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## **I. General information about the Republic of Indonesia**

### **A. Geographical, historical, demographic, social, economic and cultural characteristics**

#### **1. Geographical description**

1. The islands of the Indonesian archipelago stretch 3,977 miles between the Indian and Pacific Oceans and bridge the two continents of Asia and Australia/Oceania. The country is situated at latitude of 6° north and 11° south and at an eastern longitude spreading from 97° to 141°. With a total area of 1.9 million square miles, including the ocean waters, Indonesia is the world's largest archipelago and comprises 17,508 islands, 6000 of which are inhabited. The five major Indonesia islands are Sumatera, Java, Kalimantan, Sulawesi, and Papua. The climate is tropical and humid but temperature levels can drop in highland areas.

#### **2. Historical background**

2. Indonesia's strategic geographical position has had a great influence on the country's culture, society, politics, and economy. The country has been a melting pot of the world's civilizations and religions for centuries. In the 3<sup>rd</sup> century BC, Hinduism and Buddhism started to spread, followed by Islam in the 11th Century with the arrival of Indian and Arab Muslim traders. By the 1400's Indonesia was at the center of a great international trading network connecting India and the Middle East to China. European traders, keen to gain control of the lucrative spice trade, started to arrive in Indonesia from the 1400's onwards. Indonesia was under Dutch control from the beginning of the seventeenth century to World War II, when Japan occupied the country between 1942 and 1945.

3. Nationalism and a desire for independence began with the onset of the 20th Century. The first Indonesian nationalist organization, Budi Utomo was formed in 1908, followed by the Youth Congress in 1928. On 28th October 1928, Indonesian nationalists declared a Youth Pledge "Sumpah Pemuda", which proclaimed three ideals: one nation, one motherland and one language: Indonesia. Following the declaration of independence on 17 August 1945, Indonesia became a member of the United Nations on 27 September 1950.

4. Achmad Sukarno was a key figure of the nationalist movement and became the first President of Indonesia (1949- 1967). In 1967, General Mohammed Suharto became the second President of Indonesia and held office for 32 years until his resignation in 1998. In the post-98 era, Indonesia has experienced significant reform with democracy and the promotion and protection of human rights becoming key priorities within the development and state-building processes.

5. Having made steady progress in human rights and democratic reforms – including free, transparent, and fair elections – Indonesia is often now considered to be the world's third largest democracy. With a population of around 237.6 million people, Indonesia is the world's fourth largest populated nation. With approximately 86% of the population expressing adherence to Islam, Indonesia is also home to the world's largest Muslim population. Other religions including Christianity and Hinduism are also practiced freely in Indonesia. The Indonesian state ideology, "Pancasila" promotes and protects the diversity and multicultural nature of the country.

### 3. Demographic characteristics

6. In 2010, Indonesia's population stood at 237.6 million with a growth rate of 1.49%. The population growth rate tends to slightly increase from 2000 to 2010. The table below shows trends in population size, growth, and density from 1990 to 2010:

Table 1

#### Trends in population size, growth, and density from 1990 to 2010

<i>Year</i>	<i>1990</i>	<i>2000</i>	<i>2010</i>
Population size	178,504,339	205,132,458	237,556,363
Growth rate	1.45	1.49	
Population density (person/square km)	93	107	124

Source: BPS-Statistics Indonesia, 1990, 2000 and 2010 Population Census

7. Sex ratio in 2000 and 2010 was more than 100. This means that the number of males was more than females. This pattern was different from the previous censuses as illustrated in table below.

Table 2

#### Sex ratio in Indonesia 1990 – 2010

<i>1990</i>	<i>2000</i>	<i>2010</i>
99.4	100.5	101.2

Source: BPS-Statistics Indonesia, 1990, 2000 and 2010 Population Census

8. Indonesia is not only multi-ethnic but also multi religion and belief. Each ethnicity has at least one language, resulting in many local languages. Indonesians usually practice Islam, Protestant, Catholic, Hindu, Buddhism, Khonghucu, and other beliefs, including traditional religions/beliefs. The population distribution by mother tongue and religion can be seen from the table below:

Table 3

#### Indonesian population distribution according to their mother tongue

<i>No</i>	<i>Mother Tongue</i>	<i>Number</i>
A	SUMATERA	
1.	Aceh	3,500,000
2.	Bangka	340,000
3.	Batak	7,045,000
4.	Kerinci	260,000
5.	Komering	470,000
6.	Kubu	10,000
7.	Lampung	1,007,000
8.	Malay	4,255,000
9.	Mentawai	58,000
10.	Minangkabau	5,530,000
11.	Musi	3,930,000
12.	Nias	770,000

<i>No</i>	<i>Mother Tongue</i>	<i>Number</i>
13.	Others	16,134,707
B	JAVA AND BALI	
1.	Badui	22,000
2.	Bali	3,330,000
3.	Betawi	2,700,000
4.	Chinese	2,000,000
5.	Indonesian	24,820,000
6.	Javanese	72,000,000
7.	Madura	13,600,000
8.	Sunda	34,000,000
9.	Others	515,041
C	KALIMANTAN	
1.	Banjar	3,500,000
2.	Dayak	520,000
3.	Kutai	290,000
4.	Others	7,021,558
D	SULAWESI	
1.	Banggai	125,000
2.	Bugis	3,500,000
3.	Gorontalo	900,000
4.	Kaili	289,000
5.	Makasar	3,480,000
6.	Manado	850,000
7.	Toraja – Sa’dan	500,000
8.	Others	4,467,444
E	MALUKU	
1.	Banda	3,000
2.	Hitu	16,000
3.	Kei	85,000
4.	Malay, Ambonese	200,000
5.	Malay, Bacanese	2,500
6.	Malay, Banda	3,680
7.	Malay, North Moluccan	700,000
8.	Others	1,539,274
F	PAPUA	
1.	Asmat	19,000
2.	Biak	30,000
3.	Dani	270,000
4.	Malay, Papua	500,000
5.	Others	1,401,932
G	NUSA TENGGARA	

<i>No</i>	<i>Mother Tongue</i>	<i>Number</i>
1.	Alor	25,000
2.	Amarasi	50,000
3.	Bima	500,000
4.	Komodo	700
5.	Others	7,385,840
6.	Total	234,471,678

Source: Based on Ethnologies: languages of the world, sixteenth edition. <http://ethnologue.com>

Table 4  
**Number and Percentage of Major Religious Denominations**

<i>No</i>	<i>Religious Denominations</i>		<i>Percentage</i>
1	Moslem	177,528,772	88.2
2.	Catholic	6,134,902	3.0
3.	Protestant	11,820,075	5.9
4.	Hindu	3,651,939	1.8
5.	Buddhist	1,694,682	0.8
6.	Other	411,629	0.2

Source: BPS-Statistics Indonesia, 2000 Population Census

9. There are about 1,072 ethnic and sub-ethnic group spread out all over the provinces in Indonesia, among others: Java, Sunda, Malay, Madura, Batak, Minang, Betawi, Bugis, Banten, Banjar, and Tiong Hoa (Chinese). They are distinctly different in languages, traditions and culture, and some of them even have their own scripts. It should be emphasized that every ethnic group is given the same treatment. Indonesia is a multicultural nation that does not discriminate against its people based on any background.

Table 5  
**Percentage of Population by Ethnic Group and Urban/Rural**

	<i>Jawa</i>	<i>Sunda</i>	<i>Madura</i>	<i>Minang</i>	<i>Betawi</i>	<i>Bugis</i>	<i>Banten</i>	<i>Banjar</i>	<i>Others</i>
Urban	43.54	17.04	2.06	3.05	5.28	2.07	1.27	1.65	24.05
Rural	40.26	14.20	4.33	2.48	0.47	2.80	2.62	1.80	31.04
Total	41.65	15.41	3.37	2.72	2.51	2.49	2.05	1.74	28.07

Source: BPS-Statistics Indonesia, 2000 Population Census

10. The population of Indonesia is still considered as young population, which means that the percentage of population under the age of 15 is still high. The trend of dependency ratio during 1990-2010 is declining. Details of number of population by age group, year and dependency ratio are shown in the tables below:

Table 6  
Age composition 1990-2010

No	Age	Year		
		1990	2000	2010
1	0-4	20,851,695	20,302,376	21,882,383
2	5-9	23,116,455	20,494,091	20,818,265
3	9-14	21,413,768	20,453,732	20,690,043
4	15-19	18,853,920	21,149,517	21,402,769
5	20-24	16,058,176	19,258,101	21,451,055
6	25-29	15,555,334	18,640,937	21,033,117
7	30-34	13,190,413	16,399,720	20,164,680
8	35-39	11,142,518	14,904,226	18,629,570
9	40-44	8,047,912	12,467,848	16,745,605
10	45-49	7,536,725	9,656,005	14,622,847
11	50-54	6,665,644	7,384,968	12,068,761
12	55-59	4,816,689	5,678,664	9,204,569
13	60-64	4,514,403	5,321,019	6,573,591
14	65-69	2,742,643	3,564,926	4,650,165
15	70-74	2,024,673	2,837,037	3,617,595
16	75+	1,973,371	2,716,985	4,001,347
17.	Not Stated		11,847	
Total		178,504,339	201,241,999	237,556,363

Source: BPS-Statistics Indonesia Population Census

Note: Age composition for 2010 based on 2010 projected population

Table 7  
Dependency Ratio

Year	1990	2000	2010
Dependency ratio	67.8	53.8	46.7

Source: BPS-Statistics Indonesia Population Census

11. The number of births in Indonesia during 2005 and 2010 shows an increasing trend, while experiencing a longer life expectancy, as shown in the table below:

Table 8  
Statistics on Fertility Rate, Births, Deaths and Life Expectancy

Year	2005	2006	2007	2008	2009	2010
Fertility rate (TFR)	2.35	2.19	2.18	2.17	2.16	2.15
Number of births	4,268,800	4,277,700	4,288,000	4,254,800	4,279,700	4,294,700
Number of deaths	1,446,800	1,443,300	1,439,400	1,435,000	1,453,000	1,470,900
Life expectancy	70.0	70.2	70.4	70.5	70.7	70.9

Source: BKKBN-Indonesia Population Projection 2005-2025 (Bappenas, BPS); fertility rate data based on Data SDKI (Survey Demografi dan Kesehatan Indonesia) 2007 TFR 2005 is 2.34

12. The 2000 Population Census results indicated that the number of Indonesian households in the year 2000 was 52 million with an average size of 3.9 persons per household. Meanwhile, based on the preliminary result of the 2010 Population Census the number of households was 61 million with an average size of 3.9 persons per household. Compared to 2000 figures, there was similar number of average household members increased between 2000 and 2010.

Table 9  
**Average Household Size**

<i>Area</i>	<i>Household</i>		<i>Average household size</i>	
	<i>2000</i>	<i>2010</i>	<i>2000</i>	<i>2010</i>
Sumatera	10,050.3	12,297.9	4.2	4.1
Java	32,118.1	36,872.3	3.8	3.7
Bali and Nusa Tenggara	2,625.9	3,310.2	4.2	3.9
Kalimantan	2,781.7	3,455.7	4.1	4.0
Sulawesi	3,488.2	4,065.0	4.3	4.3
Maluku and Papua	944.2	1,361.9	4.4	4.5
Indonesia	52,008.3	61,363.1	3.9	3.9

Source: Statistical Yearbook of Indonesia 2008: Based on 2000 Population Census and 2005 Intercensal Population Survey

13. The tables below show the majority of households in Indonesia are headed by a male. Single-parent households number is small, only 6.49 % from all households in Indonesia.

Table 10  
**Percentage Distribution of Households by the gender of household head, number of household member, and area of residence in 2007**

<i>Head of household</i>	<i>Area of Residence</i>		
	<i>Urban</i>	<i>Rural</i>	<i>Urban+Rural</i>
Male	86.4	87.7	87.1
Female	13.6	12.3	12.9
Total	100.0	100.0	100.0

Sources: BPS, Depkes, dan BKKBN: Indonesia Health and Demographic Survey (SDKI)

Table 11  
**Single Parent Household**

<i>Sex (Male and Female)</i>	<i>Rate (%)</i>
Divorced	1.46
Widowed	5.03
Total	6.49

Source: Intercensal Population Survey, 2005



#### 4. Social, economic and cultural characteristics

14. The majority of urban and rural populations allocate most of their monthly income per capita to food, housing and household facilities. In 2007, food allocation was predominant among commodity groups as presented in the table below.

Table 12

##### Average monthly per capita expenditure in urban and rural areas by commodity group 2007-2009

Commodity group	2007		2008		2009	
	Per capita average	Percentage	Per capita average	Percentage	Per capita average	Percentage
Food	174,028	49.24	193,828	50.17	217,720	50.62
Housing & household facility	73,450	20.78	78,083	20.21	85,556	19.89
Education	11,158	3.16	12,448	3.22	14,834	3.45
Health	10,126	2.87	11,417	2.96	11,342	2.64
Total	353,421		386,370		430,065	

Source: Statistical Yearbook of Indonesia 2009: Based on Panel Socio-Economic Survey

15. The number of people in Indonesia living below the poverty line decreased from 39.30 million in 2006 to 32.53 million people in 2009. The declining rate of poverty was in part a result of the economic growth attained during the period.

Table 13

##### Poverty Line, Number, and Percentage of Poor People, 2004-2009

Year	Poverty Line (rupiahs)		Number of Poor People (million)			Percentage of Poor People		
	Urban	Rural	Urban	Rural	Urban+Rural	Urban	Rural	Urban+Rural
2004	143,455	108,725	11.40	24.80	36.10	12.13	20.11	16.66
2005	150,799	117,259	12.40	22.70	35.10	11.68	19.98	15.97
2006	174,290	130,584	14.49	24.81	39.30	13.47	21.81	17.75
2007	187,942	146,837	13.56	23.61	37.17	12.52	20.37	16.58
2008	204,896	161,831	12.77	22.19	34.96	11.65	18.93	15.42
2009	222,123	179,835	11.91	20.62	32.53	10.72	17.35	14.15

Source: Statistical Yearbook of Indonesia 2009: Based on National Socio Economic Survey

16. The Government of Indonesia is determined to further reduce the number of people below the poverty line through various government intervention programs designed to meet the basic needs of the people. Such programs include: (a) provision of subsidies (such as subsidies for food, fertilizer, and loans), which can also come in the form of social assistance such as the program for Social Health Security (Jaminan Kesehatan Masyarakat/Jamkesmas), the School Operational Assistance (Bantuan Operasional Sekolah/BOS), and the Family Hope Program (Program Keluarga Harapan/PKH), Unconditional Cash Transfer (Bantuan Langsung Tunai/BLT) as part of the National Program for Self-Reliant Community Empowerment (Program Nasional Pemberdayaan Masyarakat/PNPM), the credit guarantee fund/financing for micro, small, and medium business entities (Usaha Mikro, Kecil dan Menengah/UMKM) and cooperatives, and through the Smallholder Loan Program (Kredit Usaha Rakyat/KUR); (b) by facilitating and

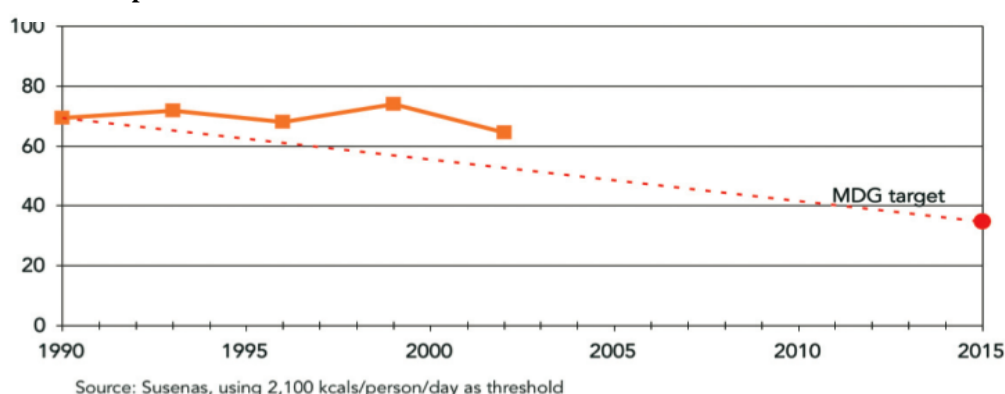
expanding business opportunities through eliminating various levies that have arisen in selected regions due to reform and decentralization.

17. Program Keluarga Harapan (PKH) or the Family Hope Program is a Government scheme that is intended to help families particularly those in extreme poverty through providing cash-assistance should they meet the requirements. This programme is aimed at improving the quality of education and health of the very poor families. Currently, PKH has already been applied in twenty provinces, such as in West Nusa Tenggara and Gorontalo.

18. The proportion of the population below the minimum level for adequate dietary energy consumption is still high in Indonesia. Two-thirds of the population still consumes less than 2,100 kcal a day.

Figure 1

**Proportion of Population Below Minimum Level of Dietary Energy Consumption**



19. Income disparity in Indonesia, as measured by the Gini Index (which measures income inequality) was relatively small during 2005-2007. The table below, using the Gini Index, shows that income disparities in rural areas are lower than in urban areas.

Table 14

**Distribution per Capita Expenditure and Gini Index 2005-2009**

Region	Year	40% Low Expenditure	40% Medium Expenditure	20% High Expenditure	Gini Index
Urban	2005	21.16	37.24	41.60	0.32
	2006	20.54	36.58	42.88	0.32
	2007	18.27	37.83	43.90	0.36
	2008	19.41	37.09	43.50	0.35
	2009	19.93	36.89	43.18	0.37
Rural	2005	23.41	40.04	36.55	0.27
	2006	24.03	39.54	36.43	0.26
	2007	22.43	39.11	38.46	0.29
	2008	22.52	39.99	37.49	0.29
	2009	23.30	38.58	38.12	0.29
Total	2005	20.22	37.69	42.09	0.33
	2006	19.75	38.10	42.15	0.33

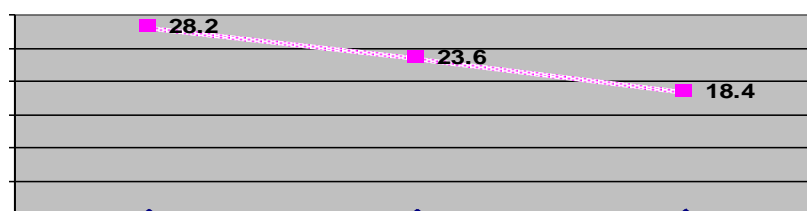
<i>Region</i>	<i>Year</i>	<i>40% Low Expenditure</i>	<i>40% Medium Expenditure</i>	<i>20% High Expenditure</i>	<i>Gini Index</i>
	2007	19.10	36.11	44.79	0.36
	2008	19.56	35.67	44.77	0.35
	2009	21.22	37.54	41.24	0.37

Source: Statistics Indonesia 2009

20. Between the years 2005-2007, the prevalence of underweight children under five years of age in Indonesia decreased. The infant mortality rate for the period of 2005-2009 also declined significantly from 34 deaths per 1,000 live births in 2005 to 26.2 deaths in 2009. Infant mortality rates are expected to decline further in 2010 to 25.5 deaths per 1,000 live births.

Figure 2

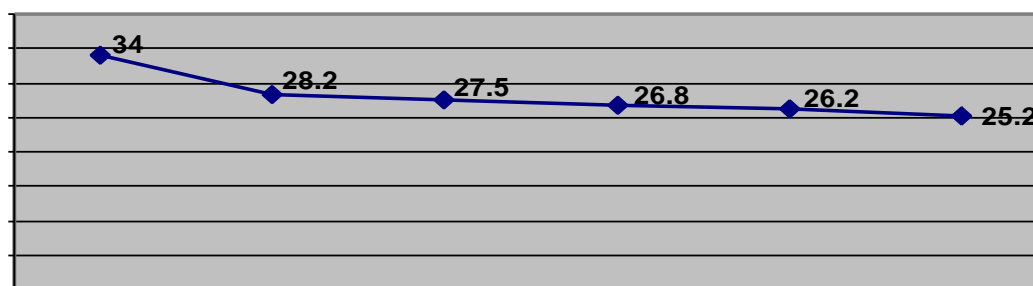
**Prevalence of Underweight Children under 5 Years Old**



Source: Bappenas, BPS

Figure 3

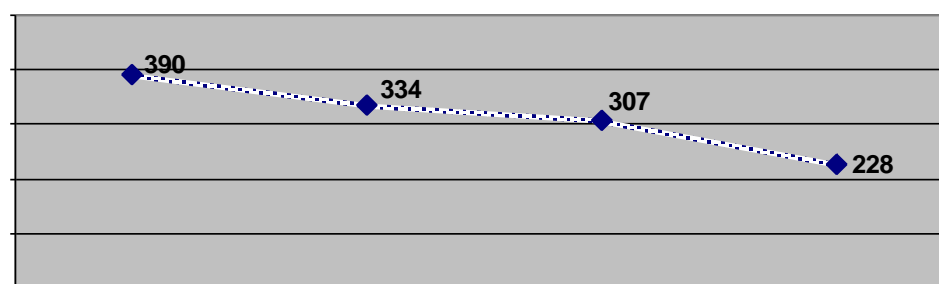
**Infant Mortality Rate (IMR)**



Source: Bappenas, BPS

21. The maternal mortality rate (MMR) in Indonesia from 1994 to 2007 indicates a significant decline from 390 deaths per 100,000 live births in 1994 to 228 deaths in 2007.

Figure 4  
Maternal Mortality Rate (MMR)



Source: *Riset Kesehatan Dasar*, 2008, Ministry of Health

22. Between 2002 and 2006, the proportion of married women aged between 15 and 49 years of age using contraception increased from 54.19 percent in 2002 to 57.91 percent in 2006. However, it dropped slightly to 57.43 percent in 2007.

Table 15  
Proportion of Married Women Aged 15-49 Years Who Use Contraceptives, 2002-2007

	2002	2003	2004	2005	2006	2007
Indonesia	54.19	54.54	56.71	57.89	57.91	57.43

Source: Statistical Year Book of Indonesia 2008 and 2009: Based on National Socio Economic Survey

23. Data relating to medical terminations of pregnancy is based on surveys with relatively limited coverage. Approximately 30% of these abortions were performed on women aged between 14 – 24 years. Data from 2002 – 2003, collected through the Survey of Demography and Health of Indonesia (Survey Demografi dan Kesehatan Indonesia/SDKI) 2002 – 2003, surveyed women of marrying age (15 – 24 years) and indicated that abortion rates in 1997 were not much different from those in 2002 – 2003 (12% of all pregnancies). Data from SDKI 2002 – 2003 also indicated that 7.2% of pregnancies were unwanted (SDKI 2002).

24. As of 2007, the highest number of cases of HIV/AIDS were found in DKI Jakarta, West Java and Papua, whereas the highest number of deaths from HIV/AIDS was found in DKI Jakarta, West Java and East Java. The most prevalent rates of HIV/AIDS cases per 100,000 people occurred in Papua, DKI Jakarta and Bali.

Table 16  
Number of HIV/AIDS Cumulative Cases, Deaths, and Case Rate per 100,000 Population by Province up to December 31, 2007

No	Province	Number of Cases	Number of Deaths	Case Rate
1.	Nanggroe Aceh Darussalam	16	3	0.41
2.	North Sumatera	420	77	3.41
3.	West Sumatera	155	54	3.41
4.	Riau	166	61	3.65
5.	Jambi	112	31	4.15

<i>No</i>	<i>Province</i>	<i>Number of Cases</i>	<i>Number of Deaths</i>	<i>Case Rate</i>
6.	South Sumatera	124	29	1.82
7.	Bengkulu	28	9	1.74
8.	Lampung	123	37	1.72
9.	Bangka Belitung Island	69	4	6.78
10.	Riau Island	238	102	19.86
11.	DKI Jakarta	3,048	429	33.45
12.	West Java	1,675	330	4.28
13.	Central Java	389	167	0.99
14.	DI Yogyakarta	103	15	3.14
15.	East Java	1,091	311	2.94
16.	Banten	51	11	0.56
17.	Bali	735	120	21.07
18.	West Nusa Tenggara	82	24	1.97
19.	East Nusa Tenggara	92	16	2.20
20.	West Kalimantan	553	106	13.56
21.	Central Kalimantan	3	2	0.16
22.	South Kalimantan	15	6	0.46
23.	East Kalimantan	12	10	0.41
24.	North Sulawesi	124	45	5.74
25.	Central Sulawesi	2	1	0.09
26.	South Sulawesi	143	62	1.91
27.	Southeast Sulawesi	8	1	0.41
28.	Gorontalo	3	1	0.33
29.	West Sulawesi	0	0	0
30.	Maluku	157	62	11.80
31.	North Maluku	7	5	0.77
32.	Papua	1,339	238	72.71
33.	West Papua	58	0	10.24
Total		11,141	2,369	4.91

Source: DG of Disease Control & Environmental Health, MOHRI, 2008

25. Among the major communicable diseases, Dengue Hemorrhagic Fever is the most prevalent in Indonesia. Despite this, Avian Influenza had resulted in the highest occurrence of death as a percentage of total number of cases. Out of major non-communicable diseases, mental disorder is the most prevalent, followed by hypertension.

Table 17

**Prevalence of Communicable and Non-Communicable Diseases**

<i>No.</i>	<i>Type of Disease</i>	<i>Indicators</i>	<i>Status</i>
<b>A Communicable Diseases</b>			
1	Dengue Hemorrhagic Fever	Number of cases	136,333 <sup>c</sup>

<i>No.</i>	<i>Type of Disease</i>	<i>Indicators</i>	<i>Status</i>
		Case Fatality Rate (CFR)	0.86 %
2	Diarrhea	Number of cases	8,443 <sup>c</sup>
		Case Fatality Rate (CFR)	2.48 % <sup>c</sup>
3	Malaria	Annual Parasite Index (API)	0.16 per 1000 people <sup>c</sup>
		Annual Malaria Incidence	16.82 per 1000 people <sup>c</sup>
4	Tuberculosis	Case Detection Rate (CDR) TB	73 % <sup>c</sup>
		Healing rate TB	91 % <sup>a</sup>
5	HIV / AIDS	Number of cases	22,125 cases <sup>c</sup>
		Prevalence of HIV	0.2 % <sup>c</sup>
		Proportion of AIDS cases	5.23 per 1000 people <sup>c</sup>
6	Avian Influenza	Case Fatality Rate (CFR)	81.56 % <sup>c</sup>
<b>B Non-Communicable Diseases</b>			
1	Hypertension	Prevalence of Hypertension by population 18 years of age and over	7.6 % <sup>b</sup>
2	Coronary Heart disease	Prevalence of Coronary heart disease	7.2 % <sup>b</sup>
3	Diabetes Mellitus	Prevalence of Diabetes Mellitus	1.1 % <sup>b</sup>
4	Tumor	Prevalence Tumor	0.4 % <sup>b</sup>
5	Mental Disorder	Prevalence of Mental Disorder in population over the age of 15 years	11.6% <sup>b</sup>
6	Accident	Number of cases of death due to accident	11,610 cases <sup>b</sup>

<sup>a</sup> Based on data from 2006.

<sup>b</sup> Based on data from 2007.

<sup>c</sup> Based on data from 2008.

26. In 2006, the majority of deaths in Indonesian hospitals resulted from strokes without hemorrhage/infarct, while the second highest number of deaths was due to intra-cranial hemorrhages.

Table 18  
Major causes of deaths in Indonesia

No.	Cause of Death	Percentage
1.	Stroke	15,4
2.	Tuberculosis	7,5
3.	Hypertension	6,8
4.	Injury	6,5
5.	Prenatal	6,0
6.	Diabetes Mellitus	5,7
7.	Cancer	5,7
8.	Heart disease	5,1
9.	Ischemic heart disease	5,1
10.	Lower respiratory tract disease	5,1

Source: RISKESDAS 2008

27. In 2004-2008, there were slight increases in Net Enrolment Ratio (NER) values for elementary schools and Gross Enrolment Ratio (GER) values for universities, and more significant increases in GER values for junior and senior high schools.

Table 19  
Net Enrolment Ratio (NER) and Gross Enrolment Ratio (GER)

	2004	2005	2006	2007	2008
NER at Elementary Schools	94.12	94.30	94.48	94.90	95.14
GER at Junior High Schools	81.22	85.22	88.68	95.52	96.18
GER at Senior High Schools	49.01	52.20	56.22	60.51	64.28
GER at Universities	14.62	15.00	16.70	17.25	17.75

Source: National Medium Term Development Plan (RPJMN) 2010-2014

28. In all areas and for all genders, the NER is close to 100% at the elementary school level, but lower at the junior high school and the senior high school level. The lowest NER is seen in rural areas.

Table 20  
Net Enrolment Ratio by Type, Sex, and Educational Level in 2007-2008

Area/Sex	Educational Level					
	Elementary School		Junior High School		Senior High School	
	2007	2008	2007	2008	2007	2008
Urban						
Male	93.83	93.26	72.44	69.97	57.65	52.77
Female	93.34	93.41	71.52	68.71	53.67	49.07
Male+Female	93.56	93.33	71.99	69.34	55.66	50.92
Rural						
Male	93.92	94.70	61.61	63.38	35.04	37.74
Female	93.80	94.32	64.34	66.65	36.02	39.70
Male+Female	93.89	94.51	62.93	64.95	35.58	38.66

Area/Sex	Educational Level					
	Elementary School		Junior High School		Senior High School	
	2007	2008	2007	2008	2007	2008
Urban+Rural						
Male	93.88	94.06	66.01	66.36	44.82	44.98
Female	93.62	93.91	67.30	67.62	44.29	44.51
Male+Female	93.75	93.99	66.64	66.98	44.56	44.75

Source: Welfare Statistic, BPS 2007 and 2008

29. During 2005-2007, the rates of children of both genders seldom/never attending primary or secondary schools decreased over time. The rates of school attendance increased, with the more significant changes occurring within the male population.

Table 21

**Percentage of Population Aged 7-24 Years by School Ages Group, Sex, and Participation, 2005 – 2007**

Sex and School age group	2005				2006				2007				2008
	No/ Never attended school	Attending school	Not attending school anymore	No/ Never attended school	Attending school	Not attending school anymore	No/ Never attended school	Attending school	Not attending school anymore	No/ Never attended school	Attending school	Not attending school anymore	Attending school
Male													
7-12	1.89	96.96	1.15	1.42	97.08	1.50	1.35	97.37	1.27	1.29	97.68	1.03	
13-15	0.89	83.70	15.41	1.54	83.75	14.71	0.85	83.99	15.16	0.58	84.13	15.28	
16-18	1.04	53.96	45.00	0.96	54.09	44.96	0.92	54.71	44.37	0.78	54.81	44.41	
Female													
7-12	1.64	97.32	1.04	1.14	97.72	1.14	1.03	97.85	1.12	0.89	97.98	1.13	
13-15	0.80	84.37	14.83	1.60	84.44	19.96	0.79	84.54	14.67	0.48	84.69	14.82	
16-18	10.03	53.75	45.21	1.04	53.73	45.23	1.11	54.51	44.38	0.80	54.59	44.62	
Male+Female													
7-12	1.77	97.14	1.10	1.28	97.39	1.33	1.20	97.60	1.20	1.09	97.83	1.08	
13-15	0.85	84.02	15.13	1.57	84.08	14.35	0.82	84.26	14.92	0.53	84.41	15.06	
16-18	1.04	53.86	45.10	1.00	53.92	45.09	1.01	54.61	44.38	0.79	54.70	44.51	

Source: Statistical Yearbook of Indonesia 2008, 2009

30. The teacher-student ratio at all education levels, in public funded schools decreased during the period 2004-2007.



Table 22  
Teacher student ratio in public funded schools

Education	2004/2005			2005/2006			2006/2007			2007/2008		
	Teachers	Students	Ratio	Teachers	Students	Ratio	Teachers	Students	Ratio	Teachers	Students	Ratio
Primary School	1,189,041	25,997,445	1:21.86	1,199,242	25,982,590	1:21.67	1,385,635	26,277,445	1:18.96	1,294,111	26,627,427	1:20.58
Junior High School	520,351	7,553,086	1:14.52	592,513	8,073,389	1:13.63	624,726	8,439,762	1:13.51	595,741	8,614,306	1:14.46
Senior High School	244,839	3,402,615	1:13.90	258,087	3,497,420	1:13.55	285,818	3,574,146	1:12.50	295,675	3,758,893	1:12.71
Vocational High School	176,261	2,164,068	1:12.28	195,949	2,231,927	1:11.39	202,669	2,401,732	1:11.33	224,041	2,738,962	1:12.22

Source: Statistical Yearbook of Indonesia 2008 and 2009: Ministry of Education

31. In general, the literacy rate for all age groups in Indonesia improved during the period of 2005-200. Similar improvements can also be observed when the population is categorized gender-wise.

Table 23  
Literacy Rate by Age Group and By Gender (Percent) 2005 – 2008

Age Group	2005	2006	2007	2008
15 – 19	98.86	98.92	98.96	99.60
20 – 24	98.62	98.60	98.70	99.31
25 – 34	97.85	97.87	97.88	97.34
35 – 49	92.40	92.95	92.73	84.89
50 +	72.64	74.89	78.03	75.70
15 +	90.91	91.45	91.87	92.19
Male	94.34	94.56	95.22	95.38
Female	87.54	88.39	88.62	89.10

Source: Statistic Indonesia (BPS) 2009, National Socio Economic Survey 2008

32. The illiteracy rate in rural areas remains higher than in urban areas. In 2006 and 2007, the illiteracy rate within most age groups in the urban areas decreased – with the exception of the 45-49 age groups. In the rural areas, there was an increase in the illiteracy rate in the same period for the age groups 25-29 to 45-49.

Table 24

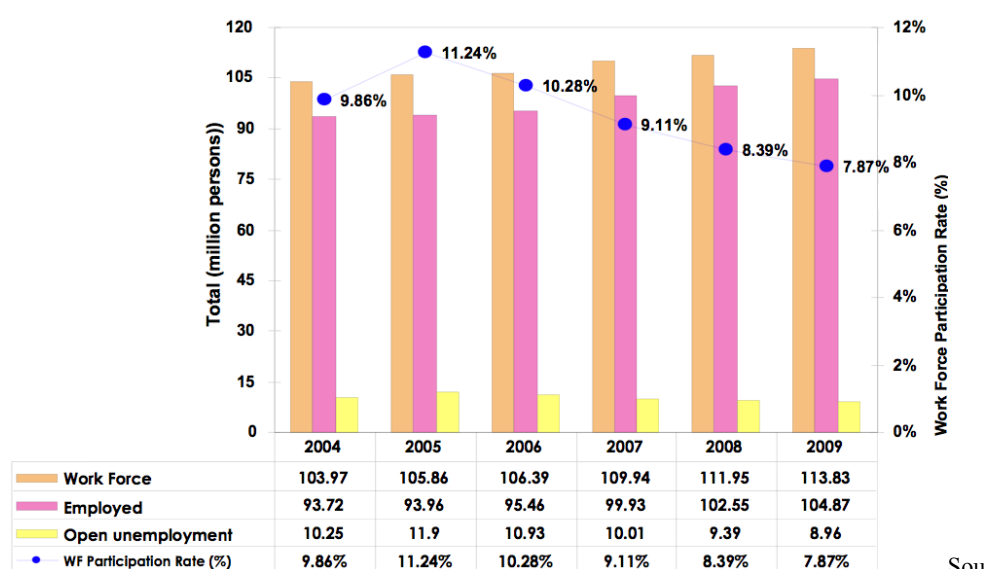
**Illiteracy Rate by Age Group in Urban and Rural Areas (Percent) 2006 - 2007**

Age Group	Urban			Rural			Urban + Rural		
	2006	2007	2008	2006	2007	2008	2006	2007	2008
15 – 19	0.48	0.40	0.12	1.54	1.54	0.68	1.08	1.04	0.40
20 – 24	0.57	0.42	0.15	2.19	2.16	1.32	1.40	1.30	0.69
25 – 29	0.70	0.65	0.24	2.93	2.97	1.99	1.86	1.87	1.08
30 – 34	0.89	0.75	0.42	3.72	3.79	2.77	2.41	2.38	1.58
35 – 39	1.84	1.69	0.81	6.00	6.55	4.47	4.14	4.37	2.67
40 – 44	4.15	3.78	3.00	10.15	11.02	8.93	7.49	7.75	5.95
45 – 49	5.60	5.68	3.39	13.89	14.33	9.38	10.35	10.51	6.49
50 +	16.10	13.92	16.74	31.25	27.44	30.62	25.11	21.97	24.30
Total	4.72	4.31	4.56	11.60	11.23	10.97	8.55	8.13	7.81

Source: Statistics Indonesia (BPS), 2008, 2009

33. Between 2004-2009, unemployment in Indonesia reduced from 10.25 million to 8.96 million. This decrease was, in part, a result of the successful job creation strategy implemented during 2005-2009 which created 2.73 million employment opportunities per year. The jobs created during the period were able to accommodate the growing number of job seekers, numbers of which reached 1.99 million per year. As for the work force participation rate, since reaching its peak in 2005, the rates have decreased from 11.24% in 2005 to 7.87% in 2009.

Figure 5

**Work force participation**

Source: National Medium Term Development Plan (RPJMN) 2010-2014

34. In the period 2004-2009, research showed that the majority of the Indonesian work force was working in the agricultural sector. The wholesale, retail, restaurant and hotel sectors employed the second largest number of Indonesian workers, whereas the manufacturing sector came in third. During the same period, the number of formal workers increased by 3.26 million, whereas the number of informal workers rose by 7.65 million. As part of its development program, the Indonesian Government has attempted to shift the surplus labor force from informal to formal employment, which promises more productive labor and higher wages.

Table 25

**Population 15 Years of Age and Over Who Worked by Main Industry 2004-2009**

No.	Main Industry	2004	2005 (Feb)	2006 (Feb)	2007 (Feb)	2008 (Feb)	2009 (Feb)
1.	Agriculture, Forestry, Hunting and Fishery	40,608,019	41,814,197	42,323,190	42,608,760	42,689,635	43,029,493
2.	Mining and Quarrying	1,034,716	808,842	947,097	1,020,807	1,062,309	1,139,495
3.	Manufacturing Industry	11,070,498	11,652,406	11,578,141	12,094,067	12,440,141	12,615,440
4.	Electricity, Gas, and Water	230,869	186,801	207,102	247,059	207,909	209,441
5.	Construction	4,540,102	4,417,087	4,373,950	4,397,132	4,733,679	4,610,695
6.	Wholesale Trade, Retail Trade, Restaurants and Hotels	19,119,156	18,896,902	18,555,057	19,425,270	20,684,041	21,836,768
7.	Transportation, Storage, and Communications	5,480,527	5,552,525	5,467,308	5,575,499	6,013,947	5,947,673
8.	Financing, Insurance, Real Estate and Business Services	1,125,056	1,042,786	1,153,292	1,252,195	1,440,042	1,484,598
9.	Community, Social, and Personal Services	10,513,093	10,576,572	10,571,965	10,962,352	12,778,154	13,611,841
	Total	93,722,036	94,948,118	95,177,102	97,583,141	102,049,857	104,485,444

Source: National Labor Force Survey 2004, 2005, 2006, 2007, 2008 and 2009

35. There are three registered labor confederations in Indonesia, namely the Indonesian Confederation of Workers' Union (Konfederasi Serikat Pekerja Seluruh Indonesia/KSPSI), the Indonesian Workers' Union (Serikat Buruh Seluruh Indonesia/SBSI), and the Indonesian Committee of Workers' Union (Komite Serikat Pekerja Indonesia/KSPI). The KSPSI, SBSI, and KSPI represent 90 percent of the labor force in Indonesia.

36. At current prices, Indonesia's per capita national income increased from 13.2 million rupiahs in 2006 to 19.5 million rupiahs in 2008.

Table 26  
**Per Capita National Income (in thousand Rupiah)**

<i>Per capita national income</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007*</i>	<i>2008**</i>
At current market prices	9,303.7	11,179.5	13,162.2	410.2	19,520.2
At 2000 constant market prices	6,688.1	6,950.2	7,117.9	7,481.4	8,094.3

Source: Statistical Yearbook of Indonesia 2008

\* Preliminary figures

\*\* Very preliminary figures

37. Indonesia's GDP and GNP per capita at market prices consistently increased during 2005 – 2008, as illustrated by the following table:

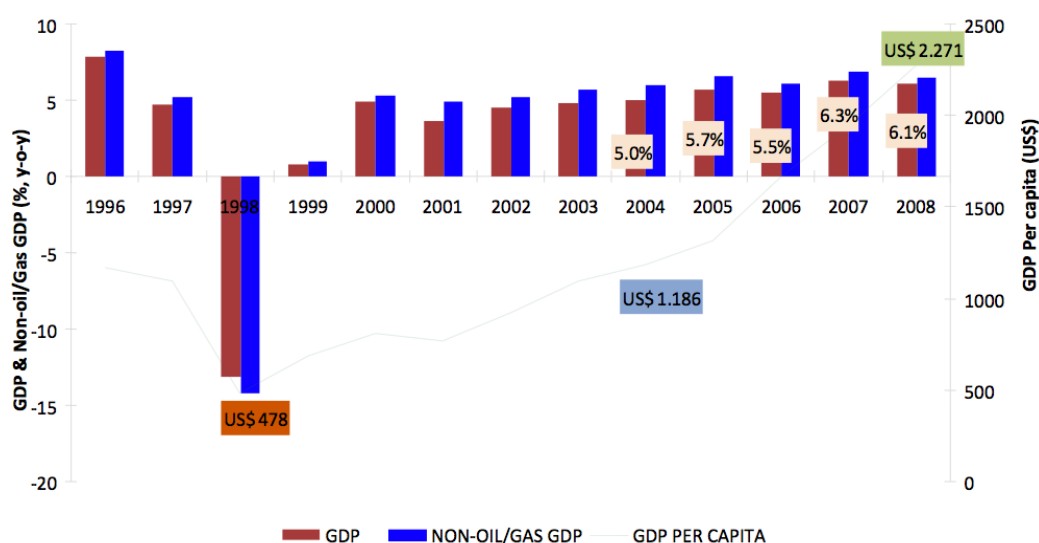
Table 27  
**GDP and GNP per Capita, 2005 – 2008**

<i>Description</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
GDP per capita at current market prices:				
Value (million rupiahs)	12.6	15.0	17.5	21.7
Growth (percent)	18.9	18.8	16.8	23.9
Value (US\$)	1,311.7	1,658.4	1,937.4	2,271.2
GNP per capita at current market prices:				
Value (million rupiahs)	12.0	14.4	16.8	20.9
Growth (percent)	18.6	19.6	16.9	24.6
Value (US\$)	1,247.8	1,587.7	1,857.7	2,190.5

Source: BPS Strategic Data 2009

38. Indonesia's economic growth has accelerated in recent years. Despite the 1997-1999 economic crisis resulting in an economic decrease of 2.9% per year, the economy recovered to show positive growth in the period 2000-2004. Moreover in 2005-2008, economic growth reached an average of 6%. In fact, excluding the oil and gas sector, non-oil and gas economic growth has approached 7%. It reached 6.6% in 2005-2008, compared to 5.4% in 2000-2004. Despite the world economic crisis, Indonesia's economic growth still reached an average of 4.3% in 2009. This steady economic growth reflected Indonesia's well performing economy, in comparison to many other countries which experienced negative economic growth rates as a result of the crisis.

Figure 6  
Economic Growth and GDP Per Capita (1996-2008)



Source: Bappenas National Medium Term Development Plan 2010-2014

39. The national income of Indonesia showed an increasing trend during the period 2004-2007. The figures for both national income at current market prices, as well as at the constant market prices for the year 2000, can be observed in the following table:

Table 28  
National Income (in billion rupiahs)

National Income	2004	2005	2006	2007*	2008**
At current market prices	2,013,150.8	2,446,847.2	2,931,844.3	3,477,181.8	4,460,816.3
At 2000 constant market prices	1,447,182.2	1,521,193.8	1,585,488.4	1,688,128.9	1,849,740.0

Source: Statistical Yearbook of Indonesia 2008 and 2009

\*Preliminary figures, \*\*Very preliminary figures

40. The Consumer Price Index (CPI) applied in 45 major cities in Indonesia indicated a considerable increase in the price of food during 2005-2008. In a more recent survey in 66 major cities in Indonesia, the CPI continued to increase from 109.78 in 2008 to 114.01 in 2009 (2007=100).

Table 29  
Composite Consumer Price Indices of 66 Cities, (2007=100) 2008-2009

Groups	2008	2009*
Food	116.42	123.42
Prepared food, beverages, and tobacco products	109.73	117.84
Housing, water, electricity, gas and fuel	108.52	113.48
Clothing	109.03	115.25
Health	106.22	110.69

Groups	2008	2009*
Education, recreation, and sports	106.52	110.12
Transportation, communication, and financial services	105.79	102.68
General Index	109.78	114.01

Source: Statistical Yearbook of Indonesia 2009: Based on Consumer Price Survey

\*January-June 2009 average

41. The Indonesian Government's social expenditures, as a proportion of the total public expenditure, increased from 5.7% in 2006 to 6.7% in 2007 and 7.9% in 2008. As a proportion of the GDP, the social expenditure in 2006 was 1.1%, whereas in 2007 and in 2008 the figures have increased to 1.3% and 2.9% respectively.

Table 30

**Social Expenditure (billion rupiahs)**

Type of Expenditure	2006	2007	2008	2009
Social expenditure	36,931	51,409	67,402	78,973
Total public expenditure	647,668	763,571	854,660	1,037,067
GDP (at current market prices)	3,339,216.8	3,949,321.4*	4,954,028.9*	2,667,245.1***

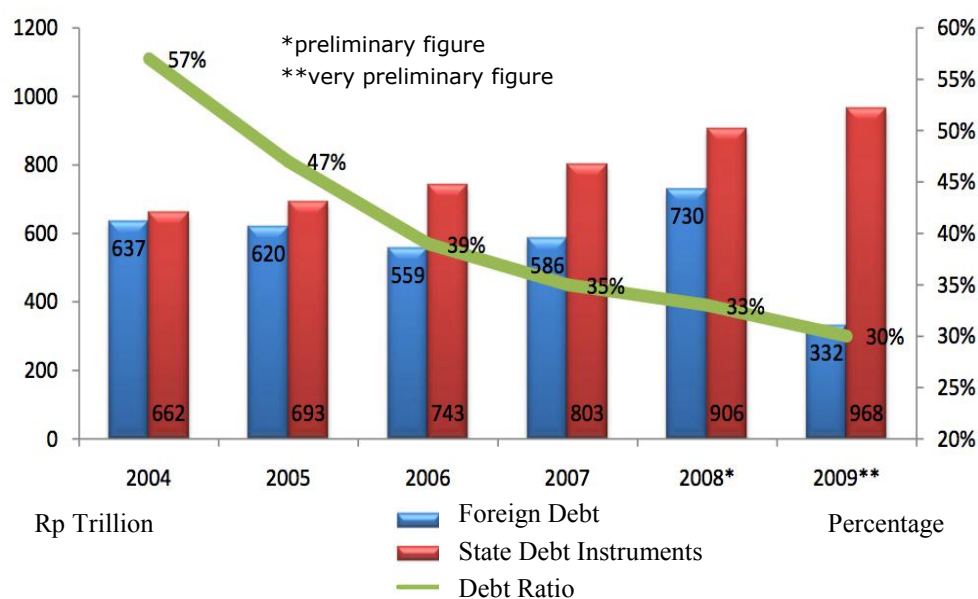
Source: Statistical Yearbook of Indonesia 2008, 2009

\*Preliminary figure, \*\*Very preliminary figure, \*\*\*Extremely preliminary figure

42. To finance the government deficit, the Indonesian Government has attempted to reduce its dependence on foreign financing, which has resulted in the reduction of foreign debts in the recent years. Consequently, financing through state debt instruments has risen (e.g. through treasury bills, government bonds, Islamic bond/sukuk, etc.). In turn, the ratio of public debt against the GDP declined from 56.6% in 2005 to 30% in 2009.

Figure 7

**Public Debt 2004-2009 (in trillion rupiahs)**



Source: Bappenas National Medium Term Development Plan 2010-2014

43. While receiving external assistance for its own development, Indonesia also provides international assistance to other developing and less developed countries. Such assistance comes in the form of various technical cooperation programs, such as the International Workshop on Women's Empowerment in Economic Development: Promoting Women's Productivity; the International Workshop on "Enhancing South-South Cooperation Roles on Disaster Risk Management"; the International Training Program on Democratization and Good Governance; the International Training Workshop on Women's Empowerment on Information Technology; and the International Training Workshop on Multi-disaster Management.

44. Indonesia also provides scholarships, student and youth exchanges and cultural events to promote mutual understanding between nations. Moreover, since 1998, Indonesia has hosted the Non-Aligned Movement (NAM) Center for South-South Technical Cooperation. The amount of funding allocated for these technical cooperation programs has increased in recent years from around US\$ 544,000 in 2008 to US\$ 733,000 in 2010.

## **B. Constitutional structure and the political and legal framework**

### **1. The Constitution**

45. Following the independence of Indonesia on 17 August 1945, Indonesia adopted the 1945 Constitution. The 1945 Constitution outlined the vision for the newly independent nation, and the objectives stemming from the proclamation of independence. The 1945 Constitution is the basic law which regulates statehood and provides the foundation upon which to base legislation and regulations in Indonesia. The Constitution states that Indonesia is a unitary republic with a presidential system, with a division of power between the three branches of government, state's obligations and responsibilities. After the resignation of President Suharto in 1998, four amendments to the 1945 Constitution of Indonesia were made in order to further strengthen state and governmental structures. These amendments sought to advance progress in matters of sovereignty, the protection of human rights, the separation of powers, social welfare, the rule of law, and democracy.

46. The First Amendment passed on October 19, 1999 aimed at providing a clear separation of powers between the executive, legislative, and judicial branches. The Second Amendment regulated the authority of the regional governments and the House of Representatives, and included a specific reference to human rights, national defense and security. The Third Amendment sought to address the sovereignty of the state and the authority of the People's Consultative Assembly, the Audit Board and the Judiciary. It also stipulated rules and procedures concerning the election and impeachment of the President and for the forming of the House of Regional Representatives. The Third Amendment stipulated direct elections for the position of both President and the Vice President and for members of the House of Representatives (Dewan Perwakilan Rakyat/DPR) and the House of Regional Representatives (Dewan Perwakilan Daerah/DPD). Lastly, the Fourth Amendment, passed on August 10, 2002, addressed lines of succession, declaration of war, peace agreements, matters of currency, the central bank, the national economy, education, culture, social welfare, and constitutional amendments.

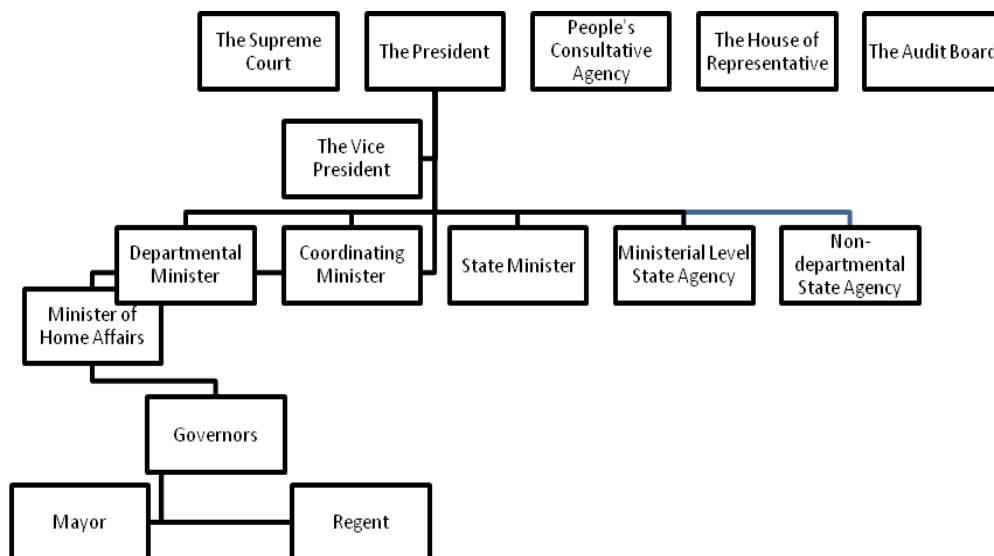
### **2. Political framework**

47. As stated in the 4<sup>th</sup> Amendment of the 1945 Constitution, the Republic of Indonesia is comprised of the following state organs:

- (a) The People's Consultative Assembly (Majelis Permusyawaratan Rakyat/MPR);
- (b) The House of Representatives (Dewan Perwakilan Rakyat/DPR);

- (c) The House of Regional Representatives (Dewan Perwakilan Daerah/DPD);
- (d) The Presidency;
- (e) The Audit Board (Badan Pemeriksa Keuangan/BPK);
- (f) The Supreme Court (Mahkamah Agung/MA); and
- (g) The Constitutional Court (Mahkamah Konstitusi/MK).
- (h) The Judicial Commission (Komisi Yudisial/KY)

Figure 8  
**Political framework**



**(a) The People's Consultative Assembly (MPR)**

48. The MPR has the authority to amend the constitution; to inaugurate the President and/or the Vice President; and to impeach the President and/or the Vice President. The MPR has 792 members, which consists of 560 members of the House of Representatives (DPR) and 132 members of the House of Regional Representatives (DPD). Among them, 157 members are women (20%).

**(b) The Parliament: House of Representatives (DPR)**

49. The DPR is responsible for passing legislation, making decisions on the national budget and general supervision. With the consent of the President, the DPR has the authority to formulate and enact laws together, to deliberate and to approve government regulations in lieu of the law, to receive and deliberate bills proposed by the DPD related to regional autonomy; and to oversee relations between the Central and Regional/Local Government. The DPR also has the authority to monitor the management of natural resources and other economic resources; to decide the State Budget together with the President, to oversee the implementation of laws, State Budget, and government's policies. In carrying out its tasks, the DPR is required to consult and coordinate with other state



bodies; to accommodate the aspirations of members of society and to advise state officials and legal bodies based upon these aspirations.

50. As the result of the 2009 general elections, the composition of the DPR stood at 560 members of parliament, derived from 9 political parties. The Democratic Party won the highest number of seats in the House (145 seats), whereas the People's Conscience Party got the lowest (17 seats).

Table 31

**Distribution of Legislative Seats by Party (2009 General Election Results)**

<i>Party</i>	<i>Seats</i>
Democratic Party	148
Golkar (Party of Functional Groups)	106
Indonesian Democratic Party-Struggle (PDI-P)	94
Prosperous Justice Party (PKS)	57
National Mandate Party (PAN)	45
United Development Party (PPP)	38
National Awakening Party (PKB)	28
Great Indonesia Movement Party (Gerindra)	26
People's Conscience Party (Hanura)	17

51. Among the 560 members of the DPR, 99 are female parliamentarians (17.7%). This was a significant increase from the 65 women who were elected in 2004 and 40 women elected in 1999. The following table is a comparison of the number of women seated in Parliament for the periods 1999-2004 and 2004-2009, categorized according to political party.

Table 32

**Comparison of Number of Women in the Parliament**

<i>No</i>	<i>Political Parties</i>	<i>2009-2014</i>			<i>2004-2009</i>			<i>1999-2004</i>	
		<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>
1.	Golkar (Party of Functional Groups)	16 (15.09%)	90 (84.91%)	106	19 (14.28%)	114 (85.71%)	133	15 (13.3%)	104 (86.7%)
2.	Indonesian Democratic Party-Struggle (PDI-P)	17 (18.09%)	77 (81.91%)	94	12 (11.11%)	96 (88.88%)	108	15 (9.8%)	138 (90.2%)
3.	United Development Party (PPP)	5 (13.16%)	33 (86.64%)	38	3 (5.26%)	54 (94.74%)	57	3 (5.2%)	55 (94.8%)
4.	Democrat Party (Partai Demokrat)	35 (23.65%)	113 (76.35%)	148	8 (14.04%)	49 (85.71%)	57	NP	NP
5.	National Awakening	6 (21.43%)	22 (78.57%)	28	7 (13.20%)	46 (86.79%)	53	3 (5.9%)	48 (94.45%)

No	Political Parties	2009-2014			2004-2009			1999-2004	
		Female	Male	Total	Female	Male	Total	Female	Male
	Party (PKB)								
6.	National Mandate Party (PAN)	7 (15.56%)	39 (84.44%)	45	7 (13.20%)	42 (85.71%)	49	2 (4.9%)	39 (94.1%)
7.	Prosperous Justice Party (PKS)	3 (5.26%)	54 (94.74%)	57	5 (10.41%)	43 (89.58%)	48	NP	NP
8.	Reformed Star Party (Partai Bintang Reformasi)	0	0	0	2 (15.38%)	11 (84.61%)	13	0	0
9.	Crescent Star Party (Partai Bulan Bintang)	0	0	0	0	11 (100%)	11	1 (7.7%)	12 (92.3%)
10.	Prosperous Peace Party (Partai Damai Sejahtera)	0	0	0	2 (25%)	8 (75%)	10	NP	NP
11.	Indonesian Justice and Unity (Partai Keadilan dan Persatuan Indonesia)	0	0	0	0	3 (100%)	3	NP	NP
12.	Independent Party (Partai Merdeka)	0	0	0	0	2 (100%)	2	NP	NP
13.	Concern for the Nation Functional Party (Partai Karya Peduli Bangsa)	0	0	0	0	2 (100%)	2	NP	NP
14.	United Democratic Nationhood Party (P. Persatuan Demokrasi Kebangsaan)	0	0	0	0	2 (100%)	2	NP	NP
15.	New Indonesian Association Party (Partai Perhimpunan Indonesia baru)	0	0	0	0	1 (100%)	1	NP	NP
16.	Indonesian	0	0	0	0	1 (100%)	1	NP	NP

No	Political Parties	2009-2014			2004-2009			1999-2004	
		Female	Male	Total	Female	Male	Total	Female	Total
	Democratic Vanguard Party (Partai Penegak Demokrasi Indonesia)								
17.	People's Conscience Party (Partai Hati Nurani Rakyat)	3 (17.65%)	14 (82.35%)	17	NP	NP	NP	NP	NP
18.	Great Indonesia Movement Party (Partai Gerakan Indonesia Raya)	5 (19.23%)	21 (80.77%)	26	NP	NP	NP	NP	NP
		97	463	560	65	485	550	40 (9.2%)	396 (90.8%)
	Total	17.32%	82.68%	560	11.81%	485	550	9.2%	436*

\*Total number of The House of Representatives' members of year 1999-2004 was 500 and the remaining outside of the 436 seats are the Representatives of Indonesian National Army and other political parties which did not pass electoral threshold (source: ditpolkom.bappenas.go.id)

NP = Non-Participant

**(c) The House of Regional Representatives (DPD)**

52. The DPD has the authority to submit draft bills on regional autonomy, relations between central government and regional government to the DPR. These bills can deal with, amongst others, the establishment, enlargement and amalgamation of regions, the management of natural and other economic resources, and other matters related to the financial balance between the center and the regions. The DPD may participate in any debates concerning regional autonomy deliberations, and supervise the implementation of laws regarding regional autonomy.

53. The DPD has 132 members who are directly elected through a general election. Each of the 33 provinces is represented by 4 members regardless of the size of its population. Currently, there are 60 women (22.7%) out of the total members of the DPD.

**(d) The President**

54. The President of the Republic of Indonesia holds the power of government in accordance with the Constitution. The President is entitled, among others, to submit bills to the DPR, and to issue government regulations to implement laws as needed, as stipulated in Article 5 of the 1945 Constitution. The President is the Commander in Chief of the Armed Forces and has the authority to declare war, peace and establish agreements with other states, with the consent of the DPR. The President has prerogative powers to appoint ministers and form a cabinet. Currently, there are 4 female ministers out of 34 ministers sitting in the cabinet.

55. The President and Vice President are directly elected through general elections every five years and can only be re-elected once. The President and/or Vice President may be dismissed from office by the MPR based on a proposal from the DPR, either when proven

guilty of violating the laws relating to betrayal of the state, corruption, bribery, or any other felony, or unacceptable behavior. The President can also be dismissed if it can be proven that he/she can no longer carry out his duties as President and/or Vice President.

**(e) The Audit Board (BPK)**

56. The BPK is a state body which bears the responsibility for supervising and overseeing the state and its apparatus' spending and income through its budgeting policy. The Agency submits its findings to the DPR which will then follow them up with the relevant government agencies.

**(f) The Supreme Court (MA)**

57. The MA is the highest judicial authority in Indonesia, which is responsible for trying cassation cases, reviewing regulations made under one law against another, as well as other duties as stipulated by law. Currently, there are 49 Justices who are elected by the President with the consent of the DPR, four of which are women.

**(g) The Constitutional Court (MK)**

58. The MK has five authorities which: (a) review whether or not the laws are in accordance with the 1945 Constitution; (b) judge disputes on the competence of state institutions whose authority is rendered by the constitution; (c) dismiss political parties; (d) adjudicate disputes on the election result; and (e) decide on the legislative opinions concerning accusations that the President and/or Vice-President have breached laws, for example, on treason, corruption, bribery, or other grave crimes, or inappropriate acts. The MK is comprised of nine Constitutional Judges who are installed by the President; three among them are nominated by the MA, three by the DPR, and three by the President. Currently one of the Constitutional Judges is female.

**(h) The Judicial Commission (KY)**

59. The establishment of the KY aimed to guarantee a free and fair judicial system in Indonesia and to further the promotion of justice and rule of law in accordance with the Constitution. The KY has two main duties i.e. (a) to select and enlist the candidature of Supreme Court Judges, and to propose these candidates to the DPR, and (b) to assess the actions taken by the Judges. The KY can be considered as an oversight body for the Justices and the Judges within the Indonesian judicial system. The KY consists of seven members who are elected by the President with the consent of the DPR. The members are selected from former judges, law practitioners, law academicians, and members of the community; and each serve a five-year term. In carrying out their duties, the KY is independent and free from Government influence.

**3. Legal framework**

60. Based on Law No. 10 of 2004 (Article 7) on the Formulation of Laws and Regulation, the Indonesian legal hierarchy is as follows:

- (a) 1945 Constitution (UUD 1945);
- (b) Law (*Undang-undang*)/Government Regulations in lieu of Law (*Peraturan Pemerintah Pengganti Undang-undang/Perpu*);
- (c) Government Regulations (*Peraturan Pemerintah/PP*);
- (d) Presidential Regulations (*Peraturan Presiden/Perpres*);
- (e) Local Regulations (*Peraturan Daerah/Perda*).

61. Law (*Undang-undang/UU*)/Government Regulation in lieu of the Law (*Peraturan Pemerintah Pengganti Undang-undang/Perpu*) has two meanings, i.e.:

(a) According to Law No. 10/2004 article 1 number 3, Law is defined as legislation made by the House of Representative with the joint approval of the President;

(b) According to Law No. 10/2004 article 1 number 3, Government Regulation in lieu of Law (*Peraturan Pemerintah Pengganti Undang-Undang/Perpu*) is defined as legislation made by the President in a force majeure (*overmacht*).

62. Government Regulations (*Peraturan Pemerintah/PP*) are enacted as an operational regulation to implement the law of that particular Government Regulation. The 1945 Constitution gives authority to the President to enact and adopt Government Regulations so as to implement the law as appropriate. In this sense, the President may not enact any Government Regulation unless it specifically refers to the law in question. In the same way, the Law cannot be effectively enforced when there is no Government Regulation to implement it.

63. A Presidential Regulation (*Perpres*) is a piece of legislation composed by the President as mandated by a certain Law or to implement a Government Regulation .

64. Local Regulations (*Perda*) cover the rules within provincial, sub-district and village communities. *Perda* legislation is enacted by the Regional House of Representative (*Dewan Perwakilan Rakyat Daerah/DPRD*) with the mutual consent of the head of the regional government.

**(a) Customary and Religious Law**

65. Article 18B, Section 2 of the 1945 Constitution states that: “Under the law the state shall recognize and respect the homogeneity of society with customary law along with their traditional rights for as long as they remain in existence and in agreement with societal development and with the principle of the Unitary State of the Republic of Indonesia”. For instance, the communities of Baduy in Banten province, the Kampung Kuta people in Ciamis, West Java Province and the Dayak People in Kalimantan are among local communities in which customary laws, mostly unwritten are applied and which serve to preserve the environment and protect the forest.

66. Another example can be cited in Aceh where most plots of land in the region affected by the tsunami are held under customary land ownership rights (*hak milik adat*) or customary rights to land (*hak atas tanah adat*). The customary right to land is known in Indonesian as *hak ulayat*, which under Article 1 paragraph (2) of the State Minister of Land Affairs/Head of National Land Agency’s Regulation No. 5/1999 is defined as the land plots over which a community has the right in accordance with respective specific customary law. It covers community rights to allocate land, approve land transfers, control land use, and to settle land disputes within certain areas.

67. Islamic law has had an influence on the norms and values in the life of Indonesia’s heterogeneous society. Islamic law in Indonesia can be viewed from two aspects. Firstly, the Islamic law which is formally applied and codified within the national legal structure and secondly, the Islamic law which is enacted normatively and conceived to have sanctions.

68. There are several pieces of legislation which contain elements of Islamic law either formally or materially, among others:

- Law No. 1/1974 on the Law of Marriage
- Law No. 3/2006 on Religious Court

- Law No. 10/1998 on Sharia Banking
- Law No. 17/1999 on the Provision of Pilgrimage
- Law No. 38/1999 on the Management of *Zakat*, *Infaq*, and *Sedekah* (ZIS)
- Law No. 44/1999 on the Implementation of Special Autonomy in Aceh
- Law No. 41/2004 on the Waqf

69. There are also other Government Regulations which contain the norms and values of Islamic Law, among others:

- Government Regulation No.9/1975 on the Implementation Guidelines on the Marriage Law
- Government Regulation No. 28/1977 on the Waqf Land
- Government Regulation No. 72/1992 on the Implementation of Bank based on Profit Sharing Principle
- Presidential Instruction No. 1/1991 on the Dissemination of Compilation of Islamic Law
- Presidential Instruction No. 4/2000 on the Handling of Special Autonomy Issues in Aceh

**(b) Regional Autonomy**

70. Indonesia's system of decentralization, which is governed by the Laws No. 22/1999 and No. 32/2004, is characterized by both political and economic objectives. The economic aims of decentralization are to improve people's welfare by providing equitable public services and to better connect the national public service providers with local community recipients. The political objective of decentralization is to make local governments more democratic by ensuring heads of local governments can be held accountable by their constituents. An important component of these reforms is the shift from a highly centralized structure and devolution of functions to the regencies and city administration. This process empowers local authorities and encourages more government accountability.

71. Special autonomy laws have been applied in two provinces, Aceh and Papua, and are based on the specific characteristic of both provinces. Measures to provide further clarity in the sharing of authority and revenues between the central and the two provincial governments have been put in place. The autonomy laws also acknowledge the cultural identities of these provinces.

72. Under Law No. 32/2004 on Local Governance, the central government must transfer all powers and authority to the local government with the exception of six key responsibilities, i.e., foreign affairs, defense, security, judiciary, national monetary and fiscal matters, and religion.

73. At present, Indonesia is comprised of 33 provinces, 349 regencies/districts (*kabupaten*) and 91 municipalities/autonomous cities (*kota*), 5,263 sub-districts (*kecamatan*), 7,113 sub-sub-districts (*kelurahan*), and 62,806 villages (*desa*).

**4. Elections and Electoral System**

74. Since 2004, members of parliament, the President and the Vice President have been directly elected by the general public. Since 2005, the heads of local governments i.e. Governor for province, Regent for regency and Mayor for municipality have been directly elected. In the case of the 2009 elections, Law No. 10/2008 regulated the election of

Members of the DPR, DPD, and DPRD, whereas Law No. 42/2008 regulated the election of President and Vice President.

75. In the 2009 elections, there were 38 political parties participating, out of which only 9 passed the 2.5 percent electoral threshold and were allowed to take seats in the Parliament. The voters' turnout for the legislative election was around 70.99 percent (121,558,336 of 171,265,442 registered voters), whereas for the presidential election, 127,983,655 voters cast their vote yielding a turnout of 72.56 percent. For the legislative elections, candidates were elected by proportional representation from multi-candidate constituencies.

Table 33  
**Electoral Data**

<i>Year</i>	<i>Number of Population</i>	<i>Eligible Voters</i>	<i>Woman Candidates DPR</i>	<i>Woman Candidates DPD</i>	<i>Political Parties</i>
2004 elections	214.8 million	148,000,369	2,507	83	24
2009 elections	232 million	171,265,442	3,910	129	44 (38 national + 6 local parties in Aceh)

76. Non-citizens are not allowed to vote in the general elections in Indonesia.

77. The table below shows the number of complaints lodged concerning the conduct of elections. These complaints are formally submitted to the Constitutional Court.

Table 34  
**Dispute cases on the results of regional elections**  
**Constitutional Court of the Republic of Indonesia**  
**2008 – 2010 (as of 16 August)**

<i>No</i>	<i>Year</i>	<i>Carried Over Cases</i>	<i>Newly Received Cases</i>	<i>Total</i>	<i>Verdict</i>				<i>Total Verdict</i>	<i>Remaining Cases</i>
					<i>Granted</i>	<i>Denied</i>	<i>Not Accepted</i>	<i>Withdrawn</i>		
1	2008	0	27	27	3	12	3	0	18	9
2	2009	9	3	12	1	10	1	0	12	0
3	2010	0	140	140	11	72	33	3	119	21
Total		9	170	179	15	94	37	3	149	30

Table 35  
**Dispute cases on the results of the 2009 general elections**  
**Constitutional Court of the Republic of Indonesia**

<i>Cases</i>	<i>Registered Cases</i>	<i>Resolved Cases</i>	<i>Case Items</i>	<i>Verdict</i>								<i>Total</i>
				<i>Granted</i>	<i>Denied</i>	<i>Not Accepted</i>	<i>Withdrawn</i>	<i>Votes Recount</i>	<i>Votes Recast</i>	<i>Art. 205 Law 10/2008 Decision</i>	<i>Temporary Decision</i>	
	1	2	3	4	5	6	7	8	9	10	11	12
Political Parties	42	42	627	68	398	107	27	6	2	13	6	627
Percentage				10.85%	63.48%	17.07%	4.31%	0.96%	0.32%	2.07%	0.96%	100%
Presidential Election	2	2	2	0	2	0	0	0	0	0	0	2
Percentage				0%	100%	0%	0%	0%	0%	0%	0%	100%
DPD	27	27	28	2	16	7	0	0	0	0	3	28
Percentage				7.14%	57.14%	25%	0%	0%	0%	0%	10.71%	100%
Total	71	71	657	70	416	114	27	6	2	13	9	657
Total Percentage				10.65%	63.32%	17.35%	4.11%	0.91%	0.30%	1.98%	1.37%	100%



## 5. Organization of Judicial System and Organs

78. Under Article 11 of Law No. 4/2004 on Judicial Authority, the Supreme Court is the highest judicial authority. The judicial administration, which was previously under the Ministry of Law and Human Rights, has now been transferred to the Supreme Court. This is in line with the provisions set out in the 1945 Constitution and its amendments which state that the judicial authority must be free from government interference. The legal basis for the Supreme Court itself is Law No. 5/2004, which amended existing Law No. 14/1985 on the Supreme Court.

79. Based on Article 10 Law no. 4/2004, Indonesia's legal system recognizes four courts: the General Court, the Military Court, the State Administrative Court and the Religious Court. Most civil disputes appear before the General Court, whereas appeals are heard before the High Court. Military Courts handle cases involving members of Indonesia's armed forces. The State Administrative Court adjudicates in administrative law cases against the government. Religious Court deals with cases specifically involving Islamic law, such as divorce and inheritance.

80. Legislation also exists which establish special thematic courts such as Child Courts, Commercial Courts, Human Rights Courts, Corruption Courts, Industrial Relations Courts, and Tax Courts. Those courts are run under the auspices of the State Court, with the exception of the Tax Courts which come under the auspices of the State Administrative Court. In 2009, the total number of judges in Indonesia was 7,390 judges with the ratio of 3.16 per 100,000 populations.

Table 36

### Judges deployment, disaggregated by sex

Sex	General Court		Religious Court		State Administrative Court		Military Court	
	Total	%	Total	%	Total	%	Total	%
Women	842	25.6	683	20	75	26	15	15
Men	2,749	74.4	2,733	80	210	74	82	85
Total	3,691	100	3,416	100	285	100	97	100

Source: Supreme Court Annual Report

### (a) Police

81. The Indonesian National Police (POLRI) was established in 1945. As a national force, POLRI is financed, directed, and organized by the central Government. Its main duties are to maintain public order and security. The commander, the Chief of Police, is the highest-ranking uniformed police officer in the nation, and is assisted by a Deputy Police Chief. The Police Headquarters in Jakarta houses staff and several separate administrative bodies that handle specialized police functions. In 2007, the total number of police personnel in Indonesia stood at 360,381. In the same year, the ratio of police to citizens was 180.19 police officers per 100,000 populations.

82. The Indonesian police force has its own territorial units made up of several territorial jurisdictions, each is known as a Police Regional Command (*Polda*). Each *Polda* is administratively subdivided at the district, sub-district, and village level. Functionally, the police are organized into a number of specialized elements. The largest of these are the uniformed police, which included both the general police, who perform conventional policing duties relating to the control and prevention of crime and protection of property, and the traffic police, who patrol the nation's roadways and supervise the licensing of

drivers and the registration of motor vehicles. Currently, the Indonesian National Police operate under Law No. 2 of 2002 on the National Police of Indonesia.

**(b) Attorney General**

83. The Attorney General's Office (AGO), according to Law No. 16/2004 which replaced Law No. 5 Year 1991 on the Attorney-General Office of the Republic of Indonesia, plays a role in upholding the rule of law, protecting public interest, upholding human rights, and eradicating corruption, collusion, and nepotism (KKN). The Attorney General Office acts as a state institution for prosecution and must carry out its functions, tasks, and authority independently, i.e. free from the influence of government and other powers (Article 2 paragraph 2 Law no. 16/2004). The total number of prosecutors in Indonesia stood at 7,698 prosecutors in 2008; thus the ratio was 3.85 per 100,000 populations.

**6. Civil society organizations**

84. Article 28E (3) of the Constitution guarantees the freedom of association and expression. In this regard, the legal existence of civil society organizations (CSOs) is guaranteed. Under Law No. 8/1985 on Social Organizations, the government has the obligation to register these organizations and provide them with support and guidance. In 2009, data from the Ministry of Home Affairs showed that there were 309 registered CSOs which were classified into categories of professions, functions, religions, beliefs, and activities (Source: Social Organizations Directory, Directorate General of Nations Unity and Politics, Ministry of Home Affairs).

85. As mentioned above, Law No. 8/1985 provides the basis for the role of government in dealing with Non-Governmental Organizations (NGOs). To implement the law, several administrative measures have been enacted i.e. the Regulation of the Ministry for Home Affairs No. 5/1986 outlines the procedures of notification to government, and the sign boards and symbols to be used by civil society organizations. The notification procedure for NGOs involves the organizations notifying the government about their vision and activities. At the national level, this notification is made to the Minister for Home Affairs, at the provincial level to the Governor, at the regency level to the Mayor, and at the village level to the village head. The notification should include details about the organization and its work, the board of organizers, and proposed programmes. After all the requirements are met, the organization can then be officially registered in the government's inventory book. Currently, the Ministry of National Development Planning has given the civil society organizations the opportunity to submit their inputs in the preparation of the Medium Term National Development Plan 2010-2014, particularly regarding the development of democracy in Indonesia.

86. Indonesia is willing to welcome any foreign NGOs intending to conduct activities in Indonesia. This however is provided that those activities are not in conflict with Indonesia's national interests. The procedures for foreign NGOs to operate in Indonesia are as follows:

(a) The NGO should submit a request to the Government of Indonesia through the Ministry of Foreign Affairs. Institutions, agencies or other relevant government agencies can provide recommendations on referred applications if deemed necessary;

(b) The Ministry of Foreign Affairs will carry out the necessary administrative requirements and assess the credibility of the concerned international NGO through Indonesian missions abroad. Through inter-ministerial meetings, the request of the concerned NGO will be discussed and if it meets the requirements, it will be approved. The approved international NGO will then be recommended to a national partner at a corresponding state institution. Furthermore, the designated ministry/agencies (as partners)

and the international NGO are required to formulate a Memorandum of Understanding (MoU) as an umbrella agreement.

## 7. Access to information

87. Access to information is guaranteed by Article 28F of the Constitution and specifically stipulated under Law No. 40/1999 on the press. Indonesia recognizes that press freedom is a basic human right of its citizens. There is no media censorship of any kind in Indonesia including the government recognizes the right for people to obtain information. This was reinforced by Law No. 14/2008 on the Openness Public Information which stipulates that the government can not, in any way, obstruct access to information. Information exempt from this ruling, according to the existing law is (a) information that could be harmful to the state, (b) information related to the protection of business interests from unfair business competition, (c) information related to personal (private) rights (d) information related to the confidential nature of a (professional) position (e) a public information requested which is not monitored or registered.

88. The following table indicates the percentage of Indonesia's population aged 10 years and over who watch, read or listen to media outlets.

Table 37

### Percentage of Indonesia's population aged 10 years and over who watch, read or listen to media outlets

<i>Indicators</i>	<i>1993</i>	<i>1994</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>2000</i>	<i>2003</i>	<i>2006</i>
Percentage of Population Aged 10 Years and Over Who Listen to the Radio	63.59	63.91	50.46	59.17	64.52	43.72	50.29	40.26
Percentage of Population Aged 10 Years and Over Watching TV	64.77	69.43	69.31	78.22	88.72	87.97	84.94	85.86
Percentage of Population Aged 10 Years and Over Who Read Newspapers/ Magazines	23.31	23.15	18.33	22.83	28.36	17.47	22.06	23.46

## 8. Administration of Justice

89. Over the years, the capacity of detention/correctional facilities in Indonesia has exceeded maximum capacity as illustrated below.

Table 38

### Average Percentage of Occupancy Measured by Prison/Correctional Facilities Capacity 2005-2009

<i>Occupant</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Adult Prisoner	37,110	42,269	45,084	49,425	46,286
Juvenile Prisoner	1,068	1,515	2,206	0	1,993
Convict	52,671	57,300	66,546	67,067	54,923
Total	90,849	101,084	113,836	116,492	103,202

<i>Occupant</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Capacity	76,550	76,550	76,550	76,550	76,550
Occupancy Rate	118.68%	132.05%	148.71%	152.18%	134.82%

Source: DG of Correctional institutions, Ministry of Law and Human Rights

90. HIV/AIDS was amongst the leading causes of deaths in various correctional facilities and detention centers in Indonesia. Other causes of death included respiratory disorders, indigestion, hepatitis, tuberculosis, mental disorders, kidney and urinary tract infections, suicides, heart attacks, diabetes, and internal fighting among inmates.

Table 39

**Incidence of death in correctional facilities/detention centers in Indonesia and their cause of death 2007-2009**

<i>No</i>	<i>Cause of Death</i>	<i>Convict</i>			<i>Prisoner</i>		
		<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
1.	Respiratory Disorder	75	83	83	63	39	51
2.	Indigestion	71	80	57	47	30	36
3.	Hepatitis	33	33	29	7	18	15
4.	TBC	98	96	92	31	30	38
5.	HIV/AIDS	97	145	148	40	43	73
6.	Mental Disorder	21	27	7	8	6	6
7.	Kidney and Urinary Tract	18	4	6	1	5	8
8.	Suicide	5	5	11	4	9	5
9.	Heart Attack	43	45	64	13	18	21
10.	Fighting	4	6	2	0	1	2
11.	Diabetes Mellitus	7	8	13	1	3	6
12.	Others	142	32	2	64	13	3
Total		614	564	514	279	215	264

Source: Statistic Data of Directorate General of Correctional Institutions

91. The table below shows that only a small number of executions were carried out in Indonesia between 1979 and 2008. This was due to the highly selective process and “last resort” nature of the death penalty in Indonesia. The death penalty is in place to discourage serious crimes such as drug dealing, terrorism, murder and serial killing.

Table 40

**Number of persons executed under death penalty from 1979 - 2008**

<i>No</i>	<i>Year Case</i>	<i>Number of persons executed under the death penalty</i>
1	1979 <sup>a</sup> Murder	1
2	1980 <sup>a</sup> Murder	2
3	1981 <sup>a</sup> -	-
4	1982 <sup>a</sup> -	-
5	1983 <sup>a</sup> Terrorism	1

<i>No</i>	<i>Year Case</i>	<i>Number of persons executed under the death penalty</i>
6	1984 <sup>a</sup> -	-
7	Political Crimes	4
	1985 <sup>a</sup> Terrorism	1
8	1986 <sup>a</sup> Political Crimes	10
9	Political Crimes	1
	1987 <sup>a</sup> Murder	2
10	1988 <sup>a</sup> Political Crimes	4
11	1989 <sup>a</sup> Political Crimes	2
12	1990 <sup>a</sup> Political Crimes	4
13	1991 <sup>a</sup> Terrorism	1
14	1992 <sup>a</sup> Murder	2
15	1993 <sup>a</sup> -	-
16	1994 <sup>a</sup> -	-
17	Drugs	1
	1995 <sup>a</sup> Murder	2
18	1996 <sup>a</sup> -	-
19	1997 <sup>a</sup> -	-
20	1998 <sup>a</sup> Murder	1
21	1999 <sup>a</sup> ) -	-
22	2000 <sup>a</sup> -	-
23	2001 <sup>a</sup> Murder	3
24	2002 <sup>a</sup> -	-
25	2003 <sup>a</sup> -	-
26	2004 <sup>a</sup> Drugs	3
27	2005 <sup>a</sup> Premeditated Murder	2
28	2006 <sup>a</sup> Premeditated Murder	3
29	2007 <sup>a</sup> Premeditated Murder	1
30	2008 <sup>b</sup> Terrorism	3
	Total	51

Source: <sup>a</sup> Research and Development KONTRAS  
<sup>b</sup> [www.kejaksaan.go.id/unit\\_kejaksaan.php](http://www.kejaksaan.go.id/unit_kejaksaan.php)

Table 41  
**Average backlog of cases of the judicial system.**

	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Registered cases	NA	7,468	7,825	9,516	11,338
Remaining unsettled cases	20,314	15,975	12,025	10,827	8,280

Source: Bappenas National Medium-Term Development Plan 2010-2014

Table 42

**Table of Incoming Cases and Resulting Verdicts at the First Judicial Level**

<i>First Judicial Level</i>		<i>Number of Cases</i>	<i>Verdicts</i>
General	Private, Civil, Human Rights, Corruption and Commercial Cases	155,695	146,327
	Minor and Misdemeanor Cases	3,124,559	3,124,559
Administrative	Lawsuit	1,290	1,162
Religious	Divorces	245,009	237,127
Military	Crimes and Violations	3,489	3,194
Total		3,530,042	3,512,369

92. In Indonesia, public expenditure on the police, security sector and judiciary is taken out of the budget allocated for Safety and Public Order. The budget includes, among others, the funds for national policing, national disaster Management, law enforcement, the judiciary, and correctional facilities.

Table 43

**Central Government Expenditures for Public Order and Safety 2005-2010 (in billion rupiahs)**

<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
15,617.3	23,743.1	28,315.9	7,019.2	13,729.6	14,551.2

Source: Main Data 2005-2010 national budget, Ministry of Finance

93. Legal aid is provided free of charge by the state. Out of the existing 802 courts, 105 of them have yet to be allocated a sufficient legal aid budget. The government is committed to provide further free legal aid as indicated in the National Strategy on Access to Justice enacted in 2009. One of the prominent organizations providing legal aid is the Legal Aid Foundation of Indonesia (YLBHI). The table below shows number of cases handled by YLBHI.

Table 44

**Incoming Cases and Handled by Legal Aid Foundation – YLBHI**

<i>No.</i>	<i>Legal Aid Foundation</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009*</i>
1.	Banda Aceh	31	NA	98	255	153	137
2.	Medan	82	60	25	197	152	246
3.	Palembang	91	54	79	127	100	220
4.	Padang	14	49	68	102	131	170
5.	Bandar Lampung	17	26	20	37	43	51
6.	Jakarta	1,026	1,200	1,123	1,140	1,144	990
7.	Bandung	181	80	90	71	99	119
8.	Semarang	90	131	164	231	158	126
9.	Yogyakarta	40	50	55	408	327	375
10.	Surabaya	204	276	57	480	258	379
11.	Bali	31	150	41	97	102	106
12.	Manado	NA	NA	137	122	82	69

<i>No.</i>	<i>Legal Aid Foundation</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009*</i>
13.	Makassar	31	30	45	73	53	203
14.	Papua	82	40	172	43	152	148
	Total	1,920	2,146	2,174	3,383	2,954	3,339

Source: Compilation of YLBHI Data – Legal Aid Foundation

\* Data as of December 2009

## II. General framework for the protection and promotion of human rights

### A. Acceptance of international human rights norms

#### 1. The state of ratification and accession, reservations and declaration; and withdrawal of declarations

94. The Republic of Indonesia has ratified numerous international human rights conventions. The table below shows the current status of the main international human rights treaties in Indonesia.

Table 45  
Ratifications

<i>No.</i>	<i>Convention</i>	<i>Status of Ratification/Signatory</i>	<i>Content of Reservations/Declarations</i>	<i>Reasoning for the reservation/declaration</i>
1	International Covenant on Economic, Social, and Cultural Rights (ICESCR)	Ratified through Law No. 11/2005	Declaration (23 February 2006, upon ratification)  “With reference to Article 1 of the International Covenant on Economic, Social and Cultural Rights, the Government of [the] Republic of Indonesia declares that, consistent with the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, and the relevant paragraph of	It is part of the Republic of Indonesia’ affirmation on the clarity and applicability of the concept of the right of self determination, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Declaration on the Principles of International Law concerning Friendly Relations and Cooperation among States, and the Vienna Declaration and Program of Action of 1993.

<i>No.</i>	<i>Convention</i>	<i>Status of Ratification/Signatory</i>	<i>Content of Reservations/ Declarations</i>	<i>Reasoning for the reservation/declaration</i>
			the Vienna Declaration and Program of Action of 1993, the words “the right of self-determination” appearing in this article do not apply to a section of people within a sovereign independent state and can not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states.”	
2	International Covenant on Civil and Political Rights (ICCPR)	Ratified through Law No. 12/2005	Declaration (23 February 2006, upon ratification)  “With reference to Article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of Indonesia declares that, consistent with the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States, and the relevant paragraph of the Vienna Declaration and Program of Action of 1993, the words “the	It is part of the Republic of Indonesia’s affirmation on the clarity and applicability of the concept of the right of self determination, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, and the Vienna Declaration and Program of Action of 1993.



<i>No.</i>	<i>Convention</i>	<i>Status of Ratification/Signatory</i>	<i>Content of Reservations/ Declarations</i>	<i>Reasoning for the reservation/declaration</i>
			right of self-determination” appearing in this article do not apply to a section of people within a sovereign independent state and can not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states.”	
3	International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	Ratified through Law No. 29/1999	Reservation (25 June 1999)  “The Government of the Republic of Indonesia does not consider itself bound by the provision of Article 22 and takes the position that disputes relating to the interpretation and application of the [Convention] which cannot be settled through the channel provided for in the said article, may be referred to the International Court of Justice only with the consent of all the parties to the dispute.”	It is to emphasize that the Republic of Indonesia does not recognize the compulsory jurisdiction of the International Court of Justice (ICJ).
4	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	Ratified through Law No. 29/1999	Reservation and Declaration (28 October 1998)  Reservation: “The Government of the Republic of Indonesia does not	It is to emphasize that the Republic of Indonesia does not recognize the compulsory jurisdiction of the International Court of Justice (ICJ).

<i>No.</i>	<i>Convention</i>	<i>Status of Ratification/Signatory</i>	<i>Content of Reservations/ Declarations</i>	<i>Reasoning for the reservation/declaration</i>
			consider itself bound by the provision of article 30, paragraph 1, and takes the position that disputes relating to the interpretation and application of the Convention which cannot be settled through the channel provided for in paragraph 1 of the said article, may be referred to the International Court of Justice only with the consent of all parties to the disputes.”	
			Declaration: “The Government of the Republic of Indonesia declares that the provisions of paragraphs 1, 2, and 3 of article 20 of the Convention will have to be implemented in strict compliance with the principles of the sovereignty and territorial integrity of States.”	
5	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Ratified through Law No. 7/1984	Reservation (13 September 1984)  “The Government of the Republic of Indonesia does not consider itself bound by the provisions of article 29, paragraph 1 of this Convention and takes the position that any dispute relating to the interpretation or	It is to emphasize that the Republic of Indonesia does not recognize the compulsory jurisdiction of the International Court of Justice (ICJ).

<i>No.</i>	<i>Convention</i>	<i>Status of Ratification/Signatory</i>	<i>Content of Reservations/ Declarations</i>	<i>Reasoning for the reservation/declaration</i>
			application of the Convention may only be submitted to arbitration or to the International Court of Justice with the agreement of all the parties to the dispute.”	
6	Convention on the Rights of the Child.	Ratified through Presidential Decision No. 36/1990.		
7	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.	Signed by Indonesia in 2001;		
8	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.	Signed by Indonesia in 2001;		
9	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.	Signed by Indonesia in 2004		
10	Convention on the Rights of Persons with Disabilities.	Signed by Indonesia in 2007		

95. The Republic of Indonesia has not yet signed or ratified the following International Conventions of Human Rights:

- (a) International Convention for the Protection of All Persons from Enforced Disappearance;
- (b) Optional Protocol to the International Covenant on Civil and Political Rights;
- (c) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- (d) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (e) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- (f) Optional Protocol to the Convention on the Rights of Persons with Disabilities.

96. The section of Ratification of International Human Rights Instruments of the National Action Plan on Human Rights marks out the schedule of ratification process of certain Convention or Protocol. In this regard, related inter ministerial task forces have been established to conduct study and preparation of ratification of the above said conventions and protocols.

97. The Republic of Indonesia has withdrawn its declaration on the provisions of Articles 1, 14, 16, 17, 21, 22 and 29 of the Convention on the Rights of the Child on 11<sup>th</sup> January 2005.

Table 46

**Withdrawal of reservations/declarations**

<i>Convention</i>	<i>Reservations / Declarations</i>	<i>Withdrawal of Reservations / Declarations</i>	<i>Reasoning for the withdrawal of reservation/declaration</i>
Convention on the Rights of the Child (CRC)	Declaration (5 September 1990):  “The 1945 Constitution of the Republic of Indonesia guarantees the fundamental rights of the child irrespective of their sex, ethnic or race. The Constitution prescribes those rights to be implemented by national laws and regulations.  The ratification of the Convention on the Rights of the	Withdrawal of Declaration (11 January 2005):  “Whereas the Republic of Indonesia is a State Party to the United Nations Convention on the Rights of the Child adopted at New York on 20 November 1989,  And whereas the Government of the Republic of Indonesia has ratified the said 1989 Convention, along with its Declaration on the	The amendment of the 1945 Constitution, that included numerous provisions of the protection of human rights including the rights of the child, and the enactment of Law No. 23/2003 on Child Protection have made Indonesia to implement its full participation of the Convention on the Rights of the Child.

<i>Convention</i>	<i>Reservations / Declarations</i>	<i>Withdrawal of Reservations / Declarations</i>	<i>Reasoning for the withdrawal of reservation/declaration</i>
	Child by the Republic of Indonesia does not imply the acceptance of obligations going beyond the Constitutional limits nor the acceptance of any obligation to introduce any right beyond those prescribed under the Constitution.	provisions of Articles 1, 14, 16, 17, 21, 22 and 29 of the Convention,  Now therefore, the Government of the Republic of Indonesia, in view of the fact that it is in a position to implement its full participation in the said 1989 Convention,	
	With reference to the provisions of articles 1, 14, 16, 17, 21, 22 and 29 of this Convention, the Government of the Republic of Indonesia declares that it will apply these articles in conformity with its Constitution.”	Hereby withdraw its declaration on the provisions of Articles 1, 14, 16, 17, 21, 22 and 29 of the said 1989 Convention.”	

## 2. Other international human rights instruments

### (a) Other United Nations human rights conventions and associated conventions

98. Indonesia is a state party to the following international human rights instruments, namely:

- United Nations Convention against Transnational Organized Crime by Law No. 5/2009
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime by Law No. 14/2009
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime by Law No. 15/2009

### (b) Other relevant international human right conventions

99. Indonesia is a state party to the following ILO fundamental human rights conventions:

- Convention No. 98 of the ILO concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Indonesia ratified it through Law No. 18/1956

- Convention concerning Freedom of Association and Protection of the Right to Organize (ILO Convention No. 87); Indonesia ratified it through Presidential Decree No. 83/1998
- Convention No. 29 concerning Forced or Compulsory Labour; ratified by the Government of Netherlands on 31 March 1933 and enacted through State Gazette No. 261, 1933
- Convention concerning the Abolition of Forced Labour (ILO Convention 105); Indonesia ratified it through Law No. 19/1999
- Convention concerning Minimum Age for Admission to Employment (ILO Convention 138); Indonesia ratified it through Law No. 20/1999
- Convention No. 111 of the ILO concerning Discrimination in Respect of Employment and Occupation; Indonesia ratified it through Law No. 21/1999
- Convention No. 100 of the ILO concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Indonesia ratified it through Law No. 80/1957
- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Convention 182); Indonesia ratified it through Law No. 1/2000

100. Indonesia is also party to the following ILO non-fundamental human rights conventions, namely:

- ILO Convention No. 19 concerning Equality of Treatment (Accident Compensation); brought into force for Indonesia by State Gazette No. 53 /929.
- Convention No. 27 concerning the Marking of the Weight on Heavy Packages Transported by Vessels; brought into force for Indonesia by State Gazette No. 11/1933.
- Convention No. 45 concerning Employment of Women on Underground Work in Mines of all Kinds; brought into force for Indonesia by State Gazette No. 219/1937.
- Convention No. 106 of the International Labour Organization concerning Weekly Rest in Commerce and Offices; Indonesia ratified it through Law No. 3/1961.
- Convention No. 120 of the International Labour Organization concerning Hygiene in Commerce and Offices; Indonesia ratified it through Law No. 3/1969.
- Convention No. 144 of the International Labour Organization concerning Tripartite Consultations to Promote the Implementation of International Labour Standards; Indonesia ratified it through Presidential Decree No. 26/1990.
- Convention No. 69 of the International Labour Organization concerning the Certification of Ships' Cooks; Indonesia ratified it through Presidential Decree No. 4/1992.

101. Indonesia has become party to the Geneva Conventions and other conventions in the field of the international humanitarian law, through accession by Law No. 58/1959:

- Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949
- Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949
- Geneva Convention (III) relative to the Treatment of Prisoners of War, 1949

- Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949

(c) **Regional human rights conventions**

102. As a member of ASEAN, Indonesia is bound and committed to the norms and efforts on the promotion and protection of human rights in the region, such as ASEAN Declaration of the Advancement of Women (1988), ASEAN Declaration on the Elimination of Violence Against Women (2004), ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004), ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007).

103. Furthermore, as stipulated in the ASEAN Charter, Indonesia is committed to and actively involved in further strengthening the promotion and the protection of human rights mechanisms in the region, through, among others, the ASEAN Inter-governmental Commission on Human Rights and ASEAN Commission on Women and Children.

**B. Legal and institutional framework for the protection of human rights at the national level**

**1. Human rights as constitutional rights**

104. Human rights in Indonesia are constitutional rights. The 1945 Constitution and its amendments stipulate the promotion and protection of human rights in Indonesia. These include civil, political, economic, social and cultural rights.

105. While the overall 1945 Constitution has a strong human rights element, the chapter on human rights of the 1945 Constitution comprises 10 articles as follows:

- **Article 28A:** Each person has the right to live and to defend his life and existence.
- **Article 28B:** (1) Each person has the right to establish a family and to generate offspring through a lawful marriage. (2) Each child has the right to live, grow and develop and has the right to protection from violence and discrimination.
- **Article 28C:** (1) Every person has the right to improve himself/herself through the fulfillment of basic needs, and have the right to education and to partake in the benefits of science and technology, art and culture, so as to improve the quality of his life and the well-being of mankind. (2) Each person has the right to self-improvement by way of a collective struggle for his rights with a view to developing society, the nation and the country.
- **Article 28D:** (1) Each person has the right to recognition, security, protection and certainty under the law that shall be just and treat everybody as equal before the law. (2) Every person is entitled to an occupation which provides an income and each worker has the right to fair and proper treatment in labor relations. (3) Each citizen has the right to equal opportunity in government. (4) Each person has a right to a nationality.
- **Article 28E:** (1) Each person is free to worship and to practice the religion of his choice, to choose education and schooling, his occupation, his nationality, his residency in the territory of the country that he shall be able to leave and to which he shall have the right to return. (2) Each person has the right to be free in his convictions, to assert his thoughts and tenets, in accordance with his conscience. (3) Each person has the right to freely associate, assemble, and express his opinions.

- **Article 28F:** Each person has the right to communication and to acquiring information for his own and his social environment's development, as well as the right to seek, obtain, possess, store, process and spread information via all kinds of channels available.
- **Article 28G:** (1) Each person is entitled to protection of self, his family, honor, dignity, the property he owns, and has the right to feel secure and to be protected against threats from fear to do or not to do something that is part of basic rights (2) Each person has the right to be free from torture or inhuman and degrading treatment and shall be entitled to obtain political asylum from another country.
- **Article 28H:** (1) Each person has a right to a life of well-being in body and mind, to a place to dwell, to enjoy a good and healthy environment, and to receive medical care. (2) Each person has the right to facilities and special treatment to get the same opportunities and advantages in order to reach equality and justice. (3) Each person is entitled to social security enabling him to develop his entire self unimpaired as a dignified human being. (4) Each person has the right to own private property and such ownership shall not be appropriated arbitrarily by whomsoever.
- **Article 28I:** (1) The rights to life, to remain free from torture, to freedom of thought and conscience, to adhere to a religion, the right not to be enslaved, to be treated as an individual before the law, and the right not to be prosecuted on the basis of retroactive legislation, are fundamental human rights that shall not be curtailed under any circumstance. (2) Each person has the right to be free from acts of discrimination based on whatever grounds and shall be entitled to protection against such discriminative treatment. (3) The cultural identities and rights of traditional communities are to be respected in conjunction with progressing times and civilizations. (4) Protecting, promoting, upholding, and the full realization of human rights are the responsibilities of the state, foremost of the government. (5) To uphold and protect human rights in accordance with the principles of a democratic and law-based state, the implementation of fundamental human rights is to be guaranteed, regulated, and laid down in laws and regulations.
- **Article 28J:** (1) Each person has the obligation to respect the fundamental human rights of others while partaking in the life of the community, the nation and the state. (2) In exercising his rights and liberties, each person has the duty to accept the limitations determined by law for the sole purposes of guaranteeing the recognition and respect of the rights and liberties of other people and of satisfying a democratic society's just demands based on considerations of morality, religious values, security and public order.

## **2. Implementation of human rights under the national legal system**

106. The said constitutional rights are further regulated by Law No. 39/1999 on Human Rights. The Law considers human rights as the most basic rights bestowed by God upon human beings, universal and eternal in nature. For this reason, it must be protected, respected, upheld, and may not be disregarded, diminished or appropriated by anyone. Aside from guaranteeing human rights and fundamental freedoms, Law No. 39/1999 stipulates specifically the rights of women and children.

107. The Law also regulates limitations and prohibitions of such rights and freedom, solely for the purpose of guaranteeing recognition and respect for the basic rights and freedom of another person, fulfilling moral requirements, or in the public interest. In this context, no provisions set forth in the Law shall be interpreted to mean that the government, or any political parties, factions, or any party is permitted to degrade, impair or eradicate the basic rights and freedoms governed by this Law.



108. Law No. 39/1999 recognizes various international human rights laws ratified by the Republic of Indonesia as national law. Furthermore, thematic national laws are introduced to provide further clarity on the protection of the rights as well as the criminalization of its infringement. For example, Law No. 23/2002 on Child Protection incorporates fully the provisions of the Convention on the Rights of the Child, and Law No. 40/2008 on the Elimination of Racial and Ethnic Discriminations also incorporates fully the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

109. In order to enhance the legislative and judicial system and advance human rights issues, the Republic of Indonesia enacted Law No. 26/2000 on the Human Rights Court. The Law guarantees that any gross violations of human rights in Indonesia will be brought to justice before a special court. The Law also defines genocide and crimes against humanity as gross violations of human rights.

110. To support the promotion and protection of human rights, Indonesia has also enacted numerous laws and regulations concerning thematic human rights issues as follows:

- Law No. 23/2002 on Child Protection
- Law No. 20/2003 on the National Education System
- Law No. 23/2004 on the Elimination of Domestic Violence
- Law No. 27/2004 on the Truth and Reconciliation Commission
- Law No. 13/2006 on the Protection for Witnesses and Victims
- Law No. 21/2007 on Human Trafficking
- Law No. 40/2008 on the Elimination of Racial and Ethnic Discrimination
- Law No. 35/2009 on Narcotics
- Law No. 36/2009 on Health
- Presidential Regulation No. 5/2010 on Mid-Term National Development Planning for the period 2010-2014
- Government Regulation No. 2/2002 on the Protection of Witnesses and Victims
- Government Regulation No. 3/2002 on compensation, restitution and rehabilitation for victims of serious human rights violations

## **C. Framework within which human rights are promoted at the national level**

### **1. National Action Plan on Human Rights**

111. As mandated by the 1993 Vienna Declaration and Program of Action, the Government of Indonesia has adopted two successive National Action Plans on Human Rights, for the period 1998-2003 and 2004-2009, respectively. The third generation of the Plan, for the period 2010-2014, is currently being finalized. To date, 457 implementing committees at the national, provincial, district and municipal levels have already been established.

112. The National Action Plans set out 6 (six) pillars, or core objectives, which include:

- The establishment and empowerment of human rights machinery at the provincial, regency, and city levels

- Preparation of Indonesia's accession/ratification of international human rights instruments
- Harmonization of legislations
- Human rights education and dissemination
- The application of human rights norms and standards
- Monitoring, evaluation and reporting

113. In 2009, the second phase of the Plan was successfully concluded, with notable achievements. Current progress with legislative and institutional measures offers a concrete example of the implementation of programs and activities under the Plan. Meanwhile, in the third phase of the National Action Plan on Human Rights, priority is put on enhancing the implementation of the previous Plans as well as on improving existing mechanisms and empowering the machinery at the provincial, district and municipal levels. Likewise, consistent implementation of existing laws and regulations on human rights is also imperative in order to ensure their effective impact on the ground.

## **2. Role of parliaments**

114. The MPR, DPR and DPD play an important role in the promotion and protection of human rights in Indonesia through the formulation and enactment of national legislation and the ratification of international human rights law. At the beginning of the Reform Era, the MPR enacted Decree No. XVII/1998 on Human Rights which established a road map for the promotion and protection of human rights in Indonesia. In terms of budgeting, the DPR ensures that there are budget allocations for human rights programs. Furthermore, in accordance with Law No. 26/2000, the MPR has the authority to establish ad hoc human rights courts.

115. After 1998, Parliament took on a robust monitoring function through various mechanisms, such as the DPR's Third Commission on Law, Human Rights and Security; working committees and special committees on human rights issues; and the Parliamentary Women's Caucus.

## **3. National Institutions for the Promotion and Protection of Human Rights**

116. In order to strengthen the legal framework for the promotion and protection of human rights, the government has established several new institutions, inter alia: the National Commission on Human Rights, thematic commissions on human rights such as the National Commission on Combating Violence against Women, the National Commission on the Elderly, and the Commission on the Protection of the Indonesian Child. In addition, the government established the Constitutional Court, the Judicial Commission, and the Ombudsman of the Republic of Indonesia, which are tasked with supervising the work of the various law-making and judicial institutions.

### **(a) The National Commission on Human Rights (Komisi Nasional Hak Asasi Manusia/Komnas HAM)**

117. Komnas HAM was established through Presidential Decree No. 50/1993. In 1999, the existence of Komnas HAM was further strengthened through Law No. 39/1999 on Human Rights, which regulates the principles, objectives, functions and mandate of Komnas HAM, as well as its various organs and membership. Komnas HAM is an independent institution on an equal level with other state institutions. Its mandate covers research, study, education and information on human rights, as well as monitoring and mediation. Komnas HAM has established a number of regional offices in Papua, West Sumatra, West Kalimantan, Sulawesi and Nanggroe Aceh Darussalam.

118. In addition, Komnas HAM is also empowered, through Law No. 26/2000 on Human Rights Courts, to carry out independent *pro-justitia* investigations on cases involving serious human rights violations. When carrying out investigations of this kind, Komnas HAM may establish an ad hoc team, comprised of Komnas HAM and public elements.

119. The establishment of Komnas HAM is also in line with the precepts of the Vienna Declaration and Program of Action of 1993, and with the Paris Principles of 1991.

**(b) The National Commission on Combating Violence against Women (Komnas Anti Kekerasan terhadap Perempuan/Komnas Perempuan)**

120. Komnas Perempuan was established in 1998 through Presidential Decree No. 181/1998, and upgraded through Presidential Regulation No. 65/2005. The said Commission is the first national mechanism to address violence against women, in particular the violation of their rights. The mandate of the Commission includes:

- (a) Disseminating knowledge on all forms of violence against women in Indonesia, and maximizing the efforts to eliminate all forms of violence against women;
- (b) Conducting research and analysis on various regulations, laws and international human rights law relevant to the protection of women's rights;
- (c) Fact finding, surveys, and documentation on all forms of violence against women and violations of women's rights, as well as disseminating the results within society and responding to these results with concrete measures;
- (d) Providing suggestions to the government, the legislative, and the judicial institutions, as well as to civil society organizations, to ensure the enactment of the legal framework and of the policies designed to assist in the prevention and elimination of all forms of violence against women, and to protect and promote women's rights;
- (e) Developing regional and international cooperation in such a way as to enhance efforts to prevent and eliminate all forms of violence against women, while promoting and protecting women's rights in Indonesia.

121. The Commission has carried out this mandate by means of advocacy, revision and/or proposals for new public policies and laws; it has also undertaken the strengthening of national, regional and international institutional capacities through networking.

**(c) The Commission on the Protection of the Indonesian Child (Komisi Perlindungan Anak Indonesia/KPAI)**

122. The KPAI is an independent institution which was established through Law No. 23/2002 and Presidential Decree No. 77/2003 to enhance the effectiveness of child protection in Indonesia. The mandate of KPAI is as follows:

- (a) Advocating and disseminating the regulations and laws relating to the protection of the child;
- (b) Receiving complaints and facilitating services to society by the appropriate authorities in cases of violations of the rights of the child;
- (c) Conducting analyses of government regulations, policies and other supporting legislation on social, economic, cultural and religious aspects;
- (d) Delivering and providing inputs and suggestions to all parties, including to the President and the various governmental institutions, at the national and provincial levels;
- (e) Gathering data and information on child protection issues;

(f) Monitoring, evaluating and reporting on child protection measures, including reporting to the United Nations Committee on the Rights of the Child.

**(d) National Commission for the Elderly (Komnas Lansia)**

123. Komnas Lansia was established on 22 June 2004 by Presidential Decision No. 52/2004. Its mandate is: (a) to assist the President in coordinating efforts to enhance the welfare of senior citizens, and (b) to provide policy suggestions to this end to the President.

124. In executing its mandates, Komnas Lansia coordinates with other government institutions at the national and regional levels. The institution played a significant role in the drawing up of the National Action Plans for Senior Citizens in 2003 and 2008. Through Regulation of the Minister of Home Affairs No. 60/2008, local senior citizens committees have been created by the local governments to assist in the formulation of policy on senior citizens in the region. In 2009, there were 25 provincial senior citizens committees.

**(e) The Ombudsman of the Republic of Indonesia (ORI)**

125. The ORI is the state institution which has the authority to supervise the public services provided either by the state apparatus or by the government. It is based on Article 2 of People's Consultative Assembly Decision No. VIII/MPR/2001 on the Recommendation of the State's Policy Direction on the Eradication and Prevention of Corruption, Collusion, and Nepotism; on Law No. 25/2000 on the National Development Program; and on Presidential Decree No. 44/2000 on the National Ombudsman Commission.

**4. The Ministry of Law and Human Rights**

126. Indonesia is one of the few countries in the world to have established a ministry specifically responsible for human rights. Established in the early years of reform, The State Ministry for Human Rights played a significant role in formulating the National Action Plan on Human Rights, in cooperation with the Ministry of Foreign Affairs.

127. Alongside the bureaucratic reform, and with a view to consolidating efforts to promote and protect human rights at the local level, the Government of the Republic of Indonesia integrated the State Ministry for Human Rights with the Ministry of Justice to form the Ministry of Law and Human Rights. Currently, two Deputy Ministers share responsibility for the promotion and protection of human rights, namely the Deputy Minister for Human Rights and the Deputy Minister for Human Rights Research and Development.

128. In accordance with the relevant Presidential Decree, the Minister of Law and Human Rights chairs the National Committee to implement the Action Plan, with the support of the Minister of Home Affairs and the Minister of Foreign Affairs. The Regional Offices of the Ministry of Law and Human Rights at the provincial level act as the focal point for the Provincial Committee.

**5. Dissemination of human rights instruments**

129. The dissemination of a number of human rights instruments has been conducted under the pillar of human rights education and dissemination as stipulated in the National Action Plan on Human Rights. This dissemination includes translating international Human Rights instruments, publications on human rights education, and awareness-raising materials, as well as the organizing of public discussions. It is conducted by the government institutions as well as by non-governmental organizations.

130. The government ensures that the information contained in the International Human Rights Conventions ratified by Indonesia as well as in other international human rights

instruments are disseminated and properly implemented around the country. In addition, the government conducts various research studies for the purpose of identifying ways and means to better promote and protect human rights in Indonesia.

**6. Human rights education and training, including raising human rights awareness among public officials and other professionals, and promoting human rights awareness through educational programs and government-sponsored public information**

131. Human rights issues have been incorporated into the training curricula of teachers, the police, the military, and civil servants. Human rights awareness has also become an integral part of Indonesia's national education curriculum for students. Human rights education and training has become one of the main pillars of the Indonesian National Action Plan on Human Rights for the period 1998 – 2003, and again in 2004 - 2009. The Plan, the aim of which is to increase awareness of human rights and of the core values of a human rights culture, has proven very successful over the past year thanks to extensive educational programs at the formal, non-formal, and grass roots level.

132. Close collaboration with relevant stakeholders at all levels through human rights education has brought about greater understanding and acceptance of human rights, as well as a better grasp of the role and responsibilities of government officials, law enforcement agencies, the security apparatus, and human rights institutions in this regard. Moreover, the process has in turn strengthened the checks and balances mechanism at both government and society levels, and enabled them to scrutinize human rights cases more effectively across the country.

133. Moreover, efforts in the field of human rights education and training aimed at promoting greater respect for and understanding of human rights have resulted in the incorporation of human rights into policy making and to better awareness-raising initiatives within the government, as well as the security and law-enforcement apparatus.

134. Taking into account the vast population, geographical size and multi-ethnic nature of Indonesia, further progress in education and training is still needed. The upcoming Third Plan, which will cover the period 2010-2014, guarantees that human rights education and training will continue to be a key element of future initiatives.

**7. Role of civil society and the mass media**

135. Human rights legislation, institutions, mechanisms and machinery in Indonesia are already in place and the country's vibrant media and civil society play a constructive role in ensuring that the "checks and balances" mechanism functions appropriately. There has been a gradual and significant paradigm shift towards "working in partnership" between the government and other stakeholders.

136. Civil society organizations, which include NGOs, provide regular input to the government on the promotion and protection of human rights through various media. Civil society organizations also contribute to the implementation of international human rights instruments in Indonesia by providing "shadow reports" to the United Nations (UN) treaty bodies and related committees. The government involves civil society organizations in drafting reports on the implementation of human rights instruments.

137. The mass media also participate in raising public awareness in Indonesia on the promotion and protection of human rights. By devoting a high percentage of news coverage to human rights issues in all parts of Indonesia, including the possibility of violations of human rights, the mass media play a significant role in providing checks and balances on the effective protection of human rights.

**8. Budget allocation and trends**

138. Various activities identified under the National Action Plan on Human Rights are funded by the state budget. Furthermore, activities conducted by each Ministry/Government Institution are covered by its respective budget. The local governments are also responsible for allocating budget for the promotion and protection of human rights in their regions. Ministry of Law and Human Rights as the coordinator of the National Action Plan on Human Rights (RAN HAM) has allocated its budget on the activities such as human rights cooperation activity, human rights strengthening activity, and human rights dissemination activity. For the National Medium Term Development Plan (RPJMN) the allocation for such activities is Rp. 27 billion. Since the budget can not cover all activities related to the implementation of the RAN HAM, the participation of the local government to promote human rights in their regions is important.

139. The activities of national human rights institutions such as Komnas HAM, Komnas Perempuan, KPAI, the Ombudsman, KY, and Komnas Lansia are funded by the state budget. The funding does not infringe on their independence.

**9. Development cooperation**

140. Indonesia is always supportive of bilateral, regional and international cooperation on the issue of human rights, especially in the areas of capacity building and training. Thus, a number of bilateral cooperation agreements on human rights have been developed in order to achieve a better understanding of both the progress achieved and the challenges to overcome, as well as to develop common policies for the promotion and protection of human rights in Indonesia and among its partners. Currently Indonesia has established a bilateral human rights dialogue respectively with Canada, Norway, Russia, Sweden, and the European Union.

141. Indonesia also actively supports the work of regional and multilateral fora to promote and protect human rights, in particular ASEAN and the UN. At the regional level, Indonesia and other ASEAN member countries established the ASEAN Inter-Governmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC). So far, Indonesia has co-hosted two Regional Human Rights Workshops in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR). Various initiatives have also been carried out in close cooperation with the OHCHR regional office in Bangkok, where Indonesia has been contributing to the OHCHR voluntary fund since 2006.

**10. Challenges**

142. Like many other countries, Indonesia faces a number of challenges in its efforts to promote and protect human rights and to fulfill its human rights obligations. These challenges include financial constraints, limited institutional and human capacity, limited infrastructure facilities, and geographical challenges. However, the government is determined to overcome these difficulties by, inter alia, identifying actions through the National Action Plan, further developing international cooperation, and strengthening local committees on human rights.

**D. The role of the reporting process in promoting human rights at the national level**

143. The Indonesian reporting process to the treaty bodies as well as to other Human Rights Council mechanisms are carried out by an inter-agency taskforce coordinated by the Ministry of Foreign Affairs. The taskforce also conducts a series of consultations with

various national civil societies in close collaboration with the Human Rights Working Group, in accordance with the network of implementing committees of the National Action Plan.

144. The Human Rights Working Group is also coordinated by the Ministry of Foreign affairs and comprises the Coordinating Ministry for Politics, Law and Security, the Coordinating Ministry for People's Welfare, the Ministry of Law and Human Rights, the Ministry of National Education, the Ministry of the Interior, the Ministry for the Empowerment of Women and Child Protection, the Ministry of Social Affairs, the Ministry of Religious Affairs, the Ministry of Health, the Ministry of Labor and Transmigration, the Ministry of Defense, the Ministry of Public Works, the National Armed Forces, the National Police, the National Planning Agency, the National Bureau of Statistics, the National Human Rights Institutions, and other related institutions.

145. The Human Rights Working Group can also invite representatives of provincial and municipal governments to attend its meetings when it sees fit. Likewise, the Working Group can conduct meetings at the provincial level in order to have a direct interaction with the Regional Implementing Committee of the National Action Plan on Human Rights.

146. An example worth mentioning is the process leading to the compilation of Indonesia's report for the universal periodic review (UPR). The taskforce convened two consultations in early January of 2008 in order to obtain an accurate picture of the status of the promotion and protection of human rights in Indonesia. In addition, consultations were also held with a number of civil society organizations in selected fields at the provincial level. After the submission of the report, the government issued information on Indonesia's UPR obligations to all implementing agencies of the National Action Plan on Human Rights in the 33 provinces. Modalities for the implementation of these obligations were then established under the coordination of the Ministry of Law and Human Rights, the Ministry of Home Affairs, and the Ministry of Foreign Affairs, acting respectively as Chair and Vice-Chairs I and II of the national implementing committee, and with a number of other national civil society organizations.

147. In order to have a broader consultation on the submitting of reports, public debates, national workshops and seminars are organized with participants from among all the relevant stakeholders, including members of Parliament, civil society organizations, academics and the media.

#### **Follow up to concluding observations of human rights treaty bodies**

148. As already mentioned, Indonesia has taken steps to translate, publish and disseminate the international human rights instruments to which it is a party, including its reports to treaty bodies as well as the concluding observations and recommendations of the treaty bodies. This puts the public in a position to respond to this information. In addition, the government organizes other awareness-raising activities such as training, workshops and seminars.

### **E. Other human rights-related information**

149. Indonesia's participation and constructive role in promoting and protecting human rights at the international level are in line with its efforts at the national level. Moreover, Indonesia believes that promoting and protecting human rights globally also involves working creatively to bridge divergences of views in such a way as to achieve an acceptable solution for all stakeholders. This approach finds expression in the UN human rights mechanisms, such as the Human Rights Council and the Third Committee of the General Assembly, as well as in many international bodies where human rights issues are discussed

such as the Economic and Social Council, Economic and Social Commission for Asia and the Pacific and the Security Council, but also in such forums as the Non-Aligned Movement, the Group of 77+China, the OIC, ASEAN, ASEM, etc.

150. Indonesia's seriousness of purpose in fulfilling its human rights obligations is reflected in its election to the chairmanship of the Human Rights Commission in 2005 and to the vice presidency of the Human Rights Council for 2009-2010.

151. Furthermore, Indonesia's constructive role is translated into its cooperation with many UN human rights mechanisms. It was one of the founding members of the Council and the first group of 16 countries to submit their reports and had dialogue with the Working Group on the Universal Periodic Review.

152. Indonesia's serious commitment to the Millennium Development Goals (MDGs) has been reflected not only at the national level but also at the regional and global levels. At the national level, MDGs have been integrated in the Long Term Development Plan 2005-2025 and the Mid Term Development Plan 2005-2009 and 2010-2014, as well as the National Strategy on Poverty Eradication and the Annual National Development Plan.

153. At the regional level, Indonesia's achievement to the target of MDGs has contributed significantly to the performance of the target at the regional level. Indonesia has also hosted two regional ministerial meeting on MDGs in 2005 and recently in July 2010. Aware of the urgent need to accelerate efforts in health-related MDGs, Indonesia joins the international community to respond to the appeal by the UN Secretary-General to reduce the maternal mortality by two approaches, namely improvement of quality of health facilities and services, and enhancement of health access through community-based health programs.

154. In relation to thematic human rights issues, in 2001 the Government of Indonesia reaffirmed its commitment to the Declaration on A World Fit for Children (WFC) at the twenty-seventh special session of the General Assembly, on children. With this commitment, Indonesia was expected to establish a national program for children, namely Program Nasional Bagi Anak Indonesia (PNBAI) or the National Program for Indonesian Children, the implementation of which extends until 2015.

155. With reference to the Beijing Platform for Action (BPfA), the national machinery for the advancement of women and gender equality has been established and overseen by the Ministry for the Empowerment of Women and Child Protection. To conform more closely to BPfA, an important initiative in the form of the institutional strengthening of gender mainstreaming in terms of human resource and gender-responsive budgeting was taken in 2009 through Finance Minister Regulation No. 119/2009 on Guidelines for the Drafting and Assessment of Ministerial Activity Plans and Project Lists. Its application phase began in 2010 with the setting up of seven ministries/institutions as pilot agencies, namely Bappenas, and the Ministries for the Empowerment of Women and Child Protection, Finance, National Education, Agriculture, Health and Public Works.

156. In contributing to the global efforts to combat racism, racial discrimination, xenophobia and related intolerance, Indonesia participated actively in the Durban Review Conference in April 2009 and was elected vice president of the Conference. The implementation of Durban Declaration and Programme of Action and its follow up at the national level has been carried out also in the framework of the International Convention on the Elimination of All Forms of Racial Discrimination.

157. Similar measures have also been conducted at the national level for other major international agreements such as the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development; Dakar Framework for Action on Education for All; and Madrid International Plan of Action on Ageing.



### **III. Information on non-discrimination and equality, and effective remedies**

#### **A. Non-discrimination and equality**

158. The 1945 Constitution guarantees the principle of non-discrimination and equality between men and women. The principle of non-discrimination contained in Article 28 I (2) explicitly states that each person has the right to be free from acts of discrimination on whatever grounds and shall be entitled to protection against any such discrimination. The Constitution also spells out the principle of non-discrimination against children in Article 28 B (2), which stipulates the right of each child to live, grow up, and develop, as well as its right to protection from violence or discrimination.

159. The principle of equality contained in Article 27 of the 1945 Constitution provides that all citizens shall have equal status before the law and the government and hold without exemption the law and government in esteem. Furthermore, Article 28 D specifically stipulates that each person has the right to equal opportunity in government.

160. In order that all persons may enjoy equality of treatment and justice, the 1945 Constitution's Article 28 H (2) explicitly provides that each person has the right to facilities and special treatment in order to have access to the same opportunities and advantages.

161. The principle of non-discrimination and equality is further guaranteed in various national legislations. Specifically, Law No. 39/1999 on Human Rights clearly stipulates that all Indonesians are born equal in dignity and rights, and have their rights to be acknowledged, guaranteed, protected, and be treated fairly before the law; furthermore, they are entitled to the protection of their human rights and fundamental freedoms, without discrimination. These rights are considered basic rights.

162. The Law also clearly defines discrimination as all limitations, affronts or ostracism, both direct and indirect, on grounds of religious difference, ethnicity, race, faction, social status, economic status, sex, language, or political belief that results in the degradation, aberration, or eradication of the recognition, execution, or application of human rights and basic freedom in political, economic, legal, social, cultural, or any other aspects of life.

163. The principle of equality between men and women is further emphasized in the section on Women's Rights of Law No. 39/1999. Under this section, equal rights and responsibilities between men and women are guaranteed in terms of civil, political, economic, and social rights. In this regard, the laws that regulate the election system, political parties, the election of members of the House of Representatives, the appointment of the members of the executive and judiciary, must ensure that women are adequately represented. Law 2/2007 on General Elections and Law 2/2008 on Political Parties stipulate that the representation of women in the political parties must reach at least 30%.

164. There are substantive changes regarding the rights of women in politics in Law 2/2008 on Political Parties in the clause stipulating the quota for women in the political party structure. Law 10/2008 on the Election of Members of Regional Legislative Bodies sets a minimum quota for women as legislative candidates. Candidacy to elected office is further regulated in Government Regulation in Lieu of Law 1/2009 regarding Changes to Law 17/2009 on the Election of Members of Regional Legislative Bodies, which considers that the provisions of that law may prejudice the voice of the majority. As to the participation of women in formulating government policy, the state guarantees the full participation of all elements of society in the drafting of laws (article 53 of Law 10/2004 on the Formulation of Laws and Regulations). The establishment and active role of the

Women's Parliamentary Caucus has also encouraged the drafting of a significant body of pro-women legislation.

165. The principle of non-discrimination can also be found in various national laws, among others Law No. 40/2008 on the Elimination of Racial and Ethnic Discrimination. The Law comprises, among others, definitions of racial and ethnic discrimination, of the principles and objectives governing the elimination of racial and ethnic discrimination, of the various types of discriminative treatment, and stipulates the criminalization of any act of discrimination.

166. The manifestation of the constitutional principle of non-discrimination and equality is further incorporated in the following legislations:

- Law No. 1/1974 on Marriage
- Law No. 10/1992 on Population Growth and the Development of Family Welfare
- Presidential Decree No. 48/1993 on the Ratification of the International Convention against Apartheid in Sports of 1985
- Law No. 4/1997 on Disabled Persons, which is further strengthened by Government Regulation No. 43/1998
- Law No. 5/1998 on the Ratification of the Convention against Torture (CAT) and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Law No. 9/1998 on Freedom of Expression in Public Places
- Law No. 21/1999 on the Ratification of ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation
- Law No. 39/1999 on Human Rights
- Law No. 43/1999 on the Equality between Male and Female Civil Servants
- Law No. 21/2000 on the Labour Union
- Law No. 23/2000 on Child Protection
- Law No. 13/2003 on Labour
- Law No. 20/2003 on the National Education System
- Law No. 23/2004 on the Eradication of Domestic Violence
- Law No. 12/2005 on the Ratification of the International Covenant on Civil and Political Rights (ICCPR)
- Law No. 12/2006 on Citizenship
- Law No. 13/2006 on the Protection of Witnesses and Victims
- Law No. 23/2006 on Population Administration
- Law No. 10/2008 on the Election of Members of the House of Representatives, Regional Councils of Representatives and Local Representatives.

167. Aside from the aforementioned legislative measures, the Government of the Republic of Indonesia has taken administrative and other measures to ensure equality and the principle of non-discrimination.

168. Presidential Instruction No. 9/2000 on Gender Mainstreaming requires all government institutions at the national, provincial and regency levels to incorporate gender mainstreaming in the planning, implementation, monitoring, and evaluation of all policies and national development programs.

169. In particular, Minister of Home Affairs Regulation No. 15/2008 on Guidance on the Implementation of Gender Mainstreaming at the regional level is intended as a guideline for regional governments in formulating strategies on gender integration in the planning, implementation, budgeting, monitoring, and evaluating of regional policies, programs and development activities. Henceforth, the establishment of a gender perspective is expected through the integration of the experience, aspirations, needs, potential and competencies of women in all aspects of the life of the country. In order to render this policy effective, it must also be backed by gender-responsive regional budgeting.

170. Finance Minister Regulation No. 119/2009 on Guidelines for the Drafting and Assessment of Ministerial Activity Plans and Project Lists, which became effective in the second semester of 2009, established an important institutional strengthening of gender mainstreaming in terms of human resources and gender-responsive budgeting. It was first implemented in 2010 with the setting up of seven ministries/institutions as pilot agencies, namely, Bappenas, the Ministry for Women's Empowerment and Child Protection, and the Departments of Finance, National Education, Agriculture, Health, and Public Works.

171. Some concrete measures to combat all forms of racial discrimination include, inter alia, Presidential Decree No. 56/1996 on the Certification of Indonesian Citizenship, and Presidential Decree No. 4/1999, a new regulation which repeals Presidential Instruction No. 2/1980 on the requirement of a nationality certificate for the processing of certain matters (for example in the application process to obtain passports).

172. Furthermore, in implementing Presidential Decree No. 56/1996 on the Certification of Indonesian Citizenship, the government c.q. the Ministry of Home Affairs issued Minister of Home Affairs Note No. 471.2/1265/SJ/2002 on National Certificates as a follow-up to Presidential Instruction No. 26/1998 on the elimination of the terms "*pribumi*" and "*non-pribumi*", which were considered discriminatory.

173. In this regard, the above-mentioned Presidential Instruction clearly stipulates the banning of the use of the terms "*pribumi*" and "*non-pribumi*" in policy implementation, program planning or other government activities. Moreover, the Instruction guarantees equal treatment and services to all Indonesians and stipulates the reviewing of all laws and regulations, policies, programs, business activities, banking and financial services, citizenship, education, health, employment opportunities, salary and other workers' rights to incorporate this principle.

174. The government also issued Presidential Decree No. 6/2000 concerning the repeal of Presidential Instruction No. 14/1967 on Chinese religions, beliefs, and traditions. This regulation is a benchmark example of the eradicating of discrimination against ethnic Chinese in Indonesia. The Decree stipulates that Chinese religious activities, beliefs, traditions and customs can be practiced and enjoyed without special authorization from the government, regional or local authorities, as was mandatory in the past.

175. In this spirit, the government issued Presidential Decree No. 19/2002 on Chinese New Year as a Public Holiday. The Decree stipulates that Chinese New Year is a public holiday which is celebrated nationally. In a further effort to fully amalgamate the ethnic Chinese with native Indonesians, the government established a Working Group on Social Blending (*Pokja Pembauran*) through Minister of Home Affairs Note No. 471.3/133 of 5 September 2002. Since then, the Working Group has been tasked with eliminating all obstacles deemed to prejudice national unity. Thus, the central and regional governments, in co-operation with local organizations, have carried out all necessary measures in expediting the process of national unification.

176. The National Strategy and Guidelines on the Development of Education 2010-2015 provides for equal access to education, which ensures gender equality and is relevant to the need of society, in all provinces, regencies, and municipalities, for all levels of education

from early childhood to higher education. The National Education Curriculum also accommodates local content to ensure the preservation of regional identities.

177. In May 2009, the government issued the National Strategy on Access to Justice. In the Strategy, access to justice is defined as circumstances and processes where the state ensures the fulfillment of basic rights based on the 1945 Constitution and the Universal Declaration on Human rights. The Strategy guarantees the right of every citizen to the fullest information on his or her basic rights, in such a way as to gain an understanding of these rights and of the means to claim and enjoy them at all times and without restriction. It also ensures that this principle can be fully implemented through responsible formal and non-formal institutions, supported by efficient and responsive public complaint mechanisms.

178. In formulating Access to Justice, the government has identified eight areas of application, namely:

- Access to Justice in Law and Court Reform
- Access to Justice in Legal Assistance
- Access to Justice in the Management of Regional Government
- Access to Justice in Land and Natural Resources
- Access to Justice for Women
- Access to Justice for Children
- Access to Justice and Labor
- Access to Justice for the Poor and Marginalized

179. The instruments used to identify progress in getting access to justice are included in the national strategy, i.e.: (a) normative framework; (b) access to legal awareness; (c) access to the appropriate forums for resolving disputes; (d) effective complaint management; (e) remedy; (f) overcoming problems of poor, marginalized or disadvantaged groups.

180. The national strategy comprises a six-point agenda, namely:

- (a) A change of paradigm on the development of laws and the role of education in understanding the laws in Indonesia;
- (b) The acknowledgement and support of legal assistance and the development of the paralegal services;
- (c) The improvement of legislation and budget policies that support Access to Justice;
- (d) The formulation and implementation of Minimum Standards of Service in the public services;
- (e) The improvement of complaint mechanisms and remedies for people deprived of good public services;
- (f) The improvement and empowerment of the community-based justice system.

181. One of the manifestations of the Strategy is the issuance of Presidential Decree No. 3/2010 on Equitable Development, which reflects the government's policy to undertake just-development, pro-people programs, focusing on providing justice for all and on the pursuit of the Millennium Development Goals.

182. In addition, the following list of institutions is indicative of the efforts of successive governments to strengthen equality between men and women:

(a) In 1967, the Indonesian National Commission on the Status of Women (KNKWI) was established. The institute considered that it was important to include the principles of equality between men and women and of “women in development” that is reflected in the third year of the Five-Year Development Plan in 1978, and whose scope was regularly expanded in the Five-Year Development Plans of 1983, 1988, 1993 and 1998;

(b) In 1978, the Office of Junior Minister for the Role of Women was created, and upgraded in 1983 to Minister of State for Improving the Role of Women. In 1999, the office became the Office of the State Minister on the Empowerment of Women, which has recently been renamed Ministry for the Empowerment of Women and Child Protection to incorporate issues relating to the rights of the child.

## **B. Effective remedies**

183. Article 35 of Law No. 26/2000 clearly states that: (1) Every victim of gross human rights violations and his/her heirs can obtain compensation, restitution and rehabilitation; (2) The compensation, restitution and rehabilitation as referred to in paragraph (1) are taken into account in the rulings of the Human Rights Court; (3) Provisions concerning compensation, restitution and rehabilitation will be further regulated by a Government Regulation. To implement Law No. 26/2000 on the Human Rights Court, the government has further enacted Government Regulation No. 3/2002 on Compensation, Restitution and Rehabilitation against Gross Violations of Human Rights.

184. The Agency for the Protection of Witnesses and Victims (Lembaga Perlindungan Saksi dan Korban/LPSK) was established in 2006 through Law No. 13 on the Protection of Witnesses and Victims. This law is intended to protect the rights and guarantee the safety of witnesses and victims in the criminal justice process and was established largely at the instigation of community groups militating in favor of greater protection for witnesses and victims in the criminal courts.

185. The Law on the Protection of Witnesses and Victims states that the Agency is an independent institution and directly accountable to the President. The Law gives the Agency authority and responsibility for the protection of the rights of witnesses or victims and for ensuring their security when they testify in judicial proceedings. The scope of this protection applies to all stages of the judicial process.

186. In implementing its functions, the Agency for the Protection of Witnesses and Victims prioritizes the preparation of work instruments through the Standard Operating Procedure (SOP). In this regard, the Agency issued its Regulation No.4/2009 on SOP on the Provision of Medical and Psychosocial Assistance.

187. In terms of capacity building, the Agency for the Protection of Witnesses and Victims is currently cooperating with various government institutions, civil societies, partner countries, and universities. In addition, cooperation related to institutional capacity building will be directed in particular at the advancement of knowledge and skills to support the institutional functions.