



INDONESIA

BASELINE ASSESSMENT OF R2P  
IMPLEMENTATION



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The following Baseline Assessment Annex provides an overview of Indonesia's efforts in implementing R2P as of 2019. For a full description of the methodology used in this study, see Part II of 'Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges', available [here](#).

# INDONESIA

Indonesia is close to becoming a strong implementer of R2P. It performs strongest in relation to its own track record in reducing atrocity crimes and their risks, the establishment of a relatively robust domestic human rights regime overseen by a National Human Rights Commission, and in its contribution to multilateral efforts to protect civilians through UN peacekeeping and support for greater activism by the UN Security Council. In terms of human rights, the Indonesian Constitution and sector-specific regulations prohibit discrimination and ensures citizens equal rights and equal access to judicial institutions. Indonesian civil society is one of the largest and most active in the region. Issues remain, however, especially with respect to the situation in West Papua.

Indonesia has participated in four of the nine UN General Assembly Informal Interactive Dialogues on R2P, in addition to the 2016 Thematic Panel Discussion on “Ten Years of the Responsibility to Protect”. Whilst a member of the Human Rights Council, Indonesia supported four resolutions which directly referenced the responsibility to protect whilst within the General Assembly it has supported three key R2P related resolutions (abstaining on the others). Indonesia is particularly strong in foreign assistance and peacekeeping; the State has formed partnerships with others for technical assistance and capacity-building purposes, has a well-resourced Peacekeeping Training Centre and is one of the most significant contributors to peacekeeping in the region, contributing to nearly all of the peacekeeping missions that have had a protection of civilians mandate.

There are significant gaps in Indonesia’s commitment to international law. In particular, it has not yet ratified the

Genocide Convention, Geneva Protocols, Refugee Convention, Arms Trade Treaty, or the Rome Statute. This constitutes a significant protection gap. Indonesia actively participates in the Universal Periodic Review of the Human Rights Council (although it currently has six overdue reports), and has some domestic laws that criminalize atrocity crimes but as yet no domestic laws that can penalize nationals for atrocity crimes or terrorism committed overseas. Whilst Indonesia has not overtly invested in tools to encourage states to fulfil their responsibility to protect, it has played a constructive human protection role in mediating a number of conflict situations, such as the Thai-Cambodian border conflict in 2011 and, more recently, cooperating with the EU to ease tensions between Iran and Saudi-Arabia. It played a key diplomatic role in resolving the 2008 crisis in Myanmar and attempted, unsuccessfully, to do the same in relation to the 2017 outbreak of atrocity crimes in Rakhine state.

Like many governments, Indonesia is weakest when it comes to the adoption of explicit policy mechanisms to support the implementation of R2P. It has not yet appointed a Focal Point (though it is actively considering doing so), does not incorporate atrocity crime risks and dynamics into its conflict analysis and neither has it conducted a national assessment of risk and resilience using the framework of analysis on the prevention of genocide. It is not yet a signatory to the Kigali Principles.

# INDONESIA

Assessment	Indicator
<b>Very Strong</b>	Reduction of atrocity crime risks
	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate)
	Support UN Security Council veto restraint on issues relating to atrocity prevention
<b>Strong</b>	Protection of populations from atrocity crimes
	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination
	Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council
	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations
	Ensure equal access to justice
	Take measures to counter and prevent violent extremism
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence
	Cultivate and protect an active, diverse and robust civil society
	Participate in international, regional and national discussions on the further advancement of R2P
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect
	Strengthen the role and capacity of regional organisations
	Support preventive actions on atrocity crimes
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping
<b>Fair</b>	Appoint national R2P Focal Point
	Sign, ratify and implement relevant instruments of international law
	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity
	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law
	Ensure a legitimate, effective and civilian controlled security sector
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness
	Prevent nationals committing atrocity crimes overseas
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy
	Support the development and work of regional human rights and other preventive capacities
	Support atrocity prevention through development and assistance partnerships

	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system
<b>Weak</b>	Dealing with past atrocities
	Strengthen regional and international networks for atrocity crime prevention
<b>Very Weak</b>	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court
	Conduct a national assessment of risk and resilience
	Support the Kigali Principles

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Strong	Indonesia is a culturally and linguistically diverse country and has been somewhat of a nexus between Oceania and the rest of Asia. Over the last few years and under the current government of President Widodo, Indonesia is becoming a regional power with reasonably strong support for R2P and broader human rights. This has translated into the government protecting most of its citizens from atrocity crimes.  However, there remains some points of concern. Enforced disappearances, common under previous regimes, are still occurring under the current government and no discernible political will is present to put a stop to it. <sup>1</sup> There also remains the conflict in West Papua, a low intensity conflict that has lasted for decades. Due to a ban on international media reporting on the conflict (see Indicator further below) the situation is scarcely reported on. Yet there is evidence that the fighting has led to the commission of atrocity crimes. <sup>2</sup>
	Reduction of atrocity crime risks.	Very Strong	Despite the problems mentioned above, the risk of widespread atrocity crimes occurring at the present is very low.
	Dealing with past atrocities.	Weak	There is much impunity within Indonesia over those who have committed past atrocity crimes, beyond those already mentioned above.  From 1965 to 1966, after a purported coup attempt made by army officers backed by the Indonesian Communist Party (PKI), mass retaliatory killings and arrests took place throughout Indonesia, resulting in 500,000 – probably more – deaths. Despite efforts by civil society groups, private actors, NGOs and survivors to bring to light the PKI killings and offer some form of justice, the Indonesian government has so far failed to do so. Perpetrators and survivors of other atrocity crimes committed throughout the 20 <sup>th</sup> century in Indonesia also lack reconciliation, and there is speculation President Widodo will not investigate them due to the upcoming election in 2019, where past atrocities remain a divisive issue. <sup>3</sup>

<sup>1</sup> fidh, 2014. *Indonesia: End impunity for enforced disappearances*, <https://www.fidh.org/en/region/asia/indonesia/16554-indonesia-end-impunity-for-enforced-disappearances>; Asian Legal Resource Centre, 2017. *Indonesia: No justice for victims of enforced disappearances*, <http://alrc.asia/indonesia-no-justice-for-victims-of-enforced-disappearances/>.

<sup>2</sup> See: Davidson, Helen, 2018. 'West Papua: conflicting reports surround attack that killed up to 31'. *The Guardian*, 5 December. Available at: <https://www.theguardian.com/world/2018/dec/05/west-papua-fears-of-spiralling-violence-after-attack-leaves-up-to-31-dead>; Blades, Johnny, 2018. 'Fears for civilians as West Papuan conflict rages'. *Radio NZ*, 9 November. Available at: <https://www.radionz.co.nz/international/pacific-news/375570/fears-for-civilians-as-west-papuan-conflict-rages>; Free West Papua Campaign, n.d. *History of West Papua*, <https://www.freewestpapua.org/info/history-of-west-papua/>; Martin, Lisa. 2018. 'Indonesia denies using white phosphorus in West Papua'. *The Guardian*, 24 December. Available at: <https://www.theguardian.com/world/2018/dec/24/indonesia-denies-using-white-phosphorus-in-west-papua>.

<sup>3</sup> Kwok, Yenni, 2015. 'The Memory of Savage Anticommunist Killings Still Haunts Indonesia, 50 Years On'. *TIME*, 30 September. Available at: <http://time.com/4055185/indonesia-anticommunist-massacre-holocaust-killings-1965/>; McGregor, Katharine, 2009. *The Indonesian Killings of 1965-1966*, <https://www.sciencespo.fr/mass-violence-war-massacre-resistance/fr/document/indonesian-killings-1965-1966>; Harvey, Adam, 2017. 'Declassified US documents reveal full extent of Indonesia's 1965-66 anti-communist massacres'. *ABC News*, 19 October. Available at: <https://www.abc.net.au/news/2017-10-19/indonesia-new-documents-reveal-full-extent-of-1965-massacres/9067900>; Kine, Phelim, 2018. *Indonesia Backpedals on Accountability for Past Atrocities*, <https://www.hrw.org/news/2018/06/08/indonesia-backpedals-accountability-past-atrocities>.



Policy Mechanisms	Appoint national R2P Focal Point.	Fair	Indonesia does not currently possess a government official appointed as the country's R2P Focal Point. <sup>4</sup> However, for a number of years civil society and academic groups in the country, as well as in Cambodia, have put forward recommendations and plans as to how to establish one. <sup>5</sup>
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Very Weak	Following the conflict in Timor-Leste in 1999, Indonesia instituted the Ad Hoc Human Rights Court under <i>Law 26/2000</i> to assess the atrocities that occurred during the conflict. However, the court has been severely criticized for failing to bring due justice. <sup>6</sup>  Furthermore, while <i>Law 26/2000</i> was based on the <b>Rome Statute of the International Criminal Court</b> , it contained partial or flawed interpretations of the international agreement. <sup>7</sup>
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak	There are no domestic mechanisms in place within Indonesia to keep the government accountable over its responsibility to protect.
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Fair	Indonesia has ratified seven of the twelve key pieces of international human rights law (IHRL) most relevant to R2P. <sup>8</sup> These are: <ul style="list-style-type: none"> <li>• <b>Geneva Conventions</b> (Ratification/Accession: 1958)</li> <li>• <b>International Covenant on Civil and Political Rights</b> [ICCPR] (Ratification/Accession: 2006)</li> <li>• <b>International Covenant on Economic, Social and Cultural Rights</b> [ICESCR] (Ratification/Accession: 2006)</li> <li>• <b>Convention on the Elimination of All Forms of Racial Discrimination</b> [CERD] (Ratification/Accession: 1999)</li> <li>• <b>Convention on the Elimination of All Forms of Discrimination against Women</b> [CEDAW] (Ratification/Accession: 1984)</li> </ul>

<sup>4</sup> Global Centre for the Responsibility to Protect (GCR2P), 2016. *Members of the Global Network of R2P Focal Points*, [http://www.globalr2p.org/media/files/regional-breakdown\\_global-network-of-r2p-focal-points.pdf](http://www.globalr2p.org/media/files/regional-breakdown_global-network-of-r2p-focal-points.pdf).

<sup>5</sup> For example: Asia Pacific Centre for the Responsibility to Protect (APR2P), 2017. *Spotlight on R2P: Second Indonesian National Dialogue on R2P and Atrocities Prevention*, p. 2, [https://r2pasiapacific.org/files/648/spotlight\\_sep2017\\_issue42\\_2nd\\_indonesia\\_national\\_dialogue\\_r2p.pdf](https://r2pasiapacific.org/files/648/spotlight_sep2017_issue42_2nd_indonesia_national_dialogue_r2p.pdf).

<sup>6</sup> The European Council, 2003. *Declaration by the presidency on behalf of the EU on ad hoc Human Rights Tribunal for crimes committed in East Timor*, para. 2.

<http://europa.eu/rapid/pressReleasesAction.do?reference=PESC/03/94&format=PDF&aged=1&language=EN&guiLanguage=en>; Human Rights Watch (HRW), 2002. *Justice Denied for East Timor: Indonesia's Sham Prosecutions, the Need to Strengthen the Trial Process in East Timor, and the Imperative of U.N. Action*, <https://www.hrw.org/report/2002/12/20/justice-denied-east-timor/indonesias-sham-prosecutions-need-strengthen-trial>.

<sup>7</sup> Cohen, David, 2003. *Intended to Fail: The Trials Before the Ad Hoc Human Rights Court in Jakarta*, p. 91, <https://www.ocf.berkeley.edu/~changmin/Papers/IntendedtoFail.pdf>.

<sup>8</sup> United Nations Office of the High Commissioner for Human Rights (UNOHCHR), n.d. *View the ratification status by country or by treaty*, [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx); United Nations Treaty Collection (UNTC), 2019. 1. *Convention on the Prevention and Punishment of the Crime of Genocide*, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-1&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&clang=en); UNTC, 2019. 8. *Arms Trade Treaty*, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-8&chapter=26&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=en); United Nations High Commissioner for Refugees (UNHCR), 2015. *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, <https://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>; International Committee of the Red Cross (ICRC), n.d. *Treaties, States Parties and Commentaries: Indonesia*, [https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp\\_countrySelected=ID](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=ID); International Criminal Court, n.d. *The States Parties to the Rome Statute*, [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#I](https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#I).

		<ul style="list-style-type: none"> <li>• <i>Convention Against Torture and Other Cruel, Inhuman or Degrading Punishment</i> [CAT] (Ratification/Accession: 1998)</li> <li>• <i>Convention on the Rights of the Child</i> [CRC] (Ratification/Accession: 1990)</li> </ul> <p>It has neither signed nor ratified the <i>Geneva Protocol I</i>, the <i>Convention on the Prevention and Punishment of the Crime of Genocide</i>, the <i>Arms Trade Treaty</i> [ATT], the <i>1951 Refugee Convention</i> and its <i>1967 Protocol</i> and the <i>Rome Statute of the International Criminal Court</i>.</p>
Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Weak	Indonesia is neither a signatory or state party to the <i>Rome Statute of the International Criminal Court</i> . <sup>9</sup>
Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Very Strong	Indonesia possesses the independent National Commission on Human Rights (Komnas HAM), which as of 2018, has maintained its 'A' accreditation status by GANHRI. <sup>10</sup>
Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Strong	<p>The <i>1945 Constitution of the Republic of Indonesia</i> accords all citizens equal rights before the law and enshrines various human rights<sup>11</sup> and discrimination is prohibited under a variety of laws and sector-specific regulations.</p> <p>For example, <i>Law No. 13/2003</i> protects equal opportunity without discrimination in the workplace based on ideology, religion, race, social group, gender, physical condition or marital status (Article 152(i)).<sup>12</sup> Additionally <i>Law No. 40 (2008) on The Elimination of Racial and Ethnic Discrimination</i> prohibits discrimination based on race or ethnicity in civil, political, economic, social and cultural fields.<sup>13</sup> Indonesia's de-centralised legal system allows for local governments to enforce and enact laws on a range of issues. Thus, the extent of discrimination for different groups in different areas can vary.</p> <p>Religious minorities can face discrimination particularly in regions where <i>Sharia Law</i> has been implemented. Traditional <i>Sharia Law</i> applies only to Muslims, however in 2014 the province of Aceh adopted an amendment allowing the application of <i>Sharia Law</i> to non-Muslims, of which there were approximately 90,000 living there at the time.<sup>14</sup></p>

<sup>9</sup> International Criminal Court, n.d. *The States Parties to the Rome Statute*.

<sup>10</sup> Global Alliance of National Human Rights Institutions (GANHRI), 2018. *Chart of the Status of the National Institutions*, p. 2, <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/Status%20Accreditation%20Chart.pdf>.

<sup>11</sup> Republic of Indonesia, Ministry of Information, *The 1945 Constitution of the Republic of Indonesia, Chapter X, Article 27; Chapter XA, Articles 28 – 28J*. Jakarta, 1945. (Amended in 1999, 2000, 2001 and 2002).

<sup>12</sup> Moreover, *Law No. 21 (1999)* ratifies International Labour Organization (ILO) *Convention No. 111* concerning Discrimination in Respect of Employment and Occupation, and *Law No. 80 of 1957* ratifies ILO *Convention No. 100* concerning Equal Remuneration for Men and Women for Work of Equal Value.

<sup>13</sup> Global Business Guide Indonesia, 2014. *Legal Updates: Discrimination Law and Equality in Indonesia*, [http://www.gbgingonesia.com/en/main/legal\\_updates/discrimination\\_law\\_and\\_equality\\_in\\_indonesia.php](http://www.gbgingonesia.com/en/main/legal_updates/discrimination_law_and_equality_in_indonesia.php).

<sup>14</sup> Cf. Iyengar, Rishi, 2016. 'A Non-Muslim Has Been Punished Under Shari'a Law in Indonesia for the First Time'. *TIME*. 13 April. Available at: [http://time.com/4291832/indonesia-aceh-christian-muslim-sharia-lawalcohol/?utm\\_content=buffer9a67f&utm\\_medium=social&utm\\_source=twitter.com&utm\\_campaign%20=buffer](http://time.com/4291832/indonesia-aceh-christian-muslim-sharia-lawalcohol/?utm_content=buffer9a67f&utm_medium=social&utm_source=twitter.com&utm_campaign%20=buffer); Zambardino, Antonio, 2014. 'In Pictures: New Islamic law in Indonesia'. *Aljazeera*, 3 December. Available at: <http://www.aljazeera.com/indepth/inpictures/2014/11/pictures-new-islamic-law-indon-2014112811847248153.html>.



Though these laws provide a good starting point for eliminating discrimination there remains many instances where domestic legislation can be considered discriminatory and contrary to the spirit of IHRL. The Indonesian National Commission on Violence against Women (*Komnas Perempuan*) identified 349 policies that were conducive to women's rights.<sup>15</sup> Yet, they also found 421 discriminatory policies that have negative effects, particularly around homosexual and transgender women, women with disabilities, indigenous women and women who follow a minority religion.<sup>16</sup>

Although Indonesia has never criminalized same-sex sexual behaviour in its national laws, decentralisation has resulted in some regions passing by-laws that negatively target and impinge on the fundamental rights of LGBT people.<sup>17</sup>

It is a specific requirement under certain international instruments that treaty obligations are transformed into domestic law; however there remains considerable gaps in Indonesia's domestic legislation with regards to fulfilling their obligations to CAT and CEDAW.<sup>18</sup>

The death penalty for drug related offences is upheld under the 2009 *Law regarding Narcotics*.<sup>19</sup> The UN Human Rights Committee has criticized Indonesia for executing prisoners for drug related crimes.<sup>20</sup>

Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.

Strong

In its first UPR in 2008, Indonesia accepted nine recommendations and had no clear position on four.<sup>21</sup> The second UPR in 2012 set out 180 recommendations, of which Indonesia accepted 150 and rejected 30.<sup>22</sup> The third cycle of Indonesia's UPR, undertaken in May 2017, saw 167 recommendations supported and 58 noted.<sup>23</sup>

<sup>15</sup> Komnas Perempuan, 2016. *National Human Rights Institution Independent Report: Regarding the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women in Indonesia, 2012 – 2016*, p. 14, para. 17, [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IDN/INT\\_CEDAW\\_IFN\\_IDN\\_26445\\_E.p df](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IDN/INT_CEDAW_IFN_IDN_26445_E.p df); see also: United Nations, Committee on Elimination of Discrimination against Women (CEDAW), Concluding observations of the Committee on the Elimination of Discrimination against Women Fifty-second session, 27 July 2012, CEDAW/C/IDN/CO/6-7.

<sup>16</sup> Komnas Perempuan, 2016. *National Human Rights Institution Independent Report: Regarding the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women in Indonesia, 2012 – 2016*, p. 15, para. 20.

<sup>17</sup> HRW, 2016. "These Political Games Ruin Our Lives" *Indonesia's LGBT Community Under Threat*, p. 9, [https://www.hrw.org/sites/default/files/report\\_pdf/indonesia0816\\_web\\_2.pdf](https://www.hrw.org/sites/default/files/report_pdf/indonesia0816_web_2.pdf).

<sup>18</sup> Cf. United Nations, Human Rights Council (HRC), Written statement submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status, 17 February 2017, A/HRC/34/NGO/96, p. 2; UNOHCHR, n.d. *Convention on the Elimination of All Forms of Discrimination against Women. Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979 entry into force 3 September 1981, in accordance with article 27(1)*, Article 6, p.5. <http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>.

<sup>19</sup> International Drug Policy Consortium, 2009. *English Version of the Indonesian Narcotics Law*, <http://idpc.net/publications/2009/11/indonesia-narcotics-law-september-2009-english>, (In particular, see Articles 113, 114, 116, 118, 119 and 121).

<sup>20</sup> UNOHCHR, 2015. *UN Human Rights Committee deplores Indonesia's response to its call to stop executions for drug-related crimes*, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15792&>.

<sup>21</sup> UPR Info, 2008. *Responses to Recommendations: Indonesia*, [https://www.upr-info.org/sites/default/files/document/indonesia/session\\_01\\_-\\_april\\_2008/recommendations\\_indonesia\\_2008.pdf](https://www.upr-info.org/sites/default/files/document/indonesia/session_01_-_april_2008/recommendations_indonesia_2008.pdf).

<sup>22</sup> UPR Info, 2012. *Recommendations and Pledges: Indonesia*, [https://www.upr-info.org/sites/default/files/document/indonesia/session\\_13\\_-\\_may\\_2012/recommendationstoindonesia2012.pdf](https://www.upr-info.org/sites/default/files/document/indonesia/session_13_-_may_2012/recommendationstoindonesia2012.pdf).

<sup>23</sup> UPR Info, 2017. *Responses to Recommendations: Indonesia*, [https://www.upr-info.org/sites/default/files/document/indonesia/session\\_27\\_-\\_](https://www.upr-info.org/sites/default/files/document/indonesia/session_27_-_)

			Indonesia currently has six reports overdue, two initial and four periodic. <sup>24</sup>
	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Strong	<p>Despite not having extended a standing invitation to UN mandate holders,<sup>25</sup> Indonesia has engaged with various monitoring missions which have reported their findings. These include, amongst others:<sup>26</sup></p> <ul style="list-style-type: none"> <li>• 1994 Joint Mission by the Special Rapporteur on extrajudicial, summary or arbitrary executions.<sup>27</sup></li> <li>• 1999 Special Rapporteur on violence against women.<sup>28</sup></li> <li>• 2006 Special Rapporteur on the human rights of migrants.<sup>29</sup></li> <li>• 2007 Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>30</sup></li> <li>• 2008 Special Representative of the Secretary-General on the situation of human rights defenders.<sup>31</sup></li> <li>• 2013 Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.<sup>32</sup></li> </ul> <p>Despite these visits being finalised, many of the Special Procedure visits requested of Indonesia remain unfulfilled.</p>
	Ensure equal access to justice.	Strong	<p>Equal access to judicial institutions is enshrined in the constitution.<sup>33</sup> However, there are concerns that this is not always upheld in practice, with the judiciary remaining susceptible to influence from outside parties, including business interests, politicians, and the security forces.<sup>34</sup></p> <p>Persons with disabilities face barriers in accessing judicial institutions and being treated equally under the law. This is further complicated by the fact that</p>

[\\_may\\_2017/response\\_to\\_recommendations\\_indonesia\\_2017.pdf.](#)

<sup>24</sup> UNOHCHR, n.d. *Late and non-reporting States*, [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/LateReporting.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx)

<sup>25</sup> UNOHCHR, 2018. *Standing Invitations*,

[http://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/StandingInvitations.aspx](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx).

<sup>26</sup> A full list can be found here: UNOHCHR, n.d. *View Country visits of Special Procedures of the Human Rights Council since 1998*, [https://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=IDN](https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=IDN).

<sup>27</sup> United Nations, Commission on Human Rights, Report by the Special Rapporteur, Mr Bacre Waly Ndiaye, on his mission to Indonesia and East Timor from 3 to 13 July 1994, 1 November 1994, E/CN.4/1995/61/Add.1.

<sup>28</sup> United Nations, Commission on Human Rights, Report of the Special Rapporteur on violence against women, its causes and consequences, Ms Radhika Coomaraswamy, 21 January 1999, E/CN.4/1999/68/Add.3.

<sup>29</sup> United Nations, Human Rights Council (HRC), Report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante, 2 March 2007, A/HRC/4/24/Add.3.

<sup>30</sup> United Nations, HRC, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, 10 March 2008, A/HRC/7/3/Add.7.

<sup>31</sup> United Nations, HRC, Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Ms Hina Jilani, 28 January 2008, A/HRC/7/28/Add.2.

<sup>32</sup> United Nations, HRC, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, 26 December 2013, A/HRC/25/54/Add.1.

<sup>33</sup> Republic of Indonesia, Ministry of Information, *The 1945 Constitution of the Republic of Indonesia, Chapter X, Article 27(1)*.

<sup>34</sup> U.S. Department of State, 2016. *Indonesia 2016 Human Rights Report*, p. 9,

<https://www.state.gov/documents/organization/265550.pdf>.

persons with psychiatric or psychological disabilities are not considered to have disabilities.<sup>35</sup>

Amnesty International has raised concerns over judicial treatment for people facing capital punishment. In a 2015 report they highlighted twelve cases where defendants did not have access to legal counsel from the time of their arrest and throughout different stages of their trial and appeals.<sup>36</sup>

*Law No. 6/2011* dealing with immigration allows for foreigners to be placed in immigration detention to prevent unauthorised entry whilst Article 85 of the same law allows for detention up to ten years without judicial review.<sup>37</sup> Children can also be detained under Indonesian immigration law, and hundreds of children are detained every year.<sup>38</sup>

Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.

Fair

Indonesian *Law 26/2000* on the Human Rights Court refers to gross violations of human rights as including crimes against humanity and genocide.<sup>39</sup> However, Amnesty International has raised concerns that the law does not give Court's jurisdiction over war crimes and the *Law's* definition regarding genocide does not cover ancillary crimes including: conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide and complicity in genocide, as outlined in Article III of the *Convention on the Prevention and Punishment of the Crime of Genocide*.<sup>40</sup>

Additionally, Amnesty noted that penal provisions are at odds with the purpose of the legislation, stating that the use of the death penalty as a punishment undermines the fundamental role of the Human Rights Court.<sup>41</sup>

In 2001, two ad hoc human rights courts were established under *Law 26/2000*; one related to alleged abuses by the Indonesian military, police and their associated militia in Timor-Leste, and the other for the 1984 Tanjung Priok massacre in Jakarta involving Indonesian soldiers. The court on Timor-Leste convicted six of the eighteen defendants who were all charged with failing to prevent crimes against humanity, but all the convictions were overturned on appeal. Twelve soldiers were convicted of the 1984 massacre, but

<sup>35</sup> Colbran, Nicola, 2010. *Access to Justice Persons with Disabilities Indonesia: Background Assessment Report*, [http://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-jakarta/documents/publication/wcms\\_160337.pdf](http://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-jakarta/documents/publication/wcms_160337.pdf).

<sup>36</sup> Amnesty International, 2015. *Indonesia: Flawed Justice: Unfair Trials and the Death Penalty in Indonesia*, p. 8, <https://www.amnesty.org/en/documents/asa21/2434/2015/en/>.

<sup>37</sup> International Labour Organization, 2014. *Law on Immigration (Law No. 6/2011)*, p. 22, Article 85, [http://ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=89341&p\\_country=IDN&p\\_count=610](http://ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=89341&p_country=IDN&p_count=610).

<sup>38</sup> HRW, 2013. *Barely Surviving: Detention, Abuse, and Neglect of Migrant Children in Indonesia*, p. 3, <https://www.hrw.org/sites/default/files/reports/indonesia0613webwcover.pdf>.

<sup>39</sup> International Committee of the Red Cross (ICRC), 2014. *Act on the Human Rights Court 2000*, Article 8, 9, [https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=B30917E8E5443532C1257D90004DC6C5&action=openDocument&xp\\_countrySelected=ID&xp\\_topicSelected=GVAL-992BU6&from=state](https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=B30917E8E5443532C1257D90004DC6C5&action=openDocument&xp_countrySelected=ID&xp_topicSelected=GVAL-992BU6&from=state).

<sup>40</sup> Amnesty International, 2001. *Indonesia: Amnesty International's Comments on the Law on Human Rights Courts (Law No. 26/2000)*, p. 2, <https://www.amnesty.org/en/documents/asa21/005/2001/en/>.

<sup>41</sup> *Ibid.*, p.8.

	Take measures to counter and prevent violent extremism.	Strong	<p>again these convictions were overturned on appeal.<sup>42</sup></p> <p>Indonesia has been the victim of extremist organisations since gaining independence in 1949. It was the Bali bombings in 2002 by the Indonesian terrorist group Jemaah Islamiyah that was the catalyst for stronger anti-terror legislation and the eventual creation of the National Counter-Terrorism Agency (BNPT).<sup>43</sup> Since then, Indonesia has developed an overall effective counter-extremism policy structure, as the threat environment has broadened and deepened, including attacks by ISIS in 2018 inflicting the largest number of casualties since the Bali bombings. Detachment 88 is the counter-terror wing of the Indonesian National Police, and has proven itself to be one of the most professional units of its type in the world, having effective operational and intelligence capabilities.<sup>44</sup></p> <p>Success has also been seen by civil society groups and international organisations carrying out grass roots campaigns to deter radicalisation in communities.<sup>45</sup> Yet, there remains issues over a lack of coordination between government entities responsible for security and counter-extremism – such as the BNPT – and civil society groups.<sup>46</sup></p>
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.	Strong	<p>Men and women have equal rights as provided for under the constitution.<sup>47</sup></p> <p><i>The Elimination of Sexual Violence</i> bill entered the House of Representatives in 2016. The new law aims to fill gaps in existing legislation by clarifying exactly what acts can be considered sexual violence, as the current legislation leads to different interpretations. The Indonesian National Commission on Violence against Women (Komnas Perempuan) recommended passing the bill as a priority.<sup>48</sup> Yet, as of February 2019 and despite years of lobbying, it has not been enacted.<sup>49</sup></p>

<sup>42</sup> Library of Congress, 2016. *Genocide, Crimes Against Humanity, and War Crimes Jurisdiction*, <https://www.loc.gov/law/help/genocide/chart.php#Indonesia>; Cf. HRW, 2002. *Indonesia's Court for East Timor a "Whitewash"*, <https://www.hrw.org/news/2002/12/20/indonesias-court-east-timor-whitewash>.

<sup>43</sup> Counter Extremism Project, 2019. *Indonesia: Extremism & Counter-Extremism*, 'Domestic Counter-Extremism', <https://www.counterextremism.com/countries/indonesia>.

<sup>44</sup> Barton, Greg. 2018. 'How Indonesia's counter-terrorism force has become a model for the region'. *The Mandarin*, 2 July. Available at: <https://www.themandarin.com.au/95137-how-indonesias-counter-terrorism-force-has-become-a-model-for-the-region/>.

<sup>45</sup> European External Action Service, 2019. *EU and UNDP launch Project "Protect" to support Indonesia in preventing and countering violent extremism*, [https://eeas.europa.eu/delegations/indonesia/59600/eu-and-undp-launch-project-%E2%80%9Cprotect%E2%80%9D-support-indonesia-preventing-and-countering-violent\\_en](https://eeas.europa.eu/delegations/indonesia/59600/eu-and-undp-launch-project-%E2%80%9Cprotect%E2%80%9D-support-indonesia-preventing-and-countering-violent_en).

<sup>46</sup> See: Grealy, Kate, 2018. 'Indonesia: countering a message of hate'. *The Interpreter*, 28 march. Available at: <https://www.lowyinstitute.org/the-interpreter/indonesia-countering-message-hate>; Sumpter, Cameron, 2017. 'Countering violent extremism in Indonesia: priorities, practice and the role of civil society'. *Journal for Deradicalization*, Summer 2017, no. 11, p. 113-114.

<sup>47</sup> Republic of Indonesia, Ministry of Information, *The 1945 Constitution of the Republic of Indonesia, Chapter XA, Articles 28 – 28J*.

<sup>48</sup> Komnas Perempuan, 2016. *National Human Rights Institution Independent Report: Regarding the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women in Indonesia, 2012 – 2016*, p. 40, para. 70.

<sup>49</sup> Walton, Kate, 2017. 'Pushing Indonesia to Protect Women from Violence'. *New Naratif*, 7 December. Available at: <https://newnaratif.com/journalism/pushing-indonesia-to-protect-women-from-violence/>; Walton Kate, 2019. 'Indonesia sexual violence bill sparks conservative opposition'. *Al Jazeera*, 8 February. Available at: <https://www.aljazeera.com/news/2019/02/indonesia-sexual-violence-bill-sparks-conservative-opposition-190208062416667.html>.

	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.	Fair	<p>Indonesia is not a signatory to the <i>1951 Refugee Convention</i> or its <i>1967 Protocol</i>. Despite not having a policy structure catering for refugee resettlement, the country has historically been a transit point for those hoping to be resettled in Australia or the US. However in 2017 and 2018, roughly 14000 refugees waiting in Indonesia were told there was little to no chance of being resettled, due to changes in policy in the two main host countries.<sup>50</sup></p> <p>However, the government has recently put into practice some steps to mitigate the adverse circumstances refugees face while staying in Indonesia. In 2016 President Widodo established a decree on the treatment of refugees, focusing on those considered the most vulnerable and allowing international organisations to facilitate the delivery of basic necessities to refugee communities.<sup>51</sup></p>
Domestic Implementation	Conduct a national assessment of risk and resilience.	Very Weak	No national assessment has been undertaken in Indonesia.
	Cultivate and protect an active, diverse and robust civil society.	Strong	<p>The constitution and national laws provide for the freedom of association, assembly and speech, which the government generally respects.</p> <p>Historically the press and NGOs were severely curtailed under the Suharto regime by numerous laws including <i>Law No. 8/1985</i> regarding societal organisations, which was designed to control civil society.<sup>52</sup> Today the NGO community is active and large, with 48,886 organisations registered at the Ministry of Law and Human Rights.<sup>53</sup> Nevertheless, in 2016 some NGOs reported security officials broke into their homes and offices and conducted warrantless surveillance of individuals. Other reports said government officials proved difficult when attempting to register LGBTI advocacy groups.<sup>54</sup></p> <p>There has been growing concern about freedom of the press.<sup>55</sup> Violence and intimidation against journalists by the military, members of the government and radical religious groups is also cited as a concern. Many journalists say they censor themselves because of the threat from an anti-blasphemy law and the <i>Electronic and Information Transactions Law</i>.<sup>56</sup></p> <p>While President Widodo vowed to lift restrictions on foreign journalists covering Papua and West</p>

<sup>50</sup> Cochrane, Joe, 2018. 'Refugees in Indonesia Hoped for Brief Stay. Many May Be Stuck For Life'. *The New York Times*, 26 January. Available at: <https://www.nytimes.com/2018/01/26/world/asia/indonesia-refugees-united-nations.html>; Topsfield, Jewel, 2017. 'Most refugees in Indonesia will never be resettled: UN Refugee Agency'. *The Sydney Morning Herald*, 31 October. Available at: <https://www.smh.com.au/world/most-refugees-in-indonesia-will-never-be-resettled-un-refugee-agency-20171031-gzbzhn.html>.

<sup>51</sup> Tobing, Dio Herdiawan, 2019. 'Indonesia refugee policy is on right track'. *The Jakarta Post*, 24 January. Available at: <https://www.thejakartapost.com/academia/2019/01/24/indonesia-refugee-policy-is-on-right-track.html>.

<sup>52</sup> The International Center for Not-for-Profit Law (ICNL), 2017. *Civic Freedom Monitor: Indonesia*, <http://www.icnl.org/research/monitor/indonesia.html>.

<sup>53</sup> Ibid.

<sup>54</sup> U.S. Department of State, 2016. *Indonesia 2016 Human Rights Report*, p. 12, 18.

<sup>55</sup> Juniarto, Damar, 2016. 'SAFENET: Makin Banyak Aktivistis Dilaporkan, Bukti Dipelintirnya Pasal-Pasal UU ITE Untuk Membungkam Demokrasi'. *SAFENET* 18 August. Available at: <http://id.safenetvoice.org/2016/08/rilis-pers-safenet-makin-banyak-aktivis-dilaporkan-bukti-dipelintirnya-pasal-pasal-uu-ite-untuk-membungkam-demokrasi/>.

<sup>56</sup> Reporters Without Borders, 2016. *Indonesia*, <https://rsf.org/en/indonesia>.



		<p>Papua during the 2015 election campaign, access is still not automatic, unimpeded or granted quickly.<sup>57</sup></p> <p>Numerous groups have raised concerns about provisions in the <i>Criminal Code</i> which criminalise blasphemy and religious defamation, citing numerous cases where people have been charged with blasphemy and “rebellion”, under Article 156(a) and Articles 107 and 110 of the <i>Code</i>, respectively.<sup>58</sup></p>
Ensure a legitimate, effective and civilian controlled security sector.	Fair	<p>Civilian authorities have generally maintained control over security forces. However, police inaction, the abuse of prisoners and harsh prison conditions have all been raised as ongoing issues in the sector.<sup>59</sup> Security forces have also been responsible for serious human rights violations, but generally enjoy impunity. Parliament has struggled to amend the 1997 <i>Law on Military Tribunals</i>, which is widely seen as providing immunity to members of the military.<sup>60</sup></p> <p>Indonesia has one of the highest police-to-civilian ratios (1:600) in the world.<sup>61</sup> Moreover, the youth organisations of political parties often operate as quasi-security forces for their party.<sup>62</sup> Efforts to reform the security sector have been slow and difficult.<sup>63</sup> Despite police reforms beginning in 1998, the institution still lacks widespread public trust.<sup>64</sup> Civil society organisations have been the driving force behind the reforms.<sup>65</sup></p>
Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.	Fair	<p>Every Indonesian citizen has the right to obtain an education.<sup>66</sup> <i>Act 20/2003</i> on the National Education System further states that education should be conducted democratically, equally and non-discriminatorily, based on human rights, religious and cultural values and national pluralism.<sup>67</sup> The <i>Act</i> further guarantees free, compulsory basic education for all Indonesian citizens.<sup>68</sup></p> <p>Human development indicators in many outer-regional areas are low due to underdeveloped and</p>

<sup>57</sup> Freedom House, 2016, *Indonesia: Freedom of the Press, 2016*, <https://freedomhouse.org/report/freedom-press/2016/indonesia>.

<sup>58</sup> Amnesty International, 2017. *Indonesia: Amnesty International Submission for the UN Universal Periodic Review 27<sup>th</sup> Session of the UPR Working Group, April/May 2017*, p. 5, [https://www.upr-info.org/sites/default/files/document/indonesia/session\\_27\\_-\\_may\\_2017/ai\\_upr27\\_idn\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/indonesia/session_27_-_may_2017/ai_upr27_idn_e_main.pdf); U.S. Department of State, 2015. *Indonesia 2015 International Religious Freedom Report*. Available at: <https://www.state.gov/documents/organization/256319.pdf>; HRWG, 2017. *Response to Indonesian UPR Session in UN Human Rights Council*, <http://hrwg.org/2017/05/08/response-to-indonesian-upr-session-in-un-human-rights-council/>.

<sup>59</sup> E.g. U.S. Department of State, 2016. *Indonesia 2016 Human Rights Report*, p. 1.

<sup>60</sup> HRW, 2015. *World Report 2015: Indonesia*, <https://www.hrw.org/world-report/2015/country-chapters/indonesia#141b0d>.

<sup>61</sup> The International Security Sector Advisory Team (ISSAT), 2015, *Indonesia SSR Snapshot*, <http://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/Indonesia-SSR-Snapshot>.

<sup>62</sup> King, Phil, 2007. ‘Putting the (Para)Military Back Into Politics’. *Inside Indonesia*. 29 July. Available at: <http://www.insideindonesia.org/putting-the-para-military-back-into-politics>.

<sup>63</sup> Donais, T. ed., 2008. *Local ownership and security sector reform*. LIT Verlag Münster, p. 243.

<sup>64</sup> International Crisis Group (ICG), 2012. *Indonesia: The Deadly Cost of Poor Policing*, <https://www.crisisgroup.org/asia/south-east-asia/indonesia/indonesia-deadly-cost-poor-policing>.

<sup>65</sup> Slamet, Nancy, 2008. *Civil Society and Security Sector Reform in Indonesia: 1998-2006*, <http://www.gsdrc.org/document-library/civil-society-and-security-sector-reform-in-indonesia-1998-2006/>.

<sup>66</sup> Republic of Indonesia, Department of Information. *The 1945 Constitution of the Republic of Indonesia, Article 31(1)*.

<sup>67</sup> Republic of Indonesia, Ministry of Education. *Act of the Republic of Indonesia on National Education System, Article 4.1*. Republic of Indonesia, 2003.

<sup>68</sup> *Ibid.*, Article 34.

			<p>understaffed educational facilities.<sup>69</sup> LGBTIQ persons have been discriminated against in tertiary education, with the Minister of Higher Education, Muhammad Nasir, stating in 2016 that he wanted to ban LGBTIQ student organisations from university campuses.<sup>70</sup></p>
	Prevent nationals committing atrocity crimes overseas.	Fair	<p>As already mentioned, Indonesia is not a party to the <i>Rome Statute of the International Criminal Court</i>. It pledged to ratify the treaty by 2008, but in 2013 it formally rescinded this pledge.<sup>71</sup> There are no domestic laws that can penalize nationals for atrocity crimes or terrorism committed overseas.<sup>72</sup></p> <p>However in 2016, the country signed an agreement with Malaysia and The Philippines to cooperate in pursuing suspected militants and criminals in nearby areas shared by the three nations.<sup>73</sup> The agreement specifies joint operations and intelligence sharing in an effort to stop the movement of criminals, especially Islamist militants from The Philippines.</p>
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Strong	<p>Indonesia has participated in four of the UN General Assembly's Informal Interactive Dialogues on R2P, in 2009, 2013, 2014 and 2015.<sup>74</sup></p> <p>Indonesia also participated in Thematic Panel Discussion "From Commitment to Implementation: Ten Years of the Responsibility to Protect" in February 2016.<sup>75</sup></p> <p>Though not specifically related to R2P, Indonesia participated in the 2014 Global Summit to End Sexual Violence in Conflict.<sup>76</sup></p>
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Strong	<p>Indonesia has been a member of the UN Human Rights Council four times: 2006-2007, 2007-2010, 2011-2014 and 2014-2017.<sup>77</sup></p> <p>Indonesia has been elected three times as a non-permanent member of the UN Security Council: 1974-1975, 1995-1996, and 2007-2008.</p> <p><b>Human Rights Council Resolutions</b></p> <p>Whilst a member of the HRC, Indonesia have demonstrated an openness to supporting the councils work, particularly for resolutions</p>

<sup>69</sup> DPD, 2010. *DPD menyuarkan masalah pendidikan di daerah* [Local senate voices out regional education problem], <http://www.dpd.go.id/artikel-dpd-menyuarakan-masalah- pendidikan-di-daerah>.

<sup>70</sup> HRW, 2016. "These Political Games Ruin Our Lives" *Indonesia's LGBT Community Under Threat*, p. 9.

<sup>71</sup> Aritonang, Margareth S., 2013. 'Govt officially rejects Rome Statute'. *The Jakarta Post*, 21 May. Available at: <https://www.thejakartapost.com/news/2013/05/21/govt-officially-rejects-rome-statute.html>.

<sup>72</sup> Library of Congress, 2016. *Genocide, Crimes Against Humanity, and War Crimes Jurisdiction*.

<sup>73</sup> Library of Congress, 2017. *Indonesia/Philippines/Malaysia: Agreement on Patrolling Shared Maritime Border*, <https://www.loc.gov/law/foreign-news/article/indonesiaphilippinesmalaysia-agreement-on-patrolling-shared-maritime-border/>.

<sup>74</sup> See: GCR2P, 2016. *Summaries of UN General Assembly Interactive Dialogues on R2P*, <http://www.globalr2p.org/resources/897>.

<sup>75</sup> GCR2P, 2016. *Summary of the UN General Assembly Thematic Panel Discussion, "From Commitment to Implementation: Ten Years of the Responsibility to Protect," 26 February 2016*, <http://www.globalr2p.org/media/files/summary-of-the-pga-event-3.pdf>.

<sup>76</sup> Natalegawa, RM Marty M, Albert F. Del Rosario and José Luis Guterres, 2014. *Joint Statement: By the Ministers for Foreign Affairs of Indonesia, the Philippines and Timor-Leste on Preventing and Addressing Sexual Violence in Armed Conflict*, p.1, <https://www.kemlu.go.id/Documents/Joint%20Statement%20on%20Preventing%20and%20Addressing%20Sexual%20Violence%20in%20Armed%20Conflict/Joint%20Statement%20on%20Preventing%20and%20Addressing%20Sexual%20Violence%20in%20Armed%20Conflict.pdf>.

<sup>77</sup> UNOHCHR, 2018. *List of past members of the Human Rights Council*, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/PastMembers.aspx>.

focusing on the human rights situation in Palestine. Indonesia supported four resolutions which referenced R2P.<sup>78</sup>

- HRC/RES/28/34
- HRC/RES/21/26
- HRC/RES/20/22
- HRC/RES/S/19/1

#### UN Security Resolutions

During Indonesia's term on the Security Council, there were no votes for resolutions that referenced R2P.<sup>79</sup>

#### UN General Assembly Resolutions:<sup>80</sup>

In the General Assembly on resolutions that have referenced R2P, Indonesia has voted in favour three times and abstained the other five.

- 2013: The situation in the Syrian Arab Republic A/RES/67/262: **abstained.**
- 2014: Situation of human rights in the Democratic People's Republic of Korea A/RES/69/188: **abstained.**
- 2014: Situation of human rights in the Syrian Arab Republic A/RES/69/189: **yes.**
- 2015: Situation of human rights in the Democratic People's Republic of Korea A/RES/70/172: **abstained.**
- 2015: Situation of human rights in the Syrian Arab Republic A/RES/70/234: **abstained.**
- 2016: The situation in the Syrian Arab Republic A/RES/71/130: **yes.**
- 2016: Situation of human rights in the Syrian Arab Republic A/RES/71/203: **yes.**
- 2017: Situation of human rights in the Democratic People's Republic of Korea A/RES/72/188: **adopted without vote.**
- 2017: Situation of human rights in the Syrian Arab Republic A/RES/72/191: **abstained.**

Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.

Fair

Indonesia has taken on a mediation role in a number of conflict situations, such as the Thai-Cambodian border conflict in 2011.<sup>81</sup> More recently, Indonesia cooperated with the EU to ease tensions between Iran and Saudi Arabia in 2016<sup>82</sup> and in 2017 offered to mediate during the

<sup>78</sup> GCR2P, n.d. *R2P References in United Nations Human Rights Council Resolutions*, <http://www.globalr2p.org/media/files/hrc-resolutions-r2p-10-april.pdf>; (Voting records for the UN HRC can be found at: <http://www.globalr2p.org/resources/977>).

<sup>79</sup> GCR2P, 2017. *R2P References In United Nations Security Council Resolutions And Presidential Statements*, <http://www.globalr2p.org/media/files/unsc-resolutions-and-statements-with-r2p-table-as-of-3-january-2018.pdf>.

<sup>80</sup> GCR2P, 2017. *UN General Assembly Resolutions Referencing R2P*, <http://www.globalr2p.org/resources/1133>. (Voting records for UN General Assembly Resolutions can be found at: <http://www.un.org/en/ga/documents/voting.asp>).

<sup>81</sup> VOA News, 2011. 'ASEAN Mediates in Cambodia, Thailand Conflict'. *VOA News*. 21 February. Available at: <https://www.voanews.com/a/asean-mediates-in-cambodia-and-thailand-conflict-116644324/135398.html>.

<sup>82</sup> Salim, Tama, 2016. 'RI strives to douse flames of Iran-Saudi spat'. *The Jakarta Post*, 8 January. Available at: <http://www.thejakartapost.com/news/2016/01/08/ri-strives-douse-flames-iran-saudi-spat.html>; The JakartaPost, 2016. 'RI, EU agree to cooperate to reduce Iran-Saudi Arabia tensions'. *The Jakarta Post*. 13 January. Available at: <http://www.thejakartapost.com/news/2016/01/13/ri-eu-agree-cooperate-reduce-iran-saudi-arabia-tensions.html>.

		Rohingya crisis in Myanmar. <sup>83</sup> In 2016, Indonesia contributed US\$20,000 to the UNOHCHR (donor ranking: 56). <sup>84</sup>
Strengthen regional and international networks for atrocity crime prevention.	Weak	Indonesia has remained involved in discussions about R2P and has the potential to be a leader of the norm in the Asia Pacific region. However, there has been considerable caution displayed by the State towards its implementation and application. This was highlighted, for instance, in remarks by Indonesia at the 2006 General Assembly Plenary Session. <sup>85</sup>
Strengthen the role and capacity of regional organisations.	Strong	Indonesia chaired a meeting with ASEAN ministers in 2018 to foster a culture of prevention through the ‘Yogyakarta Declaration on Embracing the Culture of Prevention to Enrich ASEAN Identity’. This declaration has the goal of promoting a peaceful, open, resilient, healthy and harmonious society throughout member countries. <sup>86</sup>
Support the development and work of regional human rights and other preventive capacities.	Fair	Regionally, Indonesia has an ongoing dedication to ASEAN as part of its foreign policy. <sup>87</sup> The ASEAN Institute for Peace and Reconciliation (AIPR) is largely an initiative of Indonesia and is based in Jakarta. <sup>88</sup>
		In 2018, The Jakarta International Conversation on Human Rights commemorated the 70 <sup>th</sup> anniversary of the Universal Declaration of Human Rights and the 25 <sup>th</sup> anniversary of the Vienna Declaration and Programme of Action. The UN High Commissioner for Human Rights was invited to speak, as was the Indonesian foreign minister who reiterated Indonesia’s commitment to human rights. <sup>89</sup>
Support atrocity prevention through development and assistance partnerships.	Fair	Indonesia receives support from Australia to host the Indonesia Development Forum. This event brings government, NGOs and the private sector together to discuss new approaches to issues of Indonesia’s development. <sup>90</sup> This includes issues of employment, women’s participation and education reforms.
		Australia also provides a comprehensive aid program to Indonesia. <sup>91</sup> While it, like the Forum, focuses on areas that overall mitigate the risks of atrocity crimes, no specific allowance has been made towards this end.

<sup>83</sup> Lestari, Katharina R., 2017. ‘Indonesia offers to be Muslim world’s mediator in Rohingya crisis’. *UCANews*, 13 September. Available at: <https://www.ucanews.com/news/indonesia-offers-to-be-muslim-worlds-mediator-in-rohingya-crisis/80228>.

<sup>84</sup> UNOHCHR, 2016. *Voluntary contributions to OHCHR in 2016*.

<http://www.ohchr.org/Documents/AboutUs/FundingBudget/VoluntaryContributions2016.pdf>.

<sup>85</sup> United Nations, General Assembly, 98<sup>th</sup> plenary meeting, 7 September 2006, A/60/PV.98, p. 19.

<sup>86</sup> ASEAN, 2018. *ASEAN Culture Ministers commit to mainstreaming the Culture of Prevention*, <https://asean.org/asean-culture-ministers-commit-mainstreaming-culture-prevention/>.

<sup>87</sup> Afra Sapiie, Marguerite, 2016. ‘ASEAN remains Indonesia’s foreign Policy Priority’. *The Jakarta Post*, 17 September. Available at: <https://www.thejakartapost.com/seasia/2016/09/17/asean-remains-indonesias-foreign-policy-priority-minister.html>.

<sup>88</sup> HLAP on the Responsibility to Protect in Southeast Asia, 2014. *Mainstreaming the Responsibility to Protect in Southeast Asia: Pathway Towards a Caring ASEAN Community*, p. 26, <https://r2pasiapacific.org/files/382/mainstreaming-r2p-hlap-report-sep-2014.pdf>.

<sup>89</sup> *Republika.co.id*, 2018. ‘Indonesia reaffirms its commitment to promote human rights’. *Republika.co.id*, 5 February. Available at: <https://www.republika.co.id/berita/en/national-politics/18/02/05/p3og1f414-indonesia-reaffirms-commitment-to-promote-human-rights>;

UNOHCHR, 2019. *UN Human Rights Chief ends visit to Indonesia – Full statement*, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22637&LangID=E>.

<sup>90</sup> For more information, see: Indonesia Development Forum 2019, 2019. *About IDF*, <https://indonesiadevelopmentforum.com/2019/page/about>. (In Bahasa Indonesia).

<sup>91</sup> Department of Foreign Affairs and Trade (DFAT), 2019. *Overview of Australia’s aid program to Indonesia*, <https://dfat.gov.au/geo/indonesia/development-assistance/Pages/development-assistance-in-indonesia.aspx>.

United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.	Fair	Indonesia was not in attendance for the 2010 dialogue on “Early Warning, Assessment and the Responsibility to Protect”, but they have shown consistent support for early warning mechanisms and capacity building efforts in other years. <sup>92</sup> The 2015 statement is the most detailed, providing three ways as to how it wishes to devote its national preventive efforts: putting in place a strong normative framework, creating a strong institutional framework (listing various existing human rights structures), and investing more on building community resilience. <sup>93</sup>  Indonesia abstained from voting on the amendment proposed by Venezuela (and others) in the Fifth Committee process to review the logic framework of the Office of the Special Adviser of the Secretary-General on the Prevention of Genocide (OSAPG). <sup>94</sup>
	Support the strengthening of the UN’s capacity for atrocity prevention, including through the UN Human Rights system.	Fair	Indonesia has not honoured an invitation for the UN High Commissioner for Human Rights to visit the Papua province, in light of ongoing violence and potential atrocity crimes in the region. <sup>95</sup>  However the country is campaigning for another term on the Human Rights Council, from 2020 – 2022 “...to showcase its commitment to human rights and its transparency on the matter...” <sup>96</sup>  No further evidence could be found of the country directly supporting UN efforts for atrocity prevention.
	Support preventive actions on atrocity crimes.	Strong	In April 2013, Indonesia hosted the ASEAN-United Nations Workshop on “Lessons Learned and Best Practices in Conflict Prevention and Preventive Diplomacy”. <sup>97</sup>  Moreover in 2017, Indonesia sponsored, or co-sponsored the following thematic issues at the Human Rights Council: <ul style="list-style-type: none"> <li>• Enhancement of technical cooperation and capacity-building in the field of human rights.</li> <li>• The negative impact of corruption on the enjoyment of human rights.</li> <li>• The right to work.<sup>98</sup></li> </ul>
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Very Strong	Indonesia is extensively engaged with peacekeeping operations, being one of the most significant contributors in the region. They are the 12th largest contributor of military and police

<sup>92</sup> See Indonesia's statements at the 2009, 2013 and 2014 Informal Interactive Dialogue on R2P: GCR2P, 2016.

*Summaries of UN General Assembly Interactive Dialogues on R2P*, <http://www.globalr2p.org/resources/897>.

<sup>93</sup> GCR2P, 2015. *Statement by Indonesia at the General Assembly informal interactive dialogue on the Responsibility to Protect: “A vital and enduring commitment: implementing the responsibility to protect”*, <http://www.globalr2p.org/resources/825>.

<sup>94</sup> Cf. GCR2P, 2011. *ACABQ and Fifth Committee Negotiations on the Joint Office*, <http://www.globalr2p.org/media/files/report-acabq-and-fifth-committee-negotiations.pdf>.

<sup>95</sup> Kine, Phelim, 2018. *Indonesia Shuts Out UN Human Rights Chief From Papua*, <https://www.hrw.org/news/2018/06/19/indonesia-shuts-out-un-rights-chief-papua>.

<sup>96</sup> Anya, Agnes, 2019. ‘Indonesia views for spot on UN human rights body’. *The Jakarta Post*, 17 January. Available at: <https://www.thejakartapost.com/news/2019/01/17/indonesia-vies-for-spot-on-un-human-rights-body.html>.

<sup>97</sup> ASEAN, 2013. *ASEAN-UN talks focus on Conflict Prevention and Preventive Diplomacy*, <https://asean.org/asean-un-talks-focus-on-conflict-prevention-and-preventive-diplomacy/>.

<sup>98</sup> yourHRC.org, 2017. *The Human Rights Council in 2017: Leadership, Resolve and Cooperation at the UN’s Main Human Rights Body*, p. 45, <http://yourhrc.org/wp-content/uploads/2017/12/the-hrc-in-2017.pdf>.



		<p>peacekeepers and, in early 2015, the government pledged an additional 4000 peacekeepers which would nearly double their current contribution and place Indonesia as one of the top 10 contributors by the end of 2019.<sup>99</sup></p> <p>Indonesia currently contributes to eight UN peacekeeping operations. Five of these (MONUSCO, UNAMID, UNIFIL, UNISFA and UNMISS) have a mandate to protect civilians.<sup>100</sup></p>
Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Strong	<p>Indonesia houses a significant peacekeeping training centre, the <i>Indonesia National Defence Forces Peacekeeping Training Centre</i> (or the PMPP TNI). Established in 2014, the mission of the centre is to "... undertake active roles in contributing to world peace through the implementation various activities, including deployments, education, training and exchange of information in the scope of peacekeeping operations."<sup>101</sup></p> <p>Though the centre undertakes extensive training, no specific information could be found to suggest there is a formal framework or focus on atrocity crime risk factors and dynamics.</p> <p>In a recent Security Council meeting on sexual violence as a tactic of war, Indonesian Ambassador Ina H. Krisnamurthi, pressed the international community to protect human dignity and limit the effects of conflict on non-combatants.<sup>102</sup></p>
Support the Kigali Principles.	Very Weak	Indonesia does not support the Kigali Principles on the Protection of Civilians. <sup>103</sup>
Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Strong	Indonesia is a signatory to the Code of Conduct regarding Security Council action against atrocity crimes, <sup>104</sup> and is also a supporter of the French/Mexican initiative on veto restraint in the case of mass atrocities. <sup>105</sup>

<sup>99</sup> Providing for Peacekeeping, 2016. *Peacekeeping Contributor Profile: Indonesia*,

<http://providingforpeacekeeping.org/2016/02/05/peacekeeping-contributor-profile-indonesia/>.

<sup>100</sup> United Nations Peacekeeping, 2019. *Summary of Contributions to Peacekeeping, by Mission, Country and Post*, [https://peacekeeping.un.org/sites/default/files/5\\_mission\\_and\\_country\\_13.pdf](https://peacekeeping.un.org/sites/default/files/5_mission_and_country_13.pdf).

<sup>101</sup> Tentara Nasional Indonesia, 2016. *TNI PMPP Profile*, <http://ppid.tni.mil.id/view/32435571/profil-pmpp-tni.html>.

<sup>102</sup> United Nations, 2017. *Shame, Stigma Integral to Logic of Sexual Violence as War Tactic, Special Adviser Tells Security Council, as Speakers Demand Recognition for Survivors*, <https://www.un.org/press/en/2017/sc12819.doc.htm>.

<sup>103</sup> Asia Pacific Centre for the Responsibility to Protect (APR2P), 2018. *The Kigali Principles on the Protection of Civilians*, [https://r2pasiapacific.org/files/2942/2018\\_kigali\\_principles.pdf](https://r2pasiapacific.org/files/2942/2018_kigali_principles.pdf).

<sup>104</sup> GCR2P, 2017. *List of Supporters of the Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes, as elaborated by ACT*, <http://www.globalr2p.org/media/files/2017-01-25-coc-list-of-supporters.pdf>.

<sup>105</sup> GCR2P, 2016. *Support to the French Mexican initiative on veto restraint in case of mass atrocities*, <http://www.globalr2p.org/media/files/veto-list.pdf>.