

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE AGAINST TORTURE 40TH SESSION INDONESIA, 2ND REPORT 6-7 MAY 2008

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Information submitted to the Committee

State report

On 23 September 2005 Indonesia submitted its second periodic report regarding the implementation of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (hereafter referred to as the Convention) to the Committee against Torture (hereafter referred to as the Committee) at its 40th session in Geneva.¹ The report included a general overview of the measures taken and progress made in implementing the Convention, followed by a systematic analysis of the substantive articles of the Convention. The final part of the report presented a general framework responding to the Committee's concluding observations based on the previous report, as well as the major challenges faced by Indonesia in the implementation of the Convention.

¹ CAT/C/72/Add.1, 23 September 2005. Available at <http://daccessdds.un.org/doc/UNDOC/GEN/G05/441/02/PDF/G0544102.pdf?OpenElement>

On 26 February 2008 the Committee submitted a list of issues pertaining to the consideration of the periodic report.² The Committee asked for additional information on Articles 1 to 16 of the Convention, and the main issues raised included the amendment of Indonesia's penal legislation; the legal safeguards relevant to detained persons; cases of torture committed by persons in authority; measures to combat trafficking in human beings; the status of the Convention in domestic law; sexual violence in conflict areas and in prisons; domestic violence against women and children; human rights violations in Timor-Leste; children in detention; and migrant workers, in particular female domestic helpers. Indonesia submitted its written replies to the list of issues only just before the commencement of the 40th session, and these were available only in English.³ This made it difficult for Committee members to study the details of Indonesia's responses prior to the session. Committee member Ms Gaer elaborated on this point, commenting that the Committee's list of issues had been extensive, as the report had 'raised more questions than it answered'.

NGOs reports

Six non-governmental organisations (NGOs) submitted alternative reports to the Committee.⁴ Amnesty International denounced the widespread use of torture and other ill-treatment committed by State agents during arrests, interrogation and detention, which sometimes led to deaths. Amnesty International also expressed concerns about conditions in detention facilities, which, in its view, often did not meet relevant international standards. It added that Indonesia continued to use cruel, inhuman and degrading punishment such as the death penalty and caning. The Asian Legal Resource Centre regretted the lack of a law stipulating that torture was punishable under the existing legal framework. The National Commission on Violence Against Women (Komnas Perempuan) focused on corporal punishment and on the lack of a national preventive mechanism against torture. It recommended that the Government ensure that Indonesian women live free from torture and other cruel, inhuman and degrading treatment. The NGO coalition comprising the Office for Justice and Peace of Jayapura, Imparsial-Jakarta, Progressio Timor Leste, the Synod of the Christian Evangelical Church in Papua, and Franciscans International, reported the practice of torture in West Papua and Aceh. The Indonesia National Human Rights Commission explained its role in monitoring Indonesia's compliance with the Convention and presented a general overview of the substantive Articles of the Convention. The Working Group on Advocacy against Torture focused on the status of implementation of the Committee's recommendations.

During the informal briefing with Committee members, representatives of NGOs raised several issues, particularly regarding children in conflict with the law, and violence against women. They recommended the

² CAT/C/IDN/Q/2, 26 February 2008. Available at

<http://daccessdds.un.org/doc/UNDOC/GEN/G08/407/19/PDF/G0840719.pdf?OpenElement>

³ Available at: <http://www2.ohchr.org/english/bodies/cat/docs/AdvanceVersions/LOI-Indonesia40-5May08.doc>

⁴ Amnesty International (<http://www.amnesty.org/>), report available at

<http://www2.ohchr.org/english/bodies/cat/docs/ngos/AIReportIndonesia40.pdf>

Asian Legal Resource Centre (www.alrc.net), report available at

<http://www2.ohchr.org/english/bodies/cat/docs/ngos/ALRCReportIndonesia40.pdf>

National Commission on Violence Against Women (KOMNAS PEREMPUAN,

http://www.thewnc.org.uk/wnc_work/violence_against_women.html) report available at

http://www2.ohchr.org/english/bodies/cat/docs/ngos/Komnasperempuan_Indonesia40th.doc

Office for Justice and Peace of Jayapura, Imparsial-Jakarta, Progressio Timor Leste, The Synod of the Christian, Evangelical Church in Papua, Franciscans International, report available at

<http://www2.ohchr.org/english/bodies/cat/docs/ngos/ShadowReportIndonesia40.pdf>

Indonesian National Human Rights Commission (known as Komnas HAM, email info@komnasham.go.id), report available at

<http://www2.ohchr.org/english/bodies/cat/docs/ngos/KommasHAMIndonesia40.pdf>

Working Group on the Advocacy against Torture, report available at

<http://www2.ohchr.org/english/bodies/cat/docs/ngos/WGAAT.doc>

continued reform of the penal code and the ratification of the Optional Protocol to the Convention, and denounced violence against human rights defenders in Papua.

Themes and issues

The delegation of Indonesia was headed by Mr Rezlan Ishar Jenie (Vice Minister/Director General for Multilateral Affairs of the Department of Foreign Affairs of Indonesia). He was accompanied by the Ambassador of the Permanent Mission of the Republic of Indonesia to the United Nations in Geneva, Mr I Gusti Agung Wesaka Puja, and by 29 other delegates, including representatives of ministries and institutions, local governments, and national commissions.

Mr Jenie opened the session by introducing the representatives of the delegation. He underlined the importance Indonesia attached to the constructive dialogue with the Committee. Indonesia, the world's third largest democracy and the most populous Muslim nation, had a highly decentralised system of governance. Mr Jenie insisted that Indonesia was in the process of correcting its past mistakes and injustices, pursuing democratisation, and upholding the rule of law and human rights. In this context, a series of amendments had been made to the 1945 Constitution, new laws had been enacted to strengthen human rights and enhance democracy, and institutions had been strengthened.

During the opening statement, the delegation asserted that the right not to be tortured was constitutionally guaranteed. In order to achieve full implementation of the provisions of the Convention, Mr Jenie highlighted the importance of strong promotional policies in synergy with the work of relevant stakeholders at all levels, and with sufficient investment in technical cooperation. As the promotion and protection of human rights required freedom of the press, the head of delegation was pleased to affirm that Indonesia's press was among the freest in the world. Moreover it was noted that almost all of the prominent Indonesian national newspapers had special pages dedicated to human rights, including alleged cases of torture and violations of the Convention. Similarly, television broadcasts conducted public debates on human rights issues, including alleged instances of torture by the State. The head of delegation also underlined the value of partnerships with civil society organisations in advancing the cause of human rights in the country. He added that, in its efforts to counter terrorism, Indonesia acted in accordance with human rights and international law. The Government sought to address the root causes of terrorism, namely poverty, injustice and extremism.

Mr Jenie admitted that Indonesia was still working on amending its criminal code, and conceded that the code was still considered one of the fundamental impediments to the full implementation of the Convention. Hence, the Government would incorporate the definition of torture during the code's revision. Indonesia expressed its commitment to strengthening the implementation of its human rights obligations, particularly through legal reform. More broadly, it was underlined that the Indonesia of today was not the same nation as that of 15 years ago – and, accordingly, should not be judged by the same yardstick.

After the opening statement, the floor was given to the Committee's two country rapporteurs. The main issues raised by the Committee during the session included: the legal framework and legal safeguard mechanisms; decentralisation of governance; detention conditions; the Truth and Reconciliation Commission (TRC); internally-displaced persons; *non-refoulement* and the complaints procedure; the ombudsman system; the rights of children; and violence against women.

Definition of torture in domestic law

The Committee Chair, Ms Gaer, serving as Rapporteur on Indonesia, said that the State report had largely represented an account of legal developments, and mainly focused on efforts to reform the law, without presenting a clear account of how the law was respected in practice. She noted that on the definition of torture and its criminalisation, there appeared to be a gap in the legislation. The Indonesia penal code recognised and

punished acts of maltreatment, but there was some doubt as to whether maltreatment covered torture. Other Committee members made the point that while Indonesian law criminalised ‘gross violations’ of human rights, this triggered concerns that those who in fact committed torture, but were not judged to have committed ‘gross violations’, could potentially go unpunished. The delegation asked how this apparent lacuna could be seen as being compatible with the Convention.

During her statement, Ms Gaer referred to the case of 330 military and police officials who had reportedly been brought to justice under charges of maltreatment between 2000 and 2004. She also drew the attention of the delegation to the case of 362 military officers who had been put on trial for similar charges after the separation of the police from the military forces - all of whom had been found guilty by the Military Court. She questioned how these persons had been identified by the Government, and whether they had enjoyed a fair trial. She sought clarification, in particular, on how it was possible that all of the accused had been found guilty, and on how many of them were accused of torture as opposed to ill-treatment. Ms Gaer also asked how (after the separation of the military from the police) there could realistically have been 362 prosecuted cases of military maltreatment, while there were no corresponding cases of civilian maltreatment. Ms Gaer expressed surprise that, of the many alleged cases of torture and gross violations of human rights that had been brought forward, none had led to convictions. She suggested that this indicated that some element of the system – such as legal definitions, courts, or evidence – may have kept the crime of torture from being adequately punished.

The Committee’s co-rapporteur, Mr Grossman, asked whether there was a set time limit to incorporate the definition of torture into Indonesia’s national legislation.

Responding to the questions raised by Ms Gaer, the delegation conceded that with regard to the definition of torture, the penal code was not worded in the terms of the Convention. It was emphasised that the crime of ‘maltreatment’, involving the physical abuse of people, was covered. The delegation assured the Committee that the new draft of the penal code would include a definition of torture in line with Article 1 of the Convention, and that the delay in enacting the new draft code was solely a result of the many significant changes that were underway in Indonesia. The delegation also stressed that even though a clear definition of torture did not appear explicitly in the penal code, this did not mean that cases of maltreatment and abuse by police officials were not prosecuted. Concerning the case of military officers brought before the courts, the delegation reported that they were all processed in open and public trials without impunity, and it had been proven in all 362 cases that the accused were guilty of maltreatment.

Ms Gaer expressed her appreciation for the acknowledgment by Indonesia that its new draft penal code would incorporate a definition of torture in line with the Convention.

In its concluding observations, the Committee encouraged the State party to include, without delay, a definition of torture in its penal legislation in full conformity with Article 1 of the Convention. It also called on the State party to ensure that all acts of torture were punishable with appropriate penalties, which should take into account their grave nature, as set out in Article 4 of the Convention.⁵

Use of torture by authorities

Regarding the use of torture in police stations, Ms Gaer referred to the recent visit to Indonesia of the Special Rapporteur on torture, who had noted that torture was routine in Indonesian police stations, including in Papua. Several Committee members also made the point that information received from various sources indicated that there was a consistent pattern of impunity. One of the main concerns was that no one had been convicted of torture, even though torture was reportedly widely used by military and police forces, especially in areas of conflict. In response to the assertion of the delegation that the Special Rapporteur had not

⁵ Concluding observations available at <http://www2.ohchr.org/english/bodies/cat/docs/co/CAT-C-IDN-CO-2.pdf>

mentioned specifically any case of torture in his report, Ms Gaer replied that this was not completely accurate, since there was much relevant information contained in his report, especially that relating to routine beatings carried out by police officers. Mr Grossman asked what had been done to establish a satisfactory complaints mechanism in prisons; how many complaints had been received; and whether victims of torture could claim compensation. Concerning the role of the police, the Committee asked what provisions were in place to ensure accountability and to investigate alleged abuses, and whether police officers received any training on the Convention. On a separate point, Ms Gaer expressed concerns that high ranking members of the armed forces, who were suspected to have been involved in human rights abuses in East Timor or Aceh, were now allowed to serve in Papua. She questioned whether there had been a review of their records before assigning them to other conflict zones. Ms Gaer asked also whether steps had been taken to investigate persons who took part in torture in East Timor in 1999.

On the use of violence in police stations, the delegation informed the Committee that special units were established to investigate police abuses. Other institutions were also employed to monitor law enforcement activities, including the police commission, the prosecutor commission, and judges monitoring prisons. These new mechanisms were aimed at preventing and prosecuting cases of maltreatment. Furthermore, there were no limits placed on the right of Indonesia's national human rights institution to visit prisons.⁶ Where violence is alleged to have occurred within police stations, anyone could submit complaints through a mailbox or directly to the General Inspector of the police commission. The delegation insisted that complaints were always handled appropriately. In addition, the delegation informed the Committee that new trainings would soon be instituted for officials on human rights and on the Convention. The delegation argued that the fact that many military and police officials were being indicted for maltreatment showed that there was no culture of impunity. The delegation informed the Committee that, with regard to those accused of gross violations in East Timor, ad hoc courts had, in some instances, arrived at guilty verdicts. However, these had later been overturned at the Supreme Court level, and the Government could not interfere in the independence of the judiciary.

In its concluding observations, the Committee called upon the State party to take immediate steps to prevent acts of torture and ill-treatment throughout the country, and to announce a zero-tolerance policy on any ill-treatment or torture by State officials. The Committee urged the State to promptly take all necessary measures to prevent security and police forces from using disproportionate force and/or torture during operations. In addition, the Committee called upon the State party to ensure that all allegations of torture and ill-treatment were promptly, effectively and impartially investigated and the perpetrators prosecuted and convicted in accordance with the gravity of the acts, as required by the Convention. The Committee also recommended that the State party's training programs reinforce the absolute prohibition of torture, and be available to all military personnel, members of the judiciary, and medical personnel involved with detainees.

Truth and Reconciliation Commission

On the establishment of a Truth and Reconciliation Commission, Committee member Mr Wang inquired when it would be created, and what its mandate and structure would be.

The delegation informed the Committee that the Truth and Reconciliation Commission (TRC) Act had been adopted in early 2004. A Presidential Decree in 2005 had defined the formation of the Commission. According to the Decree, the President would select 21 out of 42 candidates and then submit his choice to the Parliament for approval. If within a month the Parliament had not provided opposing views, the President would automatically decide on the appointment of the 21 candidates. In 2006, some NGOs had proposed amendments to the Commission, as they were concerned that some of the articles in the Act contradicted the Constitution; for example that pertaining to the right of victims to compensation and rehabilitation, depending

⁶ Incidentally, Indonesia's national human rights institution, Komnas Ham, was absent from the proceedings. The Committee's questions relating to its non-attendance were left unanswered.

on the substance of the violation. The Constitutional Court subsequently declared that the Act had no legally binding power, given its inconsistencies and the potential for multiple interpretation of some provisions. Accordingly, the Constitutional Court terminated the ongoing processes related to the establishment of the TRC. The Government was now trying to find other solutions aimed at addressing gross human rights violations through a reconciliation mechanism. Public debates were being conducted to draft the revision of the bill on the TRC Act. The delegation informed the Committee that, once established, the mandate of the TRC would include compiling all the necessary information relating to cases of past gross human rights violations, which would incorporate testimonies from victims and witnesses. This information would then be used to reveal the truth behind the allegations. Three committees would be established for the TRC: one for the investigation of human rights violations; another on amnesty; and a third one on compensation, reparation and rehabilitation.

In its concluding observations, the Committee recommended that the State party consider carefully the mandate of the future TRC, in light of other similar international experiences and in compliance with its obligations under the Convention.

National Ombudsman Commission

Concerning the role of the National Ombudsman Commission, Committee member Mr Marino Menendez and other members asked for more clarification on the role of this body. The delegation informed the Committee that the National Ombudsman Commission was an independent body that had been formed to undertake external oversight of the State's conduct. Its procedures were, for the most part, triggered by complaints raised by the people. With regards to services provided to inmates at detention centres, the Ombudsman had conducted monitoring and visits to places of detention in Jakarta, Banten and Lampung. One of the results of such monitoring was the realisation of the need for the immediate separation of child inmates from adult inmates. Regarding the problem of overcrowded prisons, the Ombudsman had urged the Government to pursue plans to build new detention facilities. The Ombudsman was also of the view that alternative measures of detention should be found for children detainees.

Internally-displaced persons

On the issue of internally-displaced persons, Committee member Mr Marino Menendez asked whether there were any provisions in place to ensure the respect of the human rights of internally-displaced persons in Indonesia. Regarding children displaced during armed conflicts, Committee member Ms Sveaass asked whether health assistance and education were provided to them within the camps.

The delegation noted that Indonesia was a disaster- and conflict-prone country, as evidenced by its recent experiences. The Government had established a National Natural Disaster Management Board (BNBP), which had been mandated to provide guidance and directives in disaster management, and to set standards for the supervision of internally-displaced persons.

In its concluding observations, the Committee urged the State party to take effective measures to prevent violence against refugees and internally-displaced persons, especially children; to register them at birth; and to prevent their engagement in armed conflict. The Committee also called on the State party to strengthen measures to ensure the safe repatriation of all displaced persons, in cooperation with the UN.

Vulnerable groups

Children

Committee member Ms Sveaass asked to what extent the new draft penal code would include references to violence against children and children's rights. She sought further clarification on cases of corporal

punishment against children at home, in schools, and in detention. In addition, she asked whether there were any complaints procedures which children could refer to. She noted that 75% of children under five reportedly did not have a birth certificate. The Committee on the Rights of the Child had previously recommended that Indonesia aim to achieve a 100% rate of birth registration of children by 2015. Ms Sveaass requested advice on Indonesia's intentions in relation to this recommendation. Several Committee members raised serious concerns regarding the age of criminal responsibility, which was set at eight, and asked whether any changes were likely. The Committee inquired about the measures adopted to ensure that child protection laws were fully respected, and whether complaints mechanisms were made available to child victims of torture or ill-treatment. Concerning children in prisons, it had been reported that they were sometimes detained together with adults. The Committee had also been informed that children were sometimes sentenced to severe prison terms, even though the children's protection act argued strongly against prison sentences and proposed them only as a last resort. In this regard, Committee members asked what the Government was planning with regards to the establishment of alternative places of detention for children. Questions were also raised on specific programs to assist street children.

The delegation announced that many programs and plans had been established to address the issue of children's rights. For example, the National Planning Bureau had established a National Program for Indonesian Children, which sought to guarantee every child's right to obtain a birth certificate, free of charge. Meanwhile, the Department of Home Affairs had targeted 2015 as a deadline for realising the goal of universal child registration. Plans had been initiated to provide all new-borns with birth certificates in every regency of Indonesia. The delegation reported that until 2008, 219 out of 476 regencies had implemented the initiative of providing free birth certificate registration. The delegation also informed the Committee that perpetrators of violence against children faced a sentence of imprisonment of up to three years. The separation of male from female, and children from adult detainees was planned, though the prison system, at this stage, did not yet have the adequate facilities to fully implement these aims. Indonesia was in the process of establishing 16 children's penitentiaries. The Committee was also informed that the minimum age of criminal responsibility was to be raised from 8 to 12 years. In terms of street children, the delegation advised that the Government had conducted many programs aimed at resolving this problem, including those aimed at providing education and skills training.

In its concluding observations, the Committee urged the State party to raise, as a matter of urgency, the minimum age of criminal responsibility and to abolish all corporal punishment of children. It added that the State should take all necessary measures to guarantee the proper functioning of a juvenile justice system, including by treating minors in a manner appropriate to their age and in conformity with United Nations standards.

Women and victims of trafficking

The Committee raised concerns relating to violence against women and female genital mutilation (FGM). Ms Kleopas asked the delegation to clarify the reasons for the increase in incidents of violence against women. She argued that the politicisation of religion and morality as justification for abuses, as well as the existence of many negative regulations, were providing incentives for the use of violence against women. Ms Sveaass drew attention to the issues of unpunished rape and FGM, noting that the Committee was informed of group mutilations taking place in certain regions. According to some information presented to the Committee, in some regions 96% of girls had been subjected to circumcision before the age of 14. The delegation was asked to explain whether the Government intended to take measures to prevent this practice.

The delegation announced that the Minister for Women's Empowerment had issued a decree regarding the establishment of a coordination forum on the prevention and eradication of violence in the household. Other initiatives had also been undertaken to prevent violence against women, including television awareness campaigns and talk shows addressing the issue. Efforts to help victims included the elaboration of service guidelines for hospitals and health centres; guidelines for safe houses and trauma centres; and assistance in

returning victims to their place of origin. The delegation informed the Committee that the reason for the increased number of cases of violence against women was that the grievance mechanisms for victims had improved; previously, the problem had been under-reported. On the issue of FGM, the delegation noted that the practice in Indonesia was merely a ritualistic procedure, which did not inflict great pain. It was portrayed as a ritual carried out to respect beliefs, and was therefore generally not considered to be ‘mutilation’. The delegation advised that qualified midwives or women health officials were responsible for carrying out the procedure. The delegation rejected Ms Sveaass’ assertion that 96% of girls had undergone FGM in some regions of Indonesia. It was also underlined that the Department of Health had conducted an awareness campaign to disseminate information on this practice and to emphasise that it was not obligatory. One (circumcised) female member of the delegation reported that she had been very happy when she was circumcised, because she had received monetary gifts from friends and family. The latter statement on FGM provoked some clear dissatisfaction among Committee members, and Ms Sveaass took the floor to declare that the only reason for carrying out FGM was to reduce women’s sexual desire. She added that, according to the World Health Organization, mutilation practices had no social benefits, and had only negative consequences on women.

On the issue of trafficking, Indonesia outlined the various initiatives it was taking domestically, and internationally, to combat this phenomenon. These included the enforcement of laws on child protection, abolition of domestic violence, and protection of migrant workers; witness protection; a national plan for eliminating sexual exploitation of children; a national plan for eliminating trafficking in women and children; and comprehensive cooperation with other countries to curb the practice.

In its concluding observations, the Committee urged the State party to ensure prompt, impartial and effective investigations into all allegations of rape and sexual violence. It added that the State should repeal all laws that discriminated against women, and adopt all necessary measures to eradicate the practice of FGM, including through awareness raising campaigns in cooperation with civil society organisations.

Refugees and asylum seekers

Mr Marino Menendez raised questions relating to the *non-refoulement* of foreigners. The delegation explained that due to its strategic location, Indonesia had always been a transit country for refugees and asylum seekers. Given that Indonesia was an archipelagic nation comprising thousands of islands, it was difficult to envisage how the principle of *non-refoulement* (prohibition of expulsion or return, under relevant circumstances) could be effectively and strictly applied in Indonesia. Therefore, Indonesia’s unique situation represented an obstacle to its acceptance of this principle. Furthermore, Indonesia already had on its territory a large number of internally-displaced persons (in particular, victims of natural disasters or internal ethnic conflict), and in this respect already shouldered a heavy burden. Nevertheless, although Indonesia was not a party to the *Convention relating to the Status of Refugees* of 1951, the delegation reiterated the Government’s commitment to protecting refugees and asylum seekers. The cooperation of the Government with international organisations was applauded by Committee members, in particular Indonesia’s efforts in assisting refugees and asylum seekers with identification, registration, and humanitarian aid.

In its concluding observations, the Committee urged the State party to avoid, under any circumstances, the expulsion, return, or extradition of any person to a State where there are substantial grounds for believing that he/she could be tortured. The Committee urged the State party to examine the merits of each case, to ensure that adequate judicial mechanisms were in place for the review of the decision, to make available sufficient legal defence to each person subject to extradition, and to ensure effective post-return monitoring.

Religious minorities

On the issue of intimidation and violence against the Ahmadiyah minority, which was raised by Ms Gaer and Mr Menendez, the delegation acknowledged that freedom of religion was guaranteed by the constitution. This

was limited only by a law that sought to prevent ‘religious abuses’ and ‘defamation’. The delegation added that, in the interests of maintaining public order, no one was permitted to act, or to disseminate information, in a way that deviated from a ‘core religion’ registered in Indonesia. The Government sought to protect the Ahmadiyah from violence, and also needed to ensure public order. Regarding attacks on the Ahmadiyah, the delegation reported that a number of persons involved in such incidents had been detained, some of whom were subsequently charged.

Other issues

During the interactive dialogue, the delegation noted that more than 50 questions had been asked by the Committee, and the delegation undertook to answer most of them in detail in written form. Some of the other issues raised during the interactive dialogue, and covered in the Committee’s concluding observations, included safeguarding of rights during police detention; coerced confessions; harassment and violence against human rights defenders; Human Rights Courts and *Ad Hoc* Human Rights Courts; the National Commission on Human Rights (Komnas HAM); the lack of effective investigation and prosecution by the Attorney General; international judicial cooperation; universal jurisdiction; witness protection; legal aid to vulnerable groups; trafficking in human beings; and data collection.⁷

Conclusions and next steps

The Committee concluded the session by putting forward the argument that societal change could not be entirely achieved by changing a State’s legal framework; it also required a change of attitudes and customs. It underlined the importance of having in place a legal regime protecting the population and discouraging impunity, especially when linked to torture. A general observation made throughout the session was that Indonesia tended to focus its report on legal developments, whereas the Committee was equally interested in receiving more substantial information regarding how these developments affected the situation on the ground. Committee member Grossman appreciated the constructive work carried out during the session with the delegation, and welcomed the extensive efforts undertaken by the delegation to reply to the many questions raised by the Committee.

On behalf of the Indonesian Government, Ambassador Puja thanked the Committee members for their comments, observations and questions, and welcomed the open and transparent dialogue, which he said would serve to strengthen Indonesia’s commitment to the implementation of the Convention. The outcome of the session, he added, would assist the Government to address the relevant challenges, and advance the implementation of policies and programs in line with the Convention.

A number of other UN treaty bodies have made recommendations on the issues addressed by the Committee. In 2004, the Committee on the Right of the Child (CRC) urged Indonesia to develop comprehensive policies and programs for safeguarding the rights of children affected by conflict⁸, as well as special services and rehabilitation centres for children with disabilities⁹. The State party was also called upon to upgrade its system of data collection to cover all forms of sale, trafficking and abduction of children, and to ensure that all relevant data and indicators were used for the formulation, monitoring and evaluation of policies, programs and projects¹⁰. The CRC had urged Indonesia to raise the minimum age of criminal responsibility to an internationally acceptable level¹¹. In 2007, the Committee on the Elimination of Discrimination against

⁷ Concluding observation made by the Committee on these issues are available at <http://www2.ohchr.org/english/bodies/cat/docs/co/CAT-C-IDN-CO-2.pdf>

⁸ Paragraph(s) 72, CRC/C/15/ADD.223 (CRC, 2004), available at <http://www.universalhumanrightsindex.org/en/index.html>

⁹ Paragraph(s) 53, CRC/C/15/ADD.223 (CRC, 2004), available at <http://www.universalhumanrightsindex.org/en/index.html>

¹⁰ Paragraph(s) 89, CRC/C/15/ADD.223 (CRC, 2004), available at <http://www.universalhumanrightsindex.org/en/index.html>

¹¹ Paragraph(s) 78, CRC/C/15/ADD.223 (CRC, 2004), available at <http://www.universalhumanrightsindex.org/en/index.html>

Women (CEDAW) called upon Indonesia to ensure that the promotion of gender equality and sensitisation to gender equality issues became an explicit, implemented component of its national development plans and policies. The CEDAW called upon the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to access to housing and food aid during emergency and natural disaster situations, and to ensure that women in these situations were adequately protected from violence.¹² Indonesia was also urged to speedily enact legislation prohibiting female genital mutilation and to ensure that offenders were prosecuted and adequately punished.¹³

The Committee requested Indonesia to submit its third periodic report by 30 June 2012.

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¹² Paragraph(s) 39, CEDAW/C/IDN/CO/5 (CEDAW, 2007), available at <http://www.universalhumanrightsindex.org/en/index.html>

¹³ Paragraph(s) 21, CEDAW/C/IDN/CO/5 (CEDAW, 2007), available at <http://www.universalhumanrightsindex.org/en/index.html>

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