

Alternative Report

"The Dark Side of Indonesia's Development under Joko Widodo"

IN RELATION TO THE GOVERNMENT OF INDONESIA'S (GOI) REPORT TO THE UN COMMITTEE
ON ECONOMIC, SOCIAL AND CULTURAL

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Executive Summary

“The Dark Side of Indonesia’s Development under Joko Widodo” is an alternative report prepared by Indonesia’s Civil Society Network on Economic, Social, and Cultural Rights. It is a shadow report to respond to the government of Indonesia’s (GOI) report to the UN Committee on Economic, Social, and Cultural (E/C.12/IDN/2). Indonesia first reported its international obligations to the UN Economic and Social Committee (ECOSOC) in 2014. So, the timeline of this shadow report is in line with the two terms of Joko Widodo’s administration (2014-2024).

According to the World Bank, Indonesia is categorised as the *upper-middle-income country* with a total GDP of USD 5,108. Indonesia is predicted to become the world's fourth economic power in 2045. With a population of more than 270 million people, Indonesia has survived the COVID-19 pandemic, with total deaths from the COVID-19 virus as many as 161.92 people. Economic growth speed is around 2-4 percent from 2020 to 2023. Of course, the human development index in Indonesia has progressed slightly. During 2020–2023, Indonesia’s Human Development Index (HDI) increased from 72.81 to 74.39. However, due to the COVID-19 pandemic, HDI growth in 2021 is relatively low. This result is also still far from the 2024 HDI target set by the government, namely 75.54. Another problem is the HDI inequality. For example, Papua achieved only an HDI of 63.01, far from DKI Jakarta’s HDI of 83.55 and the Indonesian average of 74.39.

The dark side of the development during Joko Widodo’s era became clearer when responding to the health crisis resulting from the COVID-19 pandemic. Indonesia, like other countries in the world that are also trying to recover from the pandemic. Unfortunately, Indonesia had prioritised the economic development paradigm to pursue economic growth instead focusing on the safety and health of its population. The pandemic has been used as an opportunity for the government and state officials and their cronies to do business with the people whose economy has clearly declined due to the pandemic, starting from procuring medicines for the pandemic, COVID tests, importing masks, hand sanitizers and personal protective equipment for doctors and health workers. As a result, these goods become rare, and their prices soar.

Besides, amid the COVID-19 pandemic, the GOI also passed policies that worsened environmental destruction and increased socio-economic inequality. These policies include (1) enacting the Job Creation Law, which makes it easier to grant investment permits while ignoring the carrying capacity of the environment and the protection of community rights; (2) revision of the Mining and Coal Law, which provides many incentives for mining companies while ignoring the environmental damage they cause; (3) national strategic projects (PSN) that encourage accelerated environmental destruction by massive physical development projects by the government and the private sector; (4) weakening the Corruption Eradication Commission (KPK), which has played an important role in preventing and eradicating corruption in the natural resource management sector; and (5) enacting the National Capital City Law (IKN). The main problem with Law (UU) Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law is the community's right to a good and healthy living environment, one example of which is the loss of opportunities to participate in submitting objections and assessing Environmental Impact Analysis (AMDAL).

Responding to the GOI’s report to the United Nations Committee on Economic, Social and Cultural Rights (CESCR), this shadow report assess the efforts of GOI to recover from the COVID-19 pandemic and disaster, as well as four serious challenges related to the promotion of economic, social, and cultural rights, including; 1) corruption; 2) inequality; poverty alleviation; education, nutrition, and health; access to decent work and capital; 3) environmental destruction; and 4) fulfillment of the ECOSOC rights of vulnerable groups.

First, corruption is still a very serious problem in Indonesia. Corruption results in many human rights violations, especially to the enjoyment of ECOSOC rights. Systematically, the weakening of the Corruption Eradication Commission (KPK) was carried out by changes to the Anti-Corruption Law and the decay of the KPK from within. Jokowi's government revised the KPK law, the substance of which was to weaken the KPK. The government changed the status of corruption from an extraordinary crime to an ordinary crime. Apart from that, non integrity officials elected and served as KPK commissioners and removed KPK employees who performed well on the pretext of not passing the national integrity test. The KPK’s status is no longer that of an independent institution but rather that of an institution part of the government.

Second, regarding inequality, Oxfam Indonesia reports that Indonesia is the sixth worst country in the world. This is due to the fundamentalism of the market, which allows a group of wealthy people to enjoy the benefits of economic growth during the last two decades with most land control. In 2016, 1% of Indonesia's richest people's population controlled 49% of the total national wealth. In another report, the 1% increased their entire wealth to USD 21 billion in 2019 alone.

Third, regarding environmental destruction, according to Yale University, Indonesia is ranked 137th out of 180 countries. According to the Ministry of Forestry, in 2020, Indonesia lost 115.459 million hectares due to fires. In 2002-2022, Indonesia lost 10.2 million hectares of primary forest. Since reaching its peak in 2016, the total loss of primary forest has reached 929 thousand ha. Other findings show that 82% of rivers in Indonesia are polluted, and 11% are very polluted. This results in a crisis in access to clean water.

Fourth, this report shows the impact of a government that prioritizes economic growth and ignores human rights obligations, especially on a number of vulnerable groups in Indonesia. For example, for the migrant worker group, although Indonesia has ratified the Covenant on Economic, Social, and Cultural Rights and the Convention for the Protection of Migrant Workers, policies regarding Indonesian migrant workers have not fully harmonized these two instruments in budgeting and operational policies. Migrant workers still cannot access BPJS-based social security services, such as health and employment.

Finally, after reading this report, it can be concluded that Joko Widodo's government, especially in his second term, has systematically **failed** to respect, protect, and fulfill economic, social, and cultural rights. This is because Joko Widodo's government has made a number of policies that actually foster corruption, exploitative and extractive resources that benefit a small number of cronies, and neglecting some vulnerable groups - in particular - from pursuing their economic, social, and cultural rights.

Introduction

- 1) This shadow report responds to the GOI's report to the UN Committee on Economic, Social, and Cultural Rights (E/C.12/IDN/2).
- 2) This report was prepared by the Indonesian Civil Society Network for Economic, Social and Cultural Rights Advocacy;
- 3) This report was prepared based on a number of processes at the national level:
 - a. Workshop on preparing alternative ECOSOC reports on December 7, 2023.
 - b. Follow-up meeting at the HRWG Secretariat on January 9, 2024
 - c. An alternative report writing workshop on January 11-13, 2024.
- 4) This shadow report is a joint effort by Indonesian civil society in order to evaluate the government through communication, utilizing the UN Covenant on Economic, Social, and Cultural Rights mechanisms. Apart from that, the Indonesian civil society coalition also hopes that the Committee of Economic and Social will provide recommendations that can pressure the GOI to be more serious considering that the GOI is reckless and without meaningful public participation- in order to pursue its economic growth, neglecting its human rights obligation based on Covenant on Economic, Social and Cultural Rights.

Disasters and the COVID-19 Pandemic (response to paragraphs 3 and 4)

- 5) In the 2022 World Risk Report (WRI), Indonesia is listed as the third country most at risk of disaster in the world after the Philippines and India.¹ This condition worsened because the 2023 WRI report ranked Indonesia as the second country most at risk of disaster after the Philippines. Even though in 2018, Indonesia was not included in the top 10 countries most at risk of disasters.² The shift in Indonesia's position to become a country with a very high risk of disasters shows that Indonesia has a high level of exposure vulnerability and is prone to disasters, while its disaster management capacity is lacking, and there is minimal adaptation to disasters.³
- 6) Conditions of vulnerability to disasters are closely related to poverty and inequality. People experiencing poverty suffer greater levels of vulnerability due to socio-economic inequality and the natural environment. As long as socio-economic inequality is not addressed, those vulnerable to disasters will remain poor or become poorer and increasingly vulnerable to disasters.
- 7) Disaster incidents in Indonesia show an increasing trend. In 2009, the number of disaster events was recorded at 1,245. One year later (2010), the number of disaster incidents increased to 1,944. Until the end of 2015, the number of disasters was still in the range of 2000 events per year. However, from 2016 until now, the number of disasters tends to increase, reaching more than 2,000 incidents per year. 2019, for example, the number of disasters was more than 3,326.⁴ In 2021, there were 5,402 disaster

¹ <https://weltrisikobericht.de/en/#>

² https://weltrisikobericht.de/wp-content/uploads/2019/09/WorldRiskReport-2019_Online_english.pdf

³ https://weltrisikobericht.de/wp-content/uploads/2022/09/WorldRiskReport-2022_Online.pdf

⁴ <https://www.kompas.id/baca/riset/2019/12/19/frekuensi-bencana-meningkat-dari-tahun-ke-tahun>

incidents.⁵ Most disasters occur due to environmental damage, including floods, landslides, droughts, forest fires, and others.

- 8) Disasters have a major impact on society and the country. Not only does it cause physical losses, but disasters also cause suffering for many people. In the 2018 disaster, for example, 3,548 people lost their lives and disappeared, 13,112 people were injured, 3.06 million people were displaced and affected by the disaster, 339,969 houses were heavily damaged, 7,810 houses were heavily damaged, 7,810 houses were moderately damaged, 20,608 houses were slightly damaged, and thousands of public facilities were damaged.⁶ Meanwhile, economic losses due to disasters average IDR 30 trillion per year.⁷
- 9) Instead of reducing vulnerability to disasters, Indonesian government policies actually exacerbate environmental destruction and increase socio-economic inequality. These policies include (1) the creation of the Job Creation Law (UU Cipta Kerja), which makes it easier to grant investment permits while ignoring the carrying capacity of the environment and the protection of community rights; (2) the revision of the Mining and Coal Law (UU Minerba), which provides many incentives for mining companies while ignoring the environmental damage they cause; (3) national strategic projects that encourage accelerated environmental destruction by massive physical development projects by the government and the private sector; (4) weakening the Corruption Eradication Commission (KPK), which has played an important role in preventing and eradicating corruption in the natural resource management sector. Corruption in this sector has been proven to increase environmental destruction and disaster intensity, erode state revenues, weaken the State's capacity to increase environmental carrying capacity, overcome poverty, and fulfill citizens' basic rights.
- 10) Even though the impact of disasters on the economic, social, and cultural rights of citizens and society is very large, the government report does not mention disaster issues at all.
- 11) Recommendation:
 - a. revoke laws that exacerbate environmental destruction and inequality;
 - b. realizing spatial planning policies at the central and regional levels that lead to increasing environmental carrying capacity and restoring environmental damage;
 - c. immediately fulfill the rights of disaster victims in various areas, which have not been fulfilled until now, especially victims who are still living in temporary housing

The COVID-19 pandemic

- 12) Referring to General Comment Number 14 concerning the Right to the Highest Affordable Standard of Health, the Constitution Article 28 H paragraph (1) which confirms the right of citizens to obtain health services and Law Number 6 of 2018 concerning Health Quarantine, the government's obligations regarding the pandemic, including take steps to prevent, control and control disease, create prevention and education programs for health-related behavior, ensure the availability of health services and health checks, build a system of health care and humanitarian assistance in emergency situations, guarantee citizens' right to seek, obtain and share information, guarantee citizens' rights to participate in political decisions related to overcoming the pandemic, prevent discrimination by allocating resources for primary and preventive health care that is useful for the majority of the population, provide essential services according to medical needs, food needs, and living needs in everyday life during quarantine.
- 13) During the pandemic the government tended to ignore its obligations to overcome the pandemic, as indicated by (1) denial of the threat of the pandemic and delays in responding to the pandemic which resulted in lost opportunities to prevent the spread of Covid early and minimize casualties; (2) underestimating the threat of a pandemic (statements by government officials that Covid is not a deadly disease, it is like a flu that can heal itself; massive export of personal protective equipment, masks, *hand sanitizer*, and oxygen when residents are threatened by a pandemic and need them); (3) lack of seriousness in handling the pandemic (the budget prioritizes maintaining economic growth rather than overcoming the pandemic, testing and tracing is low, the pandemic is used as a business opportunity for officials); (4) low community participation in political decision making; (5) leadership that is weak, not transparent and does not support poor/marginal groups in overcoming the pandemic (the direction of handling and leadership of the pandemic is unclear and not transparent, manipulative regarding

⁵ <https://bnpb.go.id/berita/bnpb-verifikasi-5-402-kejadian-bencana-sepanjang-tahun-2021>

⁶ <https://bnpb.go.id/berita/1999-kejadian-bencana-selama-tahun-2018-ribuan-korban-meninggal-dunia>

⁷ <https://kominfo.jatimprov.go.id/read/umum/rata-rata-kerugian-akibat-bencana-tiap-tahun-capai-rp-30-triliun>

pandemic data, large budget allocations for things that are far from pandemic matters, communication patterns that confuse society, and discrimination in law enforcement); (6) taking advantage of the pandemic situation to create a Job Creation Law by eliminating public participation and limiting citizens' rights to express opinions.

- 14) The impact of the government not carrying out its obligations regarding the pandemic is that various forms of human rights violations occur, including economic, social, cultural, civil, and political rights violations. Violations of these two human rights cannot be separated because violations of one right affect other rights. Various forms of human rights violations during the pandemic, including;
- 15) Violations of the right to health that have an impact on violations of the right to life: As of August 6, 2021, 1,637 health workers had died, including 598 doctors, 503 nurses, 46 dentists, 299 midwives, 48 pharmacists, two epidemiologists, ten radiology records, 45 ATLMs, five sanitarians, three ambulance staff, three pharmaceutical staff, one entomologist, three electro medics, and three dental therapists. This is the highest death toll of doctors and health workers in Asia. As of Thursday, August 24, 2023, the total number of deaths due to COVID-19 in Indonesia was 161.92 thousand people. With this number, Worldometer puts the death rate of COVID-19 in Indonesia as the second highest in Asia.
- 16) Violations of the right to food that result in violations of the right to life: There were cases of low-income families who died of hunger; 18 trans women in Yogyakarta died due to losing their jobs, starving, and not having access to social assistance because they did not have ID cards.
- 17) Violation of the right to express opinions using violence: Amnesty International Indonesia recorded at least 402 victims of police violence in 15 provinces during the action; 6,658 people were arrested in 21 provinces, and 301 of them were detained for varying periods, including 18 journalists.
- 18) Violation of the right to education: at least 69 million students lost access to education during the pandemic because they lacked internet access. Learning during the pandemic was conducted online, while only 40% of residents had internet access, and 28.3% of low-income residents could afford it.
- 19) Violation of the right to protection for children and women: during the pandemic, child marriage increased by 300%, trafficking in women and children increased by 62.5%, and 57% of women experienced increased stress and anxiety due to increased burdens of household work and care, loss of work, and income. 3,087 cases of violence against children, of which 852 were physical violence, 786 were psychological violence, and 1,848 were sexual violence. An increase in violence against women and men occurred by 42%.
- 20) Violation of the right to work: 3.06 million workers in Indonesia were laid off/fired.
- 21) Increased inequality: As 70% of low-income groups experienced a decline in income and labor wages decreased, the wealth of the richest people increased by 85%, and 70.3% of state officials enjoyed their wealth increase.
- 22) In its report, the government hid various forms of serious human rights violations committed during the pandemic by not submitting reports on implementing economic, social, and cultural rights.
- 23) Recommendation:
 - a. increase significant budget allocation for economic recovery for poor and vulnerable groups;
 - b. provide social assistance in a targeted manner with non-discrimination principles.

Corruption (response to paragraphs 21, 22, 23, 24, 25, 26, 27, 28)

- 24) State losses due to corruption reached 238.14 trillion from 2013-2022. Looking at the trend, the value of state losses due to corruption has increased in the last ten years. The amount also set a record for 2021, worth IDR 62.93 trillion. The figure for state losses due to corruption in 2020, IDR 56.74 trillion, was also quite large. Meanwhile, the value of state losses caused by corruption in 2022 was IDR 48.7 trillion.
- 25) During the Jokowi period, six ministers and 11 governors were arrested for corruption. Apart from that, there was a decline in the corruption perception index, from 40 in 2019 to 37 in 2020, 38 in 2021, and 34 in 2022. Other data shows that in 2017, there were 576 corruption cases with 1,298 suspects. In 2016, there were 482 corruption cases with 1,101 suspects.
- 26) Corruption occurs in almost all sectors, including primary education and health services. KPK calls the procurement of medical equipment a very vulnerable sector to corruption and gratification. It is not uncommon, in practice, for state administrators and private parties to conspire to mark up prices ranging from 500% to 5,000%. Meanwhile, corruption in the education sector has always been in the

top five in recent years. KPK detailed that the Special Allocation Fund (DAK) for school rehabilitation was the variable most frequently corrupted.^e

- 27) The most painful is the corruption in COVID-19 social assistance carried out by the Minister of Social Affairs, Juliari Batubara (2021), reaching IDR 32.48 billion. Due to these conditions, the claims made by the government in points 21-28 regarding efforts to eradicate corruption are contrary to existing facts. In fact, with its policies, the government has actually changed the status of corruption from an extraordinary crime to an ordinary crime. Jokowi's government policies are friendly towards corruption compared to previous governments. This is evident from the following four facts:
- 28) *First*, Jokowi's Government revised Law No. 19 of 2019 concerning the Corruption Eradication Commission, the substance of which is to weaken the KPK. Apart from that, Jokowi also placed problematic officials as leaders of the KPK. This was proven by the appointment of the former chairman of the anti-corruption agency, Firli Bahuri, as a suspect in the extortion case against former Minister of Agriculture Syahrul Yasin Limpo (22/11/23). Firli was charged with multiple articles involving extortion and receiving gratuities. Apart from being caught in an extortion case, the KPK leadership is also trying to rot itself internally by getting rid of employees with integrity on the pretext of not passing the national insight test;
- 29) *Second*, Jokowi's Government canceled Government Regulation Number 99 of 2012, which tightened the granting of remissions/sentence reductions and conditional release for corruptors. Jokowi's government also passed Law Number 22 of 2022 concerning corrections. This Law has no special regulations regarding remission requirements so that corrupt convicts can receive remission and conditional release like convicts in other cases. As a result, remissions and parole are easily given to corruptors;
- 30) *Third*, there is a trend toward low penalties for corruptors. Indonesian Corruption Watch (ICW) notes a trend in the courts giving light sentences to corruptors. Throughout 2017, of the 1,381 defendants in corruption cases sentenced by judges, 1,127 (81.61%) were given light sentences by the judges. The average sentence for corruptors is only two years and two months in prison;
- 31) *Fourth*, the government guarantees the political rights of corruptors. Former corruptors are still given the right to be elected as regional heads or legislatures. The impact of policies favoring corruption is the rise of corruption and a decline in the perception index, from 40 in 2019 to 34 in 2022.
- 32) Given these facts, it can be concluded that the revised Corruption Eradication Committee Law eliminates respect, protection, fulfillment, and promotion of economic, social, and cultural rights. The substance of this Law has also been proven to weaken the KPK (an independent institution resulting from reform that has full authority to handle corruption cases) and protect corruptors.
- 33) Recommendations:
 - a. revision of Law No. 19 of 2019 concerning the KPK to restore KPK as an independent institution;
 - b. encourage the selection of KPK commissioners with integrity and eliminate fake national knowledge tests.

Economic inequality (response to paragraphs 42 - 68)

- 34) The most striking inequality in Indonesia is economic inequality or inequality in terms of control of economic resources. This inequality results from development policies prioritizing economic growth by prioritizing conglomerate businesses. Inequality has worsened in the era of the Jokowi government, whose policies mainly served corporations and the richest groups and were discriminatory against the poor.
- 35) These policies include (1) weakening the KPK, which is currently focused on eradicating corruption in the natural resources sector; (2) revision of the Mining and Coal Law, which frees corporate/mining entrepreneurs from obligations towards the State, environment, and society; (3) creation of the Omnibus Law on UU Cipta Kerja, which provides easy investment and State facilities to corporations and investors recklessly by ignoring the protection rights of the citizen and environmental; (4) subsidy policies for conglomerates and rich groups are increased (such as subsidies for the biodiesel program, subsidies for purchasing electric cars and motorbikes, and free royalty payments), while subsidies for lower groups (fertilizer subsidies, fuel subsidies, and energy subsidies) increasingly being reduced; (5) policies in the taxation sector that cater more to the rich in the form of relaxation of sales tax on luxury goods (PPNBM), property tax, and even tax amnesty.⁸ Meanwhile, 'collusion' practices between

⁸ <https://www.cnnindonesia.com/ekonomi/20210610071858-532-652457/ironi-pajak-era-jokowi-si-miskin-tercekik-si-kaya-diservis>

officers and taxpayers continue to occur.⁹ Corruption cases have often involved employees of the Directorate General of Taxes over the last ten years,¹⁰; (6) national strategic projects, which provide various facilities and conveniences for corporations and investors to control the country's natural resources and economic resources, as well as facilities and conveniences to evict/take over people's land and living space; and (7) the health omnibus law, which makes it easier to obtain investment permits in the health sector while eliminating mandatory spending needed to fulfill citizens' rights to health services.

- 36) The worsening inequality in the Jokowi administration era can be seen from the trend of increasing economic inequality. This economic inequality reflects discrimination against citizens/lower groups and the phenomenon of shifting the economic assets of citizens and society to the richest groups at large. This means it is not a trickle-down effect but a flow of economic resources from the lower groups to the rich.
- 37) A study conducted by the World Bank shows that inequality in Indonesia has reached a high level. In 2002, the richest 10 percent of Indonesians consumed as much as the poorest 42 percent, while in 2014, the richest 10% consumed as much as the poorest 54 percent. The Gini ratio increased from 30 (2000) to 41 (2014), the highest recorded figure ever. The economically established "consumer" class has increased by 10 percent per year since 2002, and now almost one in five Indonesians falls into this class. However, the reduction in poverty and vulnerability is very low.¹¹ So far, the government has failed to maintain food prices and protect its citizens from poverty, as contrasted to 65% of the income of the poor group being used to meet their food needs.¹²
- 38) When viewed from the perspective of wealth inequality, the inequality between rich and poor people in Indonesia is among the worst in the world, as was reported in a survey by the Swiss financial institution Credit Suisse in January 2017. Results of the survey state that the richest one percent of people in Indonesia control 49.3 percent of national wealth. This condition is only better than Russia, India, and Thailand. If increased to the richest 10 percent of people, their control reaches 75.7 percent. Oxfam Indonesia and the International NGO Forum on Indonesia Development (INFID) report in 2017 showed that conditions of inequality were getting worse. It was noted that the wealth of the four richest people in Indonesia is equivalent to the combined wealth of the 100 million poorest people. This puts Indonesia's economic inequality in the sixth worst position in the world. This inequality not only slows down poverty alleviation but also slows economic growth and threatens social cohesion. Oxfam and INFID note that there are four causes of inequality in Indonesia, namely (1) market fundamentalism, which encourages rich people to reap the greatest profits from economic growth; (2) increasing political capture, namely, rich people can take advantage of the influence of changing the rules that benefit themselves; (3) gender inequality, (4) low wages, which cause the lower classes of society to be unable to lift themselves from the abyss of poverty.
- 39) The 2022 World Inequality Report (WIR), released by the United Nations Development Program (UNDP) and the World Inequality Lab, states that in Indonesia, the average income of the adult population is IDR 69 million per year (IDR 5.7 million per month). As many as 50% of the lower strata of society have an average income of IDR 22.6 million per year (IDR 1.9 million per month). Meanwhile, the average pay for the top 10 percent of society is IDR 285 million annually (IDR 23.7 million monthly). Amid an upward trend in food and energy prices, the purchasing power of people from the middle to upper economic groups is deemed not to be disrupted because their income is relatively stable. This group of people has liquidity savings that can be used for emergencies. However, rising food and energy prices will affect lower middle-class people trying to recover from the pandemic. Amid incomes that have not yet recovered from the pandemic, they will have difficulty meeting their living needs due to increasing prices of necessities.
- 40) Inequality also occurs in the control of land resources. The National Land Agency (BPN) notes that 56% of assets in Indonesia, including property, land, and plantations, are controlled by only the richest 0.2 percent of citizens. Meanwhile, the average farmer has less than 0.5 hectares of agricultural land. The Jokowi government did not correct the inequality in land control that occurred during the previous government era. The government has indeed implemented an agrarian reform program. Still, this program does not address inequality because it is very slow, and its scope is very small. It is not commensurate with the land and forest area given to corporations and conglomerates easily and quickly.

⁹ <https://www.bbc.com/indonesia/articles/crqz1p6q8ydohttps://www.bbc.com/indonesia/articles/crqz1p6q8ydo>

¹⁰ <https://www.kompas.id/baca/nusantara/2023/11/15/badai-korupsi-sektor-pajak-yang-tidak-ada-habisnya>

¹¹ <https://pubdocs.worldbank.org/en/986461460705141518/Indonesias-Rising-Divide-Bahasa-Indonesia.pdf>

¹² <https://ekbis.sindonews.com/berita/1053650/33/indef-kesenjangan-sosial-era-jokowi-ik-makin-runyam>

- 41) The worsening of economic inequality in the era of the Jokowi administration clearly shows that what the government conveys regarding the fulfillment of the economic, social, and cultural rights of every citizen without discrimination, social justice for everyone, and legislation that must reflect protection and respect for human rights (point 29 of the government report) is not in accordance with the facts. Jokowi's government policies actually exacerbate inequality.
- 42) Recommendation:
 - a. Correct or revoke laws and regulations that worsen inequality, such as the UU Cipta Kerja, the revised UU KPK, and the revised UU Minerba
 - b. Improve the governance of natural resources and economic resources to correct inequality.

Right to food (response to paragraphs 196 - 206)

- 44) When many farmers in the area screamed, due to climate change and erratic rains, plants died, and caterpillar pests ate the living ones. Production costs were high; seeds, fertilizers, and pesticides had to be purchased at high prices. While the harvest cannot cover production costs, resulting in people leaving agriculture, the government instead organizes food *estate* programs for food security. However, this policy is carried out with a state-centric approach and is not oriented towards human security and environmental security, thus causing humanitarian and environmental problems. *First*, it is a disregard for the environment. In the case of Central Kalimantan, peat ecosystems and forest areas are ignored for large-scale monoculture. In the Ministry of Defense's presentation, in the initial KLHS presentation, at least 486,164 Ha of initial land in Central Kalimantan came from Forest Areas (AOI Land, Katingan Block, Kapuas, Gunung Mas Block). Meanwhile, the Food Estate development plan in Papua will result in the conversion of Protected Forests, Production Forests, Permanent Production Forests, and Conversion Forest areas covering an area of 2,684,461.54 hectares.
- 45) *Second*, neglect of farmers. Indigenous and local communities are food-producing subjects, and the concept of Food Estate as a large-scale food producer impacts the environment and indigenous peoples' rights. In the case of North Sumatra, there are 1,500ha of land clearing in forest areas; the land division consists of the Directorate General of Horticulture 200 Ha (already operating), the Research and Development Agency for Agriculture 15 ha (already running), PT. Indofood 200 ha (already running), PT. Indofood 200 ha (already operating), PT. Champ 250 ha (already running), PT. Calbee Wings 200 ha (already running, four private Companies 225 ha (already running), and PT. DEL 500 ha (already running). The Food Estate area also intersects with the Pandumaan Sipituhuta customary forest, covering an area of ± 2,041 hectares; in the Food Estate area in NTT, the subjects of food producers are also not small farmers.
- 46) In the case of Central Kalimantan, the cassava commodity Food Estate from the first phase Area of Interest (AoI) area of 32,000 Ha from our monitoring result in the field, has opened up a forest area of approximately 600 Ha and has resulted in environmental damage due to floods that hit the nearest village to the location that has been opened. Meanwhile for rice commodities, of the 30,000 Ha of land for intensification allocated by the Ministry of Agriculture, namely re-opening peatlands and canals in the protected function peat ecosystem, one of the locations is the A block area Ex-PLG which is in Dadahup sub-district, Kapuas district. The exact location is also a priority area for peat restoration carried out by the previous Peat Restoration Agency. Activities to open peatlands and canals for irrigation of agricultural land are considered counterproductive to peat restoration efforts by building peat wetting infrastructure in the form of canal blocks and replanting peatlands;
- 47) In Papua's case, the Food Estate's location in Papua is ± 2,684,680.68 hectares. More than two million hectares are in forest areas. Inevitably, this policy will encourage the rate of conversion and deforestation in Papua. Most of Papua's land is customary territory, and the Food Estate program based on farmer corporations will sacrifice customary territory and wisdom in its use.
- 48) The policy of *food estate* cannot answer the problem of food security but instead creates new problems related to environmental damage and is in contradiction with the facts of the Papuan famine, which resulted in 29 indigenous Papuans having to die in 2023. The famine in Papua is a recurring humanitarian problem because it has occurred since 2005 and has resulted in 55 victims: 15 people died in 2006, 92 people died in 2009, and 3 people died in 2022.
- 49) Recommendation:
 - a. moratorium and audit of the *food estate project*.
 - b. create participatory food security policies.

Health and Health Insurance Systems (response to paragraphs 123 - 132)

- 50) The Indonesian Nutritional Status Survey conducted by the Ministry of Health shows that the prevalence of stunting is still high, at 21.6% in 2022. In fact, the government is targeting a reduction in stunting to 18.4% in 2022. Moreover, the figure of 21.6% in 2022 is also quite far from the target of 14% at the end of the 2024 RPJMN. Instead of decreasing, the prevalence of stunting in 2022 actually increased, namely by 7.7% from the previous 7.1% in 2021. The country's inability to overcome stunting has become a reflection of the government still needing to meet nutritional needs optimally.
- 51) From a policy perspective, even though the State has allocated a huge budget for stunting prevention, this budget is not intended to accelerate stunting prevention. Instead of implementing programs that provide direct benefits, allocating funds for stunting programs in several regions is found to be just a formality to spend budget items. The Ministry of Finance stated that from the APBD for the stunting program, only 5% of the allocated budget was realized directly, while more than 80% is for coordination and various meetings and official trips.
- 52) In the context of health service guarantees, strengthening health services needs attention. In previous years, achieving minimum service standards in the health sector in 2021 was still far from the targets set, and the health burden was still high. The majority of deaths that occur in Indonesia are cases that could have been prevented. These conditions indicate that primary health services are not strong enough to respond to health problems.
- 53) The Community Health Center carries out the provision of primary health services. Data from the Ministry of Health's Data and Data Center in 2022 reveals that there are 10,374 community health centers with 27,768 sub-health centers along with other first-level health service facilities and various Community Resource Health Efforts (UKBM) such as Village Health Centers (42,051), Posyandu (301,068), Elderly Posyandu (109,415), Youth Posyandu (18,300), Posbindu (79,0999). Despite this, 18,193 villages/sub-districts still need health facilities in the form of Pustu/Poskesdes/Posyandu to meet health service needs.
- 54) In the context of health service guarantees, strengthening health services needs attention. In previous years, the achievement of minimum service standards in the health sector in 2021 was still far from the targets set, and the health burden was still high. The majority of deaths that occur in Indonesia are cases that could have been prevented. These conditions indicate that primary health services are not strong enough to respond to health problems. The provision of primary health services is carried out by the Community Health Center. Data from the Ministry of Health's Data and Data Center in 2022 reveals that there are 10,374 community health centers with 27,768 sub-health centers along with other first-level health service facilities and various Community Resource Health Efforts (UKBM) such as Village Health Centers (42,051), Posyandu (301,068), Elderly Posyandu (109,415), Youth Posyandu (18,300), Posbindu (79,0999). Despite this, 18,193 villages/sub-districts still do not have health facilities in the form of Pustu/Poskesdes/Posyandu to meet health service needs.
- 55) Likewise, out of a total of 30,347 specialist doctors, Indonesia still needs around 18,752 specialist doctors when referring to the ideal ratio determined by Bappenas, namely 0.28:1,000 (0.28 specialist doctors for every 1,000 population). In the context of geographical inequality, providing health facilities and services in Eastern Indonesia is still challenging. Maluku Province, Papua Province, and NTT Province are the three provinces with the largest number of health centers lacking doctors, namely 93.7% in Maluku, 91.4% in Papua, and 87.5% in NTT.
- 56) The country's lack of seriousness in overcoming the stunting problem is reflected in the still high stunting rate of 21.6% in 2022, which is still quite far from the planned stunting prevalence target, namely 18.4%. On the one hand, the Ministry of Finance stated that from the APBD for the stunting program, only 5% of the allocated budget can be realized directly, while more than 80% is for coordination and various kinds of meetings and official trips. Regarding health services, 18,193 villages/sub-districts still need health facilities in the form of Pustu/Poskesdes/Posyandu to meet health service needs.
- 57) The need for health workers still needs to be fully addressed by the State. Of the 533,138 health workers working in community health centers, the average capacity of health centers with nine types of complete health personnel in the province is below 50%. The Ministry of Health noted that the total number of doctors in Indonesia as of June 2023 was 159,977 people, of which 30,347 were specialist doctors. Referring to the standard set by WHO, which is 1:1,000 (one doctor serves 1,000 people), the current number in Indonesia still needs to grow, considering that the population of Indonesia as of mid-2023 will reach 278.69 million people. Likewise, out of 30,347 specialist doctors, Indonesia still needs around 18,752 specialist doctors. Maluku Province, Papua Province, and NTT Province are the three provinces with the largest number of health centers lacking doctors, namely 93.7% in Maluku, 91.4% in Papua, and 87.5% in NTT.
- 58) The high consumption of cigarettes in Indonesia is one of the leading causes of non-communicable diseases such as lung cancer, etc. Ministry of Health data shows that more than 200,000 deaths per year

are caused by cigarette consumption. The number of smokers in Indonesia continues to increase every year. The 2018 Basic Health Research results show that the prevalence aged 10-18 years reached 9.1%. Meanwhile, the Global Youth Tobacco Survey (GYTS) data source shows an increase in the smoking population in schools for children aged 13-15 years from 18.3% (2016) to 19.2% (2019).

- 59) The National Health Insurance Program (JKN), which the government targets to reach 98% by 2024, is still realized at a rate of around 90% as of March 1, 2023. In a larger context, the health sector in Indonesia, especially in medicine and food, is actually facing challenges with the circulation of drugs and contamination of dangerous substances, which have resulted in fatalities. The Indonesian pharmaceutical sector still relies heavily on imported Medicinal Raw Materials (BBO), amounting to 95%, of which 70% comes from China, 20% from India, and the rest from the USA and the European Union. In fact, based on analysis, 35% -75% of the supply of fake medicines comes from India, while 6% comes from China.
- 60) Guaranteeing the right to health is also reflected in the extent of the State's efforts to ensure a safe and clean living environment. The government's claim through the Ministry of Environment and Forestry that deforestation in Indonesia will decrease by 114 thousand hectares in 2023 is actually not solely due to the government's efforts. In 2002-2022, Indonesia lost 10.2 million ha of primary forest. Since reaching its peak in 2016, with total primary forest loss reaching 929 thousand ha, the deforestation trend in primary forests has decreased.
- 61) In conditions of low quality of fulfillment of the right to health services, the government created the Health Omnibus Law, the substance of which is to liberalize and commercialize health services and revoke mandatory spending (5% for APBN and 10% for APBD), which is crucial for fulfilling the right to health, especially for groups poor and vulnerable. This Law could weaken poor and vulnerable groups' access to health services.
- 62) Recommendation:
 - a. Expanding national health coverage (JKN) participation from poor communities with the Contribution Assistance Recipient (PBI) membership scheme. In serving the needy, disabled, elderly, and newborns, they are provided with more protection and services in accordance with the mandate of Article 5, paragraph 3 of the Human Rights Law. More medicines for JKN patients are included in the National formulary so that JKN guarantees funding. Opening JKN guarantees to Indonesian migrant workers abroad.
 - b. For Employment Social Security, the Government of Indonesia must register and finance contributions from work accident insurance, death insurance, and old age insurance for poor informal workers using the PBI scheme.
 - c. Creating space for participation for informal workers (non-wage earners) and migrant workers in pension security programs.
 - d. Audit and eliminate corruption in stunting eradication assistance. Furthermore, the Indonesian government is obliged to make policies and programs for the distribution of doctors and medical personnel and their facilities to the regions;
 - e. Indonesia must ratify the Framework Convention on Tobacco Control (FCTC)
 - f. Revoke the Health Omnibus Law, which threatens the fulfillment of citizens' rights to health services.

Education (response to paragraphs 235 - 295)

- 61) The education system in Indonesia needs to be oriented towards increasing access and quality of learning. The results of the 2022 Program for International Student Assessment (PISA) research show that Indonesia is ranked 68th out of 81 countries with scores in mathematics (379), science (398), and reading (371). Even though there was an increase of 5 - 6 positions in PISA 2022, Indonesia recorded a decrease in scores in each subject for assessing reading, mathematics, and science skills, which were still far from the 2020 - 2024 RPJMN target.
- 62) Apart from that, although Indonesia's Human Development Index (HDI) increased from 72.81 to 74.39 in the 2020 - 2023 period, this result is still far from the 2024 HDI target set by the Indonesian government, namely 75.54. Another thing is the problem of enormous inequality, where Papua can only achieve an HDI of 63.01, which is far behind the HDI of DKI Jakarta of 83.55 and the Indonesian average of 74.39.
- 63) The 2022 School Readiness Figure (AKS) achievement was 74.34% lower than the target, 75.38%, or the actual achievement was 98.62%. In the last three years, AKS has stagnated at 74%. Apart from that, there is still a gap in AKS in the disability group, namely, 69.34% in the disability group and 74.36% in the non-disability group.

- 64) The achievement of the Gross Participation Rate (APK) for higher education is the same as the high school/equivalent APK, the realization of which has never reached the set target. Generally, Indonesia's APK for higher education is still relatively low compared to Southeast Asian countries. Based on data on the World Bank website, the APK for higher education in 2021 in Vietnam has reached 35.39, the Philippines at 35.52, and Thailand at 43.82. Also, the illiteracy rate is still at 1.50%, far from the target of below 1% by 2024.
- 65) SMERU's findings show that from 2001 to 2014, the majority of the education budget in Indonesia was allocated to primary and secondary education, particularly personnel spending (hiring more teachers and increasing teacher salaries). The same thing is shown by YAPPIKA's findings, which show that the budget allocation for the Education Function each year from 2016 - 2020 has decreased from 11.44% in the 2016 LKPP to 9.32% in the APBN and is eroded by the Public Service Function. These findings also show that most of the education budget allocation is realized in personnel spending (in the form of indirect expenditure), while less is related to access and quality of education (in the form of direct spending). On the other hand, the teacher certification and BOS policies have combined costs that consume almost the entire Indonesian government's education allocation. Still, neither policy has a real impact on improving the quality of student learning (SMERU, 2019). This is likely due to a lack of accountability, where this program is an unconditional transfer to teachers and schools.
- 66) Not only that, physical punishment, intolerance, discrimination, and other violence still occur in schools. The Guru Cahaya Foundation (YCG) recorded that during 2023, at least 139 various types of violence occurred in schools, and 19 people even died. Cases of intolerance and discrimination based on religion also still occur in schools, such as the imposition of religious attributes, favoritism policies towards certain religions, and the difficulty of obtaining students' religious or belief education rights, especially minority groups. Meanwhile, data from the Indonesian Child Protection Commission (KPAI) recorded that until October 2023, there were 2,335 cases of child abuse in Indonesia. KPAI also reminded us that 1 in 3 children in Indonesia have the potential to experience bullying.
- 67) Recommendation:
- a. ensure access to quality education that is free, safe, inclusive, and gender-sensitive at every level of education, especially for children with the greatest potential outside the system;
 - b. ensure improvement in the quality of universities and teachers at every level of education, as well as recruiting the best prospective teachers and distributing them effectively to all corners of Indonesia, including the 3T region;
 - c. strengthen educational accountability mechanisms through better data verification and proportional supervision.

Right to Decent Work (response to paragraphs 81, 82, 84, 86, 95, 97, 103, 111, 112, 114)

- 68) The birth of the Job Creation Law (UUCK), which will impact workers, farmers, fishermen, fish farmers, and coastal communities, manifests state servitude to the investment regime. Even two years after the passing of Law no. 11/2020, the low average real wages of workers in Indonesia only amounted to US\$181.2 or 2.69 million in 2022, still placing Indonesia as the country with the lowest number among ASEAN countries in terms of the average monthly wages of workers.
- 69) UMP 2024 increase which only ranges from 1.2% to 7.5%¹³ it is not comparable to the rise in salaries for civil servants for the TNI/Polri, which the government guarantees will increase by 8%, and for ASN retirees by 12% in 2024.
- 70) The increase in the UMP was not even able to offset the rise in prices of a number of primary necessities. Protection for workers is also not fully guaranteed by the State. Restrictions on trade unions in carrying out collective bargaining, forced labor practices, child labor practices, and discrimination related to workers and positions are a range of problems that are still deep-rooted and hamper the fulfillment of the right to work.
- 71) Looking at the facts on the ground, UUCK has deleted, changed, and inserted many provisions in the Law related to environmental protection. Creating the Job Creation Law (UU 11/2020) actually weakens environmental protection and worsens environmental destruction, which is already bad. Some of these are restrictions on revoking business licenses for companies that damage the environment by (1) eliminating the right of citizens/community to file a legal claim at the State Administrative Court if

¹³ <https://databoks.katadata.co.id/datapublish/2023/11/30/daftar-lengkap-persentase-kenaikan-ump-2024-di-38-provinsi-indonesia>

a state administrative agency or official issues an environmental permit without being accompanied by documents related to environmental protection and management, (2) erasing the role of civil society observers of the environment in the preparation Environmental Impact Analysis Document, (3) eliminates criminal penalties for corporations that commit violations related to environmental protection.

- 72) Indonesia is also considered to be neglecting the protection of domestic workers, while the Domestic Workers Bill has been suspended for 20 years. This is contradictory to the recognition that cases of exploitation of domestic workers, such as threats of physical, psychological, and sexual violence, have reached a critical condition so that they can immediately have a legal umbrella for resolution. The Civil Society Network for Domestic Workers recorded that during 2017 – 2022, there were 2,637 cases of violence against domestic workers. According to the domestic worker advocacy organization (JALA-PRT), every day, there are 10-11 cases of violence against **PRT**, and of this number, only two cases were handled.¹⁴
- 73) In the context of migrant workers, there is no significant change regarding the protection policy for Indonesian migrant workers, which was encouraged by Law No. 18/2017. The level of TIP is still high, and the government is ignoring the vulnerable position of migrant workers. The National Agency for the Placement and Protection of Indonesian Workers (BP2MI) also reported that in the last three years, it handled 94,000 migrant workers deported from Middle Eastern and Asian countries. Of this number, 90% of them departed unofficially or were deported by illegal placement syndicates of Indonesian migrant workers.
- 74) For social security for migrant workers, Minister of Manpower Regulation No. 4 of 2023 concerning Social Protection Guarantees for Indonesian Migrant Workers has not been able to integrate guarantees of economic, social, and cultural rights so that access to social security cannot be realized in operational policies because there is no allocation in the APBN/APBD. The government also does not have the political will to resolve this problem.
- 75) Moving on to the complexity of the issue of migrant fisheries workers, the enactment of PP 22/2022 encountered obstacles to implementation due to conflicts of sectoral ego interests of the ministries responsible for protecting migrant workers. Many initiatives, such as implementing the implementation team and creating a pure PP on the protection of migrant crew members, were also hampered. As a result of the same thing, even though the Indonesian government had responded positively to Indonesia's movement to adopt and ratify ILO Convention 188, the harmonization process became long-winded and was not completed quickly. On the other hand, based on meetings with various parties from the relevant ministries, they actually showed their lack of confidence in ratifying the convention on the pretext that ratification would not have a significant impact on efforts to protect Indonesian migrant crew members.
- 76) Furthermore, the lack of protection for migrant crew members can be reflected in several things, including (1) debt bondage due to high recruitment costs carried out by recruitment agencies,¹⁵ (2) visa classification, which causes reduced rights and protection for certain migrant crew members, and (3) low levels of mental health assistance due to poor working conditions.
- 77) Recommendation:
 - a. abolish the job Creation Law or UU CK;
 - a. ratify the Domestic Workers Law or UU PRT;
 - b. provide social security for all, for both formal and informal workers, including migrant workers, regardless of document status;
 - c. improve the paradigm and function of the Anti-trafficking in Persons Task Force and improve the recruitment system to prevent and eradicate human trafficking practices;
 - d. ratification of ILO Convention 188

¹⁴ <https://www.cnnindonesia.com/nasional/20230212130535-20-912015/koalisi-sipil-sebut-setiap-hari-11-prt-jadi-korban-kekerasan>

¹⁵ In Indonesia, recruitment agencies for migrant fishery work are required to pay up to IDR 20,000,000 (USD 1,880) to fulfill these administrative requirements (Indonesia Ocean Justice Initiative, 2022)

Environment, Land Grabbing and PSN (response to paragraphs 173, 174, 175, 179, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, and 195)

- 77) The State's partiality towards entrepreneurs has negatively impacted the environmental situation, as well as land confiscation, which is justified by the development of national strategic projects, including land in customary areas. One form of this is the creation of legal products that only make things easier for groups of entrepreneurs, including Law No. 11/2020 concerning (UU CK and Law No. 3/2022 concerning National Capital City (UU IKN).
- 78) The UU CK weakens environmental protection and exacerbates destruction by making it easier/faster to grant investment permits and ignoring the carrying capacity of the environment, lifting the ban on allowing open-pit mining projects in protected forest areas and opening up opportunities for projects to be permitted *food estate* in protected forest areas, eliminating the rights of citizens/communities to file a legal claim at the State Administrative Court if a state administrative agency or official issues an environmental permit without being accompanied by documents related to environmental protection and management, as well as eliminate provisions pertaining to requirements for obtaining a Plantation business permit.
- 79) The State's partiality towards entrepreneurs also impacts poor air quality caused by forest and land fires (Karhutla). From January to September 2023, there were 184,223 fire hotspots in Indonesia, with a burned area of 642,099.73 hectares. These hotspots are predominantly located within the concessions of 194 companies. In fact, of the 194 companies, at least 38 also carried out forest and land fires from 2015 to 2020. In August 2023, Jakarta's air quality index (AQI) was at 170, falling into the unhealthy category with PM2.5 air pollution; AQI listed Jakarta as the city with the worst air in the world.
- 80) Another destructive impact resulting from the State's partiality towards entrepreneurs is deforestation, where the industrial sector contributes the most. Based on a spatial analysis conducted by Madani, in the 2003-2018 period, among the types of permits/concessions, the rate of deforestation in palm oil plantation permit areas of 2.63 million hectares was the highest after industrial plantation forest permits/IUPHHK-HT with total deforestation of 2.78 million hectares, and then followed by deforestation in oil and gas concessions covering 2.46 million hectares, IUPHHK-HA 893.4 thousand hectares, and mineral and coal concessions (861.7 thousand hectares). The potential for deforestation will be increasingly open with the findings of Auriga data, which states that there are 1.6 million hectares of oil palm plantations in forest areas.
- 81) In 2017, the government also established 248 PSNs, which, in their construction, negated citizens' rights. Throughout 2015 – 2023, the Agrarian Reform Consortium (KPA) recorded 73 agrarian conflicts due to PSN. This was then exacerbated by the enactment of the UU IKN, which provided a 190-year Business Use Rights Permit (HGU) for investors in IKN locations. Of the 161 PSNs that have been realized by September 2023, many of them have taken over traditional territories. Including PSN, the Indigenous Peoples Alliance of the Archipelago noted that during 2018-2022, there were at least 301 cases involving 8.5 million hectares of indigenous people's territory.
- 82) There are at least 13 human rights violated in the PSN project, namely: (1) the right to information, (2) the right to participate, (3) the right to adequate housing, (4) the right to express opinions, (5) the right to life, (6) right to work, (7) right to food, (8) right to a decent standard of living/right to welfare, (9) right to health, (10) right to water, (11) right to security, (12) the right to education, and (13) the right to culture.
- 83) Recommendation:
- abolish and revise Law on National Capital City or UU IKN
 - revise regulations regarding land acquisition and infrastructure development by referring to UN guidelines and principles regarding Development-based evictions and displacement of residents, including for PSN.
 - create legally binding Business and Human Rights regulations and ensure their implementation runs smoothly.
 - guarantee public participation to democratize natural resource management.
 - ensure the implementation of Anti-SLAPP principles as stated in Article 66 of Law no. 32 of 2009 and Decree of the Chief Justice of the Supreme Court (KMA) No. 36 of 2013 concerning the Implementation of Guidelines for Handling Environmental Cases.

Protection of Vulnerable Groups

- 84) Protection of vulnerable groups is still an extensive homework for Indonesia. As a policy basis, the definition of vulnerable groups is still limited, so compliance with certain groups who are victims of violence cannot be fulfilled. To date, the affirmation of protection for vulnerable groups due to their

particular situation is contained in Article 5, paragraph (3) of Law Number 39 of 1999 concerning Human Rights (UU HAM) and the Explanation section.¹⁶ There are 5 (five) groups classified as vulnerable in the Human Rights Law, namely "elderly people," "children," "the poor," "pregnant women," and "people with disabilities." This group experienced a slight expansion through the National Human Rights Action Plan (RANHAM) for 2021-2024.

- 85) In paragraph 181, the Indonesian government states that RANHAM 2021-2024 focuses on vulnerable groups of children, women, people with disabilities, and Indigenous Peoples (MHA).¹⁷ This is a development due to the emergence of recognition of MHA as a vulnerable group. However, in the elaboration in the Environmental Issues and National Strategic Projects (PSN) section, MHA recognition notes that recognition must be followed by comprehensive fulfillment of the rights of indigenous peoples.
- 86) Returning to the question of the definition of vulnerable groups. In the disaster emergency response stage, the Indonesian government still limits the definition of vulnerable groups to infants, toddlers and children, mothers who are pregnant or breastfeeding, people with disabilities, and the elderly in Law No. 24 of 2007 concerning Disaster Management. This causes women outside of these categories and other vulnerable groups to tend to be ignored and considered not vulnerable in facing the risk of gender-based violence (KBG) in disaster situations. On the other hand, the developments in paragraph 66 should be appreciated. However, the coverage of vulnerable groups in the National Disaster Management Agency (BNPB) Regulation Number 3 of 2018 remains the same as the Disaster Management Law.
- 87) The Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia Regulation Number 13 of 2020 concerning the Protection of Women and Children from Gender-Based Violence in Disasters is still focused on the aftermath of a disaster. Policies have not yet integrated the prevention and handling of pre-disaster and post-disaster gender-based violence.
- 88) Apart from the legal-formal definition issue, another fundamental problem is fulfilling the rights of these vulnerable groups. Looking again at the vulnerable groups outlined in RANHAM, apart from MHA, people with disabilities, women, and children are also not in a good situation evenly. Even though RANHAM only became effective after the Indonesian Government's ICESCR report, the current situation regarding protecting and fulfilling their rights still deserves attention. Even though the government, through the Ministry of Administrative and Bureaucratic Reform, collaborates with health workers, people with disabilities are still found to be having difficulties. A total of 33 families of people with disabilities at the Banjarbaru Disability House, South Kalimantan, submitted complaints regarding the difficulty of accessing various types of public services, ranging from BPJS, social assistance, and administrative services to the unavailability of a disability-friendly environment.
- 89) The Indonesian government has also guaranteed persons with Disabilities through Law No. 8 of 2016 concerning the Adoption of the CRPD. A series of other efforts should also be appreciated; however, access for groups of people with disabilities to health facilities is still not optimal. On the other hand, services for children with intellectual disabilities, especially Down syndrome, are still not fully facilitated by the government. Treatment and therapy to overcome growth and development disorders with Down syndrome are still limited. Research results from the Indonesian Women's Coalition and the Healthy Mental Association show that rehabilitation facilities for people with mental disabilities are minimal. The existence of mental rehabilitation homes owned by local governments is still very limited.
- 90) More technically, the Indonesian government has not been able to provide gender-disaggregated data and disaggregated data on persons with disabilities, especially in disaster-prone areas, both at the village, regional/local, and national levels in the disaster management cycle. In 2014 – 2023, the Indonesian Disaster Information Data (DIBI) recorded that 8,224 people died, 1,295 people went missing, 44,684 people were injured, 35,469,039 people suffered, and 4,643,149 people were displaced. The absence of gender and disability disaggregated data means that disaster risk reduction and disaster management program planning is less targeted and effective.
- 91) A crucial situation for vulnerable groups that is not the focus of the Indonesian Government report is discrimination based on SOGIE (*sexual orientation, gender identity, and gender expression*). CRM Consortium data shows that the impact of SOGIE discrimination is felt in at least several important

¹⁶Article 5, paragraph (3) of the Human Rights Law states, "Every person who is a vulnerable group of society has the right to receive greater treatment and protection with regard to their specific characteristics."

¹⁷RANHAM 2021-2024 is contained in Presidential Regulation Number 53 of 2021 concerning the National Human Rights Action Plan (RANHAM)

points. *First*, CRM and the National Coalition for Anti-Discrimination Vulnerable Groups showed that 38% of respondents stated a lack of curriculum and implementation of anti-discrimination programs in schools. It was even recorded that Andalas University, Indonesian University of Education, Gadjah Mada University¹⁸ Bandung Institute of Technology and High Schools and Junior High Schools in Bangka Belitung have all issued policies of "not accepting LGBTQIA+ in institutions."

- 92) Second, the people of LGBTIQ+ also experience restrictions on access to work. The forms of restrictions are contained in recruitment policies for civil servants and private companies that implement "anti-LGBT" recruitment.¹⁹ Apart from that, similar internal regulations in the state apparatus have also emerged. Many district heads, village officials, members of the TNI, and Polri were frightened and fired from their positions because of circulars that prohibited "same-sex" relationships.²⁰
- 93) On the other hand, CRM research finds that disaster situations like the COVID-19 pandemic create a multidimensional crisis for LGBTQIA+ individuals and organizations. Many who do not have ID cards or those who have a name different from the name on their birth certificate are excluded from government response programs and direct financial assistance. In addition, living and economic resources are greatly affected, causing food scarcity, inability to access health services, and school dropouts.²¹ The COVID-19 pandemic is disrupting the supply of ARV drugs for PLHIV. Based on a rapid survey, 473 respondents out of 1000 PLWHA said that Covid 19 was the main challenge for them in accessing ARVs in 2020.²² The lockdown also affected the contraceptive supply chain, especially condoms.²³
- 94) In this issue of SOGIE discrimination, another problem that has not yet come to the attention of the Indonesian government is the urgent need for government social protection services that are friendly and non-discriminatory. CRM (2023) found LGBTQIA+ people trapped in a perpetual cycle of poverty. It manifests in unstable housing, inconsistent income, poor working conditions, and an inability to make ends meet for some.²⁴ Amid difficult situations, efforts to change SOGIESC emerged in regional regulations with a heteronormative family approach and social protection. The real form of regulation is Bogor City Regional Regulation Number 10 of 2021 concerning the Prevention and Management of Sexual Deviations, which categorizes LGBTQIA+ people as sexual deviants and can be 'rehabilitated.'²⁵
- 95) Recommendation:
 - a) Propose national legislation that can provide a more comprehensive definition of vulnerable groups in line with sociocultural developments followed by improvements to protection policies.
 - b) Suggest the establishment of a comprehensive national policy framework that includes SOCIESC-inclusive work practices, anti-discrimination measures, and affirmative workplace programs, emphasizing the ratification of ILO Convention No. 190 while simultaneously addressing the education, health, and social protection needs of LGBTQIA+ individuals to promote a more inclusive society.
 - c) Propose comprehensive national anti-discrimination legislation that fully recognizes the prohibition of discrimination based on sexual orientation, gender identity, and gender expression. In addition, the Indonesian government must create a robust accountability mechanism to review, update, and cancel laws, regulations, and policies that are discriminatory or have the potential to limit the enjoyment of human rights, including LGBTIQ+ individuals.

¹⁸ <https://www.bbc.com/indonesia/articles/crq02dnwx9xo>

¹⁹ For example, the selection of civil servants, especially in the Trade Ministry and Attorney General's Office, includes not having sexual orientation 'abnormality,' especially transgender. In addition, during the interview process, also known as a "national knowledge" test (tes Wawancara Kebangsaan), there are questions about the applicant's perceived sexual diversity and choices.

²⁰ Circular no. ST/2694 in 2019 on the firm application of the Law against civil servants, police, and army who are involved in same-sex relationships.

²¹ CRM and Kurawal Foundation. Sexual and Gender Diversity Groups amid the Pandemic Vortex, 2021.

²² Positive Indonesia Network, Follow-up Survey: The needs of people living with HIV in Indonesia during the COVID-19 pandemic and in Adapting to the New Normal.

²³ <https://iac.or.id/id/kunjungan-penilaian-kebutuhan-kondom-dengan-penerima-manfaat-kota-bandung/>

²⁴ CRM research with LBH Masyarakat and Edge Effect, "Diverse SOGIE Experiences of Social Protection in Indonesia A qualitative study in Jakarta, Makassar, and Medan," November 2023

²⁵ Bogor City Local Regulation Number 10 Year 2021 Regarding Prevention and Mitigation Sexual Deviances can be accessed through <https://peraturan.bpk.go.id/Details/207080/perda-kota-bogor-no-10-tahun-2021>