



Plenary sitting

B9-0147/2019

22.10.2019

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on the proposed new Criminal Code of Indonesia
(2019/2881(RSP))

Lars Patrick Berg, Jörg Meuthen
on behalf of the ID Group

B9-0147/2019

European Parliament resolution on the proposed new Criminal Code of Indonesia (2019/2881(RSP))

The European Parliament,

- having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the International Covenant on Civil and Political Rights of 1976,
 - having regard to the proposed revision of the *Kitab Undang-undang Hukum Pidana* (Indonesian Criminal Code),
 - having regard to the EU local statement on freedom of religion or belief and freedom of expression of 9 May 2017,
 - having regard to its earlier resolutions on Indonesia,
 - having regard to Rule 144 of its Rules of Procedure,
- A. whereas Indonesia's government and House of Parliament (DPR) look set to pass a draft revision to the country's criminal code (*Kitab Undang-undang Hukum Pidana* or RKUHP);
- B. whereas on 15 September 2019, an Indonesian parliamentary task force finalised the 628-article draft bill;
- C. whereas the new draft criminal code contains laws that could weaken the nation's anti-corruption body;
- D. whereas contentious articles in the bill would criminalise adultery and extramarital sex (punishable by up to one year in prison), unmarried couples living together (punishable by up to six months in prison), as well as make insulting the president and vice-president a criminal offence; whereas the country's controversial blasphemy law, which has been used repeatedly to prosecute non-Muslim religious minorities, would be expanded;
- E. whereas Article 2 of the bill recognises "any living law" in Indonesia, which could be interpreted to include *hukum adat* (customary criminal law) and Sharia law regulations at local level.
- F. whereas the Australian government has updated its travel advice to Australian citizens living in, or planning to visit Indonesia, noting that travelers are "subject to local laws and penalties, including those that appear harsh by Australian standards."
1. Regrets the regression towards stricter Sharia law in various countries around the world;
 2. Expresses its concern that a vague article in the proposed bill referring to "living laws" could be used to legitimise hundreds of existing and discriminatory Sharia laws at local level;

3. Reiterates its concern about intolerance towards ethnic and religious minorities in Indonesia; urges the government of the Republic of Indonesia to protect minorities in the country in accordance with international law;
4. Urges the Government and the People's Consultative Assembly of the Republic of Indonesia to reconsider the contentious revisions of the Criminal Code;
5. Encourages EU Member States to update their citizens about the proposed changes in the Criminal Code when providing travel advice for those traveling to, or planning to reside, in Indonesia;
6. Instructs its President to forward this resolution to the Council, the Commission, the EEAS, the Chair of the European Parliament's Delegation for Relations with the Countries of Southeast Asia and ASEAN, the Delegation of the European Union to Indonesia and Brunei, and the Government and People's Consultative Assembly of the Republic of Indonesia.