

**Questionnaire for Member and Observer States, by the
UN Special Rapporteur on the situation of human rights defenders
Mary Lawlor, September 2021**

The UN Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor invites Member and Observer States to respond to the questionnaire below. Submissions received will inform the thematic report of the Special Rapporteur on the issue of human rights defenders working on corruption, which will be presented to the UN Human Rights Council in March 2022.

The questionnaire and related concept note on the report are available at OHCHR website in English (original language) as well as in French and Spanish, (and Russian and Arabic unofficial translations):

<https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>

All submissions received will be published in the aforementioned website, unless the submitter clearly indicated that they did not wish to have their input be made publicly available when submitting their response.

There is a word limit of 2500 words per questionnaire. Please submit the completed questionnaire to OHCHR-defenders@un.org

Deadline for submissions: **15 October 2021**

Contact Details

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional.

Corruption is a fundamental human rights issue, and human rights defenders who work on it are often attacked for exposing or researching abuse of power, graft, bribery, fraud and other related malpractices.

Questions FOR NGOs/HRDs

Human rights defenders are persons, who individually or in association with others, work peacefully to promote and protect universally recognized human rights and fundamental freedoms in accordance with the UN Declaration on Human Rights Defenders.

1. *Does your Government accept that corruption is a human rights issue?*

No, corruption is not a crime against human rights based on existing regulations in Indonesia. However, some statements made by officials and/or cases handled by law enforcement indirectly reflect that there is a human rights dimension in the issue of corruption.

2. *How does your Government support and protect human rights defenders working against corruption?*

There are provisions that are limited to the protection of whistleblowers that provide information on indications of corruption, such as the Law on the Protection of Witnesses and Victims. In addition, there are other provisions that specifically regulate public participation in eradicating corruption, i.e.: the Corruption Law, the Public Service Law, and the Environmental Protection and Management Law. There are no regulations that specifically address the protection of human rights defenders.

3. *Has your Government ratified the UN Convention against Corruption?*

Yes, Indonesia has ratified the UN Convention against Corruption (UNCAC) in 2006.

4. *If yes, what, specifically, has your Government done to implement its Article 13 including “...to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption...”?*

Indonesia already has a law that guarantees freedom of information, namely Law no 14/2008 on Disclosure of Public Information. Other laws have also explicitly guaranteed citizen participation, i.e. the Corruption Law, the Public Service Law, and the Environmental Protection and Management Law. However, in practice, citizens still experience difficulties in accessing information, and are threatened when exercising their right to participate.

5. *If your government has not ratified the Convention yet, are you carrying out any advocacy work in support of its ratification?*

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6. *Have there been any cases of human rights defenders working on anti-corruption issues physically attacked, including killed, in your country between 1 January 2020 and 30 June 2021? What action has been taken to bring the perpetrators to justice?*

Yes. In April 2020, activist Ravio Patra was arrested and his smartphone hacked for criticizing corrupt government policies. When the device is not under his control, the hackers spread hate speech which ends in arbitrary arrest by the Police.

In March 2021, a journalist from Tempo Magazine was assaulted while covering a case of alleged tax bribery by the Director of Examination of the Directorate General of Taxes, the Ministry of Finance. In August 2021 a journalist from Sulawesion.com was found dead. He died allegedly because he often reported on corruption that occurred in the village.

In addition to physical attacks, it is known that throughout 2020 to 2021 there were various forms of violence against anti-corruption activists. When anti-corruption activists criticize corrupt government policies, there is a phenomenon of digital attacks and attempts to silence them through subpoenas as experienced by ICW activists. So far, no legal steps have been taken to ensnare the perpetrators who attempted to attack anti-corruption activists.

7. *Have cases of attacks, intimidation and harassment of anti-corruption activists been investigated and prosecuted? Please provide details of cases if available.*

None of the cases involving anti-corruption activists have been processed by law enforcement.

8. *Could you please share good practices (evidence-based) that have proved effective in protecting human rights defenders working on anti-corruption issues?*

There are no effective good practices to protect human rights defenders working on anti-corruption issues.

Due to the absence of concrete steps taken by the state, each CSO in Indonesia ultimately has the initiative to independently strengthen the holistic security aspect.

9. *How has your Government publicized and celebrated the work of human rights defenders working against corruption in your country?*

There has been no state effort to campaign for human rights defenders who work to eradicate corruption in Indonesia.

10. *What more could your Government do to help protect human rights defenders working on issues of anti-corruption?*

- a. There are regulations that protect human rights defenders in general.
- b. Law enforcement for the perpetrators should be prioritized over defamation reports.
- c. Following up on community reports against perpetrators of digital violence that often afflicts human rights defenders.
- d. Campaigns regarding the protection of human rights defenders are carried out by the state in every event related to human rights issues.