



REFERENCE:KF/fup-119

18 April 2017

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 8, 10, 12 and 25 of the concluding observations on the report submitted by Indonesia ([CCPR/C/IDN/CO/1](#)), adopted at the 108th session in July 2013.

On 4 March 2015, the Committee received the reply of the State party. At its 113th session, held in March-April 2015, the Committee evaluated that information. The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented, and requested additional information on their implementation. The assessment of the Committee and the additional information requested from the State party are reflected in the Report on follow-up to concluding observations (see [CCPR/C/113/2](#)) and was conveyed to the State party by [letter dated 1 April 2015](#).

In the absence of a response to the Committee's request, the Committee sent two reminders to the State party, namely on [1 October 2015](#) and on [16 August 2016](#). During its 119th session, held in March 2017, the Committee noted that, despite the reminders, the information requested from the State party had not yet been provided.

In accordance with the new assessment of follow-up replies adopted by the Committee at its 118th session (17 October-4 November 2016), States parties that fail to submit a follow-up report after reminder(s) are evaluated with a [D] grade for non-cooperation within the follow-up to concluding observations procedure and are listed as such in the Report on follow-up to concluding observations adopted by the Committee at each session.

In the light of the above, and taking also into account that the next periodic report of the State party is due on 26 July 2017, the Committee rated the State party's failure to submit a second follow-up report with a [D] grade and discontinued the follow-up procedure (see the Chart on page 2 of the Report on follow-up to concluding observations, [CCPR/C/119/2](#), attached for ease of reference).

H.E. Mr. Robert Matheus Michael Tene  
Ambassador  
Chargé d'affaires a.i.  
Deputy Permanent Representative  
Email: [mission.indonesia@ties.itu.int](mailto:mission.indonesia@ties.itu.int)



The Committee requests the State party to provide in the context of its next periodic report information on the implementation of all its recommendations, including the additional information on the implementation of recommendations contained in paragraphs 8, 10, 12 and 25 of the concluding observations as requested previously by the Committee (see Committee's evaluation of the first follow-up reply, [CCPR/C/113/2](#), attached for ease of reference).

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant in the context of the next periodic report due on 26 July 2017.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Mauro Politi'.

Mauro Politi  
Special Rapporteur for Follow-up to Concluding Observations  
Human Rights Committee



**Report on follow-up to concluding observations of the Human Rights Committee,  
[CCPR/C/119/2](#) (page 2):**

**List of States parties evaluated with a [D] grade for failure to cooperate with the Committee within the follow-up to concluding observations procedure (as of March 2017)<sup>1</sup>**

<i>State party</i>	<i>Concluding observations</i>	<i>Due date of follow-up report</i>	<i>Reminders</i>
1.			
2.			
3.			
4. Indonesia <sup>2</sup>	<a href="#">CCPR/C/IDN/CO/1</a> (24/07/2013)	(2nd) 01/05/ 2015	<a href="#">Reminder 1 October 2015</a> <a href="#">Reminder 16 August 2016</a>

<sup>1</sup> The follow-up procedure has been discontinued for these States parties. The information on the implementation of all the recommendations in the concluding observations adopted in respect of these States, including those recommendations selected for the follow-up procedure, should be provided in the context of their next periodic report.

<sup>2</sup> Committee's evaluation of the first follow-up report (see [CCPR/C/113/2](#)): paragraphs 8[B2][C1][C1], 10[E], 12[B1] and 25[C1]. Second follow-up reply not provided: Committee's evaluation: [D].

## Report on follow-up to concluding observations of the Human Rights Committee, [CCPR/C/113/2](#)

---

### *Assessment of replies*

---

#### Reply/action satisfactory

A Response largely satisfactory

#### Reply/action partially satisfactory

B1 Substantive action taken, but additional information required

B2 Initial action taken, but additional information and measures required

#### Reply/action not satisfactory

C1 Response received but actions taken do not implement the recommendation

C2 Response received but not relevant to the recommendation

#### No cooperation with the Committee

D1 No response received within the deadline, or no reply to a specific question in the report

D2 No response received after reminder(s)

#### The measures taken are contrary to the Committee's recommendations

E The response indicates that the measures taken are contrary to the Committee's recommendations

---

### *Indonesia*

---

**Concluding observations:** CCPR/C/IDN/CO/1, 24 July 2013

**Follow-up paragraphs:** 8, 10, 12 and 25

**First reply:** Received 3 March 2015

**Committee's evaluation:** Additional information required on paragraphs 8[B2][C1][C1], 10[E], 12[B1] and 25[C1]

**NGO information** Kontras

**Paragraph 8: The State party should, as a matter of urgency, address the impasse between Komnas HAM and the Attorney General. It should expedite the establishment of a court to investigate cases of enforced disappearance committed between 1997 and 1998 as recommended by Komnas HAM and the Indonesian Parliament. Furthermore, the State party should effectively prosecute cases involving past human rights violations, such as the murder of prominent human rights defender Munir Said Thalib on 7 September 2004, and provide adequate redress to victims or members of their families.**

#### **NGO information:**

Few steps have been taken to reinvestigate the murder of Munir Said Thalib and ensure that all perpetrators have been brought to justice. The October 2013 decision of the Supreme Court to reduce the sentence of Pollycarpus from 20 to 14 years, in contrast to its earlier decision, in January 2008, increasing the 14-year sentence handed down by the Central Jakarta District Court to 20 years, has sparked allegations of an unfair trial, as it was a final review that overruled a final review.

---

---

**Summary of State party's reply:**

Komnas HAM and the Attorney General's Office have agreed to convene a series of meetings in order to resolve issues regarding the evidentiary threshold required to initiate investigations.

The State party is finalizing the revision of Law No. 27 of 2004 on the Truth and Reconciliation Commission, which had been annulled by the Constitutional Court.

The State party has enacted Law No. 31 of 2014 on the Amendment of Law No. 13 of 2006 on Protection of Witnesses and Victims.

A bill to ratify the International Convention for the Protection of All Persons from Enforced Disappearance was submitted to Parliament at the end of 2013; parliamentary discussion is expected soon.

**Committee's evaluation:**

[B2]: Regarding the impasse between Komnas HAM and the Attorney General, the Committee requests updated information on the meetings convened to resolve disagreements regarding the evidentiary threshold required to initiate investigations.

[C1]: While the Committee welcomes the revision of Law No. 27 of 2004 on the Truth and Reconciliation Commission, no information was provided on measures taken to establish a court to investigate cases of enforced disappearance committed between 1997 and 1998. The Committee reiterates its recommendation.

[C1]: The Committee welcomes the enactment of Law No. 31 of 2014 on the Amendment of Law No. 13 of 2006, which provides for medical assistance and psychosocial and psychological rehabilitation assistance for victims of human rights violations. The Committee requests further information on the implementation of Law No. 31, as well information on measures taken to prosecute cases of past human rights violations, including the murder of prominent human rights defender Munir Said Thalib on 7 September 2004.

**Paragraph 10: The State party should reinstate the de facto moratorium on the death penalty and should consider abolishing the death penalty by ratifying the Second Optional Protocol to the Covenant. Furthermore, it should ensure that, if the death penalty is maintained, it is only for the most serious crimes. In this regard, the Committee recommends that the State party review its legislation to ensure that crimes involving narcotics are not amenable to the death penalty. In this context, the State party should consider commuting all sentences of death imposed on persons convicted for drug crimes.**

**Summary of State party's reply:**

The State party reiterated its position that, due to the severe impact and the challenges posed by drug-related crimes to the nation's survival and its young generation, it considered drug-related crimes as one of the most serious crimes, for which the death penalty may apply in certain cases. There is continued and ongoing debate on the issue of the death penalty, and the current Parliament has prioritized the revision of the National Penal Code in its legislative programme.

**Committee's evaluation:**

[E]: The Committee notes with concern the recent executions of prisoners convicted for drug-related crimes and regrets that the State party has not reviewed its legislation to ensure that crimes involving narcotics are not amenable to the death penalty.

**Paragraph 12: The State party should repeal Ministry of Health Regulation No. 1636 of 2010, which authorizes the performance of FGM by medical practitioners (medicalization of FGM). In this connection, the State party should enact a law that prohibits any form of FGM and ensure that it provides adequate penalties that reflect the gravity of this offence. Furthermore, the State party should make efforts to prevent and eradicate harmful traditional practices, including FGM, by strengthening its awareness-raising and education programmes. In this regard, the national-level team established to develop a common perception on the issue of FGM should ensure**

---

**that communities where the practice is widespread are targeted in order to bring a change in mindset.**

**Summary of State party's reply:**

The State party revoked Regulation No. 1636 of 2010 on female genital mutilation (FGM) through Ministry of Health Regulation No. 6 of 2014; the new regulation firmly prohibits the practice of FGM.

Medical officers are a major target for dissemination of the Ministry of Health regulation, and dissemination programmes have been conducted for managers of reproductive health programmes and provincial hospitals in eight provinces. In 2014, the Government conducted a campaign entitled "Stop Violence Against Women" involving 106 organizations in 511 municipalities and districts and 23 provinces.

**Committee's evaluation:**

**[B1]:** The Committee welcomes the revocation of Ministry of Health Regulation No. 1636 of 2010, and the issuance of Ministry of Health Regulation No. 6 of 2014 which prohibits the practice of FGM. Further information is required regarding trainings, educational programmes, and other measures taken to prevent and eradicate harmful traditional practices and develop a common perception on the issue of FGM.

**Paragraph 25: Notwithstanding the decision of the Constitutional Court upholding Law No. 1 of 1965 on defamation of religion, the Committee is of the view that the said law is inconsistent with the provisions of the Covenant and that it should be repealed forthwith. The Committee reiterates its position as stated in paragraph 48 of general comment No. 34, that: "Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Thus, for instance, it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith." Furthermore, the Committee recommends that the State party provide adequate protection against violence perpetrated against members of religious minorities.**

**Summary of State party's reply:**

The Committee's recommendation to repeal Law No. 1 of 1965 is constrained by the Constitutional Court's decision, which is final and binding. However, in consideration of the Court's recognition that the Law could still benefit from further improvement, the Ministry of Religious Affairs is currently preparing a bill on the protection of religious communities.

**Committee's evaluation:**

**[C1]:** The Committee reiterates its recommendation and requests further information on the status and implementation of the bill on the protection of religious communities.

**Recommended action:**

A letter should be sent reflecting the analysis of the Committee.

**Next periodic report:** 26 July 2017

---