

**COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION**

Seventy-first session  
Geneva, 30 July-18 August 2007

**QUESTIONS PUT BY THE RAPPOREUR IN CONNECTION WITH THE  
CONSIDERATION OF THE INITIAL TO THIRD PERIODIC REPORTS OF  
INDONESIA  
(CERD/C/IDN/3)**

**Composition and distribution of the population**

1. While welcoming the information mentioned in paragraph 26 of the report, further information on the geographical location of the various ethnic groups within the country, as well as a brief assessment of their socio-economic status, will be appreciated. Please also provide statistical information about non-citizens, including stateless persons and refugees residing in Indonesia.
2. In regard to the determination of ethnicity, please provide more information on how the difficulties sometimes encountered, in particular in the cases of mixed marriages, are proposed to be overcome. (State report, § 27)

**Article 2**

3. Please explain the status of the Convention in domestic law and indicate to what extent domestic courts may directly implement its provisions. Please also explain, in particular if international treaties such as the Convention are not considered as self-executing in Indonesia, whether all the provisions of the Convention have been incorporated into domestic law. (State report, § 66 and 68)
4. Please give information on how the Constitutional provisions, in particular articles 27 (1) and 28 I (2) relating to the principles of equality and non-discrimination, are enforced by law. Are judicial avenues made available to persons alleging the discriminatory character of any law applied to them? (State report, § 95 and 101)
5. How is the process of review of laws in terms of non-discrimination undertaken in practice, and by which body or institution? Please also provide more detailed information on the outcome of the process (State report, § 102)
6. Please provide information on the outcome, including recommendations if any, of the study on the elimination of racial discrimination, conducted by the Working Committee on Evaluating Discriminative Laws and Regulations. Please also indicate the findings of the research studies on minorities

mentioned in the report. What follow-up has been given to these studies? (State report, § 85 and 158).

7. Please provide more information on the content and status of the draft law on the elimination of all forms of racial discrimination, proposed in 1999 and mentioned in paragraph 83 of the report. Does the State party envisage adopting a general law prohibiting racial discrimination in all spheres of public life?
8. What is the current status of the new legislation relating to the protection and treatment of ethnic groups, mentioned in paragraph 62 of the report? Please provide information on the content of the three Bills relating to the rights of Traditional communities. Please explain what Traditional communities are under domestic law, and which ethnic groups such qualification encompasses.
9. Please explain further the rationale behind the prohibition of the use of terms “indigenous” and “non-indigenous”, pursuant to the Presidential Instruction No. 28 of 1998. Bearing in mind the Committee’s General comment 23 (1997), what measures have been adopted to ensure the protection of the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources? (State report, § 118, 120, 155 and 156)
10. Please give details about the measures taken to ensure that the fight against terrorism does not target any specific religion or ethnic group. Does the Law on Anti-Terrorism contain anti-discrimination clauses? (State report, § 103)
11. Please indicate, in light of the Committee’s General Recommendation 30 (2004) on discrimination against non-citizens, to what extent guarantees against non-discrimination as set out in the Constitution and domestic legislation, also protect non-citizens. Please indicate whether distinctions exist between citizens and non-citizens in their enjoyment of political, civil, economic, social and cultural rights and to what extent these distinctions are implemented in practice.

#### **Article 4**

12. In addition to Law No.8 of 1985 on Organizations, is there a specific legislation that prohibits incitement to racial discrimination in line with the requirements of article 4 (a) of the Convention? (State report, § 114)
13. Please indicate whether acts of racial discrimination are an offence under domestic law. If so, please provide information, including statistical data and examples of cases, on the practical implementation of relevant legislation.

#### **Article 5**

14. Please provide information, including statistical data, on the level of participation of members of various ethnic groups in Parliament, national and local governments, the judiciary and the police.

15. Please provide more detailed information on the practical implementation of the abolition of SBKRI (Proof of Indonesian Citizenship ) for citizens of Chinese origin in all regions of the State party's territory. What measures have been adopted to ensure that public institutions and private entities such as banks do not require SBKRI? What avenues are available for victims of discrimination to obtain remedy? (State report, § 108-109)
16. According to information made available to the Committee, high numbers of ethnic Tionghoa are stateless, despite the fact that they have lived in Indonesia for generations. Please indicate whether the State party envisages taking measures to address this specific issue.
17. Please comment on the information according to which the distinction made by the State party between officially recognized and unrecognized religions and beliefs impacts on the rights of persons belonging to ethnic groups.
18. Paragraph 111 of the report stresses that the City of Bogor no longer requires indication of religion on the Citizen Identification Card, because such a requirement may be racially discriminatory in effect. Does the State party envisage extending such a measure to the whole territory of Indonesia?
19. What is the status of the language of various ethnic groups under domestic law? In particular, please provide information on the possibility for individuals to use their own mother tongue in their dealings with the administration and courts, as well as on the extent to which teaching of and in national languages is ensured in schools. Please comment on the information that Chinese - language schools are not allowed.
20. Please be more specific on efforts undertaken to "amalgamate the ethnic Chinese with the native Indonesian". How does the State party reconcile such policy with its obligation to respect and protect cultural rights of persons belonging to all ethnic groups? (State report, § 122).
21. Please provide information on the content of the draft law against pornography, which is reportedly currently under consideration in Parliament, and comment on the information according to which such law has been criticized by various ethnic groups on the ground that it unduly restricts some of their cultural practices such as dress codes.
22. Please provide information on the number of asylum requests received each year since 1999, disaggregated by country of origin. In comparison, how many persons were granted with refugee status? Please also provide information on rules and procedures governing the treatment of asylum-seekers and refugees.
23. Please provide a profile on the enjoyment of different rights mentioned in article 5 of the Convention, by different ethnic groups in Indonesia.

## Article 6

24. Please provide more detailed information on the judicial and other remedies made available to victims of racial discrimination. In particular, please indicate whether cases of racial discrimination have been brought before the courts, including the Court of Human Rights, and with what results. Has the National Commission for Human Rights (Komnas HAM) been mandated to receive and consider complaints of racial discrimination? Please provide statistical data if possible.
25. What were the recommendations of the Fact Finding Team that investigated the riots of May 1998, in which Indonesians of Chinese descent were specifically targeted, as well as the follow-up given to these recommendations? Please also comment on the information according to which Komnas HAM conducted an inquiry in 2003 about these events, concluded that gross violations on human rights had been committed, and recommended that an *ad hoc* human rights tribunal be established. (State report, § 150)

## Article 7

26. To what extent do school curricula include programmes to combat racial prejudice and to promote tolerance among ethnic groups? Please also indicate to what extent pupils and students, at all levels of education, have access to knowledge about the history, traditions, language and culture of the various ethnic groups living in Indonesia.
27. To what extent are programmes available to sensitize and train government functionaries on obligations and duties relevant to racial/ethnic discrimination?

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