

A light green background featuring a faint, white outline map of Indonesia. The map shows the main islands and surrounding archipelago.

Violence Against Women in Papua

Submission to the UN Committee on the Elimination of All Forms of Discrimination
Against Women (CEDAW)

Contribution for the Review of Indonesia during the 80th Session of the Committee

Violence Against Women in Papua

Submission to the UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Contribution for the Review of Indonesia during the 80th Session of the Committee

Edition

September 2021

Author

Sornica Ester Lily, Mulki Makmun, Indria Fernida, Kirana Anjani

Contributors

Papuan Women's Working Group, KPKC Sinode GKI Di Tanah Papua, World Council of Churches, eL_AdPPer, ELSHAM Papua, Koalisi Perempuan Bergerak Selamatkan Manusia Papua, Yayasan Harapan Ibu Papua, P3W GKI, JERAT PAPUA, JUBI, LBH Kaki Abu, PUSAKA, Yadupa, and PAHAM Papua

Editor

Nicole Janisiewicz

About Asia Justice and Rights (AJAR):

Asia Justice and Rights (AJAR) is a regional human rights organisation based in Jakarta, Indonesia. AJAR works to increase the capacity of local and national organisations in the fight against entrenched impunity and to contribute to building cultures based on accountability, justice, and willingness to learn from the root causes of mass human rights violations in the Asia Pacific region.

For more information, visit www.asia-ajar.org.

I. Introduction

- This report is a joint submission of several NGOs working on women's human rights and related issues in Papua. The organizations that have contributed to this report are AJAR, PWC, KPKC Sinode GKI Di Tanah Papua, eL_AdPPer, ELSHAM Papua, Koalisi Perempuan Bergerak Selamatkan Manusia Papua, YHI Papua, P3W GKI, JERAT PAPERUA, JUBI, LBH Kaki Abu, PUSAKA, Yadupa, and PAHAM Papua.
- Indonesia ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on September 13, 1984. In accordance with CEDAW, the Committee on the Elimination of All Forms of Discrimination Against Women (Committee) will consider Indonesia's State party report at its upcoming 80th session. This submission is offered in response to the Committee's invitation to NGOs, and it is informed by the Committee's List of issues and questions in relation to the eighth periodic report of Indonesia and Indonesia's State report. This submission provides an evaluation of CEDAW Implementation by the Indonesian Government in the provinces of Papua Barat and Papua.
- Indonesia has a history of delaying its submissions to the Committee, as demonstrated by its most recent periodic review report which was due in 2016 but was not submitted until 2019. This negligence not only inhibits monitoring and evaluation by CSOs and the international community; it reflects Indonesia's lack of commitment to the fulfillment of women's rights in Indonesia.
- As highlighted in this submission, Indonesia is falling far short of its obligations under CEDAW, particularly in the provinces of Papua Barat and Papua.

II. General Situation in Papua

- Indonesia's easternmost provinces of Papua and Papua Barat (collectively referred to as 'Papua' in this submission) have been scarred by a history of continuing conflict accompanied by serious human rights violations. Papua remains a conflict zone, where force is used to suppress expression of discontent.
- The main problems in Papua include: 1) Papua's political status and integration into Indonesia, which does not adequately account for its history or the demands of its people; 2) Military operations, which have been ongoing since 1965 and which have caused Papuans to endure decades of state violence and human rights violations; 3) Discrimination and marginalization of Papuan people on their land; and 4) Papua's inadequate and underdeveloped healthcare, education, and economic systems.¹
- The Indonesian Government established and controls Papua's development policy, while simultaneously controlling its security sector as well. Several large-scale development projects have threatened (and are continuing to threaten) the existence of forests and, in turn, indigenous peoples and their lands. Agricultural projects have blocked indigenous peoples' access to land and resources or have caused irreparable damage to forests, which are the primary source of life and culture for indigenous communities in Papua.
- Since mid-2019 when vigilante groups, police, and members of the military racially attacked a Papuan student dormitory in Surabaya, East Java, the human rights situation has been deteriorating in Papua. During the attacks, a mob verbally assaulted Papuan students, using racist slurs and other racist language. In response, Papuans across the country organized and mobilized to protest against racism. In Papua, this resulted in increased racial discrimination and internet shutdowns with escalating violence involving the Indonesian security apparatus and armed civilian groups.
- People who criticized the government were accused of treason. A total of 63 individuals were arbitrarily

¹ Indonesia Institute of Science (LIPI), Updating Papua Road Map, 2017, available at <http://lipi.go.id/risetunggulan/single/buku-road-map-papua/16>.

arrested, including 4 women activists. Six of the political prisoners were convicted and later released in May 2020. Meanwhile, the remaining activists continue to await legal proceedings and are demanding justice.

- In July 2021, the Indonesian Government extended Papua's "Special Autonomy," a status it has been assigned for 20 years, through the passage of Law No. 2/2021 concerning the Second Amendment to Law No. 21/2001 regarding Special Autonomy for Papua. The extension of Papua's special autonomy status was carried out without an in-depth evaluation. There was no consideration of the escalation of violence that has occurred during 20 years of Papua Special Autonomy status, due to patterns of racism, sexism and gender-based violence targeting indigenous Papuans nor was there consideration of the need for accountability mechanisms for the violence committed against indigenous Papuans. Indigenous Papuans also were not involved in the discussion on the extension of Papua's special autonomy status. This prompted numerous protests and other action against the extension.
- In 2021, the Indonesian Government declared armed separatist groups in Papua to be "terrorists." Since this labeling, the government has increased the number of deployed military personnel in Papua. This is particularly troubling given that there were at least 63 incidents of military violence in Papua in 2020 with 304 civilian victims.²
- Papua has been significantly impacted by the pandemic, particularly this year. Compared to 2020, the number of positive coronavirus cases in Papua rose 300-400% in 2021. Prior to September 2021, the number of coronavirus cases in Papua Province reached 42,112 (44% of which were women).³ Meanwhile, in Papua Barat Province, cases reached 22,719.⁴ The number of cases soared in July and August 2021 and placed great stress on Papua's minimal number of health facilities. In addition, access to vaccines remains limited. Difficulty in obtaining the vaccine is accompanied by uneven vaccine socialization, misinformation about the vaccine, and public distrust of the government. Because the implementation of vaccination programs in Papua is being carried out mostly by police and military personnel, people are reluctant to get vaccinated.⁵
- In October 2021, Papua Province will host Indonesia's 20th National Sports Week, a sports olympiad drawing athletes from all over the country. The 20th National Sports Week will continue despite the many objections voiced by civil society regarding the event's execution and the threat to local Papuans caused by the introduction of additional security forces allegedly to maintain safety during the event.⁶
- Instead of using a dialogue approach to address Papua's challenges and reduce conflict, the Government of Indonesia still uses a security approach. Various human rights violations, ranging from activists' imprisonment to the use of unauthorized and disproportionate force, have resulted, and as demonstrated by the recent rise in overt racism and the special autonomy law riots, human rights protections remain lacking in Papua.

2 KontraS Papua dan PAHAM Papua, Orang Papua Dilarang Bicara: Laporan Kekerasan Aparat Kepolisian Republik Indonesia dan Tentara Nasional Indonesia terhadap Rakyat Papua Tahun 2020, 2021.

3 Satgas Pengendalian, Pencegahan dan Penanganan COVID-19 Provinsi Papua, Laporan Perkembangan COVID-19 Update, 17 Maret 2021 - 12 September 2021

4 Dinas Kesehatan Pem. Prov. Papua Barat, Situasi Terkini Perkembangan Covid19 di Papua Barat tanggal 13 September 2021, available at <https://dinkes.papuarbaratprov.go.id/artikel/situasi-terkini-perkembangan-covid19-di-papua-barat-tanggal-13-september-2021>

5 Asrida Elisabeth, 'Kitong Su Mau Mati': COVID-19 Meluas, Pasien Membludak, Vaksinasi Rendah di Papua, 2021. Available at: <https://project-multatuli.org/covid19-papua-vaksinasi-rendah-orang-papu-tak-percaya-pemerintah-indonesia/>

6 ANTARA, Jelang PON, 1.000 personel TNI dan Polri didatangkan ke Mimika, available at <https://jubi.co.id/jelang-pon-1-000-personel-tni-dan-polri-didatangkan-ke-mimika/>

III. General Situation of Women in Papua

- Since 2012, there has been no significant improvement in Papua regarding the implementation of CEDAW. Ongoing violence and discrimination due to political stigmatization is a common and widespread issue in Papua, which has an increasing impact on the lives of Papuan women. Women in Papua are experiencing a wider impact from the ongoing violence. They have suffered as victims of discrimination and violence, including domestic and sexual violence, and violence in the context of development projects.
- During conflict situations, Papuan women have experienced the aforementioned violations, including abusive interrogation, torture and sexual violence. Papuan women victims are also vulnerable to new forms of domestic and community violence. While domestic violence experienced by Papuan women is relatively high, there are only a few cases reported to the police, and less cases prosecuted in the judicial system.
- Papuan women are also still struggling in accessing health services, including reproductive health services. Moreover, discrimination and marginalization of HIV-positive Papuan women remain a significant problem given Papua's alarmingly high rates of HIV/AIDS cases. In addition, Papuan women victims of conflict struggle for economic survival. Destruction of property, lack of access to land and livelihoods, and exclusion from educational and employment opportunities and basic services, all undermine their socio-economic well-being.
- During the pandemic, the number of cases of violence against women in conflict also has not diminished. Women who frequently lead protests against land grabbing and development have had to manage directly with violence by state officials and other community members. Several women activists have been arrested and served time in prison.⁷
- Women human rights defenders in Papua are facing risks in defending their rights. Some women Papuan lawyers receive intimidation, threats, acts of terror, and negative comments from authorities during the course of their work defending rights in the judicial process.
- The indigeneous people, and indigeneous women in particular, who advocate in defense of their customary lands are often intimidated by both the state's security apparatus and the company. Sometimes they also are the victims of violence. Although the majority of victims of violence and threats are men, they more often have rights to their customary lands due to patrilineal inheritance practices. However, intimidation and threats of violence are also received by women and children of those who seek to preserve and fight for their rights.⁸
- Women and children have been displaced because of conflict, particularly in Nduga in 2018, Intan Jaya in 2020, Aifat in 2020 and most recently, in Maybrat in 2021. Individuals in these areas have become IDPs. Fleeing from the ensuing bouts of fighting and raids, displaced villagers have sought refuge in neighbouring parts. Away from their own land and gardens, the IDPs are struggling to meet basic needs and are living in appalling, makeshift conditions.⁹ The Indonesian Government still does not recognize the existence of IDPs, which also limits third parties who wish to provide humanitarian assistance from sending aid willingly.

7 Komnas Perempuan, 2020 year-end record of National Commission on Violence Against Women (Komnas Perempuan) In Indonesian language, available at: <https://komnasperempuan.go.id/siaran-pers-detail/catahu-2020-komnas-perempuan-lembar-fakta-dan-poin-kunci-5-maret-2021>

8 Pusaka, Year-end note "No Respite Despite the Pandemic," A Portrait of The Fight for Environmental Human Rights in Papua and Central Kalimantan in 2020, available at: <https://pusaka.or.id/assets/2021/02/Year-end-note-Pusaka-2020-Eng.-Vrs.pdf>

9 Elsham Papua, available at: <https://www.bbc.com/indonesia/indonesia-49233527>

IV. Implementation of CEDAW in Papua

1. Impact of COVID-19 on Women's Rights and Gender Equality

- The distribution of social assistance in Papua to vulnerable groups affected by the COVID-19 pandemic is uneven and poorly targeted. Indigenous people are not properly recorded. Therefore, there are countless people who are not receiving the social assistance for which they otherwise qualify.
- Moreover, the policy responses to the COVID-19 pandemic, as a healthcare matter, are being influenced by the military, its reliance on a security approach, and the ongoing violence in Papua. Without any meaningful consultation with the local population or socialization of the COVID-19 vaccination options and the rights of individuals in relation to vaccination, allegations quickly spread about the vaccination program as a forced vaccination program carried out by members of the Indonesian military. This led to only greater public distrust of the government's policy responses to the COVID-19 pandemic and its vaccination program in Papua.¹⁰
- Notwithstanding public distrust of the program, a vaccine card offering proof of vaccination has become a requirement to enter certain areas or to obtain certain public services in Papua. Several Civil Registry Service Offices in Papua now require the public to show proof of vaccination to obtain population document services.¹¹ In addition, because the military now frequently asks for proof of vaccination when (selectively) enforcing health protocols in public spaces, numerous Papuan women are finding it difficult to sell their garden products in different districts. For instance, Papuan women who have gardens in Warmare and wanted to sell their products to Manokwari were not permitted to do so without first confirming their vaccination.

Recommendations:

- Ensure consent, participation and voluntary approval of indigenous peoples in the implementation of Papua's COVID-19 pandemic response, with sensitivity to the fact that Papua remains a conflict area.
- Increase socialization related to the COVID-19 pandemic and the implementation of vaccination programs by healthcare workers outside the military or police.
- Terminate forced vaccination, particularly by the military and police, given that Papua remains a conflict area and such programs risk traumatizing or retraumatizing segments of the population.

2. Temporary Special Measures

- Indonesia's 30% quota, which requires 30% of a political party's parliamentary candidates be women, is now being implemented nationally. However, national implementation of the quota has not yet translated into full local implementation. Moreover, 30% candidacy rates have not yet yielded significant increases in selection.
- The participation of women in local politics and administration in Papua is still far below 30%. In Papua Barat Province, out of the 45 members elected to the provincial parliament for the 2019-2024 term, only 7 (i.e. 15.5%) are women. Among those, indigenous Papuan women are further underrepresented; only 3 out of the 7 are indigenous Papuan women. This translates to only 4.4% of the total number of elected parliamentarians. For Papua Province, only 8 (i.e. 16%) of the 49 elected provincial parliamentarians for the 2019-2024 are women. Of the 8 women, 5 (i.e. 10% of the total number of parliamentarians) are indigenous Papuan women.

¹⁰ Berita Aktual.co, Deploy Combat Materials, Marine Corps Invade Klafdalim Village Moisegen Sorong, available at <https://beritaaktual.co/metro/8086/kerahkan-material-tempur-korps-marinir-serbu-kampung-klafdalim-moisegen-sorong/>

¹¹ Jubi.co.id, The government should not force citizens to be vaccinated against COVID-19, available at <https://jubi.co.id/papua-pemerintah-seharusnya-tidak-paksa-warga-untuk-divaksinasi-covid-19/>

- In a 2019 decision, Indonesia's General Election Commission recognized the "Noken System"¹² in Papua Province as a practice of local wisdom and permitted its use in local voting - a decision largely hailed as providing affirmative support of indigenous Papuan culture and tradition.¹³ However, reliance on the system has not had a positive impact on women's participation rights in politics. The calculation mechanism utilized by tribal chiefs generally advantages men who have a more prominent position in customary (adat) structures. As a result, women candidates find it difficult to secure votes.

Recommendations:

- Ensure the mandatory quota of 30% women in parliament is fulfilled.
- Ensure the "Noken System" aligns with the national mandatory participation of women in its process

3. Domestic Violence/Gender-Based Violence Against Women

- Indonesia has a number of laws and regulations related to domestic violence. However, the existence of a number of these laws and regulations has not had much impact on improving the condition of women in Indonesia, including Papua.¹⁴
- The provincial government enacted Regulation (Perdasi) No. 8/2013 on the protection of victims of domestic violence. However, it has not been maximally implemented. Law enforcement still uses Law No. 23/2004 concerning the Elimination of Domestic Violence. The Perdasi provides measures for protecting the women victims of domestic violence, including steps for reparation, prevention of domestic violence, that was not explicitly mentioned in the national law.
- Due to many socio-economic factors, Papuan women experience extreme forms of domestic violence. They face difficulties accessing legal protection and support services. At the same time, victims have struggled to receive aid and treatment, as they have to pay for their own victim assessments and reports, which discourages them from reporting future incidents.
- Because of the social stigma that Papuan women victims of domestic violence experience, some women are too ashamed to seek help. When women do desire access to support services including healthcare, psychosocial support, and protection, there are only a few available options. In rural areas, there is often no functioning emergency shelter, and the government initiative intended to provide services to women and children of violence, P2TP2A does not function effectively.¹⁵
- The marriage system in some indigenous cultures in Papua is also having detrimental effects on women and girls. For instance, in Keerom, some indigenous traditions still allow for "exchange marriages.". The practice allows a brother of the bride to marry a woman from the groom's family and is used to eliminate the payment of dowry between the two families.

12 The Noken System started in 2009 and has been frequently reviewed by the General Election Commission (KPU). In 2019, KPU issued regulation No. 810/PL.02.6-Kpt/06/KPU/IV/2019 to use Noken System in 12 regencies of Papua Province (Yahukimo, Jayawijaya, Nduga, Mamberamo Tengah, Lanny Jaya, Tolikara, Puncak Jaya, Puncak, Paniai, Intan Jaya, Deiyai and Dogiyai). It is the opportunity of a tribal chief or a prominent tribe figure to be granted with authorities to represent his or her whole community. Within the noken system, the vote is decided through a convention determining certain political parties or candidates.

LIPI, "Noken Electoral System in Papua Deliberative Democracy in Papuan Tradition", available at: <https://papua.lipi.go.id/2021/04/noken-electoral-system-in-papua-deliberative-democracy-in-papuan-tradition/>

13 Republic of Indonesia Election Commission, Republic of Indonesia Election Commission Decree, No. 810/PL.02.6-Kpt/06/KPU/IV/2019 concerning Guidelines for the Implementation of Voting Systems with a Noken/ Ikat System in Papua Province in the 2019 General Elections. https://jdih.kpu.go.id/data/data_abstrakkepku/ABS%20810%20THN%202019.pdf and https://jdih.kpu.go.id/data/data_kepku/KPT%20810%20THN%202019.pdf

14 Fact sheet 1, Fulfillment of Women Human Rights Situation in Papua, CEDAW Papua report, November 2016.

15 AJAR, I am Here: Problems and Opportunities for Papuan Women from the Perspective of Papuan Women, available at <http://www.asia-ajar.org/files/Sa%20Ada%20Disini%20-%20AJAR%20Report.pdf>

- In Papua, cases of intimate partner violence are most often dealt with through customary processes where outcomes do not often favour women. In Wamena, a woman victim was unable to seek support from her parents when her husband beat her because she would be defying their customs.¹⁶
- The government has provided a safe house in Papua province, but victims' access to this safe house is still very limited because of its location within the Papua Regional Police building. Most victims still find it difficult to trust the security apparatus.
- Allegations of sexual violence committed against 4 underage girls by public officials recently surfaced in Papua. The sexual violence allegedly occurred on two occasions, namely in April and May 2021, and involved several local level public officials. The victims' families reported the case to the police, and in September 2021, they also reported it to the Komnas Perempuan, the national women's commission. After reporting to the police, the victims' family members and attorney received death threats. The legal process has since stalled, but with the assistance of LBH Papua, efforts are being made to continue to pursue justice.¹⁷

Recommendations:

- Immediately enact the Bill of Elimination of Sexual Violence to protect women's rights.
- Provide support and an 'initial response' to the victims of violence against women and girls.
- Ensure the infrastructure is in place to protect women and girls from sexual and gender-based violence and ensure basic services are available to them, including in rural areas.
- Ensure the implementation of Perdasi No 8/2013 on the protection of victims of domestic violence, which includes the provision of healthcare and psychological support to victims.

4. Women Human Rights Defenders

- Female human rights defenders in Papua were attacked, intimidated and received terror threats for their role in providing assistance to victims of human rights abuses and political activists facing criminal charges for peaceful political activity. Indigenous women also often received threats of terror and intimidation because of their and/or their family's activities defending their rights to customary land from land grabbing by the state or corporations.
- Intrusion of privacy is also often experienced by women human rights defenders in Papua. For instance, while engaging in legal aid work in 2021, MW from PAHAM Papua often had photos and videos taken of her by unknown people, both outside the courtroom or in the courtroom during trial.
- There have been serious cases of threat, intimidation and physical violence against at least four women human rights lawyers who provided legal support in cases against local police authorities in Papua. The authorities were alleged to have committed human rights violations. Notably, State authorities have not initiated law enforcement processes in any of the cases.
- Repression in the form of criminalization of institutions and women who provide assistance to Papuan victims of human rights violations and Papuan political prisoners also occurred in the past few years. VP, Director of LBH Bali, who provided legal assistance to Papuan participants of peaceful protest in Bali (2021), was reported to the police on charges of treason. VK, who spoke and spread information about the 2019 Papuan racism case, has been put on the police's most wanted list (DPO) as a fugitive.

16 Ibid.

17 Jubi.co.id, Suspected of being victims of sexual violence, the families of four teenage girls will report to Komnas Perempuan, September 2021, available at: <https://jubi.co.id/diduga-menjadi-korban-kekerasan-sesual-keuarga-empat-remaja-putri-akan-lapor-ke-komnas-perempuan/>

- Recently, women participating in peaceful demonstrations to protest racism in relation to Papuans have been subjected to intimidation and sexual harassment. Some of the women were arrested and are in the midst of judicial proceedings. Security forces often violently disperse such events because they are regarded as acts of treason.
- Four Papuan women were tried for their participation in a massive anti-racism demonstration in Papua 2019.
 - o AE was arrested in Jakarta, charged with treason and sentenced to 8 months in prison. She was released in May 2020, and described having to sleep in a crowded cell on a hard floor, while suffering from respiratory issues.
 - o SM was arrested in Manokwari, charged with treason, and sentenced to nine months. She was released in June 2020 and reported breastfeeding her 6-month-old baby during her imprisonment.
 - o TT was arrested in Wamena and charged with treason. While in jail, she suffered intimidation, inhuman and degrading treatment and sexual harassment. The legal process is still ongoing after the appeal court upheld TT's sentence of 6 years imprisonment. The cases of sexual harassment reported by TT to the Indonesian Police Division of Profession and Internal Security (Div. Propam) have yet to be clarified.
 - o MW was arrested in Sorong, charged with treason, and sentenced to 10 months. She was subsequently released.
- In 2020, YSY, from Elsham Papua who defends political prisoners accused of treason, received terrorizing threats and intimidation from unknown persons. Two unknown people infiltrated the lawyer's house, and she received repeated telephone calls with sounds intended to evoke terror, including the sound of someone being beaten.
- In 2019, MW suffered physical violence from the police when coordinating legal support for 12 prisoners arrested in Wamena.
- In 2021, Indonesia's National Commission on Human Rights (Komnas HAM) established Standard Norms and Regulations (SNP) on Human Rights Defenders as a critical step toward developing conditions conducive for the full realization of human rights in Indonesia. It was an effort to respond to the lack of operational and implementable human rights norms and standards within Indonesia's framework to respect, protect, and fulfill the rights of human rights defenders in Indonesia.¹⁸ To date, only a policy that regulates the protection of human rights defenders in the context of environmental disputes has emerged via Law No. 32/2009 on Protection and management of the environment. However, even that law remains lacking in sub-regulations and has not been implemented.

Recommendations:

- Conduct effective and prompt investigations into allegations of human right violations, including investigations of violations against women human rights defenders.
- Ensure protection for human rights defenders, particularly for women who face an even higher risk of physical violence and intimidation.
- Repeal the articles in Indonesia's Criminal Code that have been used to imprison individuals for their legitimate peaceful activities.
- Release all political prisoners in Indonesia, including women activists.
- Draft and implement policies and regulations for the protection of human rights defenders, referring to Komnas HAM's SNP on Human Rights Defenders.

18 Komnas HAM, Human Rights Commission Validates Norms and Regulations for Human Rights Defenders, September 2021, available at: <https://www.komnasham.go.id/index.php/news/2021/9/8/1888/komnas-ham-sahkan-snp-pembela-ham.html>

5. Gender-Based Violence Against Women in Conflict and Post-Conflict Situations

- To promote human rights and address past human rights violations, particularly those arising from past conflict, Indonesia has enacted its Human Rights Law (No. 39/1999) and its Human Rights Court Law (No. 26/2000). Notably, in relation to Papua, Law No. 21/2001 on Special Autonomy of Papua provides for a local human rights court and a truth and reconciliation commission. However, neither has been installed yet.
- There is a local law in Papua that was passed to improve the protection of victims of human rights violations. However, the law, formally titled Local Special Law (Perdasus) No. 1/2011 on the redress of Papuan women's rights for victims of violence and human rights violations (Perdasus No. 1/2011), was passed without public dissemination and continues to lack sub-regulations. Several discussions and meetings to form sub-regulations for Perdasus No. 1/2011 have been held and in 2018, Komnas Perempuan pushed for the formation of a Governor Regulation by holding several meetings with the MRP. However, as of this submission, there has been no implementation of or creation of sub-regulations for the Perdasus No. 1/2011.
- Armed conflict between the separatist forces in Papua known as TPNPB or the West Papua National Liberation Army and government security forces has significantly affected civilians. Civilians often get accused of being TPNPB members by security forces, and that serves as the pretext for shootings and persecution. When there are shootings, children are occasionally the victims of misfire. Such shootings and persecution, in turn, prompt internal displacement.
- Papuan women have experienced abusive interrogation and horrific torture, including sexual violence, while detained without trial during military operations. Women have to flee from military operations abandoning their family and disrupting their livelihood. There is no accountability process for the violence against indigenous women committed by security forces.¹⁹ Women victims of sexual violence live with the consequences of their perpetrators' impunity and suffer difficulties in speaking out about their experiences, due to shame, fear of stigma and judgment, concerns about confidentiality, and lack of confidence in the rule of law.²⁰
- Among other cases, Indonesia's human rights court prosecuted in 2004 some instances of crimes against humanity committed in Abepura in 2000. However, no gender-based crimes were ever brought to trial, and eventually, all perpetrators were acquitted.
- Komnas HAM established ad hoc pro justitia inquiries for 12 cases of crimes against humanity. They included three cases in Papua: Wasior (2001-2002), Wamena (2003) and Paniai (2014), and Komnas HAM recommended criminal investigation and prosecution. However, the Attorney General's Office (AGO) refused to initiate an investigation, claiming the files were administratively incomplete and contained insufficient evidence, which Komnas HAM disputed.

Recommendations:

- Take urgent steps to stop human rights violations and violence, including torture, racism and violations against women by redressing the past, addressing current challenges, and strengthening indigenous survivor's resilience.
- Immediately implement Perdasus No. 1/2011 on the redress of Papuan women's rights for victims of violence and human rights violations.

19 Asia Justice and Rights, Enduring Impunity, available at <https://asia-ajar.org/2015/11/enduring-impunity-women-surviving-atrocities-in-the-absence-of-justice/> <http://www.asia-ajar.org/files/ENDURING%20IMPUNIY%20final-23%20Nov-press.pdf>

20 Fact sheet 1, Fulfillment of Women Human Rights Situation in Papua, CEDAW Papua report, November 2016.

- Establish an ad hoc human rights courts for all cases involving crimes against humanity that have been determined by Komnas HAM, including the Wasior, Wamena and Paniai cases in Papua.
- Reform the security sector, changing the current security approach to a dialogue approach, and integrate the perspective of human rights with gender equity in the security sector's policies.
- Establish a human rights court and truth commission in Papua, as mandated by Law No. 21/2001 on Special Autonomy of Papua.
- Revoke the militaristic practice of sending troops and stop violence in conflict areas.

6. Employment

- The Omnibus Law was intended to improve the ease of doing business in Indonesia and simplify the requirements for investments in some sectors. The bill amended 81 laws, some of which pertain to forestry, employment, agriculture, industry and trade. In the environmental protection sector, the Omnibus Law abolished articles related to environmental protection, apparently removing environmental permits and environment impact assessment (AMDAL) requirements.²¹
- The enactment of the Omnibus Law has already and will continue to have a significant impact on indigenous peoples, especially Papuan women, and the land of Papua. Prior to this law, many plantation corporations obtained business permits by violating existing procedures. In that context at least 1,389,956 hectares of forest belonging to indigenous peoples was transferred to oil palm plantations. The ease of that transition was supported by regulations that did not protect the rights of indigenous peoples.²² The Omnibus Law has made land acquisition even easier and has significantly weakened what feeble protections were in place.
- As noted above, several large-scale development projects have threatened (and are continuing to threaten) the existence of forests and, in turn, indigenous peoples and their lands. Agricultural projects have blocked indigenous peoples' access to land and resources or have caused irreparable damage to forests, which are the primary source of life and culture for indigenous communities in 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, harvesting food and collecting firewood and other organic materials.²³
- In Fakfak, many indigenous women work as day laborers in the palm oil plantation. The company does not provide safety equipment, and workers are expected to purchase this themselves. This condition is not only a financial burden, but it also makes the women vulnerable to workplace accidents. Despite working as day laborers, women are paid monthly. Payments are often late and involve a confusing process that is open to corruption and exploitation.²⁴
- 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. Many Papuan women have difficulty gaining access to trade facilities, such as access to traditional markets. In many locations, traditional markets have been monopolized by a number of parties, mostly non-Papuans. They also face challenges when trying to get credit with affordable interest and a simple process.²⁵ Papuan women who live on the coastal areas also

21 Tigor Hutapea in Bulletin Pusaka, Omnibus Law Menghancurkan Papua, 2020, available at: <https://pusaka.or.id/2020/07/omni-bus-law-akan-menghancurkan-papua-tolakomnibuslaw/>

22 Tigor Hutapea, Omnibus Law and Threats to Papua's Forests and Natural Resources, Mongabay, June 2020, <https://www.mongabay.co.id/2020/06/15/omnibus-law-dan-ancaman-bagi-hutan-dan-sumberdaya-alam-papua/>

23 AJAR, All the Birds are Gone, 2021, available at: <https://asia-ajar.org/2021/03/all-the-birds-are-gone-indigenous-women-speak-out-against-forest-loss-in-papua/>

24 Ibid.

25 Fact sheet 3, Fulfillment of Women Human Rights Situation in Papua, CEDAW Papua report, November 2016.

struggle to access the market because they live far from urban areas. In Sorong, no market route has been established by the government, and as a result, those seeking to sell their goods much incur higher transportation costs. Papuan women often struggle to compete in the sale of their agricultural products with others who sell processed products.

- In response to their situation, Papuan women have formed a coalition, Pasar Mama, to advocate for their rights and secure an adequate marketplace. Pasar Mama started in Jayapura 2003 and subsequent components formed in Merauke, Timika, Sorong and Nabire. A working group of Papuan women, Kobakoba Cooperation, also formed. Despite these efforts to organize and mobilize, there is still no specific regulation that accommodates the right of Papuan women to an adequate standard of living, via access to adequate marketplaces and other support systems for economic activities.

Recommendations:

- Ensure a policy protecting and securing people's access to economic activity, including the access of indigenous Papuan women as economic agents;
- Ensure the participation of Papuan women in designing new market buildings and securing spaces that are safe, comfortable and in accordance with their culture.

7. Climate change and disaster risk reduction

- For the indigenous people of Papua, land and forest serve a strong purpose in their lives. Not only are they a source of food, they also give meaning to their lives and cultures. When forests are converted to plantations or other “productive” functions, women must adapt their food sources because their access to traditional sources diminishes. Lack of security of tenure for natural resources and traditional lands impede women's empowerment, and make indigenous women vulnerable to continued violence and discrimination.²⁶ In Papua, indigenous women are particularly and disproportionately affected by large-scale plantations and other agricultural projects.
- As discussed earlier, the Omnibus Law, which simplifies the business permits required in various sectors, threatens environmental protection and the process of community and public participation. The loss of environmental permits and AMDAL criteria makes it easier for corporations to damage the environment and eliminates government involvement in monitoring corporate impacts on the environment. The bill even facilitates the use of conservation forests in business permits.
- Poor indigenous women in Papua face difficulty in accessing development programs due to a lack of information and a lack of identification documents. They are not involved in consultations and cannot navigate complex bureaucratic hoops. Their challenges are further amplified by the context -- one where there is already mass deforestation, frequent violations of Free, Prior, Informed Consent (FPIC) principles, and violence against local indigenous communities, including the destruction of or eviction from their food sources and/or sacred places.

Recommendations:

- Strengthen the foundations of life in a sustainable way, which include programs that look at livelihood, ownership of land, gardens, forest and water; adequate housing with access to health care when needed.
- Protection of the rights of indigenous Papuans women and sustainable use of natural resources.
- Establish effective and strict control mechanisms for all investors in Papua.
- Conduct strict punishments of companies disregarding environmental regulations and rights of indig-

enous peoples.

- Ensure that women are meaningfully involved in deliberations on development issues at all levels, including the decision making process.

8. Health

- Based on the Ministry of Health of the Republic of Indonesia, active posyandu are healthcare centers that are able to carry out their main activities regularly every month with a minimum coverage of 50% and that perform additional activities.²⁷ Increases in such centers are thought to improve maternal and child health services. According to data from the Papua Provincial Health Office in 2020, the local government achieved active posyandu coverage of 73.7% (2,594 posyandu), which was significantly short of its initial target of 78% (3,521 posyandu). The coverage of active posyandu based on 2020 district and city data from Papua Province shows that the highest percentage of coverage is in Jayapura City, which has 100% (192 active posyandu) coverage, and the lowest is in conflict areas. Nduga Regency and Intan Jaya each only have 5 active posyandu.²⁸
- Health facility data from Papua Barat Province in 2020, indicates that there are 161 healthcare centers, 70 of which are accredited. Therefore, the coverage of accredited healthcare centers is only 43.48%.²⁹
- Healthcare facilities and services in Papua have had difficulty meeting the surge in demand for healthcare arising from the second wave of the COVID-19 pandemic. Many COVID-19 referral hospitals are unable to accept patients because their capacity is already full. In Jayapura, some patients have to be treated on the terrace of a hospital's emergency unit.³⁰
- Both before and since the start of the COVID-19 pandemic, women in Papua face difficulties accessing services, especially for sexual and reproductive health and HIV/AIDS services. Even basic health services are a challenge, and that is despite the existence of national and local health schemes (with "health cards" such as BPJS and Papua Sehat) for obtaining health services. In various places, women cannot get health services because they do not have an identity card (Kartu Tanda Penduduk) or cannot pay transport costs, or because they come to a health facility where health workers are unavailable.
- In rural areas in Papua, the level of access to healthcare is even lower for mothers and children than it is elsewhere. Moreover, there are some problems in relation to government facilities. Shortages of medicine, issues with the equipment at government facilities and the buildings used for government facilities, shortages in staffing, and/or a lack of confidence in the equality of care at government facilities combine to make such facilities unviable. People in these areas have no choice but to seek out the means to pay for private healthcare.
- Maternal mortality rates are very high in Papua. For every 1,000 live births, 35 newborn babies die in their first year of life and 109 die before reaching the age of 5. In 2015, one in four births were carried out without help from skilled birth attendants as many remote areas in Papua are lacking these skilled healthcare workers.³¹

27 Ministry of Health Republic of Indonesia, Indonesian Health Profile, 2019, page 43 available at <https://pusdatin.kemkes.go.id/resources/download/pusdatin/profil-kesehatan-indonesia/Profil-Kesehatan-indonesia-2019.pdf>

28 Health Office of Papua Provincial Government, Government Agencies Performance Report, 2020, page 59, available at <https://dinkes.papua.go.id/wp-content/uploads/2021/03/LKJ-Dinkes-Papua-2020.pdf>

29 Health Office of West Papua Provincial Government, Performance Accountability Report of Government Agencies for Fiscal Year 2020, page 46

30 Asrida Elisabeth, Kitong Su Mau Mati: COVID-19 Meluas, Pasien Membludak, Vaksinasi Rendah di Papua, 2021, available at: <https://project-multatuli.org/covid19-papua-vaksinasi-rendah-orang-papu-tak-percaya-pemerintah-indonesia/>

31 Data released by the National Household Survey (SUSENAS, RISKESDAS, SDKI) and administrative data (Ministry of Education and Culture, Ministry of Health); and Studies on the Health and Life Experiences of Women and Men in Papua, available at: <https://sdg4children.or.id> or <https://www.unicef.org/indonesia/sites/unicef.org/indonesia/files/2019-06/Bahasa%20Papua%20Barat%20lowres2.pdf>

- As referenced above, another challenge faced by women in Papua is HIV/AIDS. Papuan women are two times more likely to have HIV/AIDS than the rest of the population of Papua.³² The HIV prevalence rate is 2.9% amongst indigenous Papuans, which is significantly higher than the 0.4% prevalence rate of non-Papuan. There were more than 40,000 people in Papua who were known to be living with HIV / AIDS in the first quarter of 2019, and around 2,000 new cases known since September 2018, as reported by the Papua Provincial Health Office.³³
- The number of cases of HIV/AIDS infected women was higher than those of men. Research since 2016 has shown that the ratio of HIV-positive women and men in Papua is 3:1.7. This means that around 60% of cases reported in Papua are women.³⁴ As of June 30, 2019 there were 41,616 HIV/AIDS cases in Papua and of those, 18,368 were HIV cases and 23,248 were AIDS cases. There were 9,164 HIV-infected women and 12,641 AIDS-infected women, making the total number of women living with HIV/AIDS 21,805.³⁵
- While central and local governments focused on handling the COVID-19 pandemic in 2020 - 2021, attention to HIV/AIDS prevention and control services waned. Many communities did not have access to adequate HIV/AIDS care treatment and services. The number of HIV tests conducted in Papua during the COVID-19 pandemic was 15,563. This number was far lower than the number of tests carried out in the previous year, which was 47,808. During the COVID-19 pandemic, people living with HIV/AIDS were also afraid to go to health clinics because of their congenital disease. This caused a decrease in the number of patients attending treatments at health clinics. Only 223 patients received treatment, as compared to 545 patients of the previous year.³⁶
- Young women are highly at risk of getting infected due to cultural-based unequal perceptions towards men and women. In addition many Papuans still ignore the risk of HIV and/or have no clear understanding of the disease. Women who have HIV/AIDS face a higher risk of violence due to their status as HIV/AIDS carriers.³⁷

Recommendations:

- Guarantee the existence of healthcare workers in health facilities throughout Papua, including remote areas.
- Ensure a simplified referral system from home to health facilities in remote areas.
- Provide reproductive health services for teenagers in accordance with education level or age.
- Provide adequate resources to develop comprehensive services for women at risk of HIV/AIDS in Papua as well as those already impacted by HIV/AIDS and/or violence.
- Introduce effective and culturally adequate programs for HIV prevention, testing and treatment, which particularly targets young Papuan women in remote areas.

9. Disadvantaged groups of women

32 OHCHR, Indonesia / Right to health: "Ambitious goals can be reached only if challenges are addressed" – UN expert, 2017, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21476&LangID=E>.

33 Asia Justice and Rights, Living Among Sharp Rocks: Vulnerability and Patterns that Impact HIV / AIDS and Violence against Women in Papua Province 2019

34 Ibid

35 Integrated Ministry of Health Survey, June 2019

36 Jaringan Peduli AIDS Tanah Papua, Laporan Webinar: Selamatkan Manusia Papua di Tanah Papua dari HIV-AIDS (2021)

37 AJAR, Living Among Sharp Rocks: Vulnerability and Patterns that Impact HIV / AIDS and Violence against Women in Papua Province, Ibid.

- IDPs are disproportionately women and children in Papua. Away from their own land and gardens, IDPs are struggling to meet basic needs, including access to health, access to livelihood and freedom from fear.
- On December 4, 2018, security forces launched an operation in various districts of the Nduga Regency after members of the armed separatist organization TPNPB reportedly killed at least 17 government contractors, who were working on the construction of the trans-Papua road.³⁸ Prolonged conflict ensued, and between December 2018 and March 2020, several thousands of indigenous Papuans from 32 regions in Nduga, Papua Province were internally displaced.³⁹ Villagers sought refuge in neighbouring parts of Nduga or other regencies, such as Yahukimo, Asmat, Lanny Jaya, Puncak and Jayawijaya. As of May 2021, around 620 IDPs in Wamena have died as a result of both hunger and other diseases. That number includes Papuan women as well as babies in the process of being born.
- Internally displaced indigenous Papuan women as well as young girls and babies are dying from famine and other illnesses due to the poor living conditions in the shelters, and because some women gave birth in the forest.⁴⁰ Within the temporary IDP camps, women are struggling to gain access to basic needs such as healthcare and education.⁴¹
- Attacks resulting in displacement occurred in Tembagapura, Mimika in March 2019 and in Aifat, Sorong in 2020. In April 2020, a fully-armed police brigade came to the village of Aisa in the far eastern district of Aifat. They used a severe, heavily weaponized security approach, which led many villagers to flee. The number of people from the neighboring villages of Aimau and Tiefertomen, 94 people fled to the forest, 57 of whom were women and girls and 37 of whom were men and boys.⁴²
- Similarly, in April 2021, conflict caused people to flee the Hitadipa district in Intan Jaya. After the killing of 3 civilians at a health clinic in February 2021, at least 1000 people took refuge in a church for several weeks. They then took refuge in the homes of their relatives in various surrounding areas, such as Nabire, Timika and Jayapura.
- In September 2021, a military camp in Kisor was attacked by TPNPB. Government security forces retaliated in the Maybrat area. This led around 2,086 villagers from 10 villages to flee to different locations in Maybrat, Sorong and Bintuni.⁴³
- For security reasons, many internally displaced persons are too afraid to return to their villages. Although in some places the security forces and the local government have asked the community to return, the number of arbitrary arrests carried out by the security forces has made the community reluctant to return home. They feel safer in the refugee camps, the forest and/or their families' homes.

Recommendations:

38 Tapol, Joint Submission Indigenous IDPs of Nduga, West Papua, Indonesia, 2019, available at <https://www.tapol.org/news/joint-submission-indigenous-idps-nduga-west-papua-indonesia>

39 Human Rights Papua, CSO demands access for Indonesian Red Cross to West Papua, available at <https://www.humanrightspapua.org/news/32-2020/550-cso-demands-intervention-by-indonesian-red-cross-in-west-papua>

40 Jakarta Post, 182 Reportedly Die While Seeking Refuge in Nduga Conflict, available at: <https://www.thejakartapost.com/news/2019/08/01/182-reportedly-die-while-seeking-refuge-in-nduga-conflict.htm>

41 Indonesian govt neglecting Papuans displaced by conflict, available at: <https://www.rnz.co.nz/international/pacific-news/396527/indonesian-govt-neglecting-papuans-displaced-by-conflict-researcher>

42 LBH Kaki Abu, Operation of West Papua Brimob Polda at Aifat, 2020.

43 Abeth You, Koalisi Masyarakat Sipil perkirakan 2.086 warga Maybrat masih mengungsi, 2021, available at <https://jubi.co.id/koalisi-masyarakat-sipil-perkiraan-2-086-warga-maybrat-papua-barat-masih-mengungsi/>

- Revoke the militaristic practice of sending troops and stop violence in conflict areas.
- Secure plans of the voluntary return of Papuan IDPs to their villages.
- Provide temporary camps for IDPs and ensure basic needs and livelihoods in the camps.

ANNEX

Report Contributors:

Asia Justice and Rights (AJAR) is a non-profit organization, based in Jakarta, Indonesia, whose aim is to contribute to the strengthening of human rights and the alleviation of entrenched impunity in the Asia-Pacific region.

Papuan Women Working Group (PWG) is a working group focused on strengthening the voices of women victims of violence, taking steps to counter impunity with practical local action, and strengthening understanding about the socio-economic causes and impacts of violence as experienced by indigenous Papuan women.

KPKC Sinode GKI di Tanah Papua works for justice, peace and integrity of creation (Human Rights and Environmental Protection) as one of the pillars in the Synod of the Christian Protestant Church in the Land of Papua or GKI di Tanah Papua.

World Council of Churches(WCC), a fellowship of 349 churches from more than 110 countries, and including most of the world's Orthodox churches, scores of Anglican, Baptist, Lutheran, Methodist and Reformed churches, as well as many United and Independent churches.

Women's Advocacy Organization (eL_AdPPer) is a non-governmental organization established by the Secretariat for Justice and Peace of the Arch-Diocese Merauke (SKP-KAME) that provides critical education to women and other victims of violence. EL_AdPPer also advocates for government policies advancing women's protection and empowerment.

Elsham Papua (Institute of Human Rights Studies and Advocacy) is a leading human rights non-governmental organization based in Jayapura, Papua, Indonesia. Elsham is a trusted Papuan group that reports human rights violations in Papua.

Koalisi Perempuan Bergerak Selamatkan Manusia Papua (Coalition of the Women's Movement to Save Papuans) is a coalition of Papuan women activists from various backgrounds, such as grassroots movement organizers, students, filmmakers, journalists, human rights activists, church organisation members, NGO activists, and CSO members, based in Jayapura. It was formed in 2019 during the 16 Days of Activism Against Gender-Based Violence, and it continues to advocate for women's rights and human rights in Papua

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

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's empowerment.

The Papuan Peoples Network (JERAT PAPUA) is a non-governmental organization focused on economic, social and cultural rights and natural resource management.

Jubi is a local media tabloid based in Papua that delivers news related to social, political and economic issues in Papua.

LBH-KAKI ABU is an advocacy and legal aid organization engaged in litigation and non-litigation. Its purpose is to provide education about the law and human rights to the community; provide access to legal assistance to people who are unable and in need; and advocate for indigenous Papuans who are victims of government policy.

Yayasan Pusaka Bentala Rakyat, is a non-profit organization whose work focuses on advocacy research, documentation and promoting indigenous peoples' rights. It advances capacity building, education and empowerment related to indigenous peoples' issues, such as land rights, economic and social rights, customs and community empowerment.

Yayasan Anak Dusun Papua (YADUPA) is a non-profit organization that has a mandate from the Papua Customary Council (Dewan Adat Papua) to promote the basic rights of Papuans and strengthen Papuan youth understanding of Papuan cultural identity, economic development and environmental conservation for the future of Papua's indigenous peoples.

Perkumpulan Pengacara HAM untuk Papua (PAHAM Papua) is an association of human rights lawyers in Papua who are committed to upholding human rights and law in Papua.