

Statement by Indonesian Delegation
8th Session of Forum on Minority Issues
Geneva, 24 – 25 November 2015

Mr. Chair,

First of all, let me re-iterate my government's commitment, as mandated by our Constitution, in promoting and protecting human rights based on principle of non-discrimination.

In Indonesia, diversity, tolerance and harmony are facts of life. Housing for more than 250 million people with 1340 sub-ethnic groups, over 740 ethnic languages, and numerous religions and beliefs, Indonesians have and will continue to forge tolerance and mutual respect.

In this regard, the notion of minority faces its own complexities and challenges if applied in our national context. Nevertheless, we spare no effort to manage all issues of common concerns in the context of our sovereignty, democracy and rule of law.

Now let me turn to issues raised by some in this Forum relating to situation in some parts of our country.

We strongly object human rights issues are politicized for certain purposes contrary to the UN principles. It has been reaffirmed by the Chair of the Forum repeatedly and thus, we regret that it is not respected.

We reject all information presented by one of the presenters in the agenda item 3 yesterday, which was inaccurate, politically-motivated, misleading, and out of context. It does not help at all on theme discussed. It shows no respect to the spirit of constructive dialogue which is the basis of this Forum. And it displays the hidden agenda to use the Forum for political purposes. It thereby undermines the credibility of the Forum

This information, I am afraid, also represents the inadequate quality of its messenger that lacks of information and comprehensive understanding on the current state in Indonesia.

Indonesia's territorial integrity, including over the Provinces of Papua and West Papua, is unquestionable and irrevocable and is an issue outside human rights.

Provinces of Papua and West Papua in Indonesia receives not only equal attention but moreover, extra attention. Affirmative action and support to those provinces are aimed to enhance their own capacity and ability to fully realize their potential. Through Special Autonomy Law, local governments in those provinces control most of government affairs in their own hands.

Access and visit to Papua and West Papua provinces is widely open according to prevailing rules and regulation applied to all parts of Indonesia.

On one case mentioned, the person was recently released based on the remission that he is entitled to. He was convicted not because of his expression but he was found guilty of violating crimes against public order, which is legitimate under ICCPR.

Peaceful protest is guaranteed in our Constitution for all parts of Indonesia. While protecting this right, we believe that our legal framework regulating peaceful freedom of expression in public has been consistent with legitimate permission under ICCPR.

Notwithstanding all the efforts, we are well-aware of the challenges, including the capacity and development. In this regard, the government pays special attention to expedite the enhancement of human resource and institutional capacity and development.

We also continue to confront culture of denial. Complaints have been quickly responded, and any violation of the law is immediately prosecuted. The chief of police have issued regulations on human rights, anti-torture, and the use of firearms and managing public demonstrations. The military commander has also enacted the similar regulations. Community policing has been implemented throughout police system. It should be noted that the large part of police force in the provinces of Papua and West Papua are locals, including the provincial police chief.

The above element on combating impunity by law enforcement officers is to respond the statements made on the conduct of police in the Indonesian province of Aceh. It is also well-known that our corruption eradication commission has been working independently and tirelessly to combat corruption. Those statements, in our view, lack of up-to-date and comprehensive understanding on the situation on the ground.

Mr. Chair,

To put into the context, Indonesia, as a democratic country, has put strong infrastructure to promote and protect human rights of all. Examples include Law No. 40/2008 on Elimination of Racial Discrimination, the Penal Code (which stipulates and guarantees the rights of those who are arrested, detained, or convicted), Law on Protection of Witness and Victim and law on legal aid and Law on Juvenile Justice System (which has incorporated the principles of restorative justice and alternative sentencing).

Bottom-up initiatives are also encouraged and developed. The examples include human rights cities in Wonosobo and Bandung and the human-rights based Policing programs in North Jakarta Police Precinct.

In the judicial processes and detention or imprisonment conditions, efforts are continuously made to ensure that rights of the victims, witnesses, accused or convicted. Indonesia is one of the first few countries that voluntarily conducted auditing on the basis of SMR.

Strong civil society, media and independent state institutions monitoring has been functioning well. Our national human rights institution (*Komnas HAM*) has the additional legal power to monitor and receive complaints with regard to implementation of law on anti-racial discrimination. The National Commission on Women (*Komnas Perempuan*) who is here with us, and the National Commission on Child Protection (KPAI) have also been strong in monitoring the government's policy and actions. The government has also its own complaint mechanisms on human rights violations and abuses.

Mr. Chair,

At regional and international level, we are actively promoting tolerance and respect. Examples are: with Australia and New Zealand, we initiated Regional Interfaith Dialogue; with Norway, we conducted Global Inter Media Dialogue; and, in the Human Rights Council, we are a strong proponent for Istanbul Process to implement HRC resolution 16/18.

In conclusion, Indonesia will not be distracted; we will continue to progress our human rights agenda based on our sovereignty, territorial integrity, and democracy. We commit to promote constructive dialogue based on mutual respect, no politicization, no finger pointing, no naming and shaming. Lastly, we reserve our position on the draft recommendation.

I thank you.