



Agenda item: Report from APF Member

**STATEMENT
BY
THE HUMAN RIGHTS NATIONAL COMMISSION
(KOMNAS HAM) OF INDONESIA**

I would like to associate myself with the previous speakers in expressing my delegation's thanks and appreciation to the Fiji Human Rights Commission for hosting this meeting and to the Secretariat of APF for having meticulously made the necessary substantive preparation for the smooth functioning of this meeting.

In view of the limited time made available my general report on the activities of Komnas HAM since we concluded on tenth meeting in Ulaanbaatar last year would be very brief and I would devote more time to address some of the topics referred to in the agenda for discussion during this meeting.

Specific recommendation of the ACT

The distinguished delegates to this meeting may wish to note that as early as 2002, or three years before the recommendations made by the ACT, as soon as the new membership of Komnas HAM had been officiated, we urged both the government and the parliament to ratify the ICESCR, ICCPR and its Optional Protocol. To accelerate the process, we submitted in December 2002 the relevant draft bill on the ratification of these three instruments. We are pleased to inform that, at least the ICESCR and ICCPR have been eventually ratified in October 2005 by, respectively Acts No. 11 of 2005 and No.

12 of 2005. To our regret our proposal that Optional Protocol I to the ICCPR should also be ratified at the same time did not materialize.

To follow up on this ratification, in the context of disseminating the ICESCR and ICCPR to the general public, Komnas HAM organized an information meeting in February 2006, inviting the representatives of governmental agencies, legislative body, and civil society on the implications the ratification of the two instruments. Similar exercises will be carried out at the regional levels.

Torture

As to torture, Komnas HAM was concentrating its activities during 2005 and 2006 on ensuring the respect of CAT which was ratified by Indonesia in 1998 (Act No. 5), particularly by law enforcement agencies in the regions. Roundtable discussions for this purpose have been conducted in three provinces (Papua, Moluccas and West Kalimantan) and further discussions will be held in other regions.

In this context I wish to mention that Komnas HAM has hosted the Training Program on Torture Prevention and Detention Monitoring for Asia Pacific National Human Rights Institutions, organized by the OHCHR and held in Jakarta in November 2005. The program included visits to four penitentiaries for specific categories of convicts, namely penitentiaries for those involved in narcotics – related crimes, children, women and an experimental new model of open penitentiary.

Terrorism and human rights

With regard to terrorism, Komnas HAM has been putting and continues to put emphasis advocating respect for human rights and fundamental freedoms is the suppression of terrorism. As terrorism is a crime of concern to the international community as a whole and, accordingly, international cooperation is imperative to suppress it, Komnas HAM has suggested the inclusion of the subject of suppression of terrorism while, at the same time, respecting human

rights, in the agenda of cooperation among NHRIs in ASEAN Countries. A working paper related thereto was submitted. Following the meeting held in Kuala Lumpur in March 2006, further meeting is scheduled to be held in Bali, Indonesia, to work out further the areas and modes of cooperation that may be envisaged among NHRIs in ASEAN in this field as well as in the fields of migrant workers, human rights trafficking, human rights education and right to development.

Death Penalty

To be noted that some of the Commissioners of Komnas HAM are in of the new that death penalty should be abolished as it in contrary to one of the non – derogable rights while some other consider that death penalty is still needed and the provisions in the relevant acts should be maintained. The latter in of the view, however, that death penalty should be imposed in a selective basis only.

Under these circumstances, every commissioner is free to express his/her own views independently on the subject.

Economic, Social and Cultural Rights

One of the topics included in the agenda is “NHRIs and Economic, Social and Cultural Rights”. This meeting may wish to note that, in 2004 Komnas HAM has revised its organizational structure to enable it to ensure that all aspects of human rights are equally addressed by re organizing its sub-commissions into the Sub-commissions on Economic, Social and Cultural Rights; Sub-commission on Civil and Political Rights; and Sub-commission for the Protection of the Rights of vulnerable groups.

If earlier Komnas HAM has been addressing mainly the problems related to civil and political rights, since the restructuring, it is now able to address with equal attention both the civil and political rights and the economic, social and cultural rights. Additionally, as we consider that vulnerable groups of the society, such as women, children, disables, and elder people, should be accorded more attention in view of their vulnerability, Komnas HAM has established

in 2004 a Sub-commission for the protection of the Rights of vulnerable groups.

Gross violations of Human Rights

Under Act No. 26/2000, genocide and crimes against humanity are considered as gross violations of human rights and Komnas HAM is designated by this Act as the sole inquiry institution for the judicial process of alleged perpetration of genocide and/or crimes against humanity.

Our experience for the last six years since the enactment of the Act has shown that improvement of Act No. 26 of 2000 is required. Accordingly, Komnas HAM has initiated the amendment process by preparing an academic paper for this purpose and holding round-table discussions in various parts of the country. It is hoped that the draft bill amending the present Act no. 26 of 2000 could be completed by the end of the first quarter of 2007.

Human rights defenders

The topics of Human Rights Defenders and Rights to Education are addressed in separate papers.

Thank you.

Jakarta, 19 July 2006