



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the second periodic report of Indonesia*

1. The Committee considered the second periodic report of Indonesia¹ at its 13th and 15th meetings,² held on 20 and 21 February 2024, and adopted the present concluding observations at its 29th meeting, held on 1 March 2024.

A. Introduction

2. The Committee welcomes the submission by the State party of the second periodic report and the supplementary information provided in the replies to the list of issues.³ The Committee expresses appreciation for the constructive dialogue that it held with the State party's delegation.

B. Positive aspects

3. The Committee welcomes the legislative, institutional and policy measures taken to increase the protection of economic, social and cultural rights in the State party, such as the enactment of Law No. 12/2022 in relation to the crime of sexual violence; the launch of the fifth National Action Plan on Human Rights, for the period 2021–2025; the establishment of the Task Force against Trafficking in Persons; and the other measures mentioned in the present concluding observations.

C. Principal subjects of concern and recommendations

Domestic application of the International Covenant on Economic, Social and Cultural Rights

4. The Committee welcomes the information provided by the State party on decisions of the Constitutional Court and lower courts referring to provisions of the International Covenant on Economic, Social and Cultural Rights. The Committee regrets, however, the lack of information on specialized training for judges, lawyers and public officials, including public prosecutors, on the provisions of the Covenant and their justiciability.

5. **The Committee recommends that the State party provide training for judges, lawyers and public officials on the provisions of the Covenant and their justiciability and adopt measures to raise awareness of the Covenant among rights holders. In this**

* Adopted by the Committee at its seventy-fifth session (12 February–1 March 2024).

¹ E/C.12/IDN/2.

² See E/C.12/2024/SR.13 and E/C.12/2024/SR.15.

³ E/C.12/IDN/RQ/2.



regard, the Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

National human rights institutions

6. The Committee is concerned that the human and financial resources allocated to the national human rights institutions in the State party may not be sufficient for those institutions to discharge their mandates fully.

7. **The Committee recommends that the State party further strengthen its national human rights institutions by providing them with adequate human and financial resources in order to enable them to carry out their mandates effectively and independently, including with regard to the promotion and protection of economic, social and cultural rights. The Committee also recommends that the State party ensure that all institutions overseeing the promotion and protection of human rights work together under a comprehensive framework.**

Human rights defenders

8. The Committee is concerned about cases of harassment, intimidation and reprisals against human rights defenders, in particular those advocating for the rights of Indigenous Peoples and on environmental and land-related issues, as raised in successive reports of the Secretary-General⁴ and by special procedure mandate holders.⁵ In this regard, the Committee is concerned about the use of Law No. 11/2008, on electronic information and transactions, to criminalize the work of human rights defenders. The Committee is alarmed by the increase in militarization and the mobilization of military and police forces to evict and restrict the freedom of expression of local communities where the implementation of national strategic projects is taking place, as exemplified by the Mandalika project.

9. **The Committee recommends that the State party:**

(a) **Take measures to ensure that human rights defenders, in particular those advocating for the rights of Indigenous Peoples and on environmental and land-related issues, are able to carry out their work in a safe and enabling environment;**

(b) **Amend or repeal the overbroad criminal provisions contained in articles 27 and 28 of the revised Law No. 11/2008, on electronic information and transactions, concerning defamation, hate speech and dissemination of false information, and ensure that human rights defenders are not criminalized for carrying out their work;**

(c) **Conduct prompt, thorough and impartial investigations into all reports of harassment, intimidation and reprisals against human rights defenders and ensure that perpetrators are brought to justice;**

(d) **Immediately review and take steps to monitor and prevent militarization and the mobilization of military and police forces in development projects;**

(e) **Take into account the Committee's statement on human rights defenders and economic, social and cultural rights.⁶**

Business and human rights

10. The Committee welcomes the enactment of the National Strategy on Business and Human Rights through the promulgation of Presidential Regulation No. 60/2023. The Committee is concerned, however, that the Strategy: (a) does not include mandatory human rights due diligence; (b) does not include salient policy actions on industries known to have a negative impact on the environment and the enjoyment of human rights; and (c) lacks an action plan concerning affected communities, land and natural resources. The Committee notes the sizeable presence of State-owned enterprises and entities in which the State party

⁴ See [A/HRC/48/28](#), [A/HRC/51/47](#) and [A/HRC/54/61](#).

⁵ See communications IDN 3/2022, IDN 1/2023, IDN 2/2023 and [IDN 6/2023](#), available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

⁶ [E/C.12/2016/2](#).

holds minority shares, in various industries, in particular those that have caused adverse effects on and violations of human rights, as well as the absence of concrete plans to require them to conduct human rights due diligence in their domestic and foreign operations.

11. The Committee recommends that the State party review its National Strategy on Business and Human Rights, in consultation with Indigenous Peoples, affected communities and relevant stakeholders, to: (a) ensure that business entities operating in or domiciled in the State party conduct mandatory human rights due diligence throughout their operations and supply chains, giving priority to State-owned enterprises and entities in which the State party holds shares; (b) include policy measures targeting industries known to have been having a negative impact on the environment and the enjoyment of human rights, in particular the palm oil and nickel mining industries; and (c) include an action plan on concerns underlying affected communities, land and natural resources.

12. The Committee is concerned about the negative impacts of large-scale development projects and business activities on the environment and the enjoyment of economic, social and cultural rights, in particular by Indigenous Peoples and affected communities. In this regard, the Committee is concerned, *inter alia*, about the environmental and human rights impacts of the construction of the new capital city of Nusantara and the transboundary haze caused by the drainage and burning of peatland in the State party.

13. The Committee recalls its general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities and recommends that the State party:

(a) Carry out systematic, public and independent human rights and environmental impact assessments in the context of development projects and business activities in a transparent and comprehensive manner, with information on their impact on the enjoyment of economic, social and cultural rights by Indigenous Peoples and affected communities;

(b) Take all measures necessary to ensure accountability for violations of economic, social and cultural rights resulting from development projects and business activities and ensure that appropriate remedies are provided to victims;

(c) Take all measures necessary to address deforestation and coastal degradation while implementing the construction of the new capital city of Nusantara;

(d) Implement the Association of Southeast Asian Nations Agreement on Transboundary Haze Pollution, including through the introduction of specific haze prevention and mitigation legislation;

(e) Engage in meaningful consultations with affected communities, civil society organizations and relevant stakeholders in the development and implementation of laws and regulations related to environmental protection and natural resource management.

14. The Committee is concerned about the implementation of Law No. 6/2023 (Job Creation Law), which, *inter alia*: (a) eases the requirement for businesses to conduct a thorough environmental impact assessment as a prerequisite for obtaining a business licence; (b) prevents indirectly affected communities, civil society, human rights defenders and environmental experts from participating in public consultations during the environmental impact assessment preparation process; and (c) removes requirements relating to forestry area utilization as outlined in Law No. 41/1999 (Forestry Law). The Committee is also concerned about the implementation of Law No. 3/2020, on mineral and coal mining, which contains several provisions that ease the requirements and mechanisms for obtaining and issuing mining permits. It is further concerned that article 162 of Law No. 3/2020 has been reportedly used as a basis to arrest individuals who protest against mining activities.

15. The Committee recommends that the State party review and amend Law No. 6/2023 (Job Creation Law) to, *inter alia*: (a) reinstate the requirement for businesses to conduct a thorough environmental impact assessment as a precondition to obtaining a business licence; (b) ensure that the environmental impact assessment

process instituted by the Job Creation Law broadly allows the public, including civil society organizations, human rights defenders and community members, the opportunity to participate in decision-making regarding proposed projects; and (c) restore requirements related to forestry area utilization as outlined in Law No. 41/1999 (Forestry Law), ensuring the sustainable management of forest resources. The Committee also recommends that the State party review and amend Law No. 3/2020, on mineral and coal mining, to ensure that mining permits are issued with strict adherence to environmental standards and respect for human rights, including through safeguarding the rights of individuals to peacefully protest against mining activities without fear of arrest or reprisals.

Rights of Indigenous Peoples

16. The Committee is concerned about the ongoing problems in the recognition of Indigenous Peoples in the State party, which imposes challenges with regard to formal legal registration of their collective rights to land. The Committee is also concerned about reports of dispossession, displacement and relocation of Indigenous Peoples from their customary lands and territories, often without respecting their right to free, prior and informed consent (art. 1).

17. **The Committee recalls its general comment No. 26 (2022) on land and economic, social and cultural rights and recommends that the State party:**

(a) **Enact the Indigenous Peoples' rights bill in order to simplify the process of recognition of Indigenous Peoples and their customary lands;**

(b) **Expedite efforts to guarantee the right of Indigenous Peoples to own, use, control and develop the lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired, including by expanding the scope of the customary law communities (*Masyarakat Hukum Adat*);**

(c) **Repeal or otherwise amend legislation that undermines the right of Indigenous Peoples to land use and/or excludes their participation in decision-making on all matters that affect them, such as provisions that contradict the 2013 Constitutional Court ruling on customary land rights in the Job Creation Law and Law No. 3/2020, on mineral and coal mining;**

(d) **Take all measures necessary to guarantee that prior consultations are conducted in a systematic and transparent manner in order to obtain the free, prior and informed consent of Indigenous Peoples in the context of decisions likely to affect them, notably before the granting of licences for development projects and business activities, in particular plantation and mining activities, in the lands and territories that they have traditionally possessed, occupied or used;**

(e) **Consider ratifying the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).**

Maximum available resources

18. While the Committee acknowledges the efforts made by the State party to reduce regional disparities, the Committee is concerned about the striking inequalities in terms of the availability of public services, in particular health services, between regions and provinces in the State party. The Committee is also concerned that the fiscal policy is inadequate to address the persistent socioeconomic inequalities in the State party (art. 2 (1)).

19. **The Committee recommends that the State party:**

(a) **Establish a robust mechanism for resource allocation to enhance service delivery and the quality of basic public services, as in the case of health care in rural areas;**

(b) **Adopt a more efficient, progressive and socially just fiscal policy by, inter alia, revisiting the share of total State revenue derived from personal and corporate income with a view to expanding the tax base and fiscal space for the progressive**

realization of economic, social and cultural rights and increasing the redistributive effects of taxation;

(c) **Conduct a thorough assessment, with the participation of social stakeholders, of the effects of its fiscal policy on economic, social and cultural rights, including an analysis of the redistributive effects and tax burden on different sectors and marginalized and disadvantaged groups, and those on remote islands.**

Corruption

20. The Committee remains concerned that corruption continues to be pervasive at all levels of the State party's administration. The Committee is particularly concerned about reports that the revised Law No. 19/2019 undermines the independence and effectiveness of the Corruption Eradication Commission (art. 2 (1)).

21. **Recalling its previous concluding observations,⁷ the Committee recommends that the State party intensify its efforts to combat corruption and related impunity and ensure that public affairs, in law and practice, are conducted in a transparent manner. The Committee also recommends that the State party raise awareness among politicians, Members of Parliament and national and local government officials of the economic and social costs of corruption, and among judges, prosecutors and the police of the need for strict enforcement of the law. The Committee further recommends that the State party review Law No. 19/2019, on the Corruption Eradication Commission, with the aim of reinstating the Commission's independence and effectiveness.**

Non-discrimination

22. The Committee is concerned about the absence in the State party of a comprehensive anti-discrimination law that covers all grounds of discrimination in all areas covered by the Covenant, including sexual orientation and gender identity. The Committee is also concerned about discriminatory provisions present in local laws and by-laws based on sex, sexual orientation, gender identity and religion, including local mandatory hijab regulations. The Committee is further concerned about the discriminatory provisions contained in articles 411 and 412 of the newly adopted Criminal Code (Law No. 1/2023), which criminalize extramarital sex and the cohabitation of unmarried couples, who are prosecuted based on complaints from immediate family members. In this regard, the Committee is particularly concerned that these provisions de facto criminalize same-sex relations, as same-sex marriage is not recognized in the State party (art. 2 (2)).

23. **The Committee recommends that the State party adopt a comprehensive law on non-discrimination that: (a) provides sufficient protection against discrimination in accordance with article 2 of the Covenant; (b) explicitly includes all prohibited grounds of discrimination enumerated in that article and as elaborated in the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, including sexual orientation and gender identity; (c) defines direct and indirect discrimination in line with the State party's obligations under the Covenant; (d) prohibits discrimination in the public and private spheres; and (e) provides for effective remedies in cases of discrimination. The Committee also recommends that the State party repeal discriminatory provisions within local laws and by-laws, in particular those on the grounds of sex, sexual orientation, gender identity and religion, including local mandatory hijab regulations. The Committee further recommends that the State party repeal articles 411 and 412 of the Criminal Code and, therefore, decriminalize extramarital sex, the cohabitation of unmarried couples and same-sex relations between consenting adults.**

24. The Committee is concerned about the mandatory inclusion of individuals' religious affiliation on their personal identification documents, which may deter individuals in their decision to practise a religion or hold a belief. The Committee is also concerned about the

⁷ E/C.12/IDN/CO/1, para. 9.

lack of choices in place for individuals wishing to change their religious status or identify as non-religious, which may lead to discrimination against them (art. 2 (2)).

25. The Committee recommends that the State party take progressive legal and administrative measures to abolish the requirement of the inclusion of individuals' religious affiliation on their personal identification documents.

Refugees and asylum-seekers

26. While acknowledging the State party's long tradition of hosting refugees and the challenges it faces in this regard, including the recent significant influx of Rohingya refugees, the Committee is concerned about constraints on asylum-seekers' and refugees' ability to fully enjoy their economic, social and cultural rights. The Committee is particularly concerned about their lack of access to employment, the considerable variation in the implementation of their access to education across the State party, and barriers faced with regard to access to health care (art. 2 (2)).

27. The Committee recommends that the State party ensure the enjoyment of economic, social and cultural rights by asylum-seekers and refugees in the State party, in particular with regard to their right to work and education, and address barriers to their access to health care, such as those related to cost and language. The Committee also recommends that the State party consider ratifying the Convention relating to the Status of Refugees and/or the Protocol thereto.

Equality between men and women

28. The Committee is concerned that there continues to be a large gender disparity in labour market participation, mainly owing to persistent gender stereotypes and the unequal sharing of family responsibilities between women and men (art. 3).

29. The Committee recommends that the State party take all measures necessary to increase the level of participation of women in the labour market, including through the promotion of awareness-raising campaigns and good practices to counter and change gender stereotypes, as well as through an extension of the public network of childcare services and other services for children and other dependants. The Committee refers the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.

Right to work

30. While the Committee welcomes the efforts made by the State party to promote access to work and its recent achievements in job creation and the vocational training of young people, it is concerned that the youth unemployment rate still remains high and the number of workers entering the labour market with appropriate qualifications has not kept pace with the growth of jobs requiring higher skill levels. The Committee is also concerned about the large number of persons working in the informal economy and non-traditional forms of employment, including online platform-based drivers and freelancers (art. 6).

31. The Committee recommends that the State party increase its efforts to combat unemployment through specifically targeted measures, in particular aimed at young people, including by addressing mismatches between education and labour market needs through further enhancing the quality of technical and vocational training and education. The Committee also recommends that the State party strengthen its efforts to facilitate the transition of workers and economic units from the informal to the formal economy.

Right to just and favourable conditions of work

32. The Committee is concerned that the Job Creation Law negatively affects workers' rights by: (a) weakening the assurances provided by a minimum wage guarantee and the related government regulations, in particular by exempting micro-, small and medium-sized enterprises from minimum wage requirements; (b) adversely affecting the rights of workers whose employment has been terminated; and (c) undermining the ability of trade unions to

participate in sectoral minimum wage decisions. The Committee is also concerned about reports that the implementation of the Job Creation Law empowers employers to terminate work relationships simply by giving notice and has increased the use of temporary contracts (arts. 6–8).

33. The Committee recommends that the State party review and amend the Job Creation Law to: (a) reinstate minimum wage guarantees for all workers, including those employed in micro-, small and medium-sized enterprises; (b) strengthen protections for workers whose employment has been terminated; and (c) ensure the meaningful participation of trade unions in sectoral minimum wage decisions and regulate the use of temporary contracts to prevent exploitation and promote job security.

34. The Committee is concerned about the lack of comprehensive labour standards protection for domestic workers, homeworkers, fishers, oil palm plantation workers and migrant workers within the State party, who are at risk of occupational accidents, abusive working conditions and exploitation (art. 7).

35. The Committee recommends that the State party ensure the right to just and favourable conditions of work in law and in practice for all workers, including in particular domestic workers, homeworkers, fishers, oil palm plantation workers and migrant workers, and take measures to prevent and address occupational accidents, abusive working conditions and exploitation. The Committee also recommends that the State party ensure effective enforcement mechanisms and provide accessible avenues for redress for workers who experience violations of their rights. The Committee further recommends that the State party expedite the adoption of the bill on the protection of domestic workers and consider ratifying the ILO Domestic Workers Convention, 2011 (No. 189). The Committee refers the State party to its general comment No. 23 (2016) on the right to just and favourable conditions of work.

Occupational health and safety at work

36. The Committee is concerned about the absence of comprehensive measures to provide adequate protection in the area of occupational health and safety at work, including the prevention of occupational accidents. While the Committee acknowledges the increase in the number of labour inspectors, it is concerned by the limited capacity and resources to conduct labour inspections with sufficient coverage and frequency throughout the State party (art. 7).

37. The Committee recommends that the State party:

(a) Adopt a comprehensive system of protection from occupational hazards that provides adequate protection to all workers, including those in the informal sector, in the event of workplace accidents and occupational diseases;

(b) Ensure that the labour inspection mechanism has the human, technical and financial resources to provide adequate protection to all workers, including those in the informal economy;

(c) Consider ratifying the ILO Occupational Safety and Health Convention, 1981 (No. 155).

Trade union rights

38. The Committee is concerned about:

(a) The inadequate protection against acts of interference;

(b) Legal restrictions on the right of workers' organizations to organize their activities;

(c) Restrictions on the right of civil servants to form and join organizations of their own choosing;

(d) Reports of harassment and the use of violence against workers during strike actions.

39. **The Committee recommends that the State party:**

(a) **Amend section 122 of Law No. 13/2003, (Manpower Act) to prohibit the presence of the employer during voting procedures;**

(b) **Re-evaluate the scope and application of Presidential Decree No. 63/2004 and Ministry of Industry Decree No. 466/2014 to ensure that security measures related to national vital objects do not infringe upon the rights of trade unions and other legitimate civil society actors, and amend the definition of national vital objects to prevent the classification of trade union activities as threats;**

(c) **Ensure that civil servants can form and join any organization of their choosing;**

(d) **Ensure that workers can exercise their rights, including the right to strike, without undue restrictions or fear of intimidation and reprisals.**

Right to social security

40. While noting the progress made by the State party in expanding its social security system, the Committee is concerned that a significant number of persons are not yet covered by the social security system, including workers in the informal economy and persons belonging to the most disadvantaged and marginalized groups (art. 9).

41. **The Committee recommends that the State party establish a social protection floor that includes basic universal social guarantees and that it redouble its efforts to develop a social security system that guarantees universal coverage and provides sufficient benefits for all persons, in particular those in the informal economy and those belonging to the most disadvantaged and marginalized groups, to ensure that they have a decent standard of living. The Committee draws the State party's attention to its general comment No. 19 (2007) on the right to social security and to its statement entitled "Social protection floors: an essential element of the right to social security and of the sustainable development goals".⁸**

Protection of the family

42. The Committee is concerned about the discriminatory policy issued by the Supreme Court in 2023 (circular letter No. 2/2023), which denies legal recognition to interfaith marriages, and about the adverse impacts thereof on religious minorities and women (arts. 3, 10 and 15).

43. **The Committee recommends that the State party effectively implement Law No. 23/2006, on population administration, with regard to ensuring access to marriage certificates without discrimination, and that its Supreme Court revoke circular letter No. 2/2023, which denies legal recognition to interfaith marriages.**

Birth registration

44. The Committee is concerned about the considerable number of children, including refugee children, without birth certificates, which increases their risk of statelessness and creates barriers to their enjoyment of economic, social and cultural rights, including access to health care and education (art. 10).

45. **The Committee recommends that the State party intensify its efforts to register all children born and living in the country, including refugee children, while ensuring their access to economic, social, and cultural rights. The Committee also recommends that the State party consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

⁸ [E/C.12/2015/1](#).

Right to food

46. While the Committee acknowledges the progress made by the State party in enhancing food security and nutrition, it is concerned that significant challenges persist, including the rise of the triple burden of malnutrition (undernutrition, micronutrient deficiencies and overweight/obesity), poverty and inadequate access to affordable and nutritious food, vulnerability to external shocks such as climate change and natural disasters, and disparities in food availability and distribution, in particular in remote areas (art. 11).

47. **The Committee recalls its general comment No. 12 (1999) on the right to adequate food, also recalls the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security and recommends that the State party:**

(a) **Take measures to address the triple burden of malnutrition (undernutrition, micronutrient deficiencies and overweight/obesity);**

(b) **Improve access to diversified food through the development of diversified, resilient and nutrition-sensitive food systems;**

(c) **Ensure that social protection programmes target those most in need;**

(d) **Ensure that the implementation of food programmes is based on the human right to food, which includes conducting thorough consultations with Indigenous Peoples, peasant communities and women while respecting local agriculture and supporting small food-producer systems;**

(e) **Promote a balanced diet through effective social and behavioural change communication strategies and ensure the affordability of diversified diets.**

Land conflicts and forced evictions

48. The Committee is concerned about the significant negative impact of land conflicts on the enjoyment of economic, social and cultural rights. The Committee is also concerned about the reported high number of communities that have been forcibly evicted or that are facing the risk of being forcibly evicted, in particular in the context of the implementation of national strategic projects (art. 11).

49. **The Committee recommends that the State party:**

(a) **Streamline and harmonize legal and regulatory frameworks concerning the management of land and natural resources;**

(b) **Ensure transparency and coordination between ministries and government agencies mandated to manage the use of land and natural resources;**

(c) **Guarantee that victims of human rights violations in relation to land disputes have access to effective legal remedies and reparation;**

(d) **Take effective measures to prevent forced evictions, in particular in the implementation of national strategic projects, and ensure that victims have access to an effective remedy that allows for the restitution of their property, return to their homes or land or a suitable alternative, and appropriate compensation;**

(e) **Ensure that forced evictions of Indigenous Peoples and communities living in the concerned areas are not undertaken as the result of the implementation of any national strategic project;**

(f) **Where relocations take place with the consent of the affected communities, introduce special measures to ensure that they do not have an adverse impact on their livelihoods.**

Climate change and environmental protection

50. The Committee is concerned that, despite the State party's commitments to reduce its reliance on coal, there has been an increase in the number of coal plants across the State party,

which may affect the State party's efforts to meet its nationally determined contributions under the Paris Agreement by 2030 (art. 11).

51. **The Committee recommends that the State party intensify its efforts to achieve its nationally determined contributions plan under the Paris Agreement and to reduce its greenhouse gas emissions, in particular by effectively reducing its reliance on coal and promoting alternative and renewable energy sources while upholding human rights obligations, including the right of Indigenous Peoples to free, prior and informed consent. The Committee refers the State party to its statement on climate change and the Covenant⁹ and to its statement with the Committee on the Elimination of Discrimination against Women, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on human rights and climate change.¹⁰**

52. The Committee is concerned about the State party's high vulnerability to the impacts of climate change, including extreme events such as floods and droughts, and long-term changes from sea level rise, shifts in rainfall patterns and increasing temperatures. The Committee is also concerned about the effects of deforestation, forest degradation and waste production on climate change, pollution of the air, land and water, and biodiversity, including on marine ecosystems, affecting, in particular, the livelihoods of Indigenous Peoples and affected communities and exacerbating their vulnerability (art. 11).

53. **The Committee recommends that the State party:**

(a) **Ensure that natural resources, including forest resources, are used in accordance with a fair and equitable conservation policy developed in consultation with Indigenous Peoples and affected communities, civil society organizations and the authorities responsible for conservation;**

(b) **Cease the practices of illegal logging and cease, to the extent possible, non-sustainable uses of natural resources, including forests;**

(c) **Take all measures necessary to protect coastal communities and densely populated areas from rising sea levels and potential flooding;**

(d) **Strengthen the implementation of waste management policies and regulations, including by expanding waste collection coverage, optimizing the use of existing waterway and drainage infrastructure to prevent plastic waste from reaching the sea, promoting a circular economy to reduce plastic consumption, and systematically monitoring and improving data on waste management;**

(e) **Ensure the development of a national adaptation plan for climate change, taking into account the needs of marginalized and disadvantaged groups, in particular Indigenous Peoples and affected communities, that incorporates adaptation measures for climate change that respect economic, social and cultural rights.**

Right to physical and mental health

54. The Committee is concerned about disparities in the quality and availability of health-care services between urban areas and rural or remote regions, insufficient health-care infrastructure and high rates of maternal mortality. The Committee is particularly concerned about reports on the state of the health-care system in West Papua, characterized by abandoned and destroyed health centres and a significant decrease in the number of medical facilities, in particular in highland regencies, and the dire health situation of internally displaced persons (art. 12).

⁹ E/C.12/2018/1.

¹⁰ See <https://www.ohchr.org/en/statements/2019/09/five-un-human-rights-treaty-bodies-issue-joint-statement-human-rights-and-climate-change>.

55. **The Committee recommends that the State party:**

(a) **Improve the coverage and quality of essential health services, in particular for disadvantaged and marginalized individuals and groups living in rural and remote areas;**

(b) **Take measures to improve health-care infrastructure, in particular in rural and remote regions, including through the construction and upgrading of hospitals, clinics and health centres;**

(c) **Allocate resources promptly to rebuild and enhance health-care infrastructure and services in West Papua;**

(d) **Allow humanitarian access by national and international humanitarian organizations to internally displaced people in West Papua.**

56. Recalling the concerns raised by the Committee on the Rights of Persons with Disabilities,¹¹ the Committee remains concerned over reports indicating the ongoing practice of shackling individuals with psychosocial disabilities within families and in overcrowded, unsanitary institutions due to widespread stigma and a lack of community-based support, including mental health services (art. 12).

57. **The Committee recommends that the State party:**

(a) **Adopt all measures necessary to prevent the use of shackling, seclusion, and all forms of restraints within the family and in social care and mental health institutions;**

(b) **Develop a time-bound plan to shift progressively to non-coercive, community-based mental health, support and independent living services.**

Sexual and reproductive health

58. The Committee is concerned that the new Criminal Code criminalizes the dissemination of information about contraception to children and the provision of information about obtaining an abortion to anyone. The Committee is also concerned that, under the new Criminal Code, abortion continues to be criminalized, with some exceptions. The Committee is further concerned about the obstacles faced by women in obtaining access to safe abortion, even in cases in which it is legally permitted (art. 12).

59. **Recalling paragraph 34 of its general comment No. 14 (2000) on the right to the highest attainable standard of health, its general comment No. 22 (2016) on the right to sexual and reproductive health and the abortion care guideline (2022) of the World Health Organization, the Committee recommends that the State party review and amend the Criminal Code to decriminalize the dissemination of information about contraception to children and the provision of information about obtaining an abortion to anyone. The Committee also recommends that the State party decriminalize abortion and expand the circumstances in which it is legally permitted. The Committee further recommends that the State party ensure that comprehensive sexual and reproductive health education is included in the national education curriculum and guarantee the accessibility and availability of appropriate, good-quality sexual and reproductive health-care services and information, including abortion medication, contraception and emergency contraception, for all women and adolescent girls in the State party.**

Drug policy

60. The Committee is concerned about the State party's punitive drug policy and reports of the involuntary rehabilitation of detainees, in particular those arrested for drug-related offences. The Committee is also concerned about the limited provision of harm reduction services in the State party (art. 12).

¹¹ CRPD/C/IDN/CO/1, para. 36 (a).

61. **The Committee recommends that the State party:**

(a) **Review its punitive drug policy to prioritize harm reduction strategies over punitive measures, focusing on public health approaches and voluntary rehabilitation rather than incarceration;**

(b) **Ensure that detainees arrested for drug-related offences are provided with voluntary and evidence-based rehabilitation services that respect their human rights and dignity;**

(c) **Enhance the quality and accessibility of harm reduction services, including access to opioid substitution therapy, and HIV prevention services to effectively address drug-related health risks.**

Right to education

62. While the Committee welcomes the efforts made by the State party to expand access to education, the Committee is concerned about shortcomings in terms of quality education, in particular in remote areas; the lack of adequate school infrastructure, including adequate water and sanitation facilities; and the digital divide, which exacerbates inequalities in educational access and opportunities. The Committee is also concerned about the low net enrolment rates in pre-primary education (arts. 13–15).

63. **The Committee recommends that the State party:**

(a) **Enhance the quality of education, in particular in remote areas, and address low educational outcomes, in particular in mathematics and reading comprehension, including through sustained investment in training and improved working conditions for teachers;**

(b) **Improve school infrastructure and learning materials, with particular attention to the needs of children with disabilities, and ensure that all schools have adequate water and sanitation facilities;**

(c) **Ensure equal access to technology and Internet connectivity for all students, in particular those in remote areas, to facilitate online learning and distance education programmes;**

(d) **Enhance monitoring and evaluation mechanisms to track progress in addressing educational disparities;**

(e) **Redouble its efforts to increase pre-primary education enrolment and consider providing pre-primary education free of charge for all children in the State party.**

D. Other recommendations

64. **The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

65. **The Committee recommends that the State party consider ratifying the core human rights instruments to which it is not yet a party, namely the Optional Protocol to the International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Rights of Persons with Disabilities; and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The Committee also recommends that the State party ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which it signed in 2010, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which it signed in 2000.**

66. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, including in the recovery from the coronavirus disease (COVID-19) pandemic, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State party support the global commitment of the decade of action to achieve the Sustainable Development Goals. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.¹²

67. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national, provincial and local levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee emphasizes the crucial role that parliament plays in implementing the present concluding observations and encourages the State party to ensure its involvement in future reporting and follow-up procedures. The Committee encourages the State party to continue engaging with national human rights institutions, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

68. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations (31 March 2026), information on the implementation of the recommendations contained in paragraphs 11 (business and human rights), 17 (a) (rights of Indigenous Peoples) and 19 (c) (maximum available resources) above.

69. The Committee requests the State party to submit its third periodic report in accordance with article 16 of the Covenant by 31 March 2029, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. In addition, it invites the State party to update its common core document, as necessary, in accordance with the harmonized guidelines on reporting under the international human rights treaties.¹³

¹² [E/C.12/2019/1](#).

¹³ [HRI/GEN/2/Rev.6](#), chap. I.