

**PROPOSAL FOR CONCLUDING OBSERVATION FOR THE COMMITTEE OF ECOSOC
FROM INDONESIAN CSOs**

1. CESC Implementation and Judiciary Independency

Recommendation:

1. To urge the Government of Indonesia to break down all the economic, social, and cultural rights which regulated in CESC in to the national level legislations, and to synchronize all the local regulation to the objectives of fulfilling, protect, and respecting the economic, social and cultural rights. And to use the CESC as the consideration in all of judiciary process/procedure and verdict.
2. To ensure the independency of judiciary system to support all the efforts in claiming the fulfillment of the ECOSOC rights.
3. To ensure the Government of Indonesia in order to enhance the role of the state adopt the Optional Protocol of CESC about complaint mechanism.

2. The definition of non-discrimination

Recommendation:

Indonesia Government should include the non-discrimination based on sexual orientation and gender identities.

3. Female Genital Mutilation

Recommendation:

The Government of Indonesia should abolish Female Genital Mutilation in all forms, regardless any religion and cultural influence for the sake of health and well being of girls and women.

4. Education

Recommendation:

1. To develop policies which guarantee access to education for married adolescents and unmarried girls who are pregnant as a part of their right.
2. Implementing the Supreme Court Judgment No. 2596 K/PDT/2008 and Provincial Court Judgment No. 377/PDT/2007/PT.DKI and Central Jakarta Court Judgment 228/Pdt.G/2006/PN.JKT.PST which revoke the national examination (*Ujian Nasional*) for students. Since there are still many different standard quality of education.
3. The Government of Indonesia should Immediately drafting Indonesian education politic to safeguard and prevent premature, inconsistent policies which potentially violate the fulfillment of the right to education;
4. The Government of Indonesia should ensure the right of all children (girls and boys) to receive formal education, start from primary education, secondary education, until higher education

with the same standard and quality in all corners of Indonesia, even in the remotest areas, especially those from poor and disadvantaged groups, without discrimination; in pursuing this goal, the government shall revoke or amend all policies that contradict the fulfillment and protection of the rights to education, and be gender responsive for the transformation of society to be fair for the girls education.

5. Domestic Workers Protection

Recommendations:

1. Parliament and Government of the Republic of Indonesia must immediately ratify ILO Convention No. 189 on Decent Work of Domestic Worker
2. Parliament and Government of the Republic of Indonesia must immediately deliberate and pass the Bill on The Protection of Domestic Workers.
3. Integrating Human Rights principles in the regulation of domestic worker in Indonesia, including also the Bill on Domestic Worker Protection presently under consideration, as well as UDHR, CEDAW, CRC, CMW, and ILO Convention No. 189.

6. Social Protection

Recommendations:

1. The Government should establish an comprehensive social security program to ensure the right to social security for all and it should be accessible for every citizen, especially those who are poor and disadvantaged with imply accountability and transparency principles.
2. Social security programs should be based on women's life cycle and livelihood vulnerability, to achieve gender equality.
3. Governments should develop participatory monitoring mechanisms for their social protection programs.
4. Government should provide disaggregated data, disaggregated by gender, ethnicity, religion, age, and disabilities, urban dan rural.

7. Migrant Workers

Recommendation:

The Government of Indonesia should adopt a national action plan to follow up the ratification of International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, including also revise of the Law No. 39 Year 2004 on Placement and Protection of Indonesian Migrant Worker's Abroad comply with the Convention.

8. Non-Discrimination

Recommendations:

1. The Government of Indonesia should pass the Bill on Gender Equality (*Kesetaraan Gender*), integrating human rights including women human's rights principles with the meaning of gender as the social and cultural construction that be able to transform the society in achieving gender equality. It should be clear that gender mainstreaming is only tools to achieve the gender equality.

2. To abolish and revoke all the legislation contained different forms of discrimination to the minority including the gender identities and sexual orientation and disadvantaged groups in every level, both in national and local level.

9. Natural Resources

Recommendation:

The Government of Indonesia should conduct environmental and human rights impact assessment on development, especially natural resource extraction, by involving affected communities; creating and disseminating policies, at national and local levels, to incorporate the UN Guiding Principles on Business and Human Rights; and creating and sustaining relevant mechanisms for monitoring, assessment and evaluation.

10. Indigenous People

Recommendation:

The Government of should adopt the Bill on the Rights of Indigenous Peoples and modify existing legislations that violate the rights of indigenous peoples. This should include meaningful implementation of the principles of Free, Prior and Informed Consent for development projects, especially natural resource extraction.

11. Worker's Rights

Recommendation:

1. The Government of Indonesia should ensure the right to trade unions, including for civil servants, and to ensure the law enforcement of union busting criminal sanction in every level of judiciary process, and also to protect the laborers and civil servant from the criminalization of trade union activities.
2. The Government of Indonesia should implement regulations concerning the situation of workers and create relevant monitoring systems, such as: (1) Regulation of the Ministry of Manpower and Transmigration on Threshold Values (NAB) of Physical and Chemical Factors in Workplace; (2) Regulation of the Minister of Manpower and Transmigration on Safety and Health Management Systems (SMK3); (3) Guidelines on the Prevention of Sexual Harassment in the Workplace.

12. Right to Livelihood, Food, Water and Sanitation

Recommendation:

The Government of Indonesia should fulfill and protect the right of every citizen to a decent livelihood, including food security, access to clean water, and adequate sanitation especially in rural areas and not make those basic needs as the commodity and give them to the free market or privatization.

13. Right to Culture

Recommendation:

Indonesia should discuss and draft the Law on Intangible Heritage Management, which protect cultural heritage preservation, and ensure that the old buildings being preserved and renovated not demolished, and allocated adequate budget.

14. Health Rights

Recommendation:

1. The Indonesian government should commit to address the issue of maternal mortality, with a comprehensive health insurance program, with adequate budget allocation, and build required infrastructure support to ensure safe childbirth and maternal health. Indonesia should improve the *Jampersal* (Universal Delivery Care) so as to allow a free access to this service for the delivery of every Indonesian woman.
2. The government should regulate and hold accountable private health care providers.
3. Improve the facilities and infrastructure of hospitals and community based, primary healthcare centers (*Puskesmas*). In terms of accessibility for the persons with disabilities.