



---

*Plenary sitting*

---

**B9-0150/2019**

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))

**Katalin Cseh, Atidzhe Alieva-Veli, Petras Auštrevičius, Malik Azmani, Phil Bennion, Izaskun Bilbao Barandica, Sylvie Brunet, Dita Charanzová, Olivier Chastel, Anna Júlia Donáth, Laurence Farreng, Valter Flego, Luis Garicano, Barbara Ann Gibson, Klemen Grošelj, Christophe Grudler, Bernard Guetta, Svenja Hahn, Martin Hojsík, Karin Karlsbro, Elsi Katainen, Ilhan Kyuchyuk, Nathalie Loiseau, Karen Melchior, Urmas Paet, Maite Pagazaurtundúa, Frédérique Ries, María Soraya Rodríguez Ramos, Susana Solís Pérez, Viktor Uspaskich, Hilde Vautmans, Marie-Pierre Vedrenne**  
on behalf of the Renew Group

**B9-0150/2019**

**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, in particular that of 19 January 2017 and 15 June 2017,
  - having regard to the draft Criminal Code as presented on 15 September 2019,
  - having regard to the EU local statement of 9 May 2017 on freedom of religion or belief and freedom of expression,
  - having regard to the World Press Freedom Index of 2019,
  - having regard to the latest country report of 2018 on Indonesia by Human Rights Watch,
  - having regard to the Universal Declaration of Human Rights of 10 December 1948,
  - having regard to the International Covenant on Civil and Political Rights of 1966,
  - having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1987,
  - having regard to Rules 144(5) and 132(4) of its Rules of Procedure,
- A. whereas the government of Indonesia has proposed a draft Criminal Code to change the existing penal code; whereas this draft bill has been in the making for decades, but was finalised on 15 September 2019;
- B. whereas the vote on the proposed Criminal Code was delayed due to international criticism and widespread demonstrations bringing thousands of Indonesians to the streets;
- C. Whereas the draft Criminal Code proposes a sweeping and significant change threatening a wide range of civil liberties; Whereas around 20 articles are considered to be controversial;
- D. whereas Article 2 of the draft Criminal Code referring to “living laws” is considered to be a vague article which could be used to legitimise hundreds of existing and discriminatory sharia laws at local level;
- E. whereas Article 417 of the draft Criminal Code punishes extramarital sex - even if consensual - by up to one year in jail; whereas this provision effectively criminalizes all same-sex conduct; whereas this article will subject all sex workers to criminal

prosecution;

- F. whereas Article 419 of the proposed Criminal Code states that couples who live together without being legally married could be sentenced to six months in prison;
- G. whereas same-sex relations are not officially recognised by the Indonesian authorities and are therefore explicitly targeted; whereas the LGBTI community has been persecuted in recent years;
- H. whereas Indonesia is experiencing unprecedented numbers of violent, discriminatory, harassing attacks and vitriolic statements against LGBTI people; whereas such attacks have reportedly been stoked, directly or indirectly by government officials, state institutions and extremist groups;
- I. whereas Articles 304 to 309 of the draft Criminal Code expand the existing blasphemy laws; whereas more than 150 individuals, most of them religious minorities, have been convicted under the current Blasphemy Law since it was passed in 1964
- J. Whereas Articles 219 and 220 of the draft Criminal Code make insulting the President, Vice President or the State a criminal offense.
- K. whereas Article 414 and Article 416 of the proposed Criminal Code penalises the promotion of contraception;
- L. whereas Article 421 criminalises “obscene acts” in public with a penalty of up to six months in prison;
- M. whereas Articles 415, 470 and 471 of the proposed Criminal Code state that a woman who aborted her pregnancy could be sentenced to up to four years in prison; whereas anyone who helps a pregnant woman have an abortion could be sentenced to up to five years in prison; whereas these articles might also be interpreted in order to prosecute those selling or consuming morning-after pills with up to six months in prison;
- N. whereas capital punishment is still legal in Indonesia;
- O. whereas this criminal code will be applicable to Indonesians as well as foreigners residing in the country or visiting as tourists;

1. Calls on the Indonesian Parliament to substantially revise the proposed Criminal Code to meet international human rights standards and remove all discriminatory provisions;
2. Respects the parliamentary sovereignty of Indonesia and acknowledges the need to revamp the country’s Penal Code which dates back to the days of Dutch colonial rule;
3. Appreciates the strong relationship between the EU and Indonesia, and reiterates the

importance of the strong and long-standing political, economic and cultural ties between the two parties; stresses the importance of the EU-Indonesia Human Rights Dialogue, allowing for an open exchange on human rights and democracy;

4. Calls on Indonesia's Government to repeal all legal provisions unduly restricting fundamental freedoms and human rights as well as press freedom; calls on Indonesia's authorities to review all its laws and to ensure their conformity with the country's international obligations;
5. Notes the bill's provisions on extramarital sex and cohabitation outside legal marriage represent the growing backlash against gender activism seen around the world;
6. Calls on the authorities of Indonesia to seriously protect the rights of LGBTI by prosecuting every act of persecution against LGTBI and decriminalising homosexuality by amending its Criminal Code; Insists that the purpose of any legislation should be to protect minorities, not to discriminate against them;
7. Urges the authorities and government officials to refrain from making public statements that are discriminatory towards LGBTI persons or other minorities in the country; stresses that the role of the police is to protect all citizens, including minorities;
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;
9. Notes with concern that a number of the proposed provisions disproportionately impact women and girls' fundamental rights to equality, privacy and physical and mental health which are also preconditions for the enjoyment of other rights and freedoms;
10. Calls on the Government of Indonesia to guarantee women all necessary health and medical care, including sexual and reproductive health and rights in accordance with international human rights laws and standards.
11. Recalls that criminalising abortion services and providers does not reduce the number of women who resort to abortion procedures and rather is likely to increase those seeking clandestine and unsafe procedures;
12. Calls for unfettered access to, and uncensored information on, contraception and family planning for women and girls to ensure they can make their own choices about having children and are protected from unplanned pregnancies and STIs;
13. Is concerned about the resurgence of acts of intolerance towards ethnic, religious and sexual minorities in Indonesia; urges the authorities of Indonesia to continue as well to strengthen their efforts to enhance respect for diversity; strongly condemns all acts of violence, harassment and intimidation against minorities; calls for all those committing such violations to be held accountable;
14. Is concerned with the articles penalising criticism of the President, Vice President and State; Insists that the rights of freedom of speech and freedom of expression should be fully guaranteed;

15. Calls for the revision of the blasphemy law as it puts religious minorities at risk; supports the UN recommendations to repeal Articles 156 and 156(a) of the Criminal Code, the Prevention of Abuse and Defamation of Religion Act, the Electronic Transactions and Data Act and to abandon charges against and the prosecution of those accused of blasphemy;
16. Expresses its concern towards intimidation against journalists, including physical abuse; urges the Indonesian Government to insist that state agencies adopt a zero-tolerance policy toward physical abuse of journalists and give foreign media unrestricted access to the territory of the Republic of Indonesia;
17. Strongly opposes to the use of capital punishment; urges the Government of Indonesia to continue to halt all executions and to retry them in accordance with international standards; calls for an immediate reinstatement of the moratorium on the use of the death penalty with a view to abolishing the death penalty;
18. Calls for the EU to continue to closely monitor the human rights situation in Indonesia, particularly through regular reporting by its delegation; calls on the European Union Delegation and Member States to do all they can to provide emergency protection and support to people at risk;
19. 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, the Secretary-General of Association of Southeast Asian Nations (ASEAN), the ASEAN Intergovernmental Commission on Human Rights and the UN Human Rights Council.