

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Indonesia: Forced chemical castration is a degrading punishment**

Indonesia must immediately repeal recent amendments to the child protection law that imposes a punishment of forced chemical castration on those convicted of sexual violence against children in aggravated circumstances. The organization considers that by adopting these amendments the Indonesian government is undermining the basic right to physical and mental integrity, in particular the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. The regulation also extends the scope of the death penalty, contrary to international standards, to apply to some crimes of sexual violence against children.

On 25 May President Joko Widodo issued Government Regulation in Lieu of Law (*Perppu*) No.1/2016 which amended Law No. 23/2002 on the Protection of Children following several high-profile cases of rape of children and subsequent calls by politicians for harsher punishments for those who commit sexual offences against children.

Article 81 of the regulation imposes forced chemical castration as an additional punishment for “anyone who commits violence or threatens violence to force a child - person below 18 years - to have intercourse with him or with another person that causes: more than one victim, serious injury, mental disorder, infectious diseases, the loss or malfunction of the reproductive organs and/or death of the victim”.

According to the regulation chemical castration will be carried out against the offender for a period of up to two years after the convict has undergone his prison term. Offenders below the age of 18 are not subject to this punishment.

Forced chemical castration violates the international law prohibition on torture and other cruel, inhuman or degrading treatment which is set out in the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party.

So-called chemical castration - that is, drug or hormone treatment to suppress sex drive - may be carried out as a medical treatment on an individual who has given informed

consent, on the basis of an assessment by medical professionals regarding its suitability and likely effectiveness for the individual concerned. Imposing it by law without informed consent as a punitive measure would be a cruel, inhuman and degrading punishment. Moreover it would require doctors or other health professionals to carry out the measure outside the framework of clinical judgment and professional ethics.

The Presidential Regulation No. 1/2016 also widens the scope of the death penalty by imposing it as punishment for sexual violence against children in aggravating circumstances defined under Article 81. The expansion of the scope of the death penalty is contrary to international standards on the death penalty and, as noted by the UN Human Rights Committee, "raises questions as to the compatibility with article 6 of the International Covenant on Civil and Political Rights", which protects the right to life.

Amnesty International opposes the death penalty in all circumstances and believes that there is no credible evidence that the death penalty deters crime more effectively than a prison term.

While this introduction by the government of so-called "chemical castration" and the death penalty may have the aim of showing "toughness" in response to cases of sexual violence against children, Amnesty International believes it is a "quick fix" measure which deflects attention from more complex legal and policy reforms that the government must bring about to tackle sexual violence more effectively. Amnesty International opposes crimes of sexual violence, including against children, and urges governments to take all appropriate steps to bring an end to such violence.