

Papuan Women's Working Group (PWG), Asia Justice and Rights, KPKC Sinode GKI Tanah Papua, ELSHAM Papua, eL\_AdPPer, LBH Kaki Abu, PUSAKA, JUBI, Koalisi Perempuan Bergerak Selamatkan Manusia Papua, Yayasan Harapan Ibu, P3W GKI, JERAT PAPUA, Yadupa, Franciscans International.

## Universal Periodic Review (UPR)

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**Human Rights Situation in Indonesia**

***Violence against Women in Papua***

## 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 Papuan Women's Working Group (PWG), Asia Justice and Rights, KPKC Sinode GKI Tanah Papua, ELSHAM Papua, eL\_AdPPer, LBH Kaki Abu, PUSAKA, JUBI, Koalisi Perempuan Bergerak Selamatkan Manusia Papua, Yayasan Harapan Ibu, P3W GKI, JERAT PAPUA, Yadupa, Fransiscans International.
- The human rights issues addressed in this report include the rights of indigenous women in Papua; women's rights, violence against women in conflict and post conflict situations, internally displaced persons; access to health, women human rights defenders, and indigenous women's access to ancestral lands.
- In the 3rd UPR Cycle, the Government of Indonesia (GoI) accepted several recommendations with regards to the human rights situation in Papua, and other recommendations which are relevant for Papua. We commend their acceptance and we appreciate the efforts taken for their implementations. Based on our experience however, the current human rights situation in the region is worsening.

## 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.<sup>1</sup>
- 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.

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

- 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 further deteriorated 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 itself, protests against racism happened in 18 districts/regencies.<sup>2</sup> The massive protests 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 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. ELSHAM Papua documented military and security forces deployment in Papua throughout 2019 - 2021. In 2019, in total 16,014 non-organic security forces were deployed and 10,270 troops in 2020. A significantly higher number of troops deployed in Papua was seen in 2021 with a number of 20,002 troops.<sup>3</sup> This is particularly troubling given that there were at least 63 incidents of military violence in Papua in 2020 with 304 civilian victims.<sup>4</sup>
- Papua has been significantly impacted by the pandemic in 2021. The number of cases soared in July and August 2021 and placed great stress on Papua's minimal number of

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<sup>2</sup> ELSHAM Papua, *Papua dalam Peristiwa Genting*, pg. 6, available at: <https://elshampapua.com/2022/03/19/papua-dalam-peristiwa-genting/>

<sup>3</sup> Ibid, page 3 - 5.

<sup>4</sup> 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*.

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.<sup>5</sup>

- 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 remain common, ranging from activists' imprisonment to the use of unauthorized and disproportionate force. As demonstrated by the recent rise in overt racism and the special autonomy law riots, human rights protections remain lacking in Papua.

## **I. Gender Based Violence against Women**

1. Indonesia has a number of laws and regulations related to domestic violence. However, the existence of these laws and regulations has not had much impact on improving the condition of women in Indonesia, including Papua.<sup>6</sup>
2. The Papua 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 women victims of domestic violence, including steps for reparation, prevention of domestic violence, that was not explicitly mentioned in the national law.
3. Due to 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. This also discourages them from reporting future incidents.
4. Throughout 2021, the Papua Legal Aid Institute (LBH Papua) received and assisted 57 cases of violence against women and children. In some cases, the alleged perpetrators are law enforcement officers or public officials/state civil servants. Violence against women and children perpetrated by law enforcement officers or public officials is often difficult to resolve through the judiciary and is ultimately left to "peaceful" (secara kekeluargaan) approaches. In other words, it is settled outside of court. Meanwhile, the Papua Provincial Police stated that in 2021 they received and handled 221 reports of cases of violence against women and children in

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

<sup>6</sup> Fact sheet 1, Fulfillment of Women Human Rights Situation in Papua, CEDAW Papua report, November 2016.

Papua Province.<sup>7</sup>

5. Because of the social stigma that Papuan women victims of domestic violence experience, some women are too ashamed to seek help. When women do attempt to access support services such as healthcare, psychosocial support, and protection, there are very few options available. Government services for women empowerment and providing protection for women and children, such as P2TP2A in Papua Province, also cooperate with the Indonesian military and police. Women and children victims of violence have little faith in these services given security apparatus are often involved as perpetrators.<sup>8</sup> In rural areas, there is often no functioning emergency shelter, and the P2TP2A does not function effectively.<sup>9</sup>
6. The marriage system in some indigenous cultures in Papua also has detrimental effects on women and girls. In Keerom for instance, 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.
7. In Papua, cases of intimate partner violence are most often dealt with through customary processes where outcomes do not often favor women. In one case, a woman victim from Wamena was unable to seek support from her parents when her husband beat her because she would be defying their customs.<sup>10</sup>
8. 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.

### **Recommendations:**

- *Provide support and an 'initial response' to 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.*
- *Immediately enact the Bill of Elimination of Sexual Violence to protect women’s rights.*

## **II. Gender Based Violence against Women in Conflict and Post - Conflict Situations**

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<sup>7</sup> Jubi, Selama 2021, LBH Papua tangani 57 Kasus Kekerasan terhadap Perempuan dan Anak, accessed 21 March 2022, available at: <https://jubi.co.id/selama-2021-lbh-papua-tangani-57-kasus-kekerasan-terhadap-perempuan-dan-anak/>

<sup>8</sup> Peraturan Gubernur Papua No. 45 tahun 2011 tentang Petunjuk Pembentukan Pusat Pelayanan Terpadu Perempuan dan Anak

<sup>9</sup> 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>

<sup>10</sup> Ibid.

9. 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 Human Rights Court Law (No. 26/2000). 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 implemented.
10. There is a regional law in Papua that was passed to improve 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 key 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 or adoption of sub-regulations for the Perdasus No. 1/2011.
11. Armed conflict between the pro-Papua independence armed group and government security forces has significantly affected civilians. Civilians are often accused of being part of the separatist group by security forces. This serves as a 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.
12. 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.<sup>11</sup> 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.<sup>12</sup>
13. In 2004, Indonesia's human rights court prosecuted some cases of crimes against humanity committed in Abepura in 2000. However, no gender-based crimes were ever brought to trial and all perpetrators were eventually acquitted.
14. 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).

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<sup>11</sup> 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>

<sup>12</sup> Fact sheet 1, Fulfillment of Women Human Rights Situation in Papua, CEDAW Papua report, November 2016.

Komnas HAM then recommended criminal investigation and prosecution. In December 2021, the Attorney General's Office (AGO) formed a team to investigate the Paniai Case.<sup>13</sup> However, civil society and victims' families criticized the investigation process for lacking transparency and civil society involvement.<sup>14</sup> For the Wasior and Wame cases, the Attorney General's Office (AGO) still refuses 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.*
- *Establish an ad hoc human rights courts for all cases involving crimes against humanity including the Wasior, Wamena and Paniai cases in Papua.*
- *Reform the security sector, abandon the current security approach for one based on dialogue, and integrate human rights and gender perspectives into security sector policies.*

**III. Internal Displaced Persons (Women and Children)**

***Internally Displaced Persons (IDPs) in Papua Province***

15. In the last two years, there has been an increase in armed clashes between Indonesian security forces and pro-Papua independence armed groups, particularly in highland areas. Armed pro-independence groups often carry out sporadic attacks, mainly on military and police targets, but also against non-Papuan populations. They also engage in human rights abuses including unlawful killings, hostage-taking and abductions.<sup>15</sup> The armed clashes have caused an increase of IDPs mainly from Papua's central highland areas.<sup>16</sup>

16. This submission contains updated information about IDPs in Puncak Regency collected by a team of humanitarian workers from the Evangelical Church in Indonesia (GIDI) and one member of the Papuan Provincial Parliament (DPRP) during a field visit to the Puncak Regency in the central highlands between 6-12 July 2021. Armed conflict between the West Papua National Liberation Army (TPNPB) and Indonesian security forces has led to an estimated 4,862 internally displaced 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

<sup>13</sup> <https://humanrightspapua.org/news/attorney-general-forms-team-to-investigate-bloody-paniai-case/>

<sup>14</sup> <https://www.bbc.com/indonesia/indonesia-60904780>

<sup>15</sup> 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/>.

<sup>16</sup> The Papua's central highland is located in Papua Province which territory spreads into 14 regencies (*Kabupaten*).

the killing of Papua Intelligence Chief, Brigadier General IGPN Karya Nugraha.

17. The humanitarian team found that two women and three child IDPs have died since April 2021 due to illness. Indonesian security forces in Puncak Regency continue to use methods that do not discriminate between civilians and combatants. This includes the use of firearms and explosives in indigenous settlements, torture, extrajudicial executions, and enforced disappearance of civilians. Furthermore, 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 coverage of human rights violations during security force operations in the national and international media.
18. 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 on foot for at least 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 and security operations are still being conducted by the police and military forces.
19. Since the killing of 19 construction workers in the regency of Nduga, allegedly by the TPNPB on 2 December 2018, additional military soldiers have been deployed to hunt down alleged perpetrators and to demonstrate the military's strength. This central highlands area is largely isolated from public services and is known to be a 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 due to security operations.<sup>17</sup>
20. 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 IDPs from returning to their villages. Schools, community health centres, and Churches in Nduga are now used by TNI/Polri.<sup>18</sup> A human rights defender working for IDPs from Nduga documented the deaths of 617 IDPs from Nduga as of February 2021.

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<sup>17</sup> 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](https://www.humanrightspapua.org/images/docs/HumanitarianCrisisWestPapua_IDPCovid_July2020.pdf).

<sup>18</sup> ICP & others, the Humanitarian Crisis in West Papua; Internal Conflict, the Displacement of People and the Coronavirus Pandemic, p. 6.

21. The local government in Nduga has provided IDPs in the districts of Mbua, Dal, and Yal with basic supplies 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 from the central government. The central government has also failed to coordinate with local governments to set up IDP camps. 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***

22. Armed attacks against Indonesian security forces by the TPN-PB have spread to the area outside of the central highland in recent months. On 2 September 2021, a pro-independence group claimed responsibility for attacks against a military post in Maybrat Regency, Papua Barat Province causing the deaths 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 perpetrators. Fearing the military's retaliation, an estimated 5,606 villagers, mostly women and children from 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.<sup>19</sup>

#### **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.*

#### **IV. Health**

23. The involvement of the Indonesian National Army and Indonesian Police Force (*TNI-POLRI*) in the vaccine program in Papua has had a negative impact in Papua. Vaccinations continue to be carried out by joint medical teams from the *TNI-POLRI* and the Public Health Office in almost all areas. Reverend Benny Giay, the Head of Kingmi Church of Papua, explained that the involvement of Indonesian security forces is an additional obstacle for those seeking vaccination

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<sup>19</sup> Komitmen Bersama antara Gereja Katolik Keuskupan Manokwari - Sorong dan Gereja Kristen Injili di Tanah Papua

due to widespread fear and distrust among Papuans.<sup>20</sup> The Communion of Churches in Indonesia (PGI) issued a recommendation to exclude security forces from the vaccination programme in Papua.<sup>21</sup> For the period until September 2021, the government planned to deploy an additional 81 members of a joint task force between the TNI and the Institute of Public Administration (IPDN) from outside Papua to accelerate vaccination in Papua.<sup>22</sup>

24. *Posyandu* healthcare centers that are able to operate regularly with coverage of over 50% can drastically improve health outcomes, particularly in terms of maternal and child health.<sup>23</sup> According to data from the Papua Provincial Health Office in 2020, the local government achieved *posyandu* coverage of 73.7% (2,594 centres), which was significantly short of its initial target of 78% (3,521 centres). The coverage of operational *posyandu* based on 2020 district and city data from Papua Province shows that the highest percentage is in Jayapura City, which has 100% (192 centres) coverage, and the lowest is in conflict areas. Nduga Regency and Intan Jaya each only have 5 active *posyandu*.<sup>24</sup>
25. 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%.<sup>25</sup> 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.<sup>26</sup>
26. 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). In various places, women cannot access health services because they do not have an identity card (KTP), cannot pay transport costs, or because the health facility has no staff.

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<sup>20</sup> ABC, Vaksinasi di Papua Terancam Lambat karena Keterlibatan TNI Polri, accessed via:

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

<sup>21</sup> CNN, PGI Usul ke Jokowi Vaksinator di Papua Non-TNI dan Polri, accessed via:

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

<sup>22</sup> Detik News, 81 Personel Satgas Vaksinasi COVID-19 TNI-IPDN Diterjunkan ke Papua, accessed via:

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

<sup>23</sup> 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>

<sup>24</sup> 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>

<sup>25</sup> Health Office of West Papua Provincial Government, *Performance Accountability Report of Government Agencies for Fiscal Year 2020*, page 46

<sup>26</sup> Asrida Elisabeth, *Kitong Su Mau Mati: COVID-19 Meluas, Pasien Membludak, Vaksinasi Rendah di Papua*, 2021, available at: <https://projectmultatuli.org/covid19-papua-vaksinasi-rendah-orang-papu-tak-percaya-pemerintah-indonesia/>

27. Services for pregnant women are also neglected. The government does not provide alternative maternal and neonatal services, such as the provision of independent midwifery services. Moreover, several Community Health Centers (*Puskesmas*), which are the most used and accessible health facilities, had to be closed because health workers were exposed to Covid-19. 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 has increased three times.”<sup>27</sup> According to 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.<sup>28</sup> The maternal mortality rate in the Provinces of Papua and Papua Barat in 2019 was 305 deaths per 100.000 births, the highest compared to other parts of Indonesia.<sup>29</sup> One of the reasons was a lack of professional assistance during labour.<sup>30</sup>
28. As mentioned 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.<sup>31</sup> The HIV prevalence rate is 2.9% amongst indigenous Papuans, which is significantly higher than the 0.4% prevalence rate of non-Papuans. There were more than 40,000 people in Papua who were known to be living with HIV / AIDS in the first quarter of 2019, with around 2,000 new cases reported to the Papua Provincial Health Office since September 2018.<sup>32</sup>
29. The number of women with HIV/AIDS 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.<sup>33</sup> As of December 31, 2021 there were 47,462 HIV/AIDS cases in Papua Province and of those, 19,108 were HIV cases and 23,354 were AIDS cases. There were 10,840 HIV-infected women and 14,292 AIDS-infected women, making the total number of women living with HIV/AIDS 25,132. Young women are highly at risk of getting

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<sup>27</sup> <https://kumparan.com/balleonews/kematian-ibu-hamil-karena-terpapar-covid-19-di-papua-barat-tinggi-1wPNQBImI61/3>

<sup>28</sup> 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>

<sup>29</sup> 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>

<sup>30</sup> See articles in <https://republika.co.id/berita/q2eji3366/kematian-ibu-melahirkan-di-papua-tertinggi-di-indonesia>

<sup>31</sup> 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>.

<sup>32</sup> Asia Justice and Rights, *Living Among Sharp Rocks: Vulnerability and Patterns that Impact HIV / AIDS and Violence against Women in Papua Province*, 2019

<sup>33</sup> *Ibid*

infected due to 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.<sup>34</sup>

30. While central and local governments focused on handling the COVID-19 pandemic, attention to HIV/AIDS prevention and control has waned. Many communities do not have access to adequate care, treatment or 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.<sup>35</sup>

#### Recommendations:

- *Guarantee access to health facilities with adequate staffing 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.*

## V. Women Human Rights Defenders

31. Female human rights defenders in Papua have been attacked, intimidated and threatened for providing assistance to victims of human rights abuses and activists. Indigenous women often receive threats and intimidation because of their and/or their family's activities defending their customary land from land grabs by the state or corporations.
32. 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.
33. There have been serious cases of threats, intimidation and physical violence against at least four women human rights lawyers from 2012 - 2020 who provided legal support in cases against local police authorities who were alleged to have committed human rights violations in Papua. Notably, authorities have made no attempt to assist these women.

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<sup>34</sup> AJAR, *Living Among Sharp Rocks: Vulnerability and Patterns that Impact HIV / AIDS and Violence against Women in Papua Province, Ibid.*

<sup>35</sup> Jaringan Peduli AIDS Tanah Papua, *Laporan Webinar: Selamatkan Manusia Papua di Tanah Papua dari HIV-AIDS (2021)*

34. Criminalization of women and organizations that provide assistance to Papuans victims of human rights violations and political prisoners has occurred in recent years. VP, Director of LBH Bali, who provided legal assistance to Papuan participants of a peaceful protest in Bali during 2021, was reported to the police on charges of treason. VK, who spoke out about the 2019 Papuan racism case, has been put on the police's most wanted list (DPO) and remains a fugitive. Recently, women participating in peaceful demonstrations to protest racism have been subjected to intimidation and sexual harassment. Women were arrested and others have been impacted by the violently dispersal tactics employed by security forces.
35. Four Papuan women were tried for their participation in a mass anti-racism demonstrations in Papua during 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.
  - o MW was arrested in Sorong, charged with treason, and sentenced to 10 months. She was subsequently released.
36. In 2020, YSY from Elsham Papua, who defends political prisoners received 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, another HR Defender named MW suffered physical violence from the police when coordinating legal support for 12 prisoners arrested in Wamena.
37. 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 for the full realization of human rights in Indonesia. It was in response 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.<sup>36</sup> 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 lacks key sub-regulations and has not been

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<sup>36</sup> 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>

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 women who face an even higher risk of physical violence and intimidation.*
- *Repeal the articles in Indonesia's Criminal Code being used to imprison individuals for 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.*

## VI. Participation of Indigenous Women in Political and Public Life

38. The participation of women in local politics and administration in Papua is still far below 30%. In Papua Barat Province, only 7 out of the 45 members (i.e. 15.5%) elected to the provincial parliament for the 2019-2024 term 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 2019-2024 are women, only 5 (i.e. 10% of the total number of parliamentarians) of who are indigenous.

39. In a 2019 decision, Indonesia's General Election Commission recognized the "Noken System"<sup>37</sup> in 12 areas 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.<sup>38</sup> 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 positions in customary (*adat*) structures. As a result, women candidates find it difficult to secure votes.

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<sup>37</sup> 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/>

<sup>38</sup> 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](https://jdih.kpu.go.id/data/data_abstrakkepku/ABS%20810%20THN%202019.pdf)

[https://jdih.kpu.go.id/data/data\\_kepku/KPT%20810%20THN%202019.pdf](https://jdih.kpu.go.id/data/data_kepku/KPT%20810%20THN%202019.pdf)

## 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.*

## VII. Indigenous Women and Access to Ancestral Land

40. For the indigenous Papuans, 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.<sup>39</sup> In Papua, indigenous women are particularly and disproportionately affected by large-scale plantations and other agricultural projects.
41. The enactment of the Omnibus Law will continue to negatively impact indigenous peoples, particularly Papuan women. 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.<sup>40</sup> The Omnibus Law has made land acquisition even easier and has significantly weakened what feable protections were in place.
42. As noted above, several large-scale development projects have threatened (and are continuing to threaten) the existence of forests and, in turn, indigenous peoples. Agricultural projects have blocked indigenous peoples' access to land and resources, and have caused irreparable damage to forests, which are the primary source of life and culture for indigenous communities. 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 gardens, harvesting food and collecting firewood or other organic materials.<sup>41</sup>
43. Poor indigenous women in Papua face difficulty in accessing development programs due to a lack of information and identification documents. They are not involved in consultations and cannot navigate complex bureaucratic hoops. These challenges are further amplified by

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<sup>39</sup> Submission to UN Special Rapporteur on the Right to Food, Papuan Women’s Working Group, 2019

<sup>40</sup> 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/>

<sup>41</sup> 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/>

contextual factors such as mass deforestation, frequent violations of Free, Prior, Informed Consent (FPIC) principles, and violence against local indigenous communities, including the destruction of or eviction from food sources and sacred sites.

**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.*
- *Protect the rights of indigenous Papuan women and ensure their access to natural resources.*
- *Establish effective and strict control mechanisms for all foreign and domestic investment in Papua.*
- *Impose strict punishments for companies that disregard environmental regulations and violate the rights of indigenous peoples.*
- *Ensure that women are meaningfully involved in deliberations on development issues at all levels, including the decision making process.*

**Respectfully submitted,  
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