



Plenary sitting

B9-0153/2019

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))

Michael Gahler, Tomáš Zdechovský, Eva Maydell, Lefteris Christoforou, Loucas Furlas, Loránt Vincze, Vladimír Bilčík, Željana Zovko, Karlo Ressler, Romana Tomc, Tomasz Frankowski, Luděk Niedermayer, Magdalena Adamowicz, Isabel Wiseler-Lima, Milan Zver, David Lega, Stelios Kypouropoulos, Arba Kokalari, Roberta Metsola, Sandra Kalniete, Inese Vaidere, Antonio López-Istúriz White
on behalf of the PPE Group

B9-0153/2019

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

The European Parliament,

- having regard to its previous resolutions on Indonesia,
 - having regard to the EU-Indonesia Partnership and Cooperation Agreement (PCA), which entered into force on 1 May 2014,
 - having regard to the 7th Indonesia – EU Human Rights Dialogue of 1 February 2018,
 - having regard to the Universal Declaration of Human Rights of 10 December 1948,
 - having regard to the International Covenant on Civil and Political Rights, which Indonesia ratified in 2006,
 - having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1987,
 - having regard to Rules 144 of its Rules of Procedure;
- A. whereas Indonesia is the world’s fourth most populous nation, a stable democracy, the largest Muslim majority country and a diverse society comprising of 255 million citizens of various other religions, ethnicities, languages and cultures;
- B. whereas on 15 September a parliamentary task force finalized the draft Criminal Code; whereas there are problematic provisions in the draft Criminal Code, including an article that recognizes “any living law” in Indonesia, which could be interpreted to include hukum adat (customary criminal law) and Sharia (Islamic law) regulations at the local level;
- C. whereas the current bill contains articles that will violate the rights of women, religious minorities, and LGBT people, as well as freedom of speech and association;
- D. whereas the draft Criminal Code expands the Blasphemy Law and maintains the maximum five-year prison term; whereas deviations from the central tenets of Indonesia’s six officially recognized religions will be punished;
- E. whereas in September, thousands of people, including students, gathered across Indonesia to protest against the draft Criminal Code calling for the suspension of its ratification;
- F. whereas the President of Indonesia asked the Parliament on 20 September to postpone the ratification of the draft Criminal Code;
- G. whereas the Indonesian parliament ratified a bill that restricts the capability of the Corruption Eradication Commission (KPK);

1. Welcomes the relations between the EU and Indonesia based on shared values of democracy and good governance, respect for human rights, and the promotion of peace, stability and economic progress;
2. Underlines the importance of the annual EU-Indonesia Human Rights Dialogue, allowing for an open exchange on human rights and democracy;
3. Is deeply concerned about the provisions in the draft revised Criminal Code of Indonesia, which allows for discrimination on the basis of gender, religion and sexual orientation;
4. Calls on the authorities in Indonesia to revise the draft Criminal Code to meet all its international human rights standards and to remove all discriminatory provisions;
5. Welcomes the order of the President to postpone the ratification of the draft Criminal Code;
6. Expresses its concern about the frequent use of the Blasphemy Law;
7. Calls on the authorities of Indonesia to repeal all legal provisions restricting fundamental rights and freedoms and to bring all its laws in conformity with Indonesia's international obligations;
8. Regrets the adoption of the new anti-corruption legislation, under which the KPK will become a government agency rather than an independent body;
9. Calls on the Indonesian Government to fulfil all its obligations and to respect, protect and uphold the rights and freedoms enshrined in the ICCPR;
10. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Government and Parliament of Indonesia, and the Secretary-General of ASEAN.