

National Plans of Action for the Promotion and Protection of Human Rights - Indonesia

I. PREAMBLE

1. The concept of Human Rights is not new to the Indonesian people who had to wage a protracted struggle in the course of hundreds of years of colonial rule in order to exercise their right of self-determination, one of the most fundamental of human rights.

Indonesia's commitment to the promotion and protection of human rights in the entire Indonesian territory is derived from Pancasila (Five Pillars), notably from the second pillar of "A just and civilized humanity" as well as relevant articles in the 1945 Constitution which came into being prior to the adoption of the United Nations Universal Declaration of Human Rights in 1948. This commitment of the people of Indonesia to the promotion and protection of human rights has also been inspired by the values, customs, culture and traditions of the Indonesian people.

2. Endeavours to promote and protect human rights in Indonesia are based on principles of indivisibility, equality and recognition to the prevailing national conditions. The indivisibility principle implies that civil, political, economic, social and cultural rights as well as right to development are regarded as integral parts of a whole that cannot be broken up without diminishing each one of the components. This is true whether in the implementation, monitoring or in the evaluation of their implementation. The equality principle requires that there should be balance and harmony between individual and collective rights and between the rights of the individual and his responsibility to the community and nation. This is commensurate with the nature of the human being both as individual and social being. Equality and harmony between freedom and responsibility are significant factors in the promotion and protection of human rights. It is commonly acknowledged that human rights are universal and the international community has also recognized and concurred that their implementation is the duty and responsibility of states, taking fully into consideration the various value systems, history, culture, political systems, level of social and economic development, and other relevant factors.

3. Indonesia welcomes international cooperation in the promotion and protection of human rights all over the world and in every country, including itself. Such international cooperation, however, should be based on the principles and objectives of the Charter of the United Nations as stipulated in its articles 1 (3), 55, and 56. International cooperation in the field of human rights should also be based on principles of mutual respect, equality and coexistence among nations and prevailing international laws.

4. The commitment of the Indonesian Government to promote and protect human rights has been demonstrated by, among other, the establishment of the National Commission on Human Rights in 1993 for the purpose of helping develop a national atmosphere conducive to the exercise of human rights. The strengthening human rights protection is also expected to help realize the full potential of the Indonesian individual and Indonesian society. The National Commission on Human Rights was established as a matter of commitment to the decisions and agreements reached during the Second World Conference on Human Rights in Vienna in 1993, which adopted by consensus the Vienna Declaration and Programme of Action.

5. In the line with the recommendation of the Vienna Declaration and Programme of Action 1993 and the outcome of the Second National Workshop on Human Rights held by the Government of Indonesia, National Commission on Human Rights and the United Nations on 24-26 October 1994, Indonesia has formulated a National Plan of Action on Human Rights 1998-2003, which consist of concrete steps what will be conducted at national level in the next five years. Systematic and comprehensive implementation of the Indonesian National Plan of Action on Human Rights, which are based on the provisions of the Seventh Five-Year Development Plan of the People's Consultative Assembly no.11/MPR/1998 on State General Guidelines, is expected to help promote a culture of respect for human rights. Such a culture will help foster social justice, prosperity and the welfare of the Indonesian people in conformity with the principles of justice, truth and law embodied in the Pancasila and the 1945 Constitution.

II. THE INDONESIAN NATIONAL PLAN OF ACTION 1998-2003

The Indonesian National Plan of Action 1998-2003 consists of four main pillars:

Preparation for ratification of international human rights instruments;

Dissemination of information and education on human rights;

Implementation of priority issues on human rights;

Implementation of the international human rights instruments that have been ratified by Indonesia

6. A National Committee on Human Rights which consists of government officials and representatives of the community will be established as an implementing body of programme activities of the Indonesian National Plan of Action on Human Rights.

7. A Presidential Decree on the Indonesian National Plan of Action on Human Rights and on the National Committee on Human Rights will be issued as a legal basis for their implementation.

Ratification of International Instruments on Human Rights

8. Ratification of international human rights instruments will strengthen and expedite the development of national legal instruments on human rights and thereby enhance the promotion and protection on these rights. It will also fulfill the policy of developing national laws that conform with internationally accepted norms.

9. The process of ratification should be carried out carefully, gradually and in conformity with the requirements of development and the needs of the Indonesian people. The priority of ratification of the international instruments on Human Rights which has been determined can be adjusted in conformity with development in the Indonesian community.

10. The success of a nation in promoting and protecting human rights depends on the establishment of a national human rights culture through a conscious effort to develop, nurture and raise the level of awareness and knowledge of all members of society on human rights issues.

11. Community awareness of human rights can be developed and fostered through dissemination of correct information on human rights all over the country on a sustained basis.

12. Community knowledge on human rights can be developed, fostered and raised through education at a various levels, sectors, areas and time.

Dissemination and Education on Human Rights

13. The promotion of human rights, as a standard of human social life, requires a long process, considering how valuable it is. Social education on human rights is a process of building values, attitudes and habits of students when they interact with their environment under the guidance of educators such as parents, teachers, public personalities and formal and informal leaders. Social education on human rights will not be sufficient if information on human rights is communicated only during a short period and in a disjointed manner, without coordination and not in systematic way. As a moral value, human rights should be understood and practiced.

14. In the effort to inculcate human rights values in daily life from the earliest possible stage and covering all of society, information dissemination and education programmes on human rights are carried out in universities and other institutions of higher education, through formal and informal education, through the family and through mass media.

Implementation of Human Rights

15. Considering that the process of ratifying international human rights instruments requires considerable time and intensive thought, the effort to promote and protect human rights in Indonesia should be carried out even before the ratification process is completed. Committed to promote and protect human rights, Indonesia should formulate a set of priorities for activities in connection with the implementation, promotion and protection of human rights in conformity with the requirements of social life among the Indonesian people.

16. The effort to implement, promote and protect human rights, particularly those that are considered non-derogable rights, should be of the highest priority because their violation would be considered by the public as a gross violation and this could damage the country's image. Apart from those rights, priority should also be given to the protection of vulnerable groups and to the right to development. Thus the major activities in the Plan of Action include the dissemination of international standard instruments for law enforcement officers on torture and arbitrary detention; human rights training for law enforcement officers; studies and dissemination of information on humanitarian law; a special programme for judges and prosecutors; protection for vulnerable groups including women, children, and laborers; and anti-riot training.

Implementation of Ratified Conventions

17. The ratification of various international human rights instruments means acceptance of reporting obligations and other obligations in the implementation of the provisions of these instruments.

18. Implementation of the Convention on the Rights of the Child 1989, as ratified by the Indonesian Government by Presidential Decree no36/1990, is carried out through various comprehensive activities, inter alia the establishment of national institutions for the implementation of the Convention; cooperation in data collection, evaluation and monitoring; community mobilization to help implement the provisions of the Convention; gathering of the existing resources, training for social workers for children; workshops for police, correction officers, prosecutors, juvenile court judges; as well as reform of laws and law enforcement practices.

19. The Convention on the Rights of Women was ratified by the Government of Indonesia by Law no. 68/1958, the Convention on the Political Rights of Women in 1952 and the Convention on the Elimination of All Forms of Discrimination Against Women in 1979. These Conventions are implemented through advocacy and social mobilization, establishment of a Centre for Studies on Women, reform of laws and effective law enforcement, pursuit of a national programme for the elimination of discrimination against women, various administrative procedures as well as fulfillment of monitoring and reporting obligations.

III. CONCLUSION

20. The promotion and protection of human rights is not an easy task that can be concluded in a short time. It requires a long process of preparation and implementation. This effort should therefore be conducted on a sustained and comprehensive basis by all parties concerned, i.e. the Government, social and political organizations and non-governmental organizations as well as the rest of the citizenry. Indonesia welcomes bilateral, regional and international cooperation in strengthening its national capacity to implement the programme to promote and protect human rights, in the spirit of international cooperation as enshrined in the United Nations Charter and on the basis of principles of mutual respect and equality among nations.

21. The Indonesian National Plan of Action on Human Rights is aimed at invigorating the Indonesian effort to promote and protect the human rights of the Indonesian people, in particular the segments of the community that are most vulnerable to human rights violation. The Indonesian National Plan of Action on Human Rights is also in line with national endeavours to raise the quality of human resources and to eradicate poverty, both of which are important components of the Seventh Five-Year Development Plan. As a way of maintaining the national effort and policy on human rights, the implementation of the Indonesian National Plan for Action on Human Rights should be re-evaluated regularly to ensure its comprehensive implementation, the sustained enforcement of laws on human rights, as well as social justice and civility in Indonesian society. As Indonesia is fully committed to the promotion and protection of human rights, those aspects of human rights that are not covered by the present National Plan of Action on Human Rights 1998-2003 will be addressed when the Plan is upgraded after evaluation of its initial implementation.

