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*Plenary sitting*

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**B9-0146/2019**

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))

**Anna Fotyga, Karol Karski, Adam Bielan, Charlie Weimers, Witold Jan Waszczykowski, Assita Kanko, Ryszard Czarnecki, Angel Dzhambazki, Bert-Jan Ruissen, Ruža Tomašić, Alexandr Vondra, Jadwiga Wiśniewska, Valdemar Tomaševski, Veronika Vrecionová, Raffaele Fitto**  
on behalf of the ECR Group

**B9-0146/2019**

**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 of 2009;
  - having regard to the annual Human Rights dialogue between the EU and Indonesia;
  - having regard to the International Covenant of Civil and Political Rights of 1966, which Indonesia ratified in 2006;
  - having regard to the Universal Declaration of Human Rights of 1948;
  - having regard to the State Constitution of the Republic of Indonesia;
  - having regard to Rule 144 of its Rules of Procedure;
- A. whereas Indonesia is an important partner of the EU; whereas relations between the EU and Indonesia, a G20 member, are strong; whereas the EU and Indonesia share the same values as regards human rights, governance and democracy;
- B. whereas the EU is negotiating a Comprehensive Economic Partnership Agreement (CEPA) with Indonesia with the objective to facilitate and create new market access, increase trade between the EU and Indonesia as well as to expand direct investment;
- C. whereas on 28 August 2019 the Indonesia Government published a new criminal code to replace the existing code; whereas the new code will become effective in three years after the approval by the Indonesia Parliament;
- D. whereas the proposed new criminal code includes several new regulations, including criminalization of consensual sex, animal abuse and homelessness, further expanding the scope of the country's blasphemy law, outlawing of insulting the president, acknowledgement of customary laws and setting age limits for people to be jailed;
- E. whereas the proposed new criminal code sparked a lot of protest across Indonesia; whereas on 20 September President Widodo announced that he ordered the parliament

to postpone the proposed bill; whereas the parliament on 24 September decided to postpone the bill;

- F. whereas the protests were part of a larger expression of anger with the government on the impact of the widespread forest fires and the wave of violence that hit West-Papua recently;
- G. whereas observers report increasing religious intolerance in Indonesia; whereas although the number of religious freedom violations committed by state actors decreased in 2018, the Indonesian government continued to enforce several laws and policies that imposed significant obstacles to religious freedom, such as the blasphemy laws and an arduous approval process for the construction of new houses of worship;
- H. Whereas in May 2017 the Governor of Jakarta, Basuki Tjahaja Purnama, was controversially jailed on grounds of blasphemy; whereas he was released on 23 January 2019;
- I. whereas the EU has provided support for civil society efforts towards promoting human rights and fundamental freedoms in Indonesia through the European Instrument for Democracy and Human Rights (EIDHR); whereas since 2007, the EU has supported more than 35 projects worth € 9 million with civil society organisations;
- J. whereas on 2 May 2019 EU citizen Jakub Fabian Skrzypski from Poland has been sentenced by the district court in Wamena to five years imprisonment on the basis of alleged involvement in the Papua separatist movement; whereas the main charge against him was treason; whereas his lawyer and the prosecutor appealed against this judgment; whereas the police investigation and court proceedings were reportedly characterized by various breaches, as the defendant was not provided an interpreter, his testimony was changed in the protocol, much evidence by the defence was not allowed and contact with the consul was obstructed; whereas three diplomatic notes sent by the Embassy of Poland to the Indonesian government were not replied;

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- 1. Welcomes the close cooperation between the EU and Indonesia on a wide range of issues, including counter-terrorism, good governance, rule of law, justice and law enforcement and human rights; stresses the importance of the Human Rights Dialogue which allows an open exchange on human rights and democracy which are also the basis of the Partnership and Cooperation Agreement;

2. Calls for stronger EU-Indonesia parliamentary contacts through which different issues of mutual interest, including human rights, can be constructively discussed; invites the Indonesian parliament to strengthen such inter-parliamentary relations;
3. Takes note of the proposal for a new criminal code and the postponement thereof; stresses the Indonesia government's sovereign right to impose bills; underlines however that such bills must be in line with international human rights obligations which Indonesia adheres to; notes with concern that the newly proposed bill is another sign of the growing influence of political Islam in Indonesia;
4. Calls on the government of Indonesia to review the blasphemy laws and work towards their repeal;
5. Welcomes the release of Basuki Tjahaja Purnama earlier this year; notes however with concern that the blasphemy case against him shows that freedoms of expression and religion in Indonesia are tenuous and that it is hard for non-Muslims to rise to positions of power in the country;
6. Is concerned about the growing intolerance towards ethnic and religious minorities in Indonesia; strongly condemns all acts of violence, harassment and intimidation against minorities; calls for all those committing such violations to be held accountable;
7. Urges the authorities of Indonesia to counter religious intolerance and extremism, strengthen and promote Indonesia's tradition of religious pluralism based on the country's founding state ideology known as 'Pancasila', and protect the rights of religious minorities; is encouraged by the initiatives being taken, nationally and at a local grassroots level, to promote inter-faith harmony to continue as well to strengthen their efforts to enhance religious tolerance and social diversity;
8. Is concerned about reports of persisting violence against women and practices harmful to women, such as female genital mutilation; calls on Indonesia's authorities to enforce its legislation on violence against women, to penalise all forms of sexual violence;
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. Expresses its concern at the case of Polish citizen Jakub Fabian Skrzypski who has become a political prisoner in Indonesia; is worried that his further remaining in prison in Wamena poses risk not only to his human rights, but also endangers his life, in the light of the recent events in Papua; calls on the EEAS to raise this case during the upcoming dialogues with Indonesia and demands the Indonesian authorities to allow for the transfer of Skrzypski to Poland;

11. 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 Association of Southeast Asian Nations (ASEAN).