Input for the Special Rapporteur on the rights to freedom of peaceful assembly and of association for her report to be presented at the UN General Assembly – 79th session (UNGA79)

Submitted by: YAPPIKA[i], PSHK[ii], LBH Jakarta[iii], IMPARSIAL[iv] and ELSAM[v]

A. Stigmatising/negative narratives targeting activism, civil society, social movements, and freedom in Indonesia

1. From the authoritarian regime of the New Order to the Post-reform Democratic Era, the Government of Indonesia continues to create stigma and negative narratives towards civil society through various instruments, including policy. The Government of Indonesia's paradigm still considers civil society, including Civil Society Organizations (CSOs), as a threat and not as democratic actors.[1] Therefore, the regulation of CSOs in Indonesia uses a security and control approach through the Societal Organizations Law.[2] This policy defines all types of organizations founded voluntarily by Indonesian citizens in the civil society arena to be included in the definition of "societal organizations (Ormas)". There are perspective limitations on the implementation of the right to freedom of assembly and association in the New Order regime to date, which has been translated into an entity, namely Ormas.[3] The enactment of the Ormas Law throughout the regimes—from Law No. 8/1985, Law No. 17/2013, to Law No. 16/2017—emphasizes political and security considerations rather than legal and human rights considerations. In other words, the Government of Indonesia is hegemonizing the interpretations by using "Societal Organizations (Ormas)" as a pronoun for CSOs through the Ormas Law and various other laws.
2. There is another negative stigma hegemony created by the Government of Indonesia through TAP MPRS No. XXV/MPRS/1966 on Prohibition of Communism-

[1] Freedom of Association Coalition, "Still Far From Adequately Protected: The Enjoyment of Civil and Political Rights in Indonesia", *Civil Society Alternative Repot in Relation to the Government of Indonesia's (GOI) – Report to the UN Human Rights Committee*, February 2024, accessed from https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FIDN%2F57366&Lang=en

[2] One of the ways the New Order authoritarian regime controlled CSOs was by passing Law No. 8/1985 on Societal Organizations (UU 8/1985). The ratification of Law No. 8/1985 was the embodiment of the policy of a single platform and principle that provides very tight control over the citizen's activities, as well as a response to the emergence of Islamic organizations since the 1980s, which were considered a threat to political stability and state power. The existence of Law No. 8/1985 was the starting point for confusion in the regulation of CSOs in Indonesia and, at the same time, became a control tool for the government. In the reform era, confusion regarding the regulation of CSOs in Indonesia occurred again with the passing of Law No. 17/2013 on Societal Organizations (Law No. 17/2013). One of the reasons for the establishment of Law No. 17/2013 was the large growth in the number of societal organizations and the deviation and abuses or violent practices in the administration of societal organizations. In 2017, the government issued Perppu No. 2/2017 on Societal Organizations, which was later passed into Law No. 16/2017 (Law No. 16/2017). This was in line with the Government of Indonesia's report in the 2nd Periodic Report for the ICCPR in 2021, which states that the urgency of implementing Law No. 16/2017 is the increasing threat to national security, public morality, and social stability by organizations that spread radical views and intolerance triggered by the rapid development of information technology.

[3] Riza Imaduddin Abdali, "Civil Society Organizations in Indonesia: from Administrative Regimes to Challenges of Raising Resources", Jurnal Prisma, Industrialization: Decline or Revival?, Vol. 41, No. 2, Year 2022, p. 167 – 180.

Marxism Teachings. Other provisions related to prohibitions and restrictions on the Marxism-Leninism ideology are also found in some policies, such as the Elucidation of Article 59 paragraph (4) of the Ormas Law, Article 4 paragraph (3) of the Law on Management of National Resources for National Defense, Article 1 of the Amendments of Law on the Criminal Code (KUHP) related to Crimes against State Security, and Article 188 paragraph (1) and Article 189 a of the New KUHP. These policies are used as a 'tool' to limit the expression of political views when considered an ideology contrary to Pancasila and are categorized as a state threat with consequences as threats to state defense.[4]

3. Environmental activists Heri Budiawan, also known as "Budi Pego", and his three colleagues were stigmatised as members of the Indonesian Communist Party (PKI) and adherents of the Marxism-Leninism ideology. They were named suspects for spreading communism and Marxism-Leninism teachings in public through their protest against a plan to launch a gold mine in Sumberagung Village, Banyuwangi, East Java.[5] They were charged with Article 170a of Law No. 8/1981 (KUHP) for alleged crimes against state security. Farmers in Rukun Pakel, Banyuwangi, East Java, experienced a similar situation. They were accused of being part of the PKI upon reclaiming agricultural land in an agrarian conflict with PT. Bumi Sari.[6]
4. The authorities also stigmatised two youths protesting against government policies in Aceh that did not provide social justice for the people there. This expression was seen as a form of treason and a threat to state security, resulting in criminalization. They were tried for crimes against state security at the Sigli District Court on 21 May 2021, with Nasruddin Alias Din Bin A. Wahab and Zulkifli Alias Rafli as the defendants.[7]
5. Common activities for academic and scientific purposes also have the potential to be banned following the inclusion of articles prohibiting the spread of communism and Marxism-Leninism teachings, namely Article 188 of Law No. 1/2023 on the new KUHP. Furthermore, Article 160 of the New KUHP stipulates that treason includes the intention to carry out an attack realized through the preparation of the act. In substance, the New KUHP does not resolve the main problem of the formulation of the Article on Treason in Law No. 8/1981 on the old KUHP, which removed the word 'aanslag' or attack from the element of offense. The inaccurate translation of aanslag in the Old KUHP resulted in random interpretation and criminalization through the use of the Article on Treason in law enforcement in Indonesia. 2019 data from the Alliance of Democracy for Papua (ALDP) recorded that 86 people from Papua had been detained for treason, regardless of the type of act committed.[8] In the end, the formulation of the article on treason in the new KUHP is no different from a form of punishment, just like evil conspiracy and

[4] Alviani Sabillah, Cikal Restu Syiffawidiyana, et al. Policy Paper on Legal Framework Reform for the Protection and Expansion of Indonesian Civil Society Space. Jakarta: Center for Law and Policy Studies, 2024.
[5] LBH Surabaya, "Free Budi Pego "Environmental Warrior of Tumpang Pitu Banyuwangi", accessed from https://www.bantuanhukumsby.or.id/article/83
[6] Markus Togar Wijaya, "Pakel and the scream of agrarian conflict", accessed from https://news.detik.com/kolom/d-7363295/pakel-dan-jerit-konflik-agraria
[7] Dr. Herlambang . Wiratraman, S.H., M.A., *Civil Liberties and Legal Politics in the Era of Manipulation*, National Conference on Civil Liberties 2023: 25 Years of Nurturing Liberties, Jakarta, 26 July 2023. accessed from: https://pshk.or.id/dokumen/9372. p. 12. Read: Verdict of PN Sigli No. 15/Pid.B/2021/PN. SGI and Verdict of PN Sigli No. 14/Pid.B/2021/PN SGI
[8] ALDP, "86 Papuan prisoners subject to Article 106 of the Criminal Code on treason, 2019", accessed from https://www.aldp-papua.com/2020/03/01/ada-86-tahanan-papua-dikenakan-pasal-106-kuhp-tentang-makar-tahun-2019/

attempts that did not prioritize the resolution of the offense so that it can be punished. This, indeed, has the potential to threaten freedom of opinion, freedom of expression, and freedom of association, which, of course, distances Indonesia's global commitment to protecting human rights and the 2030 Sustainable Development Goals (SDGs) Agenda as well as the United Nations calls and criticism of the Indonesian government.[9]

6. In the past 10 years, the public narrative has increasingly strengthened that parties being critical of the National Strategic Project (PSN)[10] and a draft bill that happens to be against the Government and DPR were anti-economic growth parties. This happened during the COVID-19 pandemic in 2019 – 2020, when there was neglect of public participation in the drafting process of the Corruption Eradication Commission Law, the Job Creation Law, the Constitutional Court Law, the Mining Law, and even the Law on the Lawmaking. In addition to repression, the police authority also stigmatised people who protested the PSN as provocateurs.[11] Residents of Wadas Village, Bener Sub-District, Purworejo District, Central Java, were considered provocateurs when they protested the environmental damage and intimidation experienced by the residents following the plan for andesite mining for the construction of PSN Bendungan Bener. Accusations of residents as provocateurs occurred when residents gathered for *mujahadah* (prayer) and broke the fast together in September 2021.[12] A similar approach to stigmatising as provocateurs were also experienced by residents of Rempang and Galang Islands, Riau Islands when protesting the PSN Rempang Eco City. At least 34 people were arrested because they were accused of being provocateurs, then they were found guilty by a panel of judges at Batam District Court of committing criminal acts as regulated in Article 170 paragraph (1) of the KUHP on 11 September 2023.[13]
7. The Government of Indonesia often stigmatises CSOs as operators of foreign interests or foreign agents. The findings of the Coalition for the Freedom of Association show that the stigma of foreign agents is accompanied by excessive supervision and potential restrictions on access to resources for CSOs, through the idea of auditing Indonesian CSOs in the past 10 years. This idea has emerged several times to the public. First, a member of the DPR RI asked the Financial Transaction Reports and Analysis Center (PPATK) to freeze the fund flow of CSOs proven to be badmouthing the Indonesian palm oil industry in Europe, especially CSOs that received funding flows from the European Union, in April 2018.[14] Second, the Coordinating Maritime Affairs and Investment Minister considered that

[9] BBC News Indonesia, "DPR officially ratifies RKUHP into law, UN 'concerned' about 'discriminatory' articles", acessed from https://www.bbc.com/indonesia/articles/cv2qj19zp28o; Office of the United Nations High Commissioner for Human Rights, acessed from https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27706

[10] PSN is a development policy of President Joko Widodo's government which is regulated by Presidential Regulation No. 109/2020 and Government Regulation No. 42/2021

[11] Komnas HAM, "Komnas HAM Receives Complaint from Wadas Residents" acessed from https://www.komnasham.go.id/index.php/news/2021/9/24/1910/komnas-ham-terima-aduan-warga-wadas.html

[12] LBH Yogyakarta, "The Ups and Downs of Wada Residents Against Mining", acessed from https://lbhyogyakarta.org/2022/01/15/jatuh-bangun-warga-wadas-melawan-tambang/

[13] Kompas.id, "First trial of the Rempang demonstration riot, the judge limits the presence of the defendant's family" acessed from https://www.kompas.id/baca/nusantara/2023/12/21/sidang-perdana-kerusuhan-demo-rempang-hakim-batasi-kehadiran-keluarga-terdakwa

[14] Liputan6.com, "Because of Palm Oil, Legislators Ask PPATK to Freeze NGO Fund Flows", acessed from https://www.liputan6.com/news/read/3487802/gara-gara-kelapa-sawit-legislator-minta-ppatk-bekukan-aliran-dana-lsm

many CSOs were spreading false news and, therefore, needed to be audited, especially Greenpeace, which was considered to have spread false news about deforestation in Indonesia in November 2021.[15] Third, the Coordinating Maritime Affairs and Investment Minister stated that audits of all Indonesian CSOs were needed to determine where their funds came from. There were suspicions that foreign parties were interfering with the flow of funds. This was conveyed when he testified at the trial of Haris Azhar and Fatia Maulidiyanti in June 2023.[16] Fourth, the Coordinating Maritime Affairs and Investment Minister stated that CSOs' audits were needed to determine the flow of funds obtained by CSOs with foreign interference in Indonesia in October 2023. This was conveyed following reports regarding alleged US Government intervention in the elections in Indonesia through collaboration with foreign CSOs working with Indonesian CSOs.[17] In addition, the results of Prakarsa's research findings in 2021 suggest that the stigma of foreign nation`s lackey/agents due to obtaining funding from international institutions is one of the challenges for CSOs in their contribution to substantive democracy in Indonesia in addition to funding challenges, declining quality of democracy, and other challenges.[18]

8. In the past 10 years, cyber troops, including buzzers and influencers, have continued to gain room to manipulate public opinion and threaten democracy in Indonesia. LP3ES' findings show that cyber troops are used by political elites and economic elites as a tool to manipulate public opinion on social media for certain interests. For example, cyber troops work on issues that are opposed by the public, such as the revision of the Law on the Corruption Eradication Commission (KPK), where buzzers shaped public opinion by providing a negative stigma or narrative that the KPK had been controlled by a radical Islamic group known as the "Taliban"[19]. Moreover, buzzers also use pejorative labels and stigmas to describe activists who often voice social justice issues while criticising the government with the title Social Justice Warrior (SJW). The SJW stigma is intended to minimize the issue and delegitimize the role expressed by activists, including bringing down the credibility of activists or human rights defenders.
9. Decree of the President of the Republic of Indonesia No. 1/PNPS 1965 on Prevention of Abuse and/or Blasphemy of Religion ("PNPS Law"), which is still in force, still poses a threat to the fulfillment of freedom of religion or belief/labeling a religion or belief as heretical is often directed at a group because their religions/beliefs considered different or not in accordance with the main teachings of religions based on the Elucidation of Article 1 of the PNPS Law. The latest case was the accusation of deviation against Panji Gumilang, Al Zaytun Islamic

[15] Kompas.com, "Luhut Will Audit NGOs, Greenpeace Says It's Not That Easy", accessed from https://nasional.kompas.com/read/2021/11/15/13553411/luhut-akan-audit-lsm-greenpeace-sebut-tidak-semudah-itu

16 Tempo.co, "Suspicious of Fund Sources, Luhut Intends to Audit All NGOs in Indonesia, What are the Conditions for Establishing an NGO?", accessed from https://nasional.tempo.co/read/1739596/curiga-sumber-dana-luhut-niat-audit-seluruh-lsm-di-indonesia-bagaimana-syarat-mendirikan-ngo

[17] JPNN.com, "Due to Foreign Media Reports, Luhut Asks All NGOs to be Audited", accessed from https://www.jpnn.com/news/gegara-laporan-media-asing-luhut-minta-semua-lsm-diaudit

[18] Maftuchan, A., Ramdlaningrum, H., Aidha, C. N., Djamhari, E. A., Layyinah, A., Herawati, H., ... & Ningrum, D. R. (2021). *Measuring the Civil Society Organizations (CSOs) Governance Index in Strengthening Substantive Democracy in Indonesia*. Jakarta: PRAKARSA.

[19] Tempo, "Democracy is damaged because of the actions of buzzers" accessed from https://majalah.tempo.co/read/opini/164521/bagaimana-buzzer-pemerintah-berkomplot-menghancurkan-demokrasi?

Boarding School leader in Indramayu, West Java.[20] On 20 March 2024, a panel of judges at the Indramayu District Court found Panji Gumilang guilty of committing a criminal act as regulated in Article 156a of the KUHP, which was the norm regulated in the PNPS Law.

10. The Coalition for the Freedom of Association observed structural stigmatisation by the Government of Indonesia by allowing the Local Government (Pemda) to draft local regulations (Perda) that are discriminatory against LGBTIQA+ groups in Garut, Bandung, Makassar, and Medan.[21] This trend often increases ahead of the political year (during presidential and legislative elections). Arus Pelangi's records show at least 45 anti-LGBT regulations and 1,840 LGBT people being the victims of persecution.[22] Most recently, Bogor City Regulation No. 10/2021 on Prevention and Countermeasures of Deviant Sexual Behavior (Perda Kota Bogor No. 10/2021) was issued, which considers citizens' gender diversity and sexual orientation a deviation that must be rehabilitated (pathologized), as regulated in Article 18 of Perda Kota Bogor No. 10/2021.
11. Aside from that, the South Sulawesi Provincial Government Circular Letter No. 420/8437/Disdik on Prevention of the Dissemination of Understanding, Thoughts and Behavioral Attitudes that Support LGBT in Campus, School, and *Madrasah* (Islamic schools) Environments was launched on 22 August 2022. This circular letter triggered several stigmas: the Bone Bissu[23] Community was not included in the 692nd Bone Anniversary (HJB) in 2022. This celebration eliminates the role of bissu in the Mattompang Arajang ritual procession, which is a traditional event held annually by the Bone District Government to clean heirlooms inherited from the Kingdom of Bone. Besides, in August 2023, the Police Intelligence Division Chief, National and Political Unity Office (Kesbangpol), and Public Order Agency (Satpol PP) personnel disbanded the Rindu Bissu Monologue Theater held by the Lasaliyu Batara Bonne Cultural Arts Studio (SSB).[24] During the disbandment, the Chief of Bone District Kesbangpol said that Bissu was no longer involved in the Bone Anniversary (HJB) because there was an appeal from the South Sulawesi Provincial Government that Bissu was part of transgender women (waria), and waria were linked to LGBTIQA+. This poses a real threat to the continuity of culture, which is guaranteed in Article 32, paragraph 1 of the 1945 Constitution and Law No. 5/2017 on Cultural Advancement.
12. Policymakers and implementers also create negative stigmas in response to criticism from Indonesian citizens. In May 2023, the President of Indonesia highlighted the importance of Eastern ethics and manners in conveying criticism

[20] YLBHI, "Stop the Use of Blasphemy Articles" accessed from https://ylbhi.or.id/informasi/siaran-pers/hentikan-penggunaan-pasal-penodaan-agama/

[21] Detiknews.com, "YLBHI et al Protest 'local Regulation and Draft local Regulation on LGBT', Bogor-Garut Reacts", accessed from https://ews.detik.com/berita/d-6545042/ylbhi-dkk-protes-perda-dan-raperda-lgbt-bogor-garut-bereaksi

[22] BBC.com, "Draft Anti-LGBT Regional Regulations in Makassar and Garut Called 'Trend Ahead of Political Year'", accessed from https://www.bbc.com/indonesia/articles/c9r90yq425zo

[23] Bissu is the name for the ritual leader of the ancient Bugis religion, South Sulawesi. Their gender is seen as a mixture of male and female (androgynous or intersex). In ancient Bugis culture, there are five types of gender, apart from Bissu, there are oroané (men), makkunrai (women), calalai (transgender men), calabai and (transgender women). Further information can be accessed from https://makassar.kompas.com/read/2023/07/24/225557478/mengenal-bissu-dalam-budaya-bugis-definisi-sejarah-dan-gender?page=all .

[24] Tempo.co, "Bone Government and Officials Forced to Disband Bissu Art Performances", accessed from https://nasional.tempo.co/read/1762756/pemerintah-bone-dan-aparat-bubarkan-paksa-pementasan-seni-bissu

and opinions in response to the UGM Student Executive Board's criticism of him.[25] In March 2024, the Coordinating Maritime Affairs and Investment Minister requested government critics to leave or move from Indonesia.[26] In May 2024, the Governor of Lampung responded to critics of damaged roads using mud baths by saying they simply wanted to be famous and unethical.[27] These cases show that there is a "Kill The Messenger" scenario, where policymakers and implementers try to undermine the credibility of critics so that their criticism cannot be trusted rather than focusing on the substance of their criticism.

13. Negative narratives towards civil society, including refugee groups, are also created by civil society elites in Indonesia who are close to certain national political figures to support the campaign activities of one of the presidential candidates in the 2024 elections.[28] There was a protest and expulsion of Rohingya refugees by student groups and residents in areas where Rohingya refugee shelters were located.[29] This was also triggered by the dehumanization of civil society elites who spread narratives of protest and disinformation using their privilege and influence on social media.[30]
14. Adherents of minority religions often experience bad stigma, being considered heretical and deceiving. The Indonesian Ulema Council (MUI), a semi-governmental organization of Muslim Ulema, is considered a pioneer in using intolerant rhetoric against some religious minorities. Shia and Ahmadiyah followers often feel marginalized, with common anti-Shia rhetoric on social media.[31] Every year, some non-governmental organizations report that Shia and Ahmadiyah groups continue to be targets of persecution by society and the authorities. On 18 February 2022, the East Java MUI issued a fatwa labeling the Padepokan Tunggal Jati Nusantara group as a heretical organization and violating Islamic law after the deaths of 11 of its members during a spiritual ritual on Payangan beach. MUI also asked the local government to prohibit all activities of this group and provide guidance for congregation members who want to repent.[32]

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[25] Antaranews, "Jokowi Reminds Eastern Ethics and Manners Regarding Criticism of BEM UGM", accessed from https://jambi.antaranews.com/berita/564384/jokowi-ingatkan-etika-dan-sopan-santun-ketimuran-soal-kritik-bem-ugm

[26] Pikiran Rakyat, "Luhut asks critics to move out from Indonesia", accessed from https://www.pikiran-rakyat.com/nasional/pr-017837835/luhut-minta-tukang-kritik-pindah-dari-indonesia?page=all

[27] Detik.com, "South Lampung Celebgram Bathing in Mud on the Street, District Head Talks Ethics", accessed from https://www.detik.com/sumbagsel/berita/d-7342956/selebgram-lampung-selatan-mandi-lumpur-di-jalan-rusak-bupati-bicara-etika

[28] Detik.com, "What Gerindra said when the Comic Marshel's billboard was displayed in South Tangerang", accessed from https://news.detik.com/pemilu/d-7355407/kata-gerindra-saat-baliho-komika-marshel-mejeng-di-tangsel

[29] VOA Indonesia, "Hundreds of Students Expel Rohingya in Aceh", accessed from https://www.voaindonesia.com/a/ratusan-mahasiswa-usir-rohingya-di-aceh/7414264.html

[30] Tempo.co, "Hot Rohingya Issue, Marshel Widianto Expresses Concern", accessed from https://seleb.tempo.co/read/1807308/isu-panas-rohingya-marshel-widianto-ungkap-keresahan

[31] Freedom House, "Freedom in the World 2024 – Indonesia'', accessed from https://freedomhouse.org/country/indonesia/freedom-world/2024

[32] Fatwa of the Indonesian Ulema Council of East Java Province No. 2/2022 on Rituals and Teachings of the Tunggal Jati Nusantara Group, accessed from https://muijatim.or.id/wp-content/uploads/2022/09/Fatwa-No.2-Tahun-2022-TENTANG-RITUAL-DAN-AJARAN-KELOMPOK-TUNGGAL-JATI-NUSANTARA.pdf

B. Stigmatising/negative narratives impacted on the exercise of the rights to freedom of peaceful assembly and of association in Indonesia

15. The Coalition for the Freedom of Association findings show more than 800 cases with 1,115 acts of restriction and violation of the right to freedom of association as the impact of the implementation of the Societal Organizations (Ormas) Law in Indonesia throughout 2014 – 2020. One of these restrictions and violation patterns is stigmatising unregistered CSOs as illegal, unregulated, or fraudulent.[33] For example, the Cilegon City National and Political Unity Office (Kesbangpol) in October 2023 explained that legal societal organizations are those that administratively have a permit or Registered Certificate (SKT) issued by two ministries, namely the Ministry of Law and Human Rights, and the Ministry of Home Affairs. Therefore, according to Kesbangpol, it is normatively illegal Ormas if the organization doesn't have an SKT and doesn't report it to Kesbangpol.[34]
16. The disbandment of some gathering activities with the stigmatisation of Marxism-Leninism associated with the activities of the Indonesian Communist Party (PKI) also occured to artists, academics, and environmental activists. Belok Kiri Fest, an artistic discussion and expression space to counter the propaganda of leftist ideas by the New Order regime, that was held on February 27, 2016, at Taman Ismail Marzuki, Jakarta, experienced obstacles in its implementation due to permits from the management of Taman Ismail Marzuki and the local police.[35] The ban on activities occurred after protests from Islamic-based social and student organizations. Nevertheless, the festival activities resumed at the Jakarta YLBHI-LBH Building. Apart from that, other gathering activities were disbanded at the '65 History Straightening Seminar, which was held at the YLBHI-LBH Jakarta Building on 16 – 17 September 2017. This happened after the spread of hoaxes related to the PKI revival declaration, even though the seminar activity was aimed at straightening out the history and facts about crimes against humanity, genocide, and imprisonment after 1965.
17. In May 2024, with the 10th World Water Forum held in Bali, which was not built inclusively, especially for victims of water rights violations, the civil society initiated the People's Water Forum (PWF) as an alternative people's forum. In the PWF agenda, the stigma of the women's movement was building up, aimed at women human rights defenders fighting for human rights and the right to water. They experience gender-based harassment and violence against women, not only physical violence but also psychological violence: beatings, being surrounded, forced dispersal, intimidation, verbal sexual harassment, and degrading their dignity

[33] One of the implementations of the Ormas Law is the stigmatisation of CSOs by being considered illegal, unregulated, or fraudulent because they are not registered or their Registration Permit (SKT) has expired, they are considered thugs and criminals, heretical groups, radical and affiliated with terrorist groups, anti -NKRI and anti-Pancasila, and are considered to receive foreign funds for terrorism. Apart from that, various other patterns of restrictions and violations include registration obligations for CSOs to obtain SKT; excessive monitoring of CSOs and civil space with a security approach; prohibition of activities for unregistered CSOs; limiting access to resources for CSOs; dissolution of CSOs without going through a judicial process; to the existence of criminal sanctions that have the potential to criminalize CSO members.

[34] Banpos.co, "Kesbangpol Accuses the Rise of Illegal Ormas", accessed from https://banpos.co/2023/11/02/kesbangpol-tuding-marak-ormas-ilegal/

[35] Tempo.co, "Belok Kiri Festival Banned, This is the Chronology", accessed from https://metro.tempo.co/read/748759/festival-belok-kiri-dilarang-ini-kronologinya

as women and human beings.[36] The state's increasingly repressive condition towards democratic actors, especially women, was documented in the 2023 National Commission on Violence Against Women's Annual Notes. Throughout 2023, there were 7 cases of gender-based violence against women human rights defenders.[37]

C. Stigmatising narratives impact the meaningful public inclusion and participation in public affairs

18. In early 2024, Indonesia held the elections (Pemilu) to elect the president, vice president, and legislative body members. The Law on Persons with Disabilities and the Law on Election guarantee the participation of persons with disabilities in elections on the basis of equal rights. However, in several regions, society's negative stigma regarding the ability of people with disabilities to participate in state activities has hampered the fulfillment of political rights for people with disabilities. Local poll administrators (KPPS) officers' understanding of accessible services and assistance for people with disabilities was also an issue. For example, at three polling stations in East Nusa Tenggara province, officials did not include voters with disabilities on the voter list and were reluctant to provide services to their group.[38] This is in line with reports from the Institute for Inclusion and Advocacy of People with Different Ability (SIGAB), the Yakkum Rehabilitation Center, and the Disability Formation, which show that around 45% of polling stations (TPS) did not have data on voters with disabilities. Up to 44.9% of people with disabilities were registered as non-voters, while another 19.4% did not know their status as voters.[39] In fact, the General Election Commission noted that there are 1.1 million people with disabilities on the 2024 Permanent Voter List spread across all regions of the country and claimed to have improved services and access for people with disabilities to participate in elections.[40]
19. This stigma also influenced the provision of services and accessibility for voters with disabilities at polling stations. Around 54% of people with disabilities using wheelchairs in several areas, such as Baturan, Sabdodadi, Bantul, and Yogyakarta, experienced difficulties when entering polling stations and voting booths, while the

[36] Solidaritas Perempuan, "The 10th World Water Forum Neglected to Guarantee the Rights to Freedom of Expression and Assembly", accessed from https://www.solidaritasperempuan.org/world-water-forum-ke-10-lalai-dalam-menjamin-hak-kebebasan-menyampaikan-pendapat-dan-berkumpul/

[37] National Commission on Violence Against Women, "Komnas Perempuan Annual Notes Fact Sheet 2023 "Momentum for Change: Opportunities for Strengthening the Response System amidst the Increasing Complexity of Violence against Women", accessed from https://komnasperempuan.go.id/download-file/1085

[38] Formasi Disabilitas, "Press Release: Democratic Party That Is Not Yet Inclusive: Monitoring Notes on Voting for Disabled Persons in the 2024 Election", accessed from https://formasidisabilitas.id/2024/02/pers-rilis-pesta-demokrasi-yang-belum-inklusif-catatan-pemantauan-penyelenggaraan-pemungutan-suara-bagi-difabel-di-pemilu-2024/

[39] Sesana Inklusi dan Gerakan Advokasi Difabel (SIGAB) Indonesia, Pusat Rehabilitasi Yakkum, dan Formasi Disabilitas, "Press Release: Disabled People's Political Rights Have Not Been Fully Enjoyed in the 2024 Election", accessed from https://formasidisabilitas.id/2024/03/pers-rilis-hak-politik-difabel-belum-utuh-dinikmati-dalam-pemilu-2024/

[40] Portal Informasi Indonesia, "Guarding the Voting Rights of People with Mental Disabilities", accessed from https://indonesia.go.id/kategori/editorial/7955/mengawal-hak-pilih-penyandang-disabillitas-mental?lang=1#:~:text=Dari%20total%201%2C1%20juta,disabilitas%2C%20termasuk%20penyandang%20disabilitas%20mental.

availability of assistants was also minimal. In all polling stations, people with visual sensory disabilities only received two ballot papers with braille templates, namely to elect the president and vice president, and members of the Regional Representative Council, while the other three ballot papers to elect legislative members were not provided.[41] Stigma also extends to people with disabilities who wish to nominate themselves as election participants; this is because medical requirements are still considered discriminatory, and support from political parties tends to be minimal. Some people with disabilities who run for regional heads or legislative members also face stigma, with the assumption that they are unable to carry out their duties simply because of their physical condition.[42]

20. Law No. 12/2011 on Lawmaking, as amended by Law No. 13/2022 (PPP Law), guarantees public participation in every stage of the lawmaking, whether carried out by individuals or groups directly affected and/or have an interest in the bill (RUU). Therefore, to make it easier for the public to provide input, every academic analysis and/or bill must be easily accessible to the public. Decision of Constitutional Court (MK Decision) No. 91/PUUXVIII/2020 also reiterates that meaningful participation includes the right to have one's opinion heard, the right to have one's opinion considered, and the right to receive an explanation or answer to the opinion given. However, this decision cannot immediately resolve the problem of establishing laws and regulations which have been deeply rooted.
21. Information about the medium-term (5-year) and short-term (annual) National Legislation Program (Prolegnas) can be accessed on the DPR's official website. However, based on PSHK records, the number of bills without information about either the process or supporting documents, such as draft bills, academic analysis (NA), or brief reports (lapsing) from each agenda item; still dominates. One example is the discussion of the Second Revision of the Bill on the Information and Technology (ITE) Law. Based on PSHK records, during the first session period 2023 – 2024, until it was passed at the Plenary Session on 5 December 2023, 5 (five) discussion meetings were held. However, the progress of this discussion had never been opened and updated in the track record of discussion of the bill. Another example occurred in the Bill on New and Renewable Energy, where the last agenda on the track record was done on 21 September 2022. In fact, the Government and the DPR are known to have held a joint working meeting agenda on 20 November 2023. The track record information not being in line with the original progress also has implications for the public's difficulty in gaining access to the substance of the discussion of the bill.
22. Even though the bill's complete track record doesn't guarantee information regarding the substance of the discussions carried out, for example, at work meetings discussing the Second Revision of the ITE Law that were held behind

[41] Formasi Disabilitas, "Press Release: Democratic Party That Is Not Yet Inclusive: Monitoring Notes on Voting for Disabled Persons in the 2024 Election", accessed from https://formasidisabilitas.id/2024/02/pers-rilis-pesta-demokrasi-yang-belum-inklusif-catatan-pemantauan-penyelenggaraan-pemungutan-suara-bagi-difabel-di-pemilu-2024/

[42] Sesana Inklusi dan Gerakan Advokasi Difabel (SIGAB) Indonesia, Pusat Rehabilitasi Yakkum, dan Formasi Disabilitas, "Press Release: Disabled People's Political Rights Have Not Been Fully Enjoyed in the 2024 Election", accessed from https://formasidisabilitas.id/2024/03/pers-rilis-hak-politik-difabel-belum-utuh-dinikmati-dalam-pemilu-2024/

closed doors under the pretext of providing freedom to discuss and study sensitive issues. In fact, discussion of the Second Revision of the ITE Law was crucial at a time when civil liberties were being narrowed down through the criminalization of 'rubber' articles in the previous ITE Law. As a result, problematic articles that have attracted public attention are still retained in the Second Revision of the ITE Law and actually have the potential to add to the long line of criminalization of freedom of opinion and expression.

23. The difficulty of access to public participation in lawmaking was not only sensed by the public in general but also by groups of people with disabilities. Starting from the DPR's official website, which serves as a medium for obtaining information about the Establishing Laws and Regulations process, which is still considered not friendly to visually-impaired groups. This also applies to documents related to the discussion of the bill, such as draft bills, academic analysis, and reports of completed sessions. Moreover, the process of discussing the bills, which was sometimes broadcast via the DPR's official YouTube channel, did not provide sign language interpreters. As a result, again, it was made difficult to access information on discussions of lawmaking, which results in minimal participation by groups of people with disabilities in the process.

D. Recommendations to protect civil society and those exercising their rights to freedom of assembly and of association against stigmatisation in Indonesia

24. Recommend the UN to monitor UPR recommendations and the results of observations and conclusions of the UN Human Rights Committee on the implementation of the ICCPR in Indonesia to create a safe, inclusive, and sustainable enabling environment for civil society, including by revising or revoking legal rules and policies that limit freedom and civic space in Indonesia, especially policies that continuously create negative narratives, such as the Ormas Law, the KUHP, the ITE Law, the Pornography Law, Law on Freedom to Express Opinions in Public, Presidential Decree No. 1/1965 on Prevention of Abuse and/or Blasphemy of Religion, and the Perkominfo No. 5/2020 on Private Electronic System Operators.
25. Recommend the UN to develop studies and guidelines for member countries on promoting positive narratives about the role and structure of civil society, including HRDs, activists, and CSOs.
26. Recommend the UN to ensure that the Government of Indonesia strengthens substantial and inclusive democracy and does not only focus on procedural democracy to promote, protect, and fulfill freedom of expression, assembly, and association.
27. Recommend the UN to enhance the promotion of the 1998 Declaration on Human Rights Defenders, including conducting a global campaign emphasizing the importance of protection for human rights defenders. This campaign should advocate for countries to establish regulations that protect human rights defenders and recognize their work, including opposing any form of stigma and discrimination by states against them, especially women human rights defenders which are facing multiple attacks. The campaign should be conducted with the involvement of governments, civil society organizations, and the media.

28. Strengthen civil society networks and collaboration across actors, sectors, generations and regions (North – South) to revoke or revise draconian law that continuously creates stigma for civil society and limit civic space, as well as building public perception to improve public understanding of the importance of the civil society's role, structure and reputation.

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[i] **The Peoples Participation, Initiative and Partnerships Strengthening Foundation (YAPPIKA - a member of ActionAid International)** is a non-profit organization that has been standing and working together with some communities in Indonesia since 1991 to encourage government policies to improve public services in between the fields of education and health and advocate for a better enabling environment for civil society. Since 2010, the YAA Indonesia has been the secretariat of the Freedom of Association Coalition focused on enabling a conducive environment for CSOs in Indonesia. YAPPIKA Website: http://yappika-actionaid.or.id/

[ii] **The Center for Indonesian Law and Policy Studies (Pusat Studi Hukum dan Kebijakan Indonesia, PSHK)** is a research and advocacy institution for legal reform, with visions of the establishment of socially responsible law or towards socially responsible lawmaking. Established in 1998, PSHK works focus on legislation and justice. In the field of legislation, PSHK carries out three main activities, namely legislative monitoring, legislative assessment, and legislative drafting. Meanwhile, In the field of justice. PSHK is consistently involved in the reform agenda at the Indonesian Supreme Court. Enhance legal understanding of policy-making processes through evidence-based studies and active participation in public discourse is the main aims of PSHK. PSHK Website: https://pshk.or.id/

[iii] **The Jakarta Legal Aid Institute (LBH Jakarta)** is an institution that provides structural legal assistance to poor, legally illiterate and oppressed communities in the context of upholding the rule of law, democracy and human rights based in Jakarta. LBH Jakarta Website: https://bantuanhukum.or.id/

[iv] **The Indonesian Human Rights Monitor (IMPARSIAL)** was established by 18 workers of human rights in Indonesia, among others, Todung Mulya Lubis, Karlina Leksono, M.M. Billah, Wardah Hafidz, Hendardi, Nursyahbani Katjasungkana, [the late] Ade Rostina Sitompul, Robertus Robet, Binny Buchory, Kamala Chandrakirana, [the late] H.S. Dillon, [the late] Munir, Rachland Nashidik, Rusdi Marpaung, Otto Syamsuddin Ishak, Nezar Patria, Amiruddin, and Poengky Indarti. The founders share the same concern: state power with tendency of its repressive practices show a stronger tendency in Indonesia today. Right opposite, society institutions working in the field of promotion and protection of human rights also show lower trend. IMPARSIAL Website: www.imparsial.org

[v] **The Institute for Policy Research and Advocacy (ELSAM)** is a human rights organization that has been established in Jakarta, since August 1993. It aims to participate in efforts to develop, promote and protect civil and political rights as well as human rights in general - as mandated by the 1945 Constitution and the Universal Declaration of Human Rights. ELSAM currently has three main activities, which consist of: (1) mainstreaming human rights in policy making; (2) study and production of human rights knowledge to support policy advocacy; and (3) Human Rights Education. ELSAM website: https://elsam.or.id/