

**Joint Stakeholders' Submission on:
Women's Rights in West Papua**

**Universal Periodic Review
3rd Cycle**

INDONESIA

Submitted by:

Coalition for Enforcement of Law and Human Rights in Papua

ELSHAM PAPUA

KPKC Sinode GKI Di Tanah Papua

The Harapan Ibu Papua Foundation (YHI-P, Jayapura)

The GKI Women Empowerment and Development Center (P3W GKI),

Hummi Inane Foundation,

Belantara Papua Foundation

Papuan Peoples Network (JERAT-Papua)

Women Advocacy Organization (El_adpper)

I. Introduction

1. This report is a joint submission of several non-government organizations working on human rights related issues under the umbrella of the **Coalition For The Enforcement Of Law And Human Rights In Papua**. The organizations which have contributed to this report are **ELSHAM Papua, KPKC Sinode GKI Di Tanah Papua, The Harapan Ibu Papua Foundation (YHI-P, Jayapura), The GKI Women Empowerment and Development Center (P3W GKI), Hummi Inane Foundation, Belantara Papua Foundation, Papuan Peoples Network (JERAT-Papua)** and the **Women Advocacy Organization (El_adpper)**. The report covers major developments in the context of women's rights in West Papua between 2012 and 2016.

2. Elsham Papua is a leading human rights non-governmental organization based in Jayapura, Papua, Indonesia. Since its establishment in the 1980s the *Institute of Human Rights Studies and Advocacy*, or Elsham as it is better known, has been a trusted Papuan group which reports human rights violations in Papua.

3. The Harapan Ibu Foundation (YAYASAN HARAPAN IBU) was established in 2001 and is a civil society organization working particularly in the field of health with a focus on women's and children's right to health.

4. Hummi Inane Foundation works with a focus on health and recovery, violence against women in customary communities, women's access to justice and reparation and the protection of human rights defenders in Jayawijaya regency;

5. KPKC Sinode GKI di Tanah Papua was found in 2002 in Jayapura and works for justice, peace and integrity of creation (Human Rights and Environmental Protection) as one of the Desks with the structure of the Synod of Christian Protestant Church in the Land of Papua or GKI di Tanah Papua.

6. Women Advocacy Organization (El_adpper) is a non-governmental organization which was established by the Secretariat for Justice and Peace of the Arch-Diocese Merauke (SKP-KAME), which provides critical education to women, and other victims of violence. El_adpper also engages in advocacy for government policies regarding women protection and empowerment;

7. The GKI Women Empowerment and Development Center (P3W GKI) was established by the Christian Protestant Church in the Land of Papua (GKI-TP). P3W GKI is a training and counseling center for women in West Papua which particularly engages in women empowerment.

8. The Papuan Peoples Network (JERAT PAPUA) is a Non-Governmental Organization (NGO) focus on economic, social, culture rights and natural resource management. It was founded in 2008.

9. The Belantara Foundation (YAYASAN BELANTARA) stands for "Inter-Peoples Workshop on Education" and is a Non-Governmental Organization, which is located in the Municipality of Sorong, Papua Barat Province. The organization was first established in August 5, 2004 and focuses on the transformation Papuan culture.

II. Access To Justice

10. Between 2012 and 2016, there had been no significant improvement in West Papua regarding women's access to justice. The freedom of expression and freedom of association are legally guaranteed by the constitution of the Republic of Indonesia. However, the government's obligation to respect, protect and fulfill these freedoms in West Papua strongly differs from the situation in other parts of Indonesia. Discrimination due to political stigmatization is a common and widespread issue in West Papua, which has an increasing impact on the lives of Papuan women. Once, women have become stigmatized as separatists, government institutions desperately block their access to justice¹.

11. In some cases women have become victims of sexual harassments during demonstrations, which police forces considered as illegal because protests were held in support of Papuan pro-independence groups or as commemorations of political West Papuan political history². Security forces often violently disperse such events because they are regarded as acts of treason. In fact, Indonesia has ratified the International Covenant on Civil and Political Rights, but its implementation in West Papua, particularly with regard to the freedom of expression and association, is not in line with the freedoms and rights guaranteed under international human rights law.

12. Acts of Discrimination against women are not only experienced during demonstrations, but in particular also against female human rights defenders providing assistance to victims of human rights abuses and political activists who were facing criminal charges for peaceful political activity. Until now, there is no one legal framework for the protection of human rights workers in Indonesia, particularly for female human rights defenders. The vulnerability of female human rights defenders has not been widely discussed in Indonesia, but various cases of threats and intimidation against human rights defenders strongly indicate that they face a bigger risk of intimidation and physical violence than their male colleagues³. In the past years local human rights organizations documented serious cases of threat, intimidation and physical violence against at least two female human rights lawyers⁴ who provided legal support in cases against local police authorities with allegations of human rights violations. In none of the cases state authorities conducted a law enforcement process;

13. Apart from cases of state violence against women, resulting in the exclusion from the access to justice, many women in West Papua do are facing discrimination by local communities and their

1 Report of KPKC Sinode GKI di Tanah Papua (2013); During the commemoration of the International Indigenous Peoples Day in Sorong, Papua Barat Regency on May 7, 2013, security forces forcefully dispersed the peaceful gathering and conducted sweepings. During the sweeping one Papuan woman was shot, and died later in the hospital. Police did not carry out any criminal investigation in the killing.

2 Report of Elsham Papua (2013): *Tabloidjubi.com Papua News – Siaran pers Elsham Papua 2013*; On August 14, 2013, two female police officers arrested six Papuan women who were participating in a peaceful demonstration in Fak-Fak regency, which was held in support of the Free West Papua Campaign, which had opened a new office in Den Haag. The six women were taken into custody at the local police station, where they were forced to undress until they only wore underwear. The police officers did not provide any clear reason for this measure.

3 JUBI Online, 25 September 2012, Pengacara diintimidasi, Kapolres Jayawijaya akan dilaporkan ke Propam dan Kapolda; e-document: <http://tabloidjubi.com/arch/2012/09/25/pengacara-diintimidasi-kapolres-jayawijaya-akan-dilaporkan-ke-propam-dan-kapolda/>

4 In 2012 human rights lawyer Olga Hamadi, working for non-governmental organization KontraS (Commission for the Disappeared and Victims of Violence) Papua, was repeatedly threatened as she investigated a case in which five men accused of a murder were allegedly tortured and ill-treated by the police in Wamena. In 2014, Ms Anum Siregar, a human rights lawyer of the Democracy Alliance for Papua (ALDP), was attacked with a knife as she returned to her hotel following a high profile pre-trial hearing against the head of district police Jayawijaya in Wamena.

families. Such cases are usually accompanied by domestic violence. In 2016 the head of the Papuan Provincial Department for Empowerment of Women stated that the situation of domestic violence in West Papua is still full of challenges and must involve various parties⁵: many victims are still afraid to report such cases, and most of these cases are not legally processed. The Coalition for Enforcement of Law and Human Rights in Papua documented that of 35 cases of domestic violence only about ten cases are processed by law, while the rest of cases is settled by kinship negotiations and customary law. If victims of domestic violence are not accompanied by adequate legal aid services, family, customary communities and state officials still hinder the victim in seeking justice through law enforcement. The Integrated Service Center for Protection of Women and Children (P2TPA) has been established by the government of Indonesia and was additionally reinforced with special regulations for the protection of women at the provincial level. In reality, their implementation is still far from expectations, because the government institution has not yet adapted to the conditions of the region and it remains difficult for most female victims to access these services.

14. Based on the situation described above, we urge the Government of Indonesia to :

1. Ensure fair, effective and prompt investigations on allegations of human rights violations, providing adequate sentences for the perpetrators of such abuses, as recommended during the last UPR of Indonesia in 2012⁶;
2. Ensure protection for human rights defenders, particularly for females who face an even higher risk of physical violence and intimidation, as recommended during the last UPR of Indonesia in 2012⁷;
3. Guarantee the adequate and full implementation all laws and policies on women's rights;
4. Ensure fair trials and equal access to justice to all people regardless of gender or cultural origin

III. Access To Natural Resources and other Sources of Income

15. Several large scale development projects have turned out to threaten the existence of forests and indigenous peoples in West Papua, among others the Merauke Integrated Food and Energy Estate (MIFEE) which is still in its first stage of implementation, but already lead to the clearing of 228.022 hectares of land, mostly covered with savanna grassland and forests. Other large scale projects are palm oil plantations in Sidey (Manokwari regency), which is owned by PT MEDCO and covers an area of 45.000 ha, in Klamono (Sorong Regency) owned by PT. Hendrison Iriana covering an area of 21.500 ha, and in Yetti (Keerom regency) owned by PT. Raja Wali Group / PT. Bunches Sawita Papua covering an area of 18.337 ha. The local government's procedures in approving concessions is highly in transparent. Once projects are established government agencies in charge poorly monitor its implementation.

16. All mentioned agricultural projects have blocked indigenous peoples access to land and resources or have caused irreparable damage to forests, which are the source of live and culture for indigenous communities in the West Papua. Indigenous women are particularly affected by the presence of large scale plantations. According to the customary division of labor, women are in charge of taking care of the gardens, harvest food and collect firewood, organic materials and

⁵ Antara News, 29 Mei 2016, Melindungi Perempuan dan Anak Papua;

⁶ See recommendations 108.88, 108.89 and 108.90

⁷ See recommendations 108.115 and 108.117

traditional medicine from the forest. If land is sold to companies, women have to walk larger distances to the gardens and forests to supply their families with food. This is an additional burden to the lives of many indigenous women. Moreover, the customary system of land ownership does not involve women in the decision making processes. If land is sold, the decision is usually made by the most influential men in a tribal community or by chiefs under exclusion of women from the decision making process.

17. Data collected by several NGOs working on women's rights, has shown that the food situation of indigenous peoples - particularly for women and children - in villages near sites of natural resource exploitation is of great concern. According to a survey conducted in nine villages of Merauke, Keerom, Paniai and Jayapura regency which are located near agricultural projects or mining sites, women stated that they experienced difficulties to provide food to their families because sufficient land for gardening, and collecting food was no longer available. Men also confirmed that they had to walk far distances in order to find animals during hunting trips. The increasing distances between villages and the food sources due to establishment of mines and plantations had severe impact on indigenous peoples' way of live. In most cases families were forced to rely on commercial food products like tinned food, rice and instant noodles⁸ having negative affects on nutrition on local peoples health. The government failed to provide protection of traditional food sources, access to clean fresh water and other sources of livelihood to affected indigenous communities.

18. Sometimes indigenous women are employed as cheap laborers by palm oil and other agricultural companies. They usually have to work in bad conditions, and do neither get safety clothing, other work equipment or health insurances in case of work accidents. Laborers working at the oil production factory constantly have to work in polluted areas, causing headache and stomach ache. Many laborers and affected villages in the area do not have access to clean drinking water and therefore rely on rain water. If rain water is not available the women often have to use water for cooking and drinking from the rivers which have been contaminated with chemicals and industrial waste from the plantations. Companies usually do not provide clean fresh water for affected communities and even employees living in the plantations⁹.

19. In General, many Papuan women still struggle to meet their economic needs. This does not only apply to the situation of women in remote areas, but also in the cities, where many indigenous women seek a small income for their families by selling local products in the market. Papuan women often lack business knowledge and capital to set up efficient businesses but have to face a strong economic competition with Non-Papuan merchants who use and own a majority of market facilities. As a result of the economic discrimination, most Papuan women have to sell their products on the floor while migrants from other parts of Indonesia use most lucrative locations in the local markets¹⁰. Moreover, a majority of Papuan women do not to meet the common standards to receive micro business funds from private providers or banks and can not apply for funds to set up a local business¹¹.

20. Based on the situation described above, we urge the Government of Indonesia to :

8 Such examples were even found in really remote areas like Degewo, Paniai regency, where small scale interpreneurs and individual gold miners have build dozens of illegal gold mines. The presence of gold miners has severly affected indigenous communities lives in the area. Indigenous peoples are now highly dependent of rice and instant noodles, work as gold panners, have abandoned their gardens and came in contact with prostitution and gambling

9 Fact sheet 3: Fulfillment of Human Rights Situation of Papuan Women; CEDAW Report Papua, 2016;

10 Ibid.

11 Ibid.

1. Establish effective and strict control mechanisms for all investors in West Papua
2. conduct strict punishments to companies, disregarding environmental regulations and rights of indigenous peoples, as recommended during the last UPR of Indonesia in 2012¹²;

IV. Access to Health

21. The high number of HIV-AIDS cases in West Papua, has drawn the government attention. A survey conducted by IBBS in 2013, showed that the prevalence of HIV in West Papua was 2.3%. The HIV prevalence rate of 2.9% amongst indigenous Papuans was significantly higher than amongst non-papuans, with a prevalence of on 0.4% .The number of cases with infected women was higher than those of men.

22. One of the most vulnerable groups are young Papuan women, who have just reached an sexually active age. 90 % of the infections happen through sexual relations. Young women are highly at risk to get infected due to cultural-based unequal perceptions towards men and women, but also because many Papuans still ignore the risk of HIV and have no clear understanding of the disease. A rapid increase in cases of infections may be observed amongst those who have reached a reproductive age between 25-49 years. In this age group more women are infected with HIV than men¹³. In March 2016 the number of HIV-AIDS cases had reached a total number of 25.233 case in Papua Province. The numbers showed a higher number of infections amongst women than men.

23. Based on the situation described above, we urge the Government of Indonesia to :

1. Guarantee women's full access to health services, particularly those infected with HIV, in accordance with the recommendations made during the last UPR of Indonesia in 2012¹⁴.
2. Introduce effective and culturally adequate programs for HIV prevention, testing and treatment, which particularly targets young Papuan women in remote areas of West Papua

12 See recommendation 108.140

13 HIV / AIDS study by PHO Papua in 2014

14 See recommendation 108.66