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Human Rights Defenders
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The Commission for the Disappeared and Victims of Violence (KontraS)
Indonesian Legal Aid Foundation (YLBHI)
Human Rights Working Group (HRWG)
The Institute for Policy Research and Advocacy (ELSAM)
The Indonesian Human Rights Monitor (IMPARSIAL)
Yayasan Kemitraan
Perkumpulan HuMA Indonesia
Protection Desk Indonesia

I. Introduction

1. KontraS is a national human rights non-governmental organization based in Jakarta, Indonesia and was established in 1998. Its main activities are geared towards support for the victims of human rights violations. It seeks to improve respect and protection for human rights within Indonesia through advocacy, investigations, campaigns, and lobbying activities.
2. YLBHI is a non-governmental organization in Indonesia that provides structural, legal assistance for poor and marginalized people. Along with seventeen Legal Aid Foundation in seventeen provinces in Indonesia, the structural, legal assistance is implemented through litigation and non-litigation within the scope of issues, such as labor rights, rights of the urban poor, land rights and agricultural issues, rights to the environment, right to a fair trial, right to freedom of expression and religious tolerance, including discrimination against minority and vulnerable groups.
3. HRWG is a network of more than 48 non-governmental organizations working on promoting human rights in Indonesia. It was established in 2000 by NGOs sharing similar interests and seeking a platform to coordinate and lead international advocacy efforts.
4. The Institute for Policy Research and Advocacy (ELSAM), is a human rights organisation, based in Jakarta, established since August 1993. To actively participate in the efforts to develop, promote and protect civil and political rights and other human rights, as mandated by the 1945 Constitution and Universal Declaration of Human Rights (UDHR), has become ELSAM's driving objective. At the outset, ELSAM's spiritual commitment was to develop a democratic political order in Indonesia by empowering civil societies through advocacy and promotion of human rights.
5. The Indonesian Human Rights Monitor (IMPARSIAL), is a non-governmental organization established in 2002 with the aim of advocating in the field of human rights, including conducting studies and research, increasing capacity and knowledge about human rights, as well as campaigning on human rights issues, both at the local, national and international levels, among which the focus is on issues of protecting human rights defenders, anti-death penalty,

freedom of religion or belief, freedom of association and assembly, freedom of expression, peace and conflict resolution in Papua, and reform of the security sector.

6. Yayasan Kemitraan was established in 2000 after Indonesia's first free and fair elections in 1999. There are five pillars as the focus, such as human rights, law and anti-corruption, sustainable development, social inclusion, infrastructure and technology, and regionalization.
7. Perkumpulan HuMA Indonesia was established in 2001. It engages in legal reform issues relating to land and other natural resources. HuMA focuses on the issue of indigenous peoples, legal reform, legal pluralism, people's legal assistance, and REDD++ climate change.
8. Protection Desk Indonesia works directly with community-based human rights defenders who are at high risk in remote villages. It carries out capacity-building training on security to empower them and build their capacity in advocacy. The team also works at various levels: with the support of grassroots and national organizations, with the National Human Rights Commission by conducting multi-stakeholder dialogue for the protection of human rights defenders, and at the international level, by submitting a shadow report for the Universal Periodic Review.

II. Overview

5. In the third cycle of UPR in 2017, the Indonesian government accepted the recommendations regarding the situation of human rights defenders, namely to:

- a. Adopt legislative measures to prevent and combat intimidation, repression or violence against human rights defenders, journalists and civil society organizations;ⁱ
- b. Continue to strengthen national and regional efforts to promote and protect human rights defenders;ⁱⁱ
- c. Facilitate the work of human rights defenders and journalists throughout the country.ⁱⁱⁱ
- d. Step up efforts to ensure protection of journalists and human rights defenders.^{iv}
- e. Take further steps to ensure a safe and enabling environment for all human rights defenders, including those representing the lesbian, gay, bisexual and transgender community and indigenous peoples.^v

6. The recommendations above are not fully implemented yet. The situation of human rights defenders in Indonesia is at stake. The work of human rights defenders often involves criticism of government policies and actions, hence, human rights defenders and their works are often deemed as enemies of national security that need to be eliminated.

7. Human rights defenders in Indonesia face various attacks, where they or their family are being stalked, monitored, put under surveillance, targeted for criminal investigations and charges, and the negative portrayal or defamation in public. In addition, they also receive death threats and assassination attempts. Human rights defenders, who work to encourage a better enjoyment of human rights, are becoming vulnerable to human rights violations themselves. The potential vulnerability of human rights defenders is further strengthened by facts on the ground which show that nowadays more and more human rights defenders in various areas in Indonesia have to deal with various threats and attacks by state and non-state actors.

Development on the regulation on the protection for human rights defenders

8. "The long and winding road" might be the right phrase to describe the regulations for the protection of human rights defenders (HRDs) in Indonesia. This section will elaborate the regulations aspect into three parts; (1) the pre-cycle and post-cycle regulations that support human rights defenders; (2) challenges, obstacles, and threats to human rights defenders; (3) needs and recommendations.

Pre and Post 3rd Cycle of UPR

9. Prior to the 2017 cycle, there were several regulations that were basically able to support the work and protect HRDs. There are regulations that explicitly mention human rights defenders, but there are also regulations that are sectoral.

10. There are only 2 regulations that explicitly mention and explain the Protection of Human Rights Defenders. First, Presidential Regulation/Decree No 18/2014 concerning the Protection and Empowerment of Women and Children in Social Conflict. In Article 8, mentions and acknowledges Women Human Rights Defenders (WHRD). Second, Komnas HAM Regulation No 5/2015 concerning Procedures for the Protection of Human Rights Defenders (HRD).

On the other hand, there are several regulations that implicitly support the role and protect HRDs, including:

- a. Constitution Article 28 C paragraph (2);
- b. Articles 100 – 103 of the Human Rights Law Number 39/1999 - normative in nature and there is no explicit article that regulates Human Rights Defenders and their protection;
- c. Article 8 and Article 18 of Law 40/1999 on the Press. - Providing guarantees of protection for journalistic work, a quo regulates criminal acts for anyone who hinders journalistic activities.
- d. Article 16 of Law 18/2003 on Advocates - Regulates legal protection guarantees for lawyers and advocates.
- e. Article 5 paragraph 1 of Law No 13/2006 concerning Protection of Witnesses and Victims - Protection is limited to victims of human rights violations, victims of criminal acts of terrorism, victims of criminal acts of trafficking in persons, victims of criminal acts of sexual violence and victims of severe abuse.
- f. Article 66 of the Environmental Law No. 32/2009 concerning Environmental and Forestry Protection and Management - Protection is given to Environmental Defenders who cannot be criminally prosecuted and civilly sued when defending the Environment.
- g. Article 11 of Law No 16/2011 concerning Legal Aid - Legal Aid Providers cannot be prosecuted civilly or criminally in providing Legal Aid which is their responsibility which is carried out in good faith both inside and outside the court trial in accordance with Legal Aid Standards based on regulations legislation and/or Advocate Code of Ethics.

11. There are several mechanisms or policies at the institutional level that are used to protect human rights defenders, including:

- a. MoU between Komnas HAM and the Witness and Victim Protection Agency (LPSK) No: 01/MoU-KH/I/2020, No: 01/1.3.4.HMKS/LPSK/01/2020 concerning the Protection of Witnesses and Victims of Serious Human Rights Violations;
- b. MoU between the Press Council and the National Police No:2/DP/MOU/II/2017. No:B//5/II/2017 concerning Coordination of Press Freedom Protection and Law Enforcement Related to Misuse of Professional Journalists;
- c. Presidential Prerogative Mechanism. President Jokowi granted clemency to Eva Bande (WHRD who fought for land rights in 2014) and Baiq Nuril (WHRD who fought for the elimination of sexual violence) in 2019 who were criminalized by the principal of Senior High School 7 Mataram, West Nusa Tenggara who sexually abused her.

12. In addition, there are several regulations that emerged after the Cycle 2017 process, namely:

- a. The existence of a Sub-Commission for Recovery and Remedy at Komnas Perempuan (National Commission for Anti Violence Against Women). Actively campaigned protection of WHRD, developed the protection manual for WHRD, developed instruments for documentation and monitoring WHRD cases. All of those things were implemented together with civil society;

- b. Standard Norms and Regulations (SNP) No 6 concerning Human Rights Defenders by Komnas HAM;
- c. SK No.1B/T/2021 concerning Acceleration of Agrarian Conflict Resolution and Strengthening of Agrarian Reform Policies signed by the Chief of Staff of the Presidential Staff Office (KSP), Moeldoko - January 21, 2021).

Challenges, barriers, and threats to human rights defenders

13. From the existing regulations, implementation is still something that really needs to be considered. Starting from socialization through every stakeholder, the understanding from police and military forces, until it's implementation of the existing articles, is still far from being effective. In many cases, stakeholders do not understand or even be aware of the regulations that support the work of HRDs. Meanwhile on the other hand, there are various policies that potentially threatened the works of HRDs, including:

- a. Omnibus Law (Work Creation) No 11/2020 – open space for investment by ignoring environmental aspects;
- b. Article 27 of Law 11/2008 (now Law 19/2016) Information and Electronic Transactions (ITE). The defamation article is often used to silence human rights defenders and critics^{vi}, as well as Article 28 regarding fake news, hate and speech^{vii};
- c. Chapter X Criminal Provisions, Article 82 paragraph 1 letter c^{viii}; Article 83 Paragraph 1 letter b; Law No. 18 of 2013 concerning Prevention and Eradication of Forest Destruction & Article 362 of the Criminal Code (KUHP) - Forbidding anyone who does not have a certain certificate to cut down forests and take something, this is used to criminalize Indigenous Peoples because the Indigenous Peoples Law itself has not been ratified until now, including being a threat to the survival of indigenous peoples;
- d. Article 167 paragraph (1) of the Criminal Code (KUHP) – Articles on trespassing, is used to trap people who refuse to sell their land (usually the company will fence off the community's access to the fields, so that when they go to the fields and through the land owned by the company, they would be charged using this article);
- e. Article 385 of the Criminal Code, - Anyone who plants something on land that he does not own (administratively/certification) can be punished. Being a threat to indigenous peoples and Trans migrants who depend on the natural landscape;
- f. Article 170 of the Criminal Code paragraph (1) & Article 406 Paragraph (1) of the Criminal Code; – Used to punish protestors when they carry out acts of self-defense from violence. (when protestors fight using violence too, they can be charged using this article);
- g. Article 162 of the *Minerba* (Minerals and Coal) Law Number 3/2020 about the change of similar Law No 4/2009 – The “rubber” article that prohibits anyone from interfering with mining activities, poses a threat to human rights defenders in the environmental sector or eco-defenders. The implementation of these rules has even opened a room for criminalization through the provisions of Article 162;
- h. *Makar* (treason) is used for those who are considered to want to overthrow the legitimate government. Apart from the issue of Papua, the article of Treason had been used since 2016^{ix} and 2017. The term 'treason' (*makar*) which is taken and interpreted from the Dutch word '*aanslag*', is regulated in several articles including Articles 87, 104, 106, 107, 110, 139a, 139b, and 140 of the Criminal Code (KUHP). The Indonesian government also uses these articles to imprison mostly Papuan and Moluccan activists. Amnesty International protested the use of these articles because these articles criminalize the rights to freedom of opinion and expression and the defenders faced punishment due to these articles too;

14. Apart from these policies, HRDs cannot be separated from various forms of threats. Starting from doxing, hacking, digital threats, intimidation, criminalization, premeditated murder, and various other threats. The threats came from various directions, from government at various levels, corporations, thuggery, military and police, buzzers, to vigilante groups.

15. In 2018 the HRDs Coalition managed to invite HRDs from various sectors to meet stakeholders, the stakeholders listened to what was experienced by HRDs (their cases, experiences, lost, anything related with the human rights works), but there was no follow up. In 2019 the Coalition met with Balegnas (National Legislative Body) to push for the revision of Law 39/1999 on Human Rights by including a clause on the Protection of HRDs. Balegnas welcomed well, but no follow-up till now. The coalition also encourages the establishment of derivative instruments from Article 66 of Law 32/2009 concerning Environmental Law. The ministry of environment and forestry together with the Coalition of NGOs make a Draft Ministerial Regulation for Environmental Defenders. The draft has been agreed to be final but the Minister is still delaying its ratification. Basically, what is needed is to ratify regulations that already exist but are hampered by bureaucratic aspects such as the Ministerial Regulation on the Environment, the Bill of Indigenous People Protection, and the Revised Law 39/1999. Then it should be socialized thoroughly so that it could be understood by all parties, also revoked the rules and “rubber” articles that had been used to silence human rights defenders.

Recommendations

- a. Establish a comprehensive law on protection of human rights defenders, including to revise Human Rights Law regarding its articles on human rights defenders protection;
- b. Revoke the problematic articles that could hinder the work of human rights defenders;
- c. Recognize the work of human rights defenders, including their immunity that should be stipulated in the laws that protect human rights defenders.

The situation of human rights defenders in Indonesia

16. Violent incidents continued to occur against human rights defenders during the 2017-2021 period. In the span of five years, there have been more than 687 incidents of violence against human rights defenders. Various incidents of attacks on human rights defenders were carried out directly such as confiscation, arbitrary arrests, repressive disbandment of activities, criminalization, violence, and intimidation, as well as through digital media such as hacking and account hijacking, occurred due to the government's attitude that deliberately turned its back on human rights values. Therefore, the state should be able to accommodate the protection of human rights defenders through special regulations to protect human rights defenders, in order to provide a sense of security in their work and/or efforts to promote human rights that have been undertaken so far. The absence of this special regulation makes human rights defense work closely related to threats, intimidation, terror, and even criminalization.

17. In addition, throughout 2021, subpoena and criminalization slowly became a tradition. It can be seen that there is a new pattern carried out by public officials as an effort to silence criticism, namely through subpoenas. KontraS noted that throughout 2021, there were at least two subpoenas sent by public officials. First, the summons were sent by the Presidential Staff Office Chair (KSP) Moeldoko to Indonesia Corruption Watch (ICW), in particular Egi Primayogha and Miftah. Second, a subpoena was sent by the Coordinating Minister for Maritime Affairs and Investment (Menko Marvest), Luhut Binsar Panjaitan (LBP), to the Founder of Lokataru, Haris Azhar and the Coordinator of KontraS, Fatia Maulidiyanti that leads to criminalizations and threat of 6-10 years imprisonment.

18. The criminalization of human rights defenders tends to be carried out using problematic legal instruments, such as the Criminal Code and the ITE Law. The Criminal Code ensnares human rights defenders with articles of insult, defamation, and treason. Meanwhile, the ITE Law ensnares human rights defenders in the digital realm with articles on defamation, hate speech, and threats of violence in cyberspace. Both of these legal products have “rubber” articles that are often used to silence the freedom of opinion and expression of human rights defenders. The ongoing criminalization of human rights defenders indicates that democracy in Indonesia is in a state of emergency. In the last two years, this criminalization has been carried out systemically because many public officials have done it with the help of law enforcement officials. The state should protect the existence of human rights defenders because of their vital role in controlling the government's performance so that it fits within the corridor of human rights.

19. Terror is the most significant act to take place in 2021. The significance of this action is even more visible if you look at the absence of similar cases in the previous periods in 2021. This terror also threatens human rights defenders who are part of indigenous peoples. On Monday, September 27, 2021, in Bolaang Mongondow Regency - North Sulawesi, an attack occurred against the Toruakat Indigenous People who were checking the boundaries of their customary territory. The attack was carried out by thugs paid by the gold mining company PT. Bulawan Daya Lestari (PT BDL). This incident has resulted in fatalities. A resident of the Touakat Indigenous Community died as a result of being shot in the chest and 4 other people were injured when they were attacked by a group of paid thugs recruited by the company to provide security at the mine site. Previously, the Touakat Indigenous People received information that the company had entered the customary area and damaged a number of plantations belonging to the Indigenous Peoples. In response to this information, the Indigenous Peoples held deliberations to ascertain the location and check the boundaries of their territory.

20. Another terrorist act experienced by the Yogyakarta Legal Aid Institute (LBH) office was carried out by an unknown person (OTK) in the early hours of Saturday 18 September 2021. The action was allegedly using a Molotov cocktail which caused the terrace of the LBH Yogyakarta office to catch fire and grab onto several areas. part. The terrorist acts that occurred, of course, cannot be separated from the linkage of advocacy work or structural legal assistance carried out by LBH Yogyakarta to help the poor, minority, and vulnerable groups. Whereas for the work carried out by LBH, it is possible for certain parties to feel displeased and carry out acts of terror which are intended to frighten them into stopping the advocacy efforts that have been carried out so far. The attack on the LBH Yogyakarta office can also be interpreted as an attack on human rights defenders and this is a serious problem.

21. It is also important to highlight the criminalization of Papuan human rights defenders in Indonesia. Over the past two years, there have been many human rights defenders in Papua who have been criminalized on charges of treason while conducting peaceful protests. This criminalization is the result of the stigmatization of Papuan human rights defenders who are considered as separatist and rebel groups. In fact, like other citizens, Papuan human rights defenders also have the right to freedom of expression whose existence is guaranteed by the constitution. The stigmatization carried out by the government and law enforcement officers seems to justify various treatments that degrade human dignity and violate the law to Papuan human rights defenders. The impact of this stigmatization is racial bias which results in the legal process against Papuan human rights defenders being far from fulfilling the element of justice. Often, Papuan human rights defenders receive harsher sentences than in other similar cases. One of the cases of criminalization against Papuan human rights defenders was experienced by two Papuan Student Alliance (AMP) activists, Ruland and Kevin. Both of them are members of the AMP which focuses on advocating for human rights violations in Papua, the rejection of the extension of the Special Autonomy (Otsus) for Papua, and the rejection of the New Autonomous Region of the Expansion of Papua Province. They were arrested on charges of beating and confiscation of goods. However, during the trial process, there was not a single convincing statement that could prove that it was Ruland and Kevin who did this. Then, this case also contains various irregularities such as the process of arrest and determination as a suspect without being preceded by an examination as a witness, as is usually the case with allegations of Article 170 of the Criminal Code. There are many irregularities and oddities in this case, such as the judicial process which seems forced to show that there are efforts to criminalize human rights defenders who are actively holding the state accountable for human rights violations that occurred in Papua.

Violence and threats against environmental defenders

22. During the period from 2019 to 2021, ELSAM recorded 120 cases of attacks against environmental defenders spread across various regions, where in 2019 out of a total of 27 incidents, 17 of them occurred in agrarian conflicts. In 2020 there was an increase in the number of cases of attacks and threats against human rights defenders against the environment which was quite significant, namely 60 incidents, this increase was closely related to the increasing repression of the apparatus in securing a number of bill projects (one of which was the Job Creation Law) and the escalation of the corrupted

reform movement. 2021 was a heartbreaking year, even though we are in the midst of the COVID-19 pandemic, a number of development projects in the environmental sector that undermine people's rights are still ongoing, in the ELSAM report there are at least 33 incidents of attacks on human rights defenders on the environment that aim to eliminate defenders. Human rights are labeled as hindering development.

23. Various forms of attacks carried out against environmental defenders include; physical attack, murder, terror, arrest, detention, prosecution (criminalization) and unfair trial. The actors involved in these acts of violence and threats include state actors and non-state actors.

24. Since 2019, state actors have been dominated by the police as the most involved in violence and threats against environmental defenders, followed by the National Military Forces (TNI), politicians and judges, although in many cases state actors are also often associated with non-state actors such as thugs, vigilante groups and corporations.

25. Another aspect that also affects the condition of human rights defenders on the environment in Indonesia is the limited regulations regarding the protection of human rights defenders. This issue is actually a classic issue, at least if we trace from the start the issue of protecting human rights defenders has started to emerge as an important conversation of civil society in Indonesia, at least in the last three to four years. This condition becomes even more complicated when considering the intersection of political-economic issues that also influence the creation of pre-conditions of violence and threats to environmental defenders, such as militarism or the militaristic character that has germinated in public spaces.

26. In the context of environmental defenders, military involvement often occurs in miraculous ways, as in the case of the planned military exercise in Pakel Village, Banyuwangi, on November 11, 2021. The bad news is, this kind of case does not happen once or twice. Outside the military, the police must also receive special attention, considering their role as state actors who are most involved in violent cases throughout 2021. Of the total 31 state actors involved, 22 are police.

27. This kind of situation certainly brings a problematic consequence. On the one hand, efforts to protect human rights defenders are non-negotiable when considering the need for a legal-formal protection framework. On the other hand, a big hole in the law enforcement process itself becomes a homework that seems impossible to close immediately, considering the current political-economic situation.

28. Without underestimating the role and efforts that have been made by civil society in Indonesia which have encouraged the birth of important regulations and agreements, including the Standard Norms and Regulations of the National Human Rights Commission which was ratified on 7 September 2021, and the Memorandum of Understanding (MoU) between the Consortium for Agrarian Reform (Konsorsium Pembaruan Agraria-KPA) and the Coalition for Human Rights Defenders. which was signed on December 21, 2021, it is clear that the ideal conditions for human rights defenders regarding the environment still need to be pursued through a long struggle.

Human Rights Defenders amid COVID-19 pandemic

29. Efforts to hinder advocacy work carried out by human rights defenders continues and are carried out in various ways. In fact, the Covid-19 pandemic situation is being used to hinder advocacy activities carried out by human rights defenders. Government officials arrest and forcibly isolate numbers of human rights defenders on charges of being exposed to (positive) Covid-19. However, the officers did not show the results of the tests conducted on them previously. This was experienced by three activists from The Indonesian Forum for Environment (WALHI) and LBH of Samarinda City, East Kalimantan in early September 2020 who were accused of being infected (positive) with Covid-19 by the Samarinda Covid-19 Task Force without showing evidence of the results of the PCR swab examination. The three are the Director of the East Kalimantan Forum for the Environment (WALHI), Yohana Tiko and two lawyers at the Legal Aid Institute (LBH) Samarinda, namely Fathul Huda Wiyshadi and Bernand

Marbun. They were forcibly picked up at the East Kalimantan Walhi Office in Samarinda City and asked to undergo isolation at the IA Moeis Samarinda Regional Public House (RSUD). In fact, the three of them did not show symptoms of being infected with Covid-19 and the results of the PCR test that had been carried out on them were not shown by the officers. The officer who picked him up forcibly promised to hand over the test results at the Abdul Moeis hospital. However, when they arrived at the Abdul Moeis Hospital, the officer still did not show the results of the test, and one by one the officers disappeared after taking the activists to the hospital, before finally being picked up by their colleagues. These human rights defenders suspect that this is related to their activities in advocating for environmental issues related to the planned relocation of the State Capital to the North Penajam Paser area, East Kalimantan, which has the potential to damage forest ecosystems and seize customary lands from communities around the location of the new capital city.

Impunity of Munir case

30. The administration of President Joko Widodo refused and against legal orders to publish the report on the results of the Investigation of the Fact Finding Team which was formed in 2004 by the administration of President Susilo Bambang Yudhoyono. This fact-finding team has completed its work and has also submitted the report to President SBY on 24 June 2005 at the State Palace. The order to disclose the findings of the fact finding team is mandated in the 9th Decree of the Presidential Decree No. 111 of 2004 concerning the formation of Munir's fact finding team.

31. Without a rational reason, then in February 2016 the government through the State Secretariat informed that the document was not at the State Secretariat office. This later became a legal polemic between the State Secretariat and Solidarity Action Committee for Munir (KASUM) in the trial to the Supreme Court. Although the Supreme Court's decision rejected KASUM's claim and strengthened the government's argument that the document was not controlled by the State Secretariat, the legal obligation to continue to publish the findings of the fact finding team did not disappear.

32. The delay in the resolution of the Munir case is also hampered by the National Commission on Human Rights (Komnas HAM). Komnas HAM, until this report was prepared, had not followed up on the complaint from KASUM to determine Munir's case as a gross violation of human rights. The coalition of various NGOs filed a complaint on September 20, 2020, considering that in the Munir murder case, the elements of gross human rights violations had been fulfilled, such as being addressed to civil society and carried out by involving state actors.^x

Recommendations

- a. Conduct proper control and accountability of the law enforcement officers, government representatives, and parliament members, in regard to human rights defenders' cases;
- b. Increase legal protection for human rights defenders, not only to guarantee the protection of human rights defenders, but also to eliminate laws that have the potential to threaten human rights defenders;
- c. Provide remedies for the human rights defenders who became victims of any kind of terror and intimidation;
- d. Settle the past and present human rights violations of human rights defenders with full accountability, under the transitional justice principles.

The role of National Human Rights Institutions in the Protection of Human Rights defenders

33. The enactment of National Human Rights Institutions in Indonesia was an advance in the protection of human rights, including human rights defenders. In 2021, the National Commission on Human Rights (Komnas HAM) issued Standard Norms and Regulations (*Standar Norma dan Pengaturan* - SNP) on Human Rights Defenders as a guide for the state and non-state actors to respect, protect, and fulfill the rights of human rights defenders.

34. In this standard, Komnas HAM listed several obligations for the state as a duty-bearer to protect human rights defenders. The obligations included the non-intervention to human rights defenders' works, facilitating the safe environment for human rights defenders, protecting human rights defenders from non-state actors, and providing a recovery mechanism, both through judicial and non-judicial institutions.

35. This standard has not been used by the state to protect human rights defenders, even further, to form a comprehensive regulation to guarantee the rights of human rights defenders. Subsequently, human rights defenders are still in a vulnerable position, and it is exacerbated by the lack of political willingness of the state to make significant effort to protect them. There are still many shortcomings and limitations in the scope of functions and authorities of state institutions related to the protection of human rights defenders. In filling this gap, each relevant state institution has made several efforts to improve the protection for human rights defenders. However, there is no optimal continuity and synergy between state institutions, namely Komnas HAM in conducting research, reviewing, and monitoring cases, with the Witness and Victim Protection Agency (*Lembaga Perlindungan Saksi dan Korban - LPSK*) which provides direct protection for human rights defenders.

36. Due to the absence of optimal cooperation, the efforts of each institution are still not sufficient to cover the lack of normative provisions in Indonesia. This can be seen from the increasing number of cases of intimidation, violence, and criminalization of human rights defenders in Indonesia. The absence of a significant role from state institutions in providing protection to human rights defenders can be dangerous, because with little protection for human rights defenders or the absence of punishment for perpetrators of attacks against human rights defenders, there will be no deterrent effect which will further jeopardize the protection situation for human rights defenders in the future.

Recommendations

- a. The government of Indonesia shall increase in efforts so that it is not limited to MoUs between institutions, but strengthens existing instruments such as the Press Law and also equips law enforcement officers with the concept of protecting human rights defenders so that they do not apply repression;
- b. Komnas HAM shall has an improvement in the quality of the human rights defenders desk, so that the handling of human rights defender cases can be carried out quickly and responsively.

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- ⁱ Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Indonesia*, 14 July 2017, Document A/HRC/36/7 recommendations No. 139.24 (Mexico).
- ⁱⁱ Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Indonesia*, 14 July 2017, Document A/HRC/36/7 recommendations No. 139.64 (Ecuador).
- ⁱⁱⁱ Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Indonesia*, 14 July 2017, Document A/HRC/36/7 recommendations No. 139.65 (France).
- ^{iv} Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Indonesia*, 14 July 2017, Document A/HRC/36/7 recommendations No. 139.66 (Iraq).
- ^v Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Indonesia*, 14 July 2017, Document A/HRC/36/7 recommendations No. 141.56 (Norway).
- ^{vi} The majority of victims of the Law on Information and Electronic Transactions came from activists, journalists, and critical communities. See more: Tempo. 2021. Daftar aktivis hingga jurnalis yang terseret UU ITE. The article can be seen at: <https://grafis.tempo.co/read/2549/daftar-aktivis-hingga-jurnalis-yang-terseret-uu-ite>.
- ^{vii} See more: Law of the Republic of Indonesia No. 11 of 2008 Concerning Electronic Information and Transactions. The document can be seen at: http://www.flevin.com/id/lgso/translations/JICA%20Mirror/english/4846_UU_11_2008_e.html.
- ^{viii} Article 82 (1) An individual who intentionally: c. felling trees in the area forest illegally as referred to in Article 12 letter c. See more: Undang-Undang Republik Indonesia Nomor 18 Tahun 2013 Tentang Pencegahan dan Pemberantasan Perusakan Hutan. The document can be seen at: https://www.dpr.go.id/dokjdi/document/uu/UU_2013_18.pdf.
- ^{ix} See more: IDN Times. 2019. Ini Deretan Kasus Makar Selama Pemerintahan Jokowi. The article can be seen at: <https://www.idntimes.com/news/indonesia/marisa-safitri-2/ini-deretan-kasus-makar-selama-pemerintahan-jokowi/6>
- ^x See more: Kompas. 2021. KASUM Harap Kasus Pembunuhan Munir Tak Mengenal Asas Kedaluwarsa. The article can be seen at: <https://nasional.kompas.com/read/2021/08/19/15500021/kasum-harap-kasus-pembunuhan-munir-tak-mengenal-asas-kedaluwarsa?page=all>.