

Joint NGO Submission

**by Franciscans International (FI); Justice, Peace and Integrity of
Creation of Franciscans in Papua (SKPKC Fransiskan Papua); Women
Department of the Evangelical Church in Papua (*Departemen
Perempuan Gereja Injili di Indonesia - GIDI*); Alliance Democracy for
Papua (ALDP); Papua Legal Aid Institute (LBH-Papua); JUBI
Foundation; International Coalition for Papua (ICP); TAPOL; and
Westpapua-Netzwerk (WPN)**

Written contribution for the Review of Indonesia

during 80th Session Working Group

**UN Committee for the Elimination of Discrimination Against Women
(CEDAW)**

20 September 2021

Introduction

1. This joint submission is prepared by Franciscans International (FI); Justice, Peace, and Integrity of Creation of Franciscans in Papua (SKPKC Fransiskan Papua); Women Department of the Evangelical Church in Papua (Departemen Perempuan Gereja Injili di Indonesia - GIDI), Alliance Democracy for Papua (ALDP); Papua Legal Aid Institute (LBH-Papua), JUBI Foundation, International Coalition for Papua (ICP); TAPOL and Westpapua-Netzwerk (WPN).
2. The focus of the present submission is the implementation of the CEDAW by the Government of Indonesia in the Provinces of Papua and Papua Barat in particular on the ***impact of Covid-19 on Women's Rights and Gender Equality; Special Temporary Measures; Women Human Rights Defenders; Gender-based violence against women in conflict and post-conflict situations; Employment; Climate Change and Disaster Risk Reduction; Health; Freedom of Expression and Papuan Women Political Prisoners; and Special Human Rights Pledges on West Papua.***

Background - General Human Rights Concerns in West Papua

3. Indonesia's Papua region is known internationally as West Papua and refers to the western half of the island of New Guinea. The Government of Indonesia considers the term West Papua to have a political nuance with a pro-independence meaning. In 2003 Indonesia split Papua into two provinces of Papua and Papua Barat. In this submission, the term West Papua is used to refer to both provinces. Currently in Indonesia, it is only in the West Papua region that the country faces both peaceful and armed independence movements. According to the Indonesian State Institute of Sciences (LIPI) main sources of the conflict in West Papua are different interpretations of the West Papuan political status in terms of integration into Indonesia, ongoing human rights violations with impunity, the failure of development in the region, and the marginalization and discrimination of indigenous Papuans.¹ The Indonesian government grants very limited access to West Papua for international human rights observers and has shown little tolerance for freedom of expression.
4. The situation got even worse in August 2019 leading up to various riots, mass arrests and detention, unlawful killings, and other human rights violations in many cities in the two provinces. The widespread violence was triggered by racist chants by groups of Indonesian people backed by the local security forces against Papuan university students in some cities in Indonesia. These racist actions triggered widespread anti-racism protests in West Papua as well as in other provinces of Indonesia. Since then, the number of Papuan political prisoners increased significantly in a short time, including women detainees, and a more restrictive atmosphere occurred in West Papua, such as shutting down internet access in almost all areas in the region, and deploying more military and police personnel, which hampered the work of Papuan human rights activists. In late April 2021, the government, through the Coordinating Minister for Politics, Law and Security Affairs, announced that armed Papuan pro-independence groups would be regarded as terrorists, a new low in terms of the human rights and security situation in the region.
5. In July 2021, the national parliament passed a new amendment on the Special Autonomy Law for Papua and Papua Barat Provinces without meaningful consultation with the Papuan indigenous people groups. In many incidents, the police disbanded meetings and peaceful protests about the Special Autonomy Law organized by the Papuan people and the Papuan People's Assembly (MRP)

¹ LIPI, Papua Road Map: Negotiating the Past, Improving the Present and Securing the Future, 2009, available at (short English version): <https://cupdf.com/document/papua-road-map.html>.

a state institution representing Papuan indigenous population and conducted arbitrary arrests and detention.²

6. The government has failed to fulfil its own human rights pledges delivered at various international human rights forum. In May 2017, during Indonesia's third review under the UN Universal Periodic Review, the Minister of Foreign Affairs made a statement that the Attorney General would proceed with the criminal investigation and prosecution of cases of gross violations of human rights in West Papua (the Wasior and Wamena cases) in a special human rights tribunal under the Human Rights Court Law (Law No. 26/2000). In February 2018, President Joko Widodo invited the then-UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein to visit West Papua for an official discussion on a range of human rights issues in Indonesia. However, to date, a UN mission to West Papua has not been carried out nor have prosecutions for cases of gross human rights violations in West Papua.

Impact of Covid-19 on Women's Rights and Gender Equality

Health Services for women and pregnant women during the Covid-19 pandemic

7. During the period of the Covid-19 pandemic, the Provincial Government of Papua Province has lagged in its implementation of its complete basic immunization program. In 28 districts and two cities in Papua, the immunization coverage has only reached 41.8% of the target of 68.370 children.³ There are several contributing factors, including the shifting of the focus of health services prioritizing Covid cases; the geographical difficulties due to the remoteness of some districts in Papua; and the instability of the security situation due to the on-going conflict between security forces and the pro-independence movement.
8. Services for pregnant women are also neglected. The government does not provide alternative maternal and neonatal services, such as the provision of independent midwives or services through information technology. Moreover, several Community Health Centers (*Puskesmas*) which are the most used and accessible health facilities had to be closed in several places because of the health workers who were exposed to Covid. On the other hand, vaccination for pregnant women has not been carried out optimally. According to the Indonesian Association of Obstetrics and Gynecology Doctors (POGI), 20% of maternal deaths in Indonesia are caused by exposure to Covid-19. The Head of POGI in Papua Barat Province, Filvanus Jabiy, explained "Currently, the maternal mortality rate in Indonesia has increased by an average of 300 per 100,000 births." He noted that since July 2021 "the average maternal mortality increased three times."⁴ According to the official information in 2019, the Provinces of Papua and Papua Barat are the last and the third last in terms of the health service coverage in Indonesia.⁵
9. Until August 2021, the coverage of Covid-19 vaccination in Papua Province is still relatively low. Only 17.16% of the population has received the first dose of the vaccine, while only 11.15% have received two doses.⁶ The involvement of the Indonesian National Army and Indonesian Police

² See the statement of the OHCHR on the situation in West-Papua on 30 November 2020, available at <https://bangkok.ohchr.org/papua-statement/>

³ <https://www.kompas.id/baca/nusantara/2020/05/13/imunisasi-di-papua-minim-saat-pandemi-korona/>

⁴ <https://kumparan.com/balleonews/kematian-ibu-hamil-karena-terpapar-covid-19-di-papua-barat-tinggi-1wPNQBImI61/3>

⁵ See the information from the Indonesian Ministry of Health at <https://pusdatin.kemkes.go.id/resources/download/pusdatin/profil-kesehatan-indonesia/Profil-Kesehatan-indonesia-2019.pdf>

⁶ Data from Indonesia's Ministry of Health, <https://vaksin.kemkes.go.id/#/vaccines>.

Force (*TNI-POLRI*) as vaccinators in Papua Province has had a negative impact on Papuans generally, including indigenous women. Vaccinations continue to be carried out by joint medical teams from the *TNI-POLRI* and the Public Health Office in almost all areas of West Papua. This approach is very insensitive to the intergenerational trauma that exists among the indigenous Papuan communities, especially indigenous women who experience multi-layer violence. This was confirmed by Reverend Benny Giay, the Head of Kingmi Church of Papua, who said that the involvement of the members of Indonesian security forces has put an additional obstacle for those who would like to be vaccinated.⁷ Therefore, the Communion of Churches in Indonesia (*PGI*) issued a recommendation to exclude security forces from administering the vaccination programme in West Papua.⁸ For the period until September 2021, the government plans to deploy additional 81 members of a joint task force between the Indonesian National Army and the Institute of Public Administration (*IPDN*) from outside Papua to accelerate vaccination in Papua Province.⁹ In fact, until September 2021, the percentage of women exposed to Covid-19 in Papua Province was at 56% compared to 44% for men.¹⁰

Covid-19 certificate as a requirement to access public services

10. There are inconsistencies in the implementation of regulations related to the mandatory use of vaccine certificates in public administration, such as on the issuance of ID cards. Although the Ministry of Home Affairs has confirmed that a vaccine certificate is not required,¹¹ the Citizenship and Civil Registration Service in several areas in Papua Province, including in Jayapura Regency, still requests a vaccine certificate as an additional requirement for the issuance of e-ID cards.¹² The lack of clarity of information on the vaccine not only makes it difficult for women but also hinders their access to social assistance programs provided during the pandemic.

Recommendations:

- Immediately prioritize the right to health and ensure that those most vulnerable in West Papua have access to vaccines;
- Involve meaningful and effective participation of representatives of Papuan civil society, especially with representation from at-risk populations that could be most impacted by these decisions;
- Stop introducing blanket compulsory vaccine policies and ensure that no one is forced to receive vaccinations without their consent;
- Immediately begin transferring the responsibilities of security personnel to civilians for the implementation of vaccination policies in West Papua.

Temporary Special Measure

⁷ <https://www.abc.net.au/indonesian/2021-07-30/vaksinasi-di-papua-terancam-lambat-karena-keterlibatan-tni-polri/100330442>

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<https://www.cnnindonesia.com/nasional/20210831182257-20-687981/pgi-usul-ke-jokowi-vaksinasi-di-papua-non-tni-dan-polri>

⁹ <https://news.detik.com/berita/d-5715140/81-personel-satgas-vaksinasi-covid-19-tni-ipdn-diterjunkan-ke-papua>

¹⁰ Laporan Perkembangan Covid-19 oleh Satgas Pengendalian, Pencegahan dan Penanganan Covid-19 Provinsi Papua. Update : 17 Maret 2020- 5 September 2021

¹¹ <https://dukcapil.kemendagri.go.id/berita/baca/787/catat-urus-layanan-adminduk-tak-perlu-sertifikat-vaksinasi-covid-19>

¹² <https://kabarpapua.co/syarat-vaksin-dukcapil-jayapura-ruang-rekam-e-ktip-rentan-penularan-covid-19/>

11. The gender conception in the traditional Papuan society places women in a position where they play a limited role in the decision-making process in both public and private spaces. The Papuan custom is very much under the patriarchal domination, where subordination of women is pervasive, and deeply rooted.¹³ In general, the household, tribal and community leadership bodies, churches and faith groups are predominantly led by men. Women are understood and expected to be submissive, to obey their husbands and refrain from argument. They are also expected to assume their traditional roles in the family, including caretaking and other domestic duties, as well as working in the fields, selling produce at the markets, and providing food and meals for their husband and family.
12. According to the traditional concept of labor division in West Papua, women are responsible for managing the households, raising children, maintaining gardens, harvesting the crops, and collecting firewood. Although women have far-reaching responsibilities, their right to ownership of land and resources are widely unrecognized in traditional land tenure rights.
13. The participation of women in politics and administration in the Provinces of Papua and Papua Barat is still below the statutory quota of 30%. In Papua Barat Province, from the total number of 45 elected members for the period of 2019-2024, there are only seven women, approximately 15.5% of the total. Among those, indigenous Papuan women are further underrepresented. Currently, three out of seven women are indigenous Papuan women- 4.4% of the total numbers of the elected parliamentarians. In the previous period of 2014-2019, there were only two women in the provincial parliament of Papua Barat Province. For Papua Province, the 2019-2024 Provincial parliament has only eight women out of 49 elected members, or 16%. From the eight women, five or 10% are indigenous Papuan women. At the regency level in Papua Province, there is no woman leadership at all. This situation is the same in Papua Barat Province where there is no woman leader in any regency.

Recommendations:

- Ensure that the mandatory quota of 30% women in parliament is fulfilled, including in provincial and regency parliaments as well as in local governments in the Provinces of Papua and Papua Barat.

Women Human Rights Defenders

14. Human rights defenders (HRDs) in West Papua are working in a highly repressive environment – with a heavy presence of security forces. While the government often justifies the deployment of military for national security purposes, law enforcement authorities limit human rights as well as fundamental freedoms under the pretext of maintaining public order and enforcing national laws. The Government of Indonesia continues to restrict access to West Papua for international organizations, foreign journalists, and observers.¹⁴
15. Despite the growing interest for human rights reporting among the international community, HRDs in West Papua often have to struggle with a lack of funds for their work –many defenders in West Papua work independently and do not have social security coverage or a stable income through an employing organization. Throughout the past two years, the number of reported cases of

¹³ See UNDP Report, Study on Women's and Men's Health and Life Experience in Papua, Indonesia, published in August 2016, see https://www.id.undp.org/content/indonesia/en/home/library/democratic_governance/study-on-women-s-and-men-s-health-and-life-experiences-in-papua.html

¹⁴ See the article by Human Rights Watch, available at <https://www.hrw.org/news/2018/06/19/indonesia-shuts-out-un-rights-chief-papua>

assault, obstruction, intimidation, and harassment against human rights defenders in West Papua has significantly increased, including against women HRDs.

16. In May 2017, a woman human rights lawyer from prominent human rights NGO LP3BH Manokwari in Papua Barat Province went to the Manokwari district police station where she wanted to provide legal support to six members of the West Papua National Committee (KNPB), who had been arrested in the afternoon as they were distributing leaflets for the election of the new KNPB board of the local branch office in Manokwari. The lawyer met with the head of operations of the Manokwari district police unit and asked if she could meet the arrested KNPB members. The police official did not grant her access, suggesting that she needed permission from the head of Manokwari district police. However, the head of Manokwari district police was not there, so she was not able to get access to the detainees. Other women human rights lawyers also stated that as lawyers defending Papuan political detainees, they were often being undermined by the police to limit their legal assistance to their clients.
17. On 18 December 2018, the news outlet BBC Indonesia published a video about a military operation in the Nduga Regency.¹⁵ The video contained footage of interviews with villagers from the Nduga Regency who had witnessed the killing of indigenous people by Indonesian security force members. A Papuan human rights defender (XY)¹⁶ was interviewed and allowed the journalist to publish her identity in the video. She demanded an investigation into allegations of extra-judicial killings and asked the government to withdraw security forces from the Nduga. On 28 December 2021, police officers arbitrarily arrested XY and her two children (12 years and 6 years) without showing a warrant in Wamena, Papua Province. XY requested a lawyer, saying that she would not answer any question without legal counsel. The police also seized her cell phone and copied contacts and other data from her phone. XY and her children were released the same day they were arrested. According to XY members of the intelligence continued to follow her to her house or to other cities where she has travelled to.
18. In September 2019, Indonesia's police force charged human rights advocate XZ¹⁷ with "racial incitement and incitement to violence" under the repressive Electronic Information and Transaction Law and the Indonesian Criminal Code for her postings on social media about allegations of human rights violations in Papua in the aftermath of the Papuans' counter-racism protests in mid-August 2019. Prior to the criminal charges against her, XZ had been subjected to harassment and abuse for her persistent work on exposing human rights violations in West Papua. In addition to the criminal charges, Indonesian authorities also threatened to revoke her passport, blocking her bank account, and requesting Interpol to issue an arrest warrant while she was out of the country.¹⁸
19. West Papua is the only region in Indonesia where international human rights organizations and journalists have a high-level difficulty to enter even though President Joko Widodo had announced publicly in May 2015 that his administration would lift decade long restriction of access to West Papua for international observers.

Recommendations:

- Ensure legal protection for HRDs, particularly for women HRDs, who face a high risk of physical violence and intimidation in areas with a heavy security force presence such as West Papua;

¹⁵ BBC Indonesia video is available at <https://www.youtube.com/watch?v=lrB5yW2glrw>.

¹⁶ We do not put the real name of the person nor the real initial.

¹⁷ Idem.

¹⁸ OHCHR, press release, Indonesia must protect rights of Veronica Koman and others reporting on Papua and West Papua protests – UN experts, 16 September 2019, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24990&LangID=E>.

- Ensure unimpeded access of international human rights organizations and journalists to the Provinces of Papua and Papua Barat.
- Develop participative procedures and mechanisms which include human rights defenders and civil society leaders in decision-making processes on issues related to human rights, peacebuilding and conflict resolution;
- Publicly promote the importance of human rights defenders and investigate in an impartial and effective manner any allegation of intimidation, harassments and attacks against HRDs.

Gender-based Violence against Women in Conflict and Post Conflict Situations

Internally Displaced Persons (IDPs) in Papua Province

20. In the last two years, there has been an increase in armed clashes between Indonesian security forces and pro-Papua armed independence groups, mainly in highland areas. The armed pro-independence groups consist of various groups that have carried out more sporadic attacks, mainly on military and police targets, but also recently against non-Papuan populations. They also engage in human rights abuses, including unlawful killings, hostage-taking and abductions.¹⁹ The armed clashes have caused an increase of IDPs mainly from Papua's central highland areas who feared being the military operation's targets.²⁰
21. This submission contains updated information about IDPs in Puncak Regency collected by a team consisting of humanitarian workers of the Evangelical Church in Indonesia (GIDI) and one member of the Papuan Provincial Parliament (DPRP) during a field trip to the Puncak Regency between 6 and 12 July 2021. In Puncak Regency, central highland area in Papua Province, where armed conflict between the West Papua National Liberation Army (TPNPB) and Indonesian security forces is taking place, it is estimated that there are at least 4,862 internally displaced indigenous Papuans from 5 districts according to data collected by the Social Affairs Department in Puncak Regency. The conflict has significantly intensified since 25 April 2021 in response to the killing of Papua Intelligence Chief, Brigadier General IGPN Karya Nugraha.
22. The humanitarian team also recorded that two women and three minors IDPs have died since April 2021, due to illness. Indonesian security forces in Puncak Regency continue to use methods of warfare that do not discriminate between civilians and combatants. Methods applied by security force members include the use of firearms and explosives in indigenous settlements, torture, extrajudicial executions, and enforced disappearance of indigenous civilians. Further, members of the security forces continue to restrict access to Puncak Regency and other hotspots of armed conflict for journalists and human rights observers. This appears to be an attempt to prevent the publication of information on human rights violations during security force operations in the national and international media. At the same time, the Indonesian government continues to turn a blind eye on IDPs in the Papuan central highlands.
23. The majority of IDPs in the Puncak Regency are women and children who have to live in appalling situations with no access to clean water and health services. They have to travel by walking for four hours every day to get clean water from nearby rivers and need to report to the military post along the way. Their children cannot go to school. Security operations are still being conducted by the police and military forces.

¹⁹ Amnesty International, "Don't Bother, Let Him Die"; Killing with Impunity in Papua, July 2018, p. 7, available at: <https://www.amnesty.org/en/documents/asa21/8198/2018/en/>.

²⁰ The Papua's central highland is located in Papua Province which territory spreads into 14 regencies (*Kabupaten*).

24. Since the killing of 19 construction workers in the regency of Nduga, allegedly by the members of TPNPB in the central highland area in Papua Province on 2 December 2018, additional military soldiers have been deployed in various regencies in the central highlands area to hunt down the perpetrators and as a demonstration of military strength against TPNPB. The central highlands are largely isolated from public services and are known to be the stronghold of the TPNPB. The area is mainly populated by Indigenous Papuans, except for a few small towns where migrants maintain small businesses or work in government positions. The data collected by the International Coalition for Papua shows that more than 41,851 indigenous Papuans from the regencies of Mimika, Intan Jaya, Puncak, Lanny Jaya, and Nduga were internally displaced between 4 December 2018 and early March 2020 because of security operations.²¹
25. A voluntary humanitarian aid team estimated that over 37,000 IDPs originating from 16 districts in Nduga Regency alone have been displaced because of the armed conflict. In August 2019, the Papuan Ombudsman Office visited the IDPs from Nduga in Wamena. The Ombudsman estimated that 50,000 people have been displaced – a figure that has not yet been verified. The armed conflict in Nduga Regency has been ongoing for more than two years, preventing the IDPs from returning to their villages. Schools, *Puskesmas*, and Churches in Nduga are now deserted as health workers and teachers have not returned to their assigned places of work.²² A human rights defender working for IDPs from Nduga further documented that there have been 617 IDPs from Nduga who died as of February 2021.
26. The local government in Nduga has provided IDPs in the districts of Mbua, Dal, and Yal with basic foods such as rice, instant noodles, cooking oil, sugar, and salt. IDPs in Jayawijaya and Lanny Jaya Regencies have reportedly received occasional visits by the health department of Papua Province to provide them with health services. The majority of IDPs from Nduga have not received any humanitarian aid supplies from the central government. The central government has failed to set up IDP camps in coordination with local governments in IDP hotspots. Such camps could help to coordinate the distribution of aid deliveries and coordinate the effective provision of humanitarian services such as shelter, basic healthcare, and education. Many IDPs - particularly children – have been traumatized by the security force operations and fear the presence of police and military members in their villages.

IDPs in Maybrat, Papua Barat Province

27. Armed attacks against Indonesian security forces by the armed pro-independence groups have spread to the area outside of the central highland in recent months. On 2 September 2021, an armed pro-independence group claimed that they were responsible for the attacks against a military post in Maybrat Regency, Papua Barat Province causing the death of four soldiers and injuring several others. The following days, the local military regional headquarters dispatched at least a hundred soldiers to hunt down the attackers in the area. Fearing being the target of the military's retaliation, an estimated 2,000 villagers, mostly women and children in the surrounding areas fled to the forests. The local head of administration and regional military commander have called on the IDPs to return to their villages.

²¹ See ICP, YKKMP, ELSHAM Papua and JPIC Kingmi Papua, the Humanitarian Crisis in West Papua; Internal Conflict, the Displacement of People and the Coronavirus Pandemic, July 2020, p. 2, available at: https://www.humanrightspapua.org/images/docs/HumanitarianCrisisWestPapua_IDPCovid_July2020.pdf.

²² ICP & others, the Humanitarian Crisis in West Papua; Internal Conflict, the Displacement of People and the Coronavirus Pandemic, p. 6.

Recommendations:

- Allow free and unimpeded national and international humanitarian access to the regencies of Nduga, Puncak, Intan Jaya, Jayawijaya, Mimika and Maybrat to ensure that the rights of IDPs are respected, protected and fulfilled under the international human rights treaties;
- Facilitate and guarantee the safe and voluntary return of Papuan IDPs to their homes;
- Review police, military and other security forces' policies and practices in regard to differentiating between members of TPNPB and civilian.

Employment

28. Most of indigenous Papuans live in the rural areas. They are primarily dependent on subsistence agriculture for their livelihood. They are using their agricultural produce as their main source of food needs as well as selling them to the local market as the source of their income. The main commodities are vegetables, fruits, and betel nuts, which is predominantly sold by indigenous Papuan women. Like rural Papuan women, indigenous women living in the coastal areas are dependent on fishing products for their own needs as well as for income for their households.
29. There is a gap in economic opportunities between indigenous Papuan women and the migrants. Papuan women tend to have less business skill and knowledge, as well as less financial capital to do their business. The migrant traders, who often have better business capital or access to bank loans, can rent better stalls and stores in and around the market, with better assortments of goods for clients. Due to their limited knowledge and skill, Papuan women often have to borrow money from private loan sharks who do not request securities but have much higher interests than those of banks. Consequently, Papuan women are in a weaker position to economically compete with migrants. This gap is also caused by uneven assistance from the government, which provides less capital and training to Papuan women traders.
30. In Jayapura, Papua Province, the local authorities provided a specific market for indigenous Papuan women, which is called "*Pasar Mama-mama*." The market was a response to a long call by Papuan women to have their own marketplace and protect the social and economic lives of the Papuan women. However, a similar call to create *Pasar Mama-mama* in other main cities such as Sorong and Manokwari in Papua Barat Province has gone unheeded.
31. Government-led development projects in Papua Province, such as the Merauke Integrated Food and Energy Estate (MIFEE), which planned to convert at least a million hectares of forests and swamp into privatized concessions has particularly affected Marind indigenous women who live in the area of the project. Sago trees found in the forest have been their main source of food. In addition, the destruction of the forest for the project undermines the special relationship of Marind men, women, and children to the plants and animals of this forest. Due to the deforestation, the Marind women have had their access to water limited. It is also reported that some Marind women were subject to sexual and physical violence while on their way to collect water from other sources.

Recommendations:

- Develop local food potentials in each of the different customary areas of West Papua in accordance with the culture and lifestyle of indigenous Papuans and use these potentials to diversify the national food security strategy by creating programs for local food diversification;
- Introduce and enforce strict legal punishment for companies that destroy or contaminate any source of local food for indigenous Papuans including fresh and clean water;
- Immediately stop the expansion of plantations to prevent pollution and the destruction of customary forests and waters which indigenous communities use as sources of livelihood;

- Provide special temporary measures to improve indigenous Papuan women's access to economic opportunities;
- Take urgent action to reduce malnutrition, including by targeting root causes of hunger and malnutrition such as poverty, unemployment, and lack of social welfare services.

Climate Change and Disaster Risk Reduction

32. West Papua has witnessed the fastest expansion of palm oil plantation in Indonesia as the world largest palm oil producer, with an estimated worth of USD 1.9 billion per year.²³ In recent years, the deforestation rate in West Papua has been higher (1.4 million hectare) than the national rate (around 325 thousand hectare).²⁴ Deforestation in West Papua is a result of the vast expansion of palm oil plantations, and large-scale food estate projects, often supported by many of Indonesia's richest businesspersons, politicians, officials and high-ranking members of the security forces.²⁵
33. In September 2020, under the pretext of overcoming the food crisis due to the Covid-19 pandemic, President Joko Widodo announced that his administration would expand the territory of the national priority food estate project, including in West Papua.²⁶ The president's announcement was soon followed by an amendment of a Minister of Environment and Forestry Regulation that allows the alteration of forests for the national food estate project.²⁷ A mammoth 3.2 million hectares of land in the southern part of Papua Province is under consideration for the project – the size of Belgium or Taiwan. The intended location is in Merauke, Boven Digoel and Mappi Regencies.²⁸
34. The deforestation does not only disregard the principle of free, prior and informed consent (FPIC) from the indigenous people but also in many instances are carried out either by manipulation or by intimidation or violence against the local indigenous people.
35. Papuan indigenous women have had far-reaching responsibilities in the maintenance of gardens, planting and harvesting, sago trees (a main staple food), hunting animals for food and collecting herbs in their customary forests. Reports published by human rights groups have described the deforestation and taking of Papuan customary land and forests have caused environmental destructions and climate change, threatening biodiversity and the indigenous Papuan's rights to food, water and health. On this, the violation has been mainly documented in Merauke, Boven

²³ BBC.com, the Burning scar: Inside the destruction of Asia's last rainforests, 12 November 2020, available at: <https://www.bbc.com/news/world-asia-54798452>.

²⁴ Syahrul Fitra – Greenpeace Indonesia, *Lumbung Pangan ala Jokowi Bagai Buah Simalakama* [Jokowi's Food Barn project is like the fruits' choice], 7 December 2020, available at: <https://www.greenpeace.org/indonesia/cerita/44440/lumbung-pangan-ala-jokowi-bagai-buah-simalakama/>.

²⁵ Greenpeace, License to Clear: the Dark Side of Permitting in West Papua, p. 9, April 2021, available at: https://drive.google.com/file/d/1BFo_ujCB8TrfHssUJ4qkNS4tu1PHO-BF/view.

²⁶ Antaranews.com, *Presiden ungkap rencana perluasan "food estate" ke Papua, NTT, Sumsel* [the President reveals the expansion plan of "food estate" to Papua, East Nusa Tenggara and South Sumatra, 23 September 2020, available at: <https://www.antaranews.com/berita/1742069/presiden-ungkap-rencana-perluasan-food-estate-ke-papua-ntt-sumsel>.

²⁷ Mediaindonesia.com, *KLHK: Permen LHK Nomor 24 Tahun 2020 Jadi Pedoman Food Estate* [Ministry of Environment and Forestry: The Minister Regulation No. 24/2020 Becomes the Guideline for the Food Estate], 17 November 2020, available at: <https://mediaindonesia.com/humaniora/361434/klhk-permen-lhk-nomor-24-tahun-2020-jadi-pedoman-food-estate>.

²⁸ TAPOL's unpublished report on the reviving the MIFEE (the Merauke Integrated Food and Energy Estate) during the COVID-19 pandemic in Papua.

Digoel and Mappi Regencies.²⁹ The large-scale food estate projects would also bring hundreds of thousand non-Papuan influxes to the area that could further marginalized the Papuan indigenous people.

Recommendations:

- Ensure that companies operating in West Papua are doing so in compliance with local, national and international regulations, respect the human rights norms including the FPIC principles and that their operations do not adversely impact the rights of indigenous Papuan;
- Review the large-scale food project policy a view to stop the expansion of plantations and food estate projects to protect air and water quality, biodiversity and indigenous peoples in West Papua;
- Review and amend procedures for granting permits for agricultural, timber and other extractive companies in order to guarantee Papuan indigenous minorities' right to food and self-determination over their ancestral land and resources. The improvements should ensure greater transparency in the issuance of permits, allowing indigenous communities the full and timely information they need to make decision;
- Issue an invitation to the UN Special Rapporteurs on the rights of indigenous peoples and the rights of internally displaced persons to assess the situation in West Papua.

Health

Access to health services for Indigenous Papuan Women

36. In the rural and remote areas in West Papua, one of the key challenges is the access to functioning health care facilities. The functioning *Puskesmas* could be found in general in urban centers and their surrounding areas. Papuan indigenous women, who mainly live outside of urban centers, often do not have the means to pay for transportation to the hospital or *Puskesmas* to access medical treatment.
37. We received testimonies from two Papuan indigenous women who said, "In my district in Maiberi (in Puncak Regency, Papua Province), there is no *Puskesmas*. This is the same in other districts such as Kepala Air and Bogobak, there is no *Puskesmas*." She also explained that Ilaga and Gome districts have *Puskesmas*. However, they are in an area far from the community. The facilities in the health center are also deplorable, she explained further. "It is difficult to use the toilet facilities. There is no light. The windows and doors are broken. Both the patients and their families have to go through additional suffering while being in the *Puskesmas*."³⁰
38. In addition, some of the indigenous Papuan women cannot speak the Indonesian national language (*Bahasa Indonesia*), are illiterate, or do not have national ID. These create additional barriers in accessing health services. Having an ID card is a mandatory requirement to arrange for government health insurance or cards for the government's health support program in West Papua.

²⁹ SKPKC Fransiskan Papua, *Papua Bukan Tanah Kosong; Beragam Peristiwa dan Fakta Hak Asasi Manusia di Tanah Papua 2018* [Papua not an Empty Land; Human Rights Situation 2018], September 2019. AJAR (Asia Justice and Rights) and eL AdPPER, KP KC GKITP, Elsham Papua, LBH Kaki Abu, All the Birds are Gone: Indigenous Women Speak Out against Forest Loss in Papua, March 2021.

³⁰ Testimonies of Ms Marina Wonda and Ms Lenora Wonatorei during a hearing on the implementation of Special Autonomy Law, organised by Papuan People Assembly on 7 July 2020. See the Video in the following link <https://www.youtube.com/watch?v=4tYBdzFiXk>

39. The maternal mortality rate in the Provinces of Papua and Papua Barat in 2019 was the highest in comparison with other parts of Indonesia.³¹ The number reaches 305 death per 100.000 births. One of the reasons was the lack of professional assistance during labor.³² In rural areas, access to health clinics is either absent or very limited. In several instances, the quality of health services in the health clinics is poor or they are understaffed. This situation has put pregnant women, especially those with complications, at particular risk. The underdeveloped infrastructure places an additional challenge on pregnant women living in remote areas to access health services.

Papuan Women living with HIV/AIDS

40. The provinces of Papua and West Papua are reported to have the highest HIV prevalence rate (2.4%) in the general population aged 15–49 years old.³³ The prevalence of HIV infections in Papua Province is 24 times higher than the national rate in Indonesia.³⁴ Indigenous Papuans are twice as likely to live with HIV/AIDS in comparison to people from other ethnic groups. According to the Directorate General of Disease Prevention and Control of the Indonesian Ministry of Health³⁵ the number of people living with HIV/AIDS in Papua Province is the 5th highest in Indonesia, reaching the number of 39.978 cases, from the estimated population of 4.3 million (0.1% of total population).

41. The indigenous Papuan women are particularly at risk for HIV/AIDS. The transmission occurs mainly through sexual transmission. For Papuan women living with HIV/AIDS, they are particularly vulnerable. They are often denied health services, or in some other cases, they are afraid to seek help precisely because of stigmatization of their HIV Status. Some women also experienced violence either by their husband or other members of the family due their HIV Status.³⁶

Recommendations:

- Establish culturally sensitive health care services and hospitals in West Papua, with a professional focus on communicable diseases, particularly for HIV/AIDS, as well as mother and child health care, and ensure their functionality with adequate human resources and medical facilities;
- Guarantee non-discrimination against persons living with HIV/AIDS in the health-care sector by ensuring that health services, materials and information are available, accessible, acceptable and of good quality for all key populations, and that health workers are properly trained and equipped;
- Address high maternal, infant and under-5 mortality and morbidity rates, inequalities, poverty, and significant disparities between urban and rural areas. It is essential in this regard to improve integrated data management, institutional coordination and the availability and quality of health-related data.

³¹ Statement of Mr Trilaksono Hartono, the head of UNICEF Office for Papua and West Papua Province, see <http://www.harnas.co/2019/12/12/tingkat-kematian-ibu-melahirkan-tertinggi-di-papua>

³² See articles in <https://republika.co.id/berita/q2eji3366/kematian-ibu-melahirkan-di-papua-tertinggi-di-indonesia>

³³ See Witaningrum, Adiana & Khairunisa, Siti & Yunifiar, M & Bramanthi, R & Rachman, B & Nasronudin, (2018). Opportunistic infection of HIV/AIDS patients in West Papua. IOP Conference Series: Earth and Environmental Science. See <https://iopscience.iop.org/article/10.1088/1755-1315/125/1/012062/pdf>

³⁴ See <https://bmcpublikealth.biomedcentral.com/articles/10.1186/s12889-019-6392-2>

³⁵ See https://hivaids-pimsindonesia.or.id/download/file/Laporan_TW_I_2021_FINAL1.pdf

³⁶ See AJAR Study, “Berani Sehat: Perempuan Papua Melawan HIV/AIDS dan Kekerasan” [Dare to Healthy; Papuan Women Fight against HIV/AIDS and Violence], published in 2019, at [https://asia-ajar.org/2020/05/berani-sehat-buku-foto-tentang-pengalaman-perempuan-papua-mengatasi-hiv-aids-dan-kekerasan](https://asia-ajar.org/2020/05/berani-sehat-buku-foto-tentang-pengalaman-perempuan-papua-mengatasi-hiv-aids-dan-kekerasan/?utm_source=rss&utm_medium=rss&utm_campaign=berani-sehat-buku-foto-tentang-pengalaman-perempuan-papua-mengatasi-hiv-aids-dan-kekerasan) .

Freedom of Expression and Papuan Women Political Prisoners

42. Until 2018, the Government of Indonesia had tried to reduce the number of Papuan political prisoners by giving presidential clemency or early release. However, the deteriorating situation in West Papua since early 2019 has produced an increase of at least 300 political prisoners, including seven Papuan women. Convictions were premised on allegations of treason (*makar*) or other repressive laws that targeted peaceful expressions of their political aspirations, such as displaying the banned Papuan Morning-Star flag;³⁷ participation in peaceful protests in Papua to respond the racism insults carried out by groups affiliated to the military or the police in Java in August 2019; and the rejection of the planned amendment of the Papua Special Autonomy Law by the central government and national parliament initiated in late 2020.
43. In Manokwari, Papua Barat Province, the local court convicted a human rights activist³⁸ of inciting violence against the government (Article 160 of the Indonesian Criminal Code) for bringing around 1,500 small Morning-Star flags and sentenced her to nine months' imprisonment in May 2020. She brought the flags to join a counter racism mass protest in Manokwari. Initially she was charged with treason (*makar*) under Article 106 of the Criminal Code which provides up to life imprisonment. During his pre-trial detention SM had to breastfeed her infant baby in an open space in her cell.
44. In late August 2019, Jakarta plainclothes police officials arrested three Papuan women students in a series of arrests against Papuan activists in the city after they had organized and participated in an anti-racism protest in front of the Presidential Palace on 28 August 2019. During the arrest, the police denied one of the women to change her clothes and insulted, saying "You Papuans generally don't wear clothes." Eventually one of the Papuan women was convicted of treason for displaying the Papuan Morning-Star Flag during the anti-racism protest and sentenced to nine months' imprisonment.
45. In Wamena, Papua Province, the local police arrested a woman on 11 October 2019 who was recorded in a viral video shouting "burn the campus" four times during a mass riot in the city on 23 September 2019 that resulted with many buildings burning down. Thirty-three people died in the aftermath of widespread anti-racism protests throughout West Papua. The woman was charged with an act of arson which she denied. During her pre-trial detention under police custody in Wamena, she told her lawyers that some police threatened to shoot her leg with their gun and on another occasion a police official threatened to kill her. After her lawyers complained about the intimidation, she was transferred to another police custody in Jayapura. However, in the new detention place, a police official intimidated her to engage in sexual intercourse on four separate occasions. This intimidation affected her mental health as she was in constant fear of being raped by the police official and on one occasion, she had to shout very loud so that other detainees in the police custody could hear it. The police also limited her lawyers could access. The police's intimidation may amount to torture or other cruel, inhuman, or degrading treatment. Unfortunately, torture is not a crime in Indonesia even though Indonesia is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. She was eventually convicted of arson under Article 187(1) of the Criminal Code and sentenced to four years imprisonment.
46. On 8 March 2021 in commemoration of the International Women's Day (IWD) the police forces arrested peaceful protesters in three cities Jayapura (Papua Province), Malang (Jawa Timur Province), Makassar (Sulawesi Selatan Province). In Papua, initially the Women's Alliance in

³⁷ Morning-Star Flag was used in Papua during the Netherlands New Guinea period. The flag was first raised on 1 December 1961 when the Papuan claimed their independence from the Netherlands. Currently, the flag is used by the Free Papua Movement and their supporters.

³⁸ The person does not want to identify by name.

Papua held demonstrations at three different locations in Jayapura city in the morning. In the middle of the demonstrations, the protesters at one location were approached by police officers. The officers forced them to disperse on the grounds that they did not receive a notice of action, did not wear masks, and disrupted traffic order.³⁹ The police' repressive attitude towards freedom of expression at IWD 2021 is a manifestation of the racial stigmatization directed at Papuans both inside and outside Papua.

Recommendations:

- Release all Papuan and Indonesian political prisoners deprived of liberty;
- Repeal or amend the treason provision of Article 106 of the Criminal Code to ensure that the article cannot be used to criminalize freedom of expression;
- Make torture a criminal offence in the Criminal Code;
- Ratify at the earliest opportunity the UN Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to provide unannounced visits to any detention places in Papua and Indonesia.

Special Human Rights Pledges on West Papua

47. Another important human rights pledge made by Indonesian authorities is to set up a Truth and Reconciliation Commission in West Papua under the Papua Special Autonomy Law since 2001. To date there is no indication that the Papua TRC would be established either by the local or national authorities.
48. Apart from the Wasior and Wamena cases, there are other gross violations of human rights under the Human Rights Court that need to be addressed in a special tribunal. In February 2020, the National Human Rights Commission announced publicly that the case of unlawful killings in Paniai in December 2014 constituted crimes against humanity under the Human Rights Law and urged the Attorney General to initiate prosecution under a special human rights tribunal.⁴⁰ Another allegation of past gross human rights violations in Papua occurred in Biak city on 6 July 1998 when the security forces opened fire on a crowd gathering near a water tower with the Morning-Star Flag in its peak. The flag was flown for four days (between 2 and 6 July 1998). The number of victims is hard to be estimated, but a prominent Papuan human rights NGO (ELSHAM Papua) documented eight people dead, around 40 people injured, and more than a hundred people being detained. Up to date there has been no independent investigation carried out on the 1998 Biak case.

Recommendations:

- Address past gross violations of human rights, in particular cases of Wasior and Wamena, and take long overdue measures to provide the victims and their families with truth, justice and full reparations;

³⁹ Negotiations were attempted by the protesters, but eventually the police pushed the crowd away, then took megaphones, pamphlets and banners. The police arrested nine protesters and brought them to the Jayapura Police Station for interrogation. The police also arrested some Papuan women student activists in the IWD 2021 in Malang and Makassar.

⁴⁰ On 8 December 2014, hundreds of Papuan protesters rallied near the local military and police headquarters, in the town of Enarotali in Paniai, Papua Province. The demonstration was a response to military personnel allegedly beating 11 Papuan children the day before. When protesters started throwing stones and pieces of wood at the buildings, both the military personnel and police officers opened fire into the crowd, killing four Papuan boys. At least 11 others were injured by bullets or bayonets.

- Set up a truth and reconciliation commission based on the Papua Special Autonomy Law, in line with international law and standards, to guarantee access to truth, justice and reparations to victims of past human rights violations in West Papua.
- Set up a program to provide reparation⁴¹ to all victims of past human rights abuses in West Papua in consultation with the victims and their families to reflect the different needs of the victims or survivors;
- Allow the UN Office of the High Commissioner for Human Rights to conduct a field mission to West Papua and ensure the mission have unimpeded access.

⁴¹ This should include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, memorialization.