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Indonesia: Amnesty International regrets rejection of key recommendations on freedom of expression and religion despite commitments to protect these rights

Human Rights Council adopts Universal Periodic Review outcome on Indonesia

Amnesty International notes Indonesia's acceptance of many of the recommendations made during the review in May. The organization also notes, with regret, that many of the recommendations accepted during Indonesia's first Universal Periodic Review (UPR) in 2008 have yet to be fully implemented. Several of those recommendations – including the recommendations to combat impunity¹ and to revise the Criminal Code to include a definition of torture consistent with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment² – were made yet again to Indonesia during its second UPR.³

Amnesty International urges the authorities to take seriously commitments made during the UPR and to take concrete steps to promptly implement all the recommendations which enjoy Indonesia's support.

As an immediate step, Indonesia must take effective measures to guarantee that religious and other minority groups are not discriminated against and are protected from attacks and intimidation.⁴ Amnesty International is extremely concerned about ongoing intimidation and attacks against the Ahmadiyya, Christian and Shi'a communities,⁵ and the failure of the authorities to adequately protect them. In many cases those responsible for such attacks have yet to be held to account.

Amnesty International regrets that Indonesia rejected key recommendations to review specific laws and decrees which restrict the rights to freedom of thought, conscience and religion⁶ and

¹ Report of the Working Group on the Universal Periodic Review of Indonesia, 14 May 2008 (A/HRC/8/23), para 77.4.

² A/HRC/8/23, para 77.6.

³ With regard to combating impunity see Report of the Working Group on the Universal Periodic Review of Indonesia, 5 July 2012 (A/HRC/21/7, recommendations 108.94 (Turkey) and 108.96 (Austria). With regard to revising the Criminal Code and including a definition of torture consistent with international human rights law see A/HRC/21/7, recommendations 108.26 (France), 108.27 (Spain), 108.28 (United States of America), 108.29 (New Zealand), and 108.69 (Republic of Korea).

⁴ A/HRC/21/7, recommendations 108.68 (Argentina), 108.101 (United States of America), 108.102 (France), 108.104 (Sweden), 108.105 (Austria), 108.106 (Japan), 108.107 (Netherlands), 108.108 (Norway), 108.109 (Italy), 108.110 (Slovakia), 108.111 (Spain), 108.112 (Canada) and 108.113 (Australia).

⁵ See for example Amnesty International *Stop attacks against Shi'a community in East Java* (Index: ASA 21/033/2012), 28 August 2012; *Indonesia: Demand protection for church congregation* (Index: ASA 21/018/2012), 30 April 2012; *Shi'a Muslims at risk of attacks in Indonesia* (Index: ASA 21/002/2012), 13 January 2012; *Indonesia: Open letter on human rights violations against the Ahmadiyya in West Java* (ASA 21/032/2011), 14 October 2011; and *Indonesia: New mob attack on Ahmadiyya community amid sentencing controversy*, 15 August 2011.

⁶ Report of the Working Group on the Universal Periodic Review of Indonesia, Addendum, 5 September 2012 (A/HRC/21/7/Add.1), para 6.12 referring to recommendation 109.31 (Denmark).

freedom of expression.⁷ Indonesia's vague responses to these recommendations stand in stark contrast to its stated commitment to upholding these rights.⁸

Of particular concern are Articles 106 and 110 of the Criminal Code which are often used to criminalize peaceful political expression in Papua and Maluku, Article 156(a) of the Code which criminalizes blasphemy, and the 2008 Joint Ministerial Decree which restricts the activities of the Ahmadiyya community. These laws do not comply with Indonesia's obligations under international human rights law and must be immediately repealed or amended.

Amnesty International welcomes Indonesia's acceptance of recommendations to pass legislation recognizing the rights of domestic workers⁹ and to ratify the International Labour Organization (ILO) Convention 189 on Decent Work for Domestic Workers.¹⁰ The organization urges the government to give immediate effect to these recommendations.

Finally, Amnesty International encourages Indonesia to regularly brief this Council on progress in its follow-up to the UPR recommendations.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Indonesia on 19 September 2012 during its 21st session. Prior to the adoption of the review outcome Amnesty International delivered the oral statement above. Amnesty International had earlier submitted information on the situation of human rights in Indonesia:

<http://www.amnesty.org/en/library/info/ASA21/003/2012/en>

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⁷ A/HRC/21/7/Add.1, para 6.13 referring to recommendations 109.32 (United States of America) and 109.33 (Canada).

⁸ With regard to upholding freedom of thought, conscience and religion, see A/HRC/21/7, recommendations 108.102 (France), 108.111 (Spain), and 108.113 (Australia); and A/HRC/21/7/Add.1, para 6.12 referring to recommendation 109.31 (Denmark). Concerning respecting and upholding the right to freedom of expression, see A/HRC/21/7, recommendations 108.113 (Australia).

⁹ A/HRC/21/7, recommendations 108.81 (Belgium) and A/HRC/21/7/Add.1, para 5.1 referring to recommendation 109.8 (Slovakia).

¹⁰ A/HRC/21/7/Add.1, para 5.1 referring to recommendation 109.8 (Slovakia).