

**Universal Periodic Review
(13th session, 21 May - 1 June 2012)**

Contribution of UNESCO

INDONESIA

I. Background and framework

1. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

A. Table:

| <i>Title</i> | <i>Date of ratification, accession or succession</i> | <i>Declarations /reservations</i> | <i>Recognition of specific competences of treaty bodies</i> | <i>Reference to the rights within UNESCO's fields of competence</i> |
|--|--|---|---|---|
| Convention against Discrimination in Education 1960 | 10/01/1967 | <i>Reservations to this Convention shall not be permitted</i> | | Right to education |
| Convention on Technical and Vocational Education. 1989 | Not ratified | | | Right to education |
| Convention concerning the Protection of the World Cultural and Natural Heritage 1972 | 06/07/1989 | | | Right to take part in cultural life |
| Convention for the Safeguarding of the Intangible Cultural Heritage 2003 | 15/10/2007 | Not to be bound by the provisions of Article 26 (1) | | Right to take part in cultural life |
| Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005 | Not ratified <i>Note: the Presidential decree is about to be issued</i> | | | Right to take part in cultural life |

II. Promotion and protection of human rights on the ground

1. Right to education¹

A. Normative Framework

i. Constitutional framework

1. The Constitution of 1945, as last amended in 2002, enshrines the right of every citizen to education in *Chapter XIII on Education, Article 31* as well as in *Chapter XI on Human Rights* provides in *Article 28C* (the right to get education) and *Article 28E* (the freedom to choose one's education).

ii. Legislative framework

2. A new education law was adopted in July 2003, the *Law No. 23/2003 on National Education System*. It incorporates fundamental principles and norms in the field of the right to education. The law has its foundations in the Constitution of 1945 and creates a legal framework for the major educational goal, policies and plans. The key targets include the expansion and equity, the improvement of quality and relevance, and the implementation of autonomy in higher education. The Law seeks to open access to education at all levels and all forms - formal, non-formal, as well as informal - for all the citizens. An outstanding feature of the Law is the implementation of compulsory basic education, free of cost, for all Indonesian citizens. Keeping in mind that due to the economic crisis, the resources available for the implementation of universal basic education are limited, the role of the community and parents for the completion of the nine-year compulsory basic education program is becoming critically important. However, financing of basic education for all shall be primarily the responsibility of the Government.

3. The *Teacher Law UU/14 of 2005* aims to improve the quality of education through a teacher certification process.

4. The *Presidential Instruction No. 5 of 9 June 2006* refers to the National Movement on the Acceleration of completion of the nine-year compulsory basic education program and illiteracy eradication.

B. Policy measures

¹ Sources:

- 1945 Constitution : <http://www.embassyofindonesia.org/about/pdf/IndonesianConstitution.pdf>
- Law No. 23/2003 on National Education System, http://planipolis.iiep.unesco.org/upload/Indonesia/Indonesia_Education_Act.pdf
- Indonesia's Education for All national Plan of Action 2003/2015, http://planipolis.iiep.unesco.org/upload/Indonesia/Indonesia_EFA_NPA.pdf
- Indonesia's Strategic plan 2005-2009, <http://planipolis.iiep.unesco.org/upload/Indonesia/Indonesia%20EducationPlan2005-2009.pdf>
- EFA Global Monitoring Report 2010, <http://unesdoc.unesco.org/images/0018/001866/186606E.pdf>
- World Data on Education, seventh edition 2010-11, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Indonesia.pdf

5. *Indonesia's Education for All National Plan of Action 2003/2015* was launched in 2003.

6. The *Strategic plan 2005-2009* focused on: 1) broadening access of equity and quality to education, 2) improving the quality, relevance, and competitiveness, and 3) improving the governance, accountability, and public image at all units of education both in the center and province/district.

7. In 2010, a New Policy on Distance Learning in Higher Education was launched.

C. Cooperation

8. Indonesia did not report to UNESCO within the framework of the seventh consultation of Member States on the measures taken for the implementation of the *Convention against Discrimination in Education* (covering the period 2000-2005).

9. Indonesia did not report within the framework of the fourth consultation of Member States on the measures taken for the implementation of the *UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms* (1974) (covering the period 2005-2008).

D. Challenges and constraints

10. In Indonesia, which uses a national formula for teacher deployment, there are marked inequities across schools and districts. For instance, 68% of urban primary schools have too many teachers, while 66% of remote primary schools have shortages. Moreover, the share of pre-primary teachers with at least a diploma ranges from 60% in Banten, a relatively prosperous area, to only 1% in Maluku, a region with high levels of poverty.

E. Capacity-building and technical assistance provided and/or recommended by UNESCO

11. The new education Law was elaborated with UNESCO's technical assistance.

2. Right to take part in cultural life

A. Normative Framework

i. Constitutional framework

12. The Constitution of Indonesia, first adopted on 18 August 1945, amended by the First Amendment (19 October 1999), the Second Amendment (18 August 2000), the Third Amendment (9 November 2001) and the Fourth Amendment (11 August 2002), recognizes the right to take part in cultural life. According to Section XIII on Education and Culture, article 32: "(1) The state shall advance Indonesia's national culture among the civilizations of the world by guaranteeing the freedom of the people to maintain and develop cultural values. (2) The state shall respect and preserve the languages in the regions as national cultural treasures."

ii. Legislative framework

13. It includes the following acts: *Law of the Republic of Indonesia Number 5 of the Year 1992 concerning Items of Cultural Property as replaced by Law of the Republic of Indonesia Number 11 of the Year 2010 concerning Cultural Property. Presidential Decree No. 78 of July 2007 concerning the Acceptance of the Convention for the Safeguarding of the Intangible Cultural Heritage 2003. Joint Ministerial Regulation No.42-2009 and No.40-2009 concerning Guidelines for Safeguarding of Culture.*

B. Institutional framework

14. The cultural sector of Indonesia is the responsibility of the Ministry of Culture and Tourism, which coordinates public action in this domain.

C. Policy measures

15. Among the most important governmental strategic policy documents and established structures for culture is the National Medium-Term Development Plan 2010-2014 as adopted via the Regulation of the President of the Republic of Indonesia Number 5, Year 2010.

16. One of the missions of the National Medium-Term Development Plan 2010-2014 is “to realize a society that has high morals, ethics, culture and civilization based on the Pancasila, which aims to strengthen the national identity and character, through education that aims to form individuals who steadfastly believe in the Almighty God, who comply with the law, maintain internal harmony and harmony among adherents from different religions, who practice intercultural interaction, who develop their social assets, who apply noble dedication to cultural values of the nation [...]”

17. The development and protection of culture, creativity and technological innovation lie as Priority No. 11 in the National Medium-Term Development Plan 2010-2014.

D. Cooperation

18. Indonesia actively participates in the activities of international and regional bodies such as the Association of South East Asian Nations (ASEAN), the East Asia Summit (EAS), Asia Cooperation Dialogue (ACD), the UN System organizations (among which UNESCO), and the International Federation of Arts Council and Culture Agencies (IFACCA), thereby demonstrating an interest in fostering international cooperation in the field of culture.

E. Work with civil society

19. Civil society organisations are very active in undertaking activities for the implementation and promotion of the two major cultural conventions of UNESCO, the Convention concerning the Protection of the World Cultural and Natural Heritage 1972 and the Convention for the Safeguarding of the Intangible Cultural Heritage 2003. Though Indonesia has not yet ratified the UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the civil society organizations play an important role to promote activities and initiatives that are in line with the spirit and principles of this normative instrument.

F. Achievements, best practices, challenges and constraints

20. Indonesia is taking a very active part in the implementation of the Convention concerning the Protection of the World Cultural and Natural Heritage 1972 and the Convention for the Safeguarding of the Intangible Cultural Heritage 2003. Indonesia will host the Sixth Session of the Intergovernmental Committee for Intangible Cultural Heritage to be held in Bali, Indonesia from 22 to 29 November 2011.

21. However, Indonesia is vulnerable to natural and manmade disasters owing to the relatively weak state of infrastructure, capacity and risks preparedness. This vulnerability extends to conflict prone regions across the country such as Aceh, (West) Papua and Nusa Tenggara Timur, where infrastructure and capacity have been eroded by past conflicts. Women, children and the elderly are often the most vulnerable to natural and manmade crisis and require special measures and interventions so as to ensure that these groups are not marginalized in their participation in cultural life.

G. Capacity-building and technical assistance provided and/or recommended by UNESCO

22. UNESCO supports awareness raising and capacity building activities in the country, focusing on supporting restoration, safeguarding, management and promotion of cultural heritage.

23. UNESCO's long-standing experience in the culture field was put into practice in favour of the local communities and the cultural heritage properties in the aftermath of disasters that struck two World Heritage Sites (Borobudur in 2010 and Prambanan in 2006). The activities carried out had a positive impact not only to safeguard the cultural property from further damage caused by the disaster but also to facilitate local communities to reengage with their cultural practices.

3. Freedom of opinion and expression

A. Achievements, best practices, challenges and constraints

i. Legislative framework

24. The Constitution of Indonesia and the Press Law of 1999 guarantee freedom of expression and press freedom. Licensing is practiced but not restrictive. Censorship in the media is not prevalent especially not regarding political content. Local media and advocacy groups are vibrant and vocal about their rights to freedom of expression. However, the country is seeing some restrictive trends in terms of freedom of expression especially regarding religious tolerance.

25. As of mid-2011, the Broadcasting Law (2002) is under revision in the House of Representatives. This law outlines the functions of the Indonesian Broadcasting Commission (KPI) as a regulatory body. It also governs the national broadcasting system and community media. However, there are concerns that the review might back-fire and revive government control of the media.

26. Defamation is still part of the criminal code which has the potential to provoke a chilling effect on public debate.

ii. Media self-regulatory system

27. Indonesia has a very progressive and active Press Council which serves as a model for the region.

iii. Safety of journalists

28. Incidents of killings of journalists still happen sporadically in the country. Most recently the Director General of UNESCO has condemned the murder of television journalist Ridwan Salamun, killed on 21 August 2010 while covering a clash between villagers in Tual, Maluku.

29. The rise of religious fundamentalism in the past couple of years is causing some serious concern in this respect.

B. Capacity-building and technical assistance provided and/or recommended by UNESCO

30. Training to raise the professional standards and safety-awareness of journalists and media workers could be further strengthened.

III. Recommendations

1. Right to education

31. Indonesia should be encouraged to report to UNESCO within the framework of the eighth consultation of Member States on the measures taken for the implementation of the Convention against Discrimination in Education (covering the period 2006-2011).

32. UNESCO recommends ensuring equality in education between urban and rural area.

2. Right to take part in cultural life

33. Indonesia is very much prone to natural disasters and often receives attention and financial assistance from the international community to support the country in recovery. However, while focusing on economic development and quick recovery actions, The Indonesian authorities should pay greater attention to proper rehabilitation of cultural heritage in disaster affected areas. Safeguarding of historical properties has been often neglected due to the absence of legal protection and regulations and uncontrolled urbanization. If such problems are not addressed effectively, heritage values will disappear, thereby depriving local communities from the necessary resources that provide opportunities for cultural life and social enjoyment.

34. More efforts should be invested in safeguarding, promoting and valuing culture in all its forms. Greater emphasis should be placed on cultural development opportunities for the local communities, thereby engaging them more fully in the safeguarding and promotion of their own cultural expressions.

35. Since the country has already ratified two of the main UNESCO Conventions in the field of culture (1972 Convention concerning the Protection of the World Cultural

and Natural Heritage and 2003 Convention for the Safeguarding of the Intangible Heritage), it is highly recommended that Indonesia ratify other UNESCO's instruments, and notably the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which will help address some of the challenges identified in this report.

3. Freedom of opinion and expression

36. Defamation law should be decriminalized, and made part of the civil code

37. Religious fundamentalism is a cause for concern and is encroaching on both freedom of expression and press freedom. This must be addressed through multi-stakeholder dialogue.