

We are deeply concerned by the continuous implementation of restrictive laws and introduction of further legal restrictions under the pandemic that further restricts civic space and fundamental freedoms. Between 2017 and 2022, we have observed an alarming trend in criminalisation and the use of excessive force by the authorities against HRDs and communities working on issues such as the environment, labour, anti-corruption, LGBTQI+ rights and the rights of Papuans. We are also alarmed by the ongoing judicial persecution, harassment and intimidation of journalists, student protesters and those expressing dissenting opinions against the government.

KEY CONCERNS



FREEDOM OF PEACEFUL ASSEMBLY

Indonesian authorities have used excessive force and restrictive laws to disperse peaceful assemblies, targeting protesters, including students, journalists, and the public, who were against the adoption of various discriminatory laws and policies.

Law No. 9 of 1998 on Freedom of Expression in Public Article 10 stipulates the requirement to submit advance notification a day before an assembly, which has been misinterpreted as a requirement to get mandatory approval from the authorities, even for conducting closed-door public discussions.

In the 2020 protest against the adoption of the Omnibus Law on Job Creation, the police arrested 5,918 people during the protests and charged 240. The police were accused of using excessive force against protesters and journalists, deploying teargas and water cannon, with hundreds of reported cases of alleged physical assault by the security forces.

Protests against the unilateral renewal of the Papua Special Autonomy Law, which took place in several cities in July and August 2021, were met with excessive force. Police arrested 23 students and activists in Jayapura on 14 July 2021, and four protesters were injured.



FREEDOM OF EXPRESSION

Various restrictive laws curb dissenting opinion and political expression, including the imposition of criminal penalties related to the dissemination of online information deemed false or insulting to authorities under ITE Law, heavy monitoring of social media content and platform under MRS, and internet shutdown.

The currently discussed draft of the Indonesia Criminal Code still contains several provisions that criminalise expression. This includes activities that will negatively affect the dignity of the president and vice president and that insult public authority and state institutions in the public sphere.

Attacks against journalists covering protests and human rights issues have recently increased. Ninety cases of violence against journalists were recorded from 2020 - 2021, an increase from 57 in the past year. Journalists were also subjected to digital attacks, including doxing and hacking.

The government also imposed an internet shutdown in Papua and West Papua under the pretext of accelerating the process of restoring security and order after a wave of protests against racism against the Papuan people in 2019.



FREEDOM OF ASSOCIATION

Despite adopting the Standard Norm and Procedure on the Right to Freedom of Association by its NHRI, Indonesian government, law enforcement, and judiciary has yet to implement this guideline to implement, review or repeal restrictive provisions under existing laws

Article 59 of Law on Societal Organisations prohibits organisations from conducting activities deemed as disturbing public order or spreading ideologies contradictory to the state ideology; a vague provision that the government can selectively in a blanket manner to target CSOs.

From 2014 to 2020, at least 804 violations of the right to freedom of association related to the implementation of the Law on Societal Organisations were documented. A third of them related to ownership of an organisation's registration certificate; which was initially meant as a form of notification only but shifted into a mandatory requirement.

Under the new supplementary regulation on Societal Organisation, the government can revoke an organisation's registration certificate and legal status without the Supreme Court's judicial oversight.

THE PATTERN OF VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS INCLUDE



The use of restrictive provisions under the Criminal Code, such as on defamation and treason to arrest and criminalise HRDs, activists and journalists



Systematic harassment and physical attacks against HRDs, activists and journalists



Censorship and restriction of freedom of expression opinions under the Indonesia's Law on Electronic Information and Transaction (ITE Law)



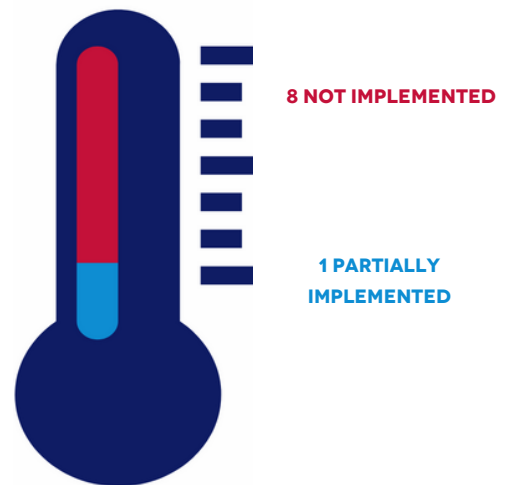
Hacking and surveillance of social media accounts and messaging applications belonging to HRDs, activists and journalists



Discrimination and harassment enabled by negative comments made by politicians, particularly against LGBTQI+ HRDs

PREVIOUS UNIVERSAL PERIODIC REVIEW PROCESS

Out of 9 recommendations related to civic space supported by Indonesia in 2017:



Indonesia did not effectively implement any of the recommendations related to protection of human rights defenders



RECOMMENDATIONS

- 1 Unconditionally and immediately release all protesters, HRDs and journalists detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment
- 2 Refrain from introducing provisions that will curb the freedom of expression, including on defamation against president, vice president, parliament and other state institutions in the revised Criminal Code
- 3 Review and amend laws to remove undue restrictions on civil society and the press, including:
 - Law on Societal Organisations
 - Electronic and Information Technology Law (ITE Law)
 - Ministry of Communication and Information Regulation No 5/2020 (MR5)
 - Law No. 9 of 1998 on Freedom of Expressing Opinions in Public
 - Regulation of the Head of the State Police of the Republic of Indonesia No. 9 of 2008 on Procedures for Providing Services
- 4 Ensure the implementation of the Standard Norms and Procedure for the Right to Freedom of Peaceful Assembly and of Association issued by Komnas HAM in all legislation at the national and local levels.
- 5 Ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards
- 6 Provide civil society members, activists, HRDs and journalists with a safe and secure environment to carry out their work, and conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice