given that Law No. 34/2004 on the Indonesian National Army and the Anti-Terrorism Law of 2003 provided for the involvement of the army in counter-terrorism measures. What steps had been taken to ensure that individuals detained under counter-terrorism laws had access to legal counsel, were able to contact their families and were not subjected to torture or other cruel, inhuman or degrading treatment or punishment? He would also be interested in learning of any plans to amend the Anti-Terrorism Law of 2003 so that terrorist activities would be clearly and unambiguously defined and peaceful political activities could not be misconstrued as acts of terrorism. He would also appreciate hearing about the measures in place to ensure that the lack of a definition of "deradicalization" did not lead to arbitrary

arrests, the steps taken to prevent rights violations in the context of the wiretapping of suspected terrorists and to provide reparations to persons whose rights had been violated in that way and, lastly, the measures taken to ensure that individuals from Papua were not targeted by law enforcement personnel and disproportionately subject to being charged under counter-terrorism laws as a result of racial profiling.

12. In the light of reports that persons with disabilities continued to face accessibility issues that prevented them from voting, such as a failure to supply ballots in Braille and physically inaccessible polling stations, he wished to know what measures the State party had taken to ensure that all polling stations complied with the laws providing procedural protections for persons with disabilities, what penalties were imposed on voting locations that failed to adhere to those laws and what steps had been taken to protect the voting rights of persons with disabilities who were unable to vote in person. It would also be useful to receive information on the measures in place to uphold the right to participation in public and political affairs of people living in Papua. He was particularly interested in learning how their right to establish or join political parties was protected, since the provision on that right had been removed from Law No. 2/2021, which provided for autonomy of the people of Papua. He would also welcome information on the steps the State party intended to take to investigate allegations that the President had exerted undue influence on the 2024 general elections by campaigning in favour of his son's bid for top office and, more generally, on the measures in place to ensure that high-ranking officials, including the President, were prevented from unduly influencing electoral processes. He would also appreciate clarification of the Indonesian Constitutional Court's recent ruling that the possession of an electronic identity card was no longer an "absolute" requirement for voting. Under what circumstances might such cards continue to be required, and what measures had been taken to ensure that persons without an electronic identity card were still able to vote? Statistics on the number of electoral workers diagnosed with coronavirus disease (COVID-19) during the pandemic and the compensation provided in such cases would also be welcome.

13. He wished to know what measures the State party planned to take to respond to reports that militias and special units allegedly supported by the Government were using violent means to put down peaceful demonstrations in the Papua region in favour of self-determination. He would also like to know what was being done to protect persons from Papua who were being held on charges of treason from abusive interrogation methods and, more generally, to protect Papuan protesters from violence and other human rights abuses. In that regard, he would be grateful for an explanation of how the State party's application of articles 106 and 110 of the Penal Code to peaceful protesters was consonant with the provisions of the Covenant on freedom of expression and assembly. Lastly, he would welcome information on the measures the State party planned to take to address the security and human rights situation in West Papua generally, which had reportedly been in decline since 2019.

14. **Ms. Kran** said that the Committee had received reports that individuals had been prosecuted for expressing beliefs that diverged from those of mainstream religions; for example, the Muslim cleric Panji Gumilang had been arrested on charges of blasphemy and hate speech after advocating for gender-inclusive religious practices. In that regard, she wished to know whether the State party planned to repeal article 156 (a) of the Penal Code, which criminalized forms of expression aimed at "staining a religion or obstructing religious adherence"; to repeal the prohibition of "deviant religious teachings and blasphemy" set out in Presidential Decree No. 1 of 1965; and to ensure that that decree was not used to discriminate against followers of minority or unrecognized religions. She would also appreciate an explanation of how the State party planned to resolve the challenges currently faced by minority religious groups, for example members of the Taman Tasmin Christian Church, in obtaining permission to construct places of worship and to ensure that freedom of religion was protected. Clarification of the avenues of appeal available to those denied permission to build a place of worship and the steps that the State party planned to take to ensure that the construction permit process was free from discrimination would also be welcome.

15. She wished to know what steps would be taken to ensure that the various pieces of legislation that had been enacted in 2016 and 2017 to regulate non-governmental

organizations (NGOs) were not used to impose limitations on the exercise of the freedom of association, in particular with respect to organizations that were critical of the Government. It was unclear what safeguards were in place to ensure that the dissolution of organizations under the terms of that law was carried out fairly, without discrimination and with independent oversight.

16. She would welcome details of how the State party would ensure effective consultation with labour unions and other relevant stakeholders concerning legislative processes relating to labour matters. How did the Government intend to address the irregularities that had marked the drafting of Law No. 6/2023 and the barriers that were interfering with union registration? It would be useful to receive statistics on the number of complaints of union-busting and intimidation that had been filed since 2013, as well as on how many of those cases had been investigated and how many had resulted in sanctions.

17. **Mr. Helfer** said that the Committee had been made aware of numerous cases of university students and faculty being prosecuted on criminal charges, including charges of defamation or treason, for speaking out on topics such as the Papua conflict and the Government's higher education policy and for displaying the Morning Star flag on the campus of the University of Science and Technology Jayapura. He would welcome the delegation's comments on how such prosecutions were consonant with the right to academic freedom as protected by article 19 of the Covenant. He also wished to know what steps would be taken to ensure that journalists, human rights observers and officials of the Office of the United Nations High Commissioner for Human Rights were granted unimpeded access to Papua and West Papua provinces.

18. He would be interested to learn how the State party ensured that the amended Electronic Information and Transactions Law and Law No. 1/1946 were not used to harass and criminalize persons engaging in protected expression. He would like to hear about the measures that were being taken to combat disinformation and hate speech, such as that which had reportedly resulted in mob violence against Rohingya in the Province of Aceh in December 2023, and to suppress so-called "revenge porn".

19. Following the Internet shutdowns in the provinces of Papua and West Papua in recent years and the blocking of more than 213,000 webpages, he was keen to learn what steps the State party would take to ensure that all such restrictions on Internet access were non-discriminatory, necessary and proportionate and whether the Government would consider allowing the judiciary, rather than the Minister of Communication and Information Technology, to determine what content should be blocked.

20. The delegation might explain how the numerous charges of treason brought against persons who had organized or participated in peaceful protests or who had produced protest materials could be reconciled with the State party's duty to uphold the right to peaceful assembly. It was unclear how the charging of six activists for organizing a peaceful protest in Jakarta in August 2020, the prosecution of seven Papuan students for raising the Morning Star flag in August 2022 and other similar cases met the threshold for the element of "attack" that the Constitutional Court had held was required in order for acts to be classified as treason.

21. He would welcome details of how the State party would ensure that the procedural restrictions and notification requirements that were in place for protest organizers and participants, including those set out in article 256 of the new Penal Code and in Presidential Decree No. 17/2023 on the end of COVID-19 pandemic, would not act as deterrents to the exercise of the right to peaceful protest.

22. He would be interested to hear the delegation's response to reports of excessive use of force against students protesting against the division of the provinces of Papua and West Papua near the Presidential Palace in Jakarta in March 2022 and protestors in Abepura in May 2022.

23. **Mr. El Haiba** said that he would like to hear about the measures put in place to ban corporal punishment of children in all settings, including at home and at school. It would be useful to know what was being done to improve the support provided to children in conflict with the law and what the impact had been of the new restrictions on the length of time children could be held in detention.

24. He would welcome an update on the progress that had been made in expanding birth registration and preventing statelessness.

25. He wished to know the status of the bill on customary law communities and whether the authorities had engaged in any public consultations to ensure that the provisions of the bill were inclusive. He would appreciate an account of the measures that had been taken and strategies implemented to protect the land rights of customary law communities, including in the context of development and natural resource projects.

26. He was curious to hear about any specific action that had been taken to eliminate racial discrimination against Indigenous Papuans and other customary law communities by non-State actors and by public institutions such as the police, the armed forces and criminal justice bodies. He would be grateful to know when the results of the 2022 census, in particular those pertaining to demographics and ethnicity in the provinces of Papua and West Papua, would be published.

The meeting was suspended at 11 a.m. and resumed at 11.20 a.m.

27. **A representative of Indonesia** said that the amendments to the Special Autonomy Law introduced in 2021 provided for greater accountability in the disbursement of funding for the provinces of Papua and West Papua and for an inclusive legislative framework at all levels. While that law did not contain provisions on the formation of local political parties, it did stipulate that women and members of various cultural groups should be included in the Papuan legislature.

28. **A representative of Indonesia** said that there was no militarization in Papua. In line with legal provisions on non-war operations, troops were deployed to guard the border with Papua New Guinea and to support law enforcement measures in areas where armed criminal groups regularly launched attacks. The Government had taken steps to provide members of the armed forces with training on human rights and international humanitarian law in cooperation with international organizations such as the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Human Rights. The rules of engagement with which personnel must comply were derived from the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials. Military personnel were also involved in disaster relief and community development projects.

29. Following the issuance of Regulation No. 22/2023 by the Minister of Law and Human Rights, foreign journalists were permitted to enter all parts of Indonesia, including Papua, on presentation of a letter of reference.

30. **A representative of Indonesia** said that the sole purpose of the provisions on defamation contained in the Electronic Information and Transactions Law was to ensure recognition of and respect for the rights and freedoms of others, in accordance with moral considerations, religious values, public order and democracy. In the Government's view, the provisions were therefore aligned with article 19 of the Covenant. The Constitutional Court had also reached the same conclusion on the four occasions, most recently in 2023, that it had reviewed those provisions.

31. The Electronic Information and Transactions Law was intended to promote social welfare and the intellectual life of the nation. The Government had an obligation to maintain a clean, healthy, ethical, productive and equitable digital space where legal certainty prevailed. The most recent amendments to the Law set out protections for children and harmonized certain provisions with the Penal Code. Some provisions of the Transactions Law would be replaced by provisions in the new Penal Code when it entered into force in 2026 and became the primary source of criminal legislation in Indonesia. The amendments had been made following public consultations, and the views of critics of the provisions on defamation had been heard.

32. The restrictions that had been imposed on Internet access in Papua in 2019 had been deemed unlawful by the Jakarta Administrative Court on the grounds of disproportionality and their misalignment with established procedures. The Government had responded by establishing a legal framework that was aligned with administrative law. Pursuant to Regulation No. 5/2020 issued by the Minister of Communication and Information

Technology, the Ministry had the authority to terminate Internet access on the basis of a detailed request from law enforcement authorities or the relevant Ministry. Objections could be filed with the Ministry and, if denied, could be referred to the administrative courts.

33. During the COVID-19 pandemic, the Government had been proactive in disseminating information, including through social media, and had formed a task force to encourage system-wide behavioural changes aimed at halting the spread of the virus. The authorities had worked with civil society, educational institutions, the national media and digital media platforms and had engaged sign language interpreters at their press conferences.

34. **A representative of Indonesia** said that freedom of religion and of belief were enshrined in the Constitution. Indonesia, which was home to more than 300 ethnic groups and 700 languages, promoted diversity, tolerance and peace in society. Against that backdrop, the Government was fully aware of the ongoing tensions in connection with religious beliefs and had an important role to play in ensuring that the resulting challenges did not give rise to conflict. The Government had used its dispute settlement mechanism to resolve the situation regarding the Yasmin Church in West Java.

35. Following a decision by the Constitutional Court, adherents of the traditional belief system were now able to register their religious affiliation on identification and family cards. As a result, such persons no longer faced discrimination and were able to obtain equal access to public services, including education and health care.

36. The Ministry of Religious Affairs was working to promote religious tolerance and protect religious minorities. Its policies followed the 2020–2024 road map for the promotion of religious moderation and had been included in the 2020–2024 Medium-Term National Development Plan. In 2023 the President had signed a regulation providing a legal framework for the policy's implementation by various government agencies, and a working group had been set up to support that process. That regulation also provided for the establishment of a joint secretariat to coordinate and monitor its application. The Government was working with the Supreme Court and other institutions to provide training programmes throughout the country for facilitators, known as faith moderators. The Government was committed to the full implementation of the policy, even in the country's smallest and most remote administrative units.

37. The provisions in the Penal Code on blasphemy were intended to prohibit expressions of hatred, hostile acts and discrimination based on religion or belief. Religious issues were particularly sensitive in Indonesia and, in the past, had been exploited to incite hatred and to instigate sectarian strife that had resulted in thousands of deaths. The current law was balanced and adapted to the country's context in order to reduce the risk of conflict and to maintain public order. Advocacy of religious hatred was prohibited by a law that had been upheld by the Constitutional Court. The current law's provisions would be replaced in 2026 with provisions of the new Penal Code when it entered into force. Those provisions would provide clear definitions and prescriptions relating to incitement, acts of violence and discrimination on the basis of religion or belief.

38. The regulations on the establishment of houses of worship had been enacted in 2006 after consultation with representative religious organizations. The Ministry of Religious Affairs had more recently proposed the issuance of a presidential regulation on the preservation of religious harmony, among other things to streamline the work of the Ministry and of local authorities when they dealt with the establishment of houses of worship. While awaiting its issuance, the Ministry had sent out a circular and had issued a decree providing guidance to its regional offices. The Government was committed to fair treatment of the various religions. The number of members of congregations or parishioners foreseen for each place of worship was of the same order for all faiths. The 15-year-long dispute concerning the construction of the Yasmin Church in Bogor had been resolved, and the new church had opened in April 2023.

39. **A representative of Indonesia** said that, under the Constitution, the Government was obliged to respect the unique characteristics of regions with a special status. Aceh Province had been afforded a special status on the basis of a law adopted in 2006. The provincial authorities thus had the authority to implement sharia law, including in the fields of family, civil and criminal law, education and the justice system. However, in Aceh Province, such

provisions were applicable only to Muslims. When local provisions were in contradiction with national law, they were subject to review before the Supreme Court.

40. Flogging was no longer used as a primary punishment. It was applicable only for certain crimes, such as sexual abuse, rape and gambling, and it was currently considered to be an alternative punishment, along with fines and imprisonment.

41. Since 2013, thousands of law enforcement personnel had attended a series of training sessions on human rights and the prevention of torture. The sessions included information on the Méndez Principles and on investigative interviewing techniques. The training programmes were conducted in numerous regions, in cooperation with third parties such as NGOs and the Ombudsman's Office. In 2019 and 2020, international seminars had been held in Indonesia for policymakers from the region in the context of the Convention against Torture Initiative. The Ministry of Law and Human Rights was committed to combating torture in correctional institutions, immigration detention centres, law enforcement agencies and elsewhere. Some 400 persons had so far attended such programmes.

42. **A representative of Indonesia** said that anyone who shackled or otherwise restrained persons with mental disabilities was criminally liable. Some 2,000 cases of shackling had been resolved in Java since 2015. Such abuse often resulted from a lack of understanding of mental health and from stigmatization among families and members of the community. Attention had thus been focused on awareness-raising, on early detection and on monitoring mental health cases. In 2021 the Government had begun funding efforts to address questions related to the human rights of persons with mental health problems, including the issue of shackling. The Penal Code prohibited the use of corporal punishment on children under 12 years of age. The Minister of Education had instructions on how to respond to violent acts committed by students and others.

43. **A representative of Indonesia** said that the Government ensured that persons with disabilities could take part in elections and in public life. The General Election Commission had issued regulations and guidelines to make sure that polling stations were accessible and provided voting assistance tools for persons with disabilities. The Commission conducted activities with organizations of persons with disabilities, involved them in the selection of its own members and developed accessible training modules in cooperation with them. During elections, it allowed the presence of a trusted accompanying person to assist persons with disabilities when they cast their ballots.

44. Panji Gumilang had been arrested in August 2023 and charged under the provisions on blasphemy for, among other things, using non-Islamic religious greetings during prayer. That case was currently being heard. He also faced a second charge involving allegations of embezzlement or money laundering of some 73 billion rupiah.

45. **A representative of Indonesia** said that the main challenge facing the correctional system had been overcrowding. The Ministry of Law and Human Rights had adopted measures to increase capacity, and since 2018 the Government had built 24 new facilities and renovated and upgraded existing ones. Prisoners at overcrowded facilities had been reassigned to less crowded ones. There were currently some 274,000 prisoners in the system being overseen by about 47,000 correctional officers.

46. The overcrowding had been a result of the application of a Penal Code dating from the 1910s. The State party was in the process of preparing for the entry into force of the new Penal Code and the new Correctional System Law, which relied more heavily on social integration and restorative justice rather than imprisonment. The new laws would provide for the personal conditions of inmates and the severity of their acts to be taken into consideration. The Correctional Administration worked with the Cooperation for the Prevention of Torture organization, an independent grouping of national human rights NGOs and other bodies which carried out visits to monitor prison conditions.

47. **A representative of Indonesia** said that, between 2014 and 2019, the proportion of births that had been registered had increased from around 32 per cent to over 90 per cent. The Government had made birth registration a national priority. It had concluded a memorandum of understanding with eight government ministries in efforts to raise the rate

of registration and had adopted a number of laws to encourage the registration of Indonesian children, both within the country and abroad.

48. **A representative of Indonesia** said that public demonstrations were dealt with in using the same methods throughout the country. Those methods were based on the national Constitution, which guaranteed freedom of expression and was in line with the Covenant. Freedom of expression was also safeguarded under the police regulations of 2017. Demonstrations could only be disbanded if they were conducted in a manner violating the law or that was disruptive to public order. Demonstrations that advocated anarchy were prohibited not only in Papua, but throughout the country. Participants in prohibited demonstrations could face criminal penalties if they committed blasphemy or violent acts. Members of the security forces were also subject to the law and could face prosecution in the event of violations.

49. **A representative of Indonesia** said that the Constitution guaranteed human rights and equality for all under the law, including activists, journalists and human rights defenders. In addition, certain regulations and guidelines specifically guaranteed the protection of human rights defenders. For example, there were regulations prohibiting strategic lawsuits aimed at stifling public participation. A law aimed at protecting the environment had been successfully invoked to free human rights defenders from civil lawsuits or criminal charges related to their activities, and national human rights norms and regulatory standards included specific provisions for the protection of human rights defenders.

50. The case of Fatia Maulidiyanti and Haris Azhar involved individuals who had acted in their personal capacity. The Government was duty-bound to refrain from taking a position in any ongoing judicial process. In January 2024, a court had dismissed the charges of defamation brought against them. That ruling demonstrated the independence of the judiciary and the fact that the case had been judged solely on its merits.

51. **A representative of Indonesia** said that the country had a fair electoral system which fully upheld fundamental civil liberties. It was a point of pride that Indonesia had recently held one of the world's largest direct, simultaneous elections, with 204 million voters electing not only the President, but hundreds of members of the parliament and nearly 20,000 members of regional councils. The documentation requirements for voting, which had in the past called for the presentation of a voter identification card, had recently been eased to allow for the use of other documents such as family registration cards or driving licences.

52. In the event of allegations of electoral fraud, candidates or political parties could avail themselves of mechanisms to challenge election results. A monitoring body was in place that also served as a complaints mechanism. The recent national election had been observed by 155 national observer institutions and 3 foreign ones.

53. The Government had developed various normative and legal texts to protect the rights of *adat* communities, but the draft legislation was still in the process of adoption. The new law would provide for the recognition and protection of *adat* communities, would penalize the violation of their rights and would ensure their access to natural resources.

54. **Mr. Helfer**, noting that the Electronic Information and Transactions Law had been repeatedly reviewed by the Constitutional Court and had reportedly been amended in 2024, said that he would like to find out whether the recent amendment had also been reviewed by the Court. The new legal framework for electronic information and transactions apparently gave the Government the right to decide what constituted unlawful content and to order its removal. It would be useful to the Committee if the delegation would clarify whether the authorities promptly published the reasons for administrative decisions to take down content and whether there was a possibility of judicial review in the event that such decisions might be flawed.

55. He welcomed the delegation's statement that there was no difference between the treatment of demonstrations and freedom of expression in Papua and in other parts of the country. The Committee would like to receive additional information about prior notification procedures for demonstrations and other related procedures and would like to know how they operated in practice. Even if the law was consistent with the Covenant, such procedures could, when burdensome, impede freedom of expression.

56. **Mr. Gómez Martínez**, noting that, according to the delegation, the authorities had resolved some 2,000 cases of the use of restraints or shackles in centres for persons with intellectual disabilities known as *panti sosial*, said that he would appreciate it if the delegation could inform the Committee whether any sanctions had been applied to the perpetrators of those acts. Were persons who entered such centres subject to any oversight by medical or legal practitioners?

57. **Ms. Kran** said that the Committee was concerned about the possibility that article 273 of the Penal Code might undermine the bargaining power of labour unions. Presidential Decree 63/2004 empowered the President to designate certain industrial or business undertakings as vital to the country's national interests and, as such, as "national vital objects", or NVOs. The Committee would like to know whether trade union activities could be perceived as threats to NVOs under that decree. Had the decree been invoked in the past 10 years and, if so, with what outcome?

58. **Mr. El Haiba** said that he would like to find out how many of the *panti sosial* centres had women inmates and what kind of care was provided to children who had been separated from their mothers at such centres. The Committee would like to know whether the facilities were inspected by an agency that conducted unannounced visits to places of detention and, if so, with what frequency. Information about the mechanisms in place to prevent the use of corporal punishment on children at such centres would be welcome.

59. **Mr. Ndiaye** said that there had been a long-standing request from the National Commission on Human Rights for the Government to consider accession to the 1951 Convention relating to the Status of Refugees. Further information on the Government's position in that regard would be appreciated.

60. **A representative of Indonesia** said that the relevant article of the Electronic Information and Transactions Law had been reviewed by the courts five times. Decisions regarding online content were administrative and were aimed at preventing the dissemination of information that violated government regulations. The speed with which the authorities took action in such cases was of the utmost importance.

61. When the authorities blocked access to information, they used a template on the web page in question to inform the public of the blockage and of the reasons why the original page had been deemed to violate the applicable regulations. Anyone could then file a complaint with the Ministry of Communication and Information Technology, which would then inform the complainant of the authority requesting the blockage. The person could then directly request the authority to lift the blockage. If it refused, the person could file an appeal with the State Administrative Court.

62. **A representative of Indonesia** said that when the security forces carried out operations to protect NVOs, they must, as always, comply with the applicable law and regulations relating to proportionality and necessity. The use of firearms was permitted only in situations of extreme violence. Persons wishing to express opinions in public or hold demonstrations, marches or public meetings had to notify the police and receive confirmation that the notification had been filed. The objective of that procedure was to ensure that the expression of opinions would not undermine public safety.

63. **A representative of Indonesia** said that some 4,800 youth centres had been established by the Government throughout the country to provide services to about 100,000 children with special physical, mental or social needs. They were different from the social centres, which provided services for street children, runaway children and children who participated in antisocial activities. Participation in both types of centres was voluntary, and neither the youth centres nor the social centres were places of detention.

64. **A representative of Indonesia** said that labour union rights were protected under the law and by the Constitution. Under the new Penal Code, the only requirement regarding the exercise of freedom of expression and assembly was that the police should be informed; prior registration was not necessary. Criminal responsibility could be incurred only in the event of unrest or a disruption of social services or public order. The new provisions afforded protection for groups of people who wished to exercise those rights.

65. **A representative of Indonesia** said that the Government of Indonesia was committed to respecting human rights and to identifying areas for improvement, and it had welcomed the opportunity to hold a constructive dialogue with the Committee. The Committee's recommendations would be given due consideration, along with the recommendations of other United Nations human rights mechanisms, in the formulation of the next national action plan on human rights. In formulating its concluding observations, it would be important for the Committee to take into account the progress that the State party had made and the specific challenges it faced, along with social and cultural factors, to ensure that its recommendations could be translated into suitable policies within the national context.

The meeting rose at 1 p.m.