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**Human Rights Council**

**Fifty-second session**

27 February–31 March 2023

Agenda item 6

**Universal periodic review**

 **Report of the Working Group on the Universal Periodic Review**[[1]](#footnote-2)\*

 **Indonesia**

 **Addendum**

 **Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

1. The Government of Indonesia (GoI) extends its appreciation to the 108 delegations attending the review of Indonesia's 4th-cycle UPR report and conveying 269 recommendations.

2. The increased number of participations shows both genuine attention and encouragement to the GoI's commitment and continuous efforts in protecting and promoting human rights in Indonesia.

3. The Indonesian delegation decided to consult with national stakeholders on all of the recommendations. In the follow-up, the Ministry of Foreign Affairs and the Ministry of Law and Human Rights convened a series of meetings with related line ministries, as well as with National Human Rights Institutions and civil society organizations.

4. A number of criteria were used in the consideration to support a recommendation, namely: Indonesia's sovereignty on its legal system and its national interests, the recommendation's conformity to the State Constitution, it is within the scope of current national priorities or part of the GoI's long term plan, it is in line and consistent with Indonesia's international commitments and positions, including those stated in previous UPR cycles, it is contextual, bearing in mind the domestic conditions and values, as well as internationally agreed norms.

5. Based on the consultations and considering the criteria mentioned above, the GoI decided to support 205 recommendations and take note of 59 recommendations.

6. Indonesia remains that the concept of "indigenous peoples" does not apply to Indonesian society. However, the GoI decided to support recommendations 140.243 to 140.247 on the understanding that they refer to Indonesia's Masyarakat Hukum Adat as stipulated in Indonesia's 4th Cycle UPR Report and for the sole purpose of this UPR Report.

7. Indonesia carefully considered each recommendation regarding the rights of LGBTIQ people on a case-by-case basis. There has not been a universally agreed convention on LGBTIQ. The Indonesian State Constitution guarantees that everyone is equal before the law, and no national regulation specifically regulates or makes reference to LGBTIQ people.

8. The death penalty continues to be part of Indonesia's positive law and is viewed as an attribute of its sovereignty, where the ICCPR and various international legal instruments protect its implementation. Under Law No. 1/2023 on the new Penal Code, however, the death penalty should only be imposed with alternative sentencing with a high degree of commutation.

9. The list of recommendations that Indonesia supports and takes note of are as follows:

 Recommendations supported

 140.6, 140.8, 140.9, 140.10, 140.11, 140.12, 140.13, 140.14, 140.15, 140.16, 140.17, 140.18, 140.19, 140.20, 140.22, 140.24, 140.35, 140.36, 140.37, 140.39, 140.40, 140.41, 140.42, 140.43, 140.44, 140.45, 140.46, 140.47, 140.48, 140.50, 140.51, 140.52, 140.53, 140.54, 140.55, 140.56, 140.57, 140.58, 140.59, 140.60, 140.61, 140.62, 140.63, 140.64, 140.65, 140.66, 140.67, 140.68, 140.70, 140.71, 140.89, 140.90, 140.91, 140.92, 140.93, 140.94, 140.95, 140.96, 140.97, 140.98, 140.99, 140.100, 140.101, 140.102, 140.106, 140.107, 140.109, 140.110, 140.114, 140.115, 140.116, 140.118, 140.119, 140.120, 140.121, 140.122, 140.123, 140.124, 140.125, 140.126, 140.127, 140.128, 140.129, 140.130, 140.131, 140.132, 140.133, 140.134, 140.135, 140.137, 140.138, 140.139, 140.140, 140.141, 140.142, 140.143, 140.144, 140.145, 140.146, 140.147, 140.148, 140.149, 140.150, 140.151, 140.152, 140.153, 140.154, 140.155, 140.156, 140.157, 140.158, 140.159, 140.160, 140.161, 140.162, 140.163, 140.164, 140.165, 140.166, 140.167, 140.168, 140.169, 140.170, 140.171, 140.172, 140.173, 140.174, 140.175, 140.176, 140.177, 140.178, 140.179, 140.180, 140.181, 140.182, 140.183, 140.184, 140.185, 140.186, 140.187, 140.188, 140.189, 140.190, 140.191, 140.192, 140.193, 140.195, 140.196, 140.197, 140.198, 140.199, 140.200, 140.201, 140.204, 140.206, 140.209, 140.210, 140.211, 140.212, 140.213, 140.214, 140.215, 140.216, 140.217, 140.219, 140.221, 140.222, 140.223, 140.224, 140.225, 140.226, 140.227, 140.228, 140.229, 140.230, 140.231, 140.232, 140.233, 140.234, 140.235, 140.236, 140.237, 140.238, 140.239, 140.240, 140.241, 140.242, 140.243, 140.244, 140.245, 140.246, 140.247, 140.248, 140.249, 140.250, 140.254, 140.255, 140.257, 140.258, 140.259, 140.261, 140.263, 140.266, 140.267, 140.268.

 Recommendations noted

 140.2, 140.3, 140.4, 140.5, 140.23, 140.25, 140.26, 140.27, 140.28, 140.29, 140.30, 140.32, 140.34, 140.38, 140.49, 140.69, 140.72, 140.73, 140.74, 140.75, 140.76, 140.77, 140.78, 140.79, 140.80, 140.81, 140.82, 140.83, 140.84, 140.85, 140.86, 140.87, 140.88, 140.103, 140.104, 140.105, 140.108, 140.111, 140.112, 140.113, 140.117, 140.136, 140.194, 140.202, 140.203, 140.205, 140.207, 140.208, 140.218, 140.220, 140.251, 140.252, 140.253, 140.256, 140.260, 140.262, 140.264, 140.265, 140.269.

10. Meanwhile the following recommendations are partially supported:

* 140.1: Indonesia supports the recommendation to Continue efforts towards the ratification of the Convention for the Protection of All Persons from Enforced Disappearance and takes note of the recommendation to consider the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.
* 140.7: Indonesia supports the recommendation to consider ratifying the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and takes note of the recommendation to ratify the Rome Statute of the International Criminal Court. We would like to underline that Indonesia has actually ratified the CAT.
* 140.21: Indonesia supports the recommendation to promote coordination between administrations to advance the protection of women and girls, especially in conflictive social situations, through the harmonization of domestic legislation with international mechanisms and takes note of the recommendation to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
* 140.31: Indonesia supports the recommendation to Sustain consultations on the ratification of the Domestic Workers Convention, 2011 (No. 189) of ILO and takes note of the recommendation to ratify the Optional Protocol to the International Covenant on Civil and Political Rights and Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
* 140.33: Indonesia supports the recommendation to ratify the Treaty on the prohibition of Nuclear Weapons and takes note of the proposal to ratify the Convention on Cluster Munitions and the Arms Trade Treaty.

11. The GoI will continue considering the recommendations from various human rights mechanisms, including those supported by Indonesia in its Universal Periodic Review, in formulating and implementing national policies and legislation.

12. Promoting and protecting human rights will remain key elements in the national development program. The GoI will focus its policies on ensuring no one is left behind by strengthening development policies and programs and human rights protections for vulnerable groups, mainly persons with disabilities, children, older persons, and customary law communities.

13. Indonesia will also continue providing adequate space to receive inputs regarding policy development and take further steps to revise and adjust legislation, policies, and regulations to align with international human rights treaties to which Indonesia is a party.

1. \* The present document is being issued without formal editing. [↑](#footnote-ref-2)