

Country Updates on Human Rights and Democracy 2018

Indonesia

1. Overview of the human rights and democracy situation: Indonesia is a stable democracy with credible, inclusive and transparent elections, with diverse and active media and a vibrant civil society. Basic human rights are guaranteed by law and the institutional human rights framework which includes a National Commission on Human Rights, a National Commission on Violence against Women, and the Commission for Child Protection. In 2018 Indonesia held local elections in 17 provinces and 154 districts. The Constitutional Court struck down passages of the 1974 marriage law that allowed women to get married at the age of 16 and men at age of 19.

At the same time, a number of human rights related issues persisted. Authorities continue to apply a controversial blasphemy law. At least six people were sentenced to prison terms in 2018. Minorities such as Ahmadis, Shi'a Muslims and members of the LGBTI community still experienced discrimination and violence. The draft revised criminal code contains provisions that would outlaw same-sex relations and extramarital sex. No executions were carried out in 2018 but 45 people were sentenced to death and more than 300 inmates remain on death row. Human Rights Defenders continue to report intimidation and harassment and a growing number of cases of criminalisation.

2. EU action - key focus areas: The abolition of the death penalty is a major priority for the EU. The revised criminal code, (whose adoption might take place in 2019), will likely define the death penalty as an "alternative punishment" whereby convicts sentenced to death will be given a 10-year probation period, with the possibility of commuting the death sentence to 20 years in prison. The EU continues to encourage Indonesia to re-establish a de facto moratorium, as one of the recommendations accepted by Indonesia in the last cycle of the Universal Periodic Review in 2017.

Throughout the year the EU continued to monitor the revision of the criminal code through regular meetings with government, parliament, civil society and international partners. Of particular concern are the provisions to criminalise same-sex relations and extramarital sex. In the area of non-discrimination and protection of minorities, the EU closely followed up the frequent application of the blasphemy law and was in regular contact with minority groups and victims of discrimination and intolerance throughout 2018, including with representatives of religious minority groups and LGBTI organisations. Throughout the year LGBTI groups have faced discrimination, harassment and restrictions of the civil and political rights that are recognised to all Indonesian citizens. On the occasion of the Asia Games and Para Games held in Indonesia the EU Delegation organised a competition for journalists on the themes of non-discrimination and inclusiveness.

Throughout the year, the EU promoted the universality of human rights at the occasion of the 70th anniversary of the Universal Declaration of Human Rights. Initiatives included social media campaigns (#standupforhumanrights, #HumanRightsPower featuring bracelets, #YourRightsYourFuture or the Human Rights Defenders campaign) and collaboration with a film festival focused on inclusion.

3. EU bilateral political engagement: The EU-Indonesia Partnership and Cooperation Agreement, which provides the framework for bilateral cooperation is based on shared values and includes joint commitments to the safeguarding and promotion of human rights. The seventh bilateral Human Rights Dialogue took place in February 2018 covering a wide range of issues, including access to justice and penal policy, the rights of migrants and people belonging to minorities, disinformation, business and human rights, freedom of assembly and association and freedom of expression. Both sides agreed to organise a seminar on disinformation and hate speech, which was organised in cooperation with Indonesian ministries in October 2018. It brought together Indonesian and European experts from government, media and civil society and provided a platform exchange experiences and best practices in tackling disinformation while respecting fundamental rights and democratic freedoms.

The Ministry of Foreign Affairs convened the "Jakarta Conversation on the 70th Year of Universal Declaration on Human Rights and 25th Year of the Vienna Declaration and Programme of Action", on 5 February 2018. The event counted with the presence of the High Commissioner of Human Rights and the EU was invited to be one of panellists. The EU Delegation also partnered with the Ministry of Law and Human Rights in the organisation of a photo competition with the theme "human rights through your eyes" to mark the Human Rights day and the 70th anniversary of the Declaration.

4. EU financial engagement: In 2018 the EU continued to mobilise funds to support its focus areas of engagement in Indonesia together with the EU Member States. The EU supported a number of initiatives: for example "Comprehensive Actions against the Death Penalty", Combating discrimination and stigma of women and children with disabilities in Central Java", "Building local capacities and alliances for participatory Inclusive and open public finance management processes in Indonesia", "project against hate speech: Engaging religious leaders and the police as key stakeholders in tackling hate speech as a driver of radicalisation and intolerance", etc.

5. Multilateral context: Following a visit of the EUSR Lambrinidis in April, Indonesia joined the good human right stories initiative. Foreign Minister Retno Marsudi participated at the high-level meeting at the UN General Assembly on 27 September presenting the diversity and pluralism of Indonesia.

In follow up to the 2017 Universal Periodic Review (UPR), the EU continues to monitor Indonesia's commitments made in its acceptance of 167 out of 225 recommendations. The EU Delegation continued to lend its support to the OHCHR and in 2018 notably ahead of the visit of the High Commissioner in February and the deputy High Commissioner in November.