



**Submission to the UN Committee on the
Elimination of Discrimination Against Women
for its Review of Indonesia**

***Written Contribution for the adoption of the list of
issues (LOI) in the 78th Pre-Sessional Working Group
of the CEDAW***

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This submission is prepared by the International Coalition for Papua (ICP), TAPOL and the Westpapua-Netzwerk. It highlights crucial issues concerning the implementation of the Convention on the Elimination of Discrimination Against Women (CEDAW) in West Papua¹ (consisting of the two provinces *Papua* and *Papua Barat*), Indonesia. The submission focusses on the following areas: Violence against indigenous women by security forces with impunity, domestic violence, economic marginalisation of indigenous Papuan women, access to maternal health care services, and participation in politics and public administration. Mainly indigenous Papuan women are vulnerable to become victims of discrimination, poverty and violence. The pattern of violations against women in West Papua is unique and strongly differs from the situation of women in other parts of the Indonesian archipelago. From a development perspective, West Papua is characterised by a lack of adequate healthcare and education facilities. The economic development is dominated by extractive industries such as mining, logging and plantations on a large scale, which represent an increasing burden to indigenous communities, particularly to women and children. With the background of a long-lasting unresolved political conflict, widespread racial discrimination, operations by security forces and considerable restrictions for media and civil society assemblies, West Papua remains the central hot spot in Indonesia for human rights violations. The region requires special attention.

The ICP was created in March 2013. Its members² include human rights, religious and development cooperation organisations in Europe, Asia and Australia, which have been working for many years with partners in West Papua. The IPC works to address the human rights situation in West Papua and supports a peaceful solution to the long-lasting conflict in the region.

The ICP calls on the Committee to urge the Indonesian government to address the following critical issues under the Covenant:

1. Violence against indigenous women committed by security forces with impunity (Articles 2 & 3)

A comprehensive research³ on the situation of indigenous Papuan women revealed that more than 26% of participants had experienced state violence. The majority of violations occurred during military operations against the ‘Free West Papua Movement’ (Organisasi Papua Merdeka or ‘OPM’) in the Central Highlands covering three periods, namely 1977–78, 2005 and 2007. The victims’ testimonies revealed that cases of sexual violence perpetrated by state actors mainly took place in the 1970s and 1980s. Female survivors of state violence tried to push authorities for a legal process of their cases. The research came to the result that women survivors in West Papua were disappointed with the justice system in Indonesia because law enforcement institutions failed to prosecute the perpetrators, and the victims did not receive any

¹ In this submission, the term ‘West Papua’ refers to both of the Indonesian provinces of Papua and Papua Barat. This is not identical with the *West Papua province* (province Papua Barat). Indigenous Papuans commonly choose to refer to the entire region as *West Papua*.

² The ICP members include: Asian Human Rights Commission, Christian Solidarity Worldwide, Dominicans for Justice and Peace, Franciscans International, Geneva for Human Rights, Lutheran World Federation, Mediciens du Monde, Mensen met een Missie, Mission 21, Mission eine Welt, Pazifik Netzwerk e.V., Pax Romana, Tapol, United Evangelical Mission, Uniting World, Vivat International, West Papua Network, West Papua Project of the University of Sydney and the World Council of Churches.

³ The research was conducted out by the Indonesian CSO Asia Justice and Rights (AJAR) and assessed data on Papuan female victims of violence between 2013 and 2018

compensation or other forms of restitution. Law enforcement officers reportedly ignored the victims' claims or tried to convince them to stop advocating for justice to 'avoid problems'.⁴

Human rights organisations continue to document cases of violence against indigenous Papuan women by security force members. The pattern of the evidence shows that such cases mainly occur during security force operations in the central highlands, where indigenous women are reportedly killed or severely injured by bullets during such interventions. The most recent cases occurred in the Papuan regencies of Puncak⁵, Intan Jaya⁶ and Nduga⁷ in 2019 and 2020. It is highly concerning that minors – both male and female – were also killed or injured. In none of the cases, law enforcement institutions have launched an investigation against security force members to hold the perpetrators accountable.

The Committee should ask the Indonesian government to:

- *Provide information on investigations against and prosecutions of perpetrators from the police and military in relation to cases of extra-judicial killings and ill-treatment of indigenous Papuan women and girls in the regencies of Puncak, Intan Jaya and Nduga;*
- *Provide qualitative and quantitative data on cases of state violence against women, in which the victims received compensation or any other form of restitution.*

2. Domestic violence (Articles 2, 3,4 & 15)

Domestic violence continues to be among the critical issues that relate to violence against women in West Papua. Female victims of domestic violence reported difficulties in accessing justice. The AJAR research mentioned above came to the result that almost 15% of the participants experienced domestic violence. Most women expressed the need for long-term support to overcome their psychological and physical traumas. While 'Integrated Service Centre for Women and Children Empowerment' do exist in some Papuan regencies, the existence of such places is not sufficiently promoted in the rural communities, where the domestic violence occurs. According to

⁴ International Coalition for Papua (January 2020): Human Rights and Conflict Escalation in West Papua, The sixth report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2017 until December 2018 and an overview of developments in 2019, p. 150, available at:

<https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

⁵ International Coalition for Papua (18.09.2019): 3 Papuans killed four wounded during security force operation in the Regency of Puncak, available at: <https://www.humanrightspapua.org/news/31-2019/481-3-indigenous-papuans-killed-4-wounded-during-security-force-operation-in-the-regency-of-puncak>

⁶ International Coalition for Papua (24.02.2020): Joint security forces kill indigenous community leader and minor during military raid in Intan Jaya, available at: <https://www.humanrightspapua.org/news/32-2020/544-joint-security-forces-kill-indigenous-community-leader-and-minor-during-military-raid-in-intan-jaya>

⁷ International Coalition for Papua (04.03.2020): Public worship in Nduga overshadowed by armed clashes – Security forces kill one indigenous woman, at least three others injured, available at:

<https://www.humanrightspapua.org/news/32-2020/548-public-worship-in-nduga-overshadowed-by-armed-clashes-security-forces-kill-one-indigenous-woman-at-least-three-others-injured> &

International Coalition for Papua (09.07.2019): Update armed conflict in Nduga – Security force members kill indigenous woman and take her baby, available at: <https://www.humanrightspapua.org/news/31-2019/454-update-armed-conflict-in-nduga-regency-security-force-members-kill-indigenous-woman-and-take-her-baby>

indigenous women from the highland town of Wamena – one of the hot spots of human rights violations in West Papua – the service centre was not functioning. The majority of female victims of violence in West Papua have no other opportunity but to rely on their resources.

Female victims of domestic violence face difficulties in accessing justice and when they initiate a legal process against perpetrators. Procedural barriers may occur if perpetrators hold influential positions in the community. Moreover, women from various parts of West Papua reported that the police requested official documents as a requirement to take action against the perpetrators of domestic violence. Women said that the police rejected their complaints against perpetrators of domestic violence because they did not have ID cards or marriage certificates. This is a particular problem in the rural areas in West Papua, where many indigenous peoples do not possess marriage certificates or other official documents.⁸

The Committee should ask the Indonesian government to:

- *Provide statistic data on the availability of ‘Integrated Service Centres for Women and Children Empowerment’, including the number of employed staff and cases in which Papuan women utilised such government services over the past years. To what extent are those services culturally sensitive considering the particular conditions and indigenous customs in West Papua?*
- *Provide quantitative and qualitative data on criminal prosecutions of perpetrators of domestic violence in the provinces of Papua and Papua Barat throughout the past four years.*

3. Economic marginalisation of indigenous Papuan women (Articles 3, 4, 13 & 14)

Women in various parts of West Papua reported a shrinking of access to natural resources and land, gardens and forests which play a central role as a source of livelihood for them and their families. The loss of access to land occurred as a result of violent conflict, state land-use policies, detrimental social norms experienced by women after incidents of violence, or by a combination of these. Papuan women considered that access to land and resources was also a significant pre-condition for their health and the preservation of their culture⁹. Conversions of customary forest to plantations reportedly had a severe impact on the social conditions in affected indigenous communities, particularly affecting indigenous women. The loss of land rights forces women to walk long distances to the gardens and forests to supply their families with food¹⁰.

Indigenous Papuan women feel increasingly marginalised in local markets because they can’t compete with non-Papuan traders. Migrant traders have easier access to

⁸ Asia Justice And Rights (01.03.2019): I am here, Voices of Papuan Women in the Face of Unrelenting Violence, p. 29f & 52, available at: <https://asia-ajar.org/wp-content/uploads/2019/04/I-am-Here-Voices-of-Papuan-Women-2019.pdf>

⁹ Ibid., p. 35

¹⁰ International Coalition for Papua (September 2017): Human Rights in West Papua 2017, The fifth report of the International Coalition for Papua (ICP) covering events from January 2015 until December 2016, p. 103, available at <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2017-ICP.pdf>

capital. They can rent small stores in more lucrative places at the local markets while indigenous traders are pushed to areas where they have to sell their crops on the floor. There are no policies and very few initiatives in place to address the economic marginalisation of indigenous traders.¹¹ As a result, Papuan women often have to borrow money from private loan sharks who do not request securities but have much higher interests than those of banks¹².

The Committee should ask the Indonesian government to:

- *Provide information on the measures it has taken, and plans to take, to protect that indigenous communities' access to land and resources in cases where land has been allocated to logging or plantation companies;*
- *Provide information on state programs offering specialised microcredit for indigenous Papuan traders and other state programs for women in the local markets to overcome economic inequalities between indigenous Papuans and Non-indigenous residents.*

4. Access to maternal health care services (Articles 3, 12 & 14)

Functioning health care facilities in West Papua mainly exist in urban centres and their surrounding areas, leaving women seeking treatment for sexual and reproductive health with few options.¹³ Most women outside the urban centres do not have the means to pay for transportation to the hospital or medical treatment. Some of these women can't speak Indonesian or are illiterate, which hinders the arrangement for official documents like ID cards, which are a mandatory requirement to arrange for government health insurance BPJS¹⁴ or cards for the government's health support program in Papua.¹⁵

Notably, women who have been affected by violent conflict in West Papua are often left to themselves – either because they can't access health services or because health care institutions in the rural areas are not functioning. Cases of internal displacement have recently occurred in the regencies of Intan Jaya, Puncak, Mimika, Lanny Jaya and Nduga¹⁶. A large number of women and girls died in the Nduga regency after being displaced due to security force operations, which have been ongoing for more than sixteen months. A total number of 182 civilian fatalities between 4 December 2018 and July 2019, among them 21 adult females, 21 female minors, 14 female toddlers (below the age of 5 years) and 17 female babies have been documented¹⁷ – all indigenous Papuans. The figures have risen to a total number of 243 fatalities as of 2 February

¹¹ AJAR (01.03.2019): I am here, Voices of Papuan Women in the Face of Unrelenting Violence, p. 57, available at: <https://asia-ajar.org/wp-content/uploads/2019/04/I-am-Here-Voices-of-Papuan-Women-2019.pdf>

¹² Ibid., p. 58

¹³ Ibid., p.31 & 55f

¹⁴ 'Badan Penyelenggara Jaminan Sosial' or Social Security Implementation Body

¹⁵ 'Kartu Papua Sehat' or Papuan Health Cards

¹⁶ International Coalition for Papua (17.03.2020): CSO demands access for the 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>

¹⁷ YKKP, Victims of violence and diseased IDPs between 2 December 2018 and 1 August 2019 in relation to outbreak of violence in the Regency of Nduga, June 2020, https://www.humanrightspapua.org/images/docs/Nduga_Case_Victims_Names_List_June2020.pdf

2020¹⁸. The majority of them died as a result of exhaustion, sickness and hypothermia. Many women had to give birth without access to any healthcare services, resulting in the death of women in labour or their babies.¹⁹

The Committee should ask the Indonesian government to:

- *Provide information on state programs offering specialised health services support for Papuan women and measures that ensure that the programs are accessible to all women in West Papua, including indigenous women who do not have legal documents or speak the Indonesian language;*
- *Provide information on the measures it has taken, and plans to take, to ensure that internally displaced women in West Papua have access to humanitarian aid, including healthcare facilities providing maternal health services.*

5. Participation in politics and public administration (Article 3, 4, 7, 11 & 14)

Papuan women, particularly those living in rural areas, have limited space to participate in society mainly due to the traditional gender concepts. According to the traditional concept of labour division in West Papua, women are responsible for managing the households, raising children, maintaining gardens, harvesting the crops and collecting firewood. Although, women have far-reaching responsibilities in the maintenance of gardens, planting and harvesting, their right to ownership of land and resources are widely unrecognised in traditional land tenure rights. Women are, therefore, often left out in the decision-making processes, e.g. when customary land is sold.²⁰ Moreover, village leaders do not use government funds for women support programs. As a result, financial resources at village level are often not used for the benefit of women.²¹

The participation of women in politics and governance in West Papua is still low. In 2017, women made 6.7% of lawmakers in the provincial parliament of Papua Barat. The percentage was higher in the province of Papua (14.5%). These numbers are less than a half of the statutory quota of 30%. Women are rarely promoted to influential government positions. In 2018, the Agency for Social Affairs in the Province of Papua was the only ministerial agency led by a Papuan woman.²² The Papuan People's Council

¹⁸ TAPOL & Foundation for Justice and Integrity of the Papuan People (10.02.2020): Civilian Death Toll Among Indigenous West Papuans During Indonesia's Nduga Military Operation, available at: https://kbr.id/nasional/02-2020/aktivis_243_warga_tewas_akibat_konflik_nduga_mayoritas_anak_anak/102237.html

¹⁹ Foundation for Justice and Integrity of the Papuan People (01.08.2019): Victims of violence and deceased IDPs between 2 December 2018 and 1 August 2019 in relation to outbreak of violence in the regency of Nduga

²⁰ Asia Justice And Rights (01.03.2019): I am here, Voices of Papuan Women in the Face of Unrelenting Violence, p. 39, available at: <https://asia-ajar.org/wp-content/uploads/2019/04/I-am-Here-Voices-of-Papuan-Women-2019.pdf>

²¹ Ibid., p. 65

²² International Coalition for Papua (January 2020): Human Rights and Conflict Escalation in West Papua, The sixth report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2017 until December 2018 and an overview of developments in 2019, p. 160, available at: <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

(Majelis Rakyat Papua)²³ is mandated to represent Papuans, including indigenous women, who make up around one-third of its members. However, it has been heavily criticised as not fulfilling its mandate effectively and is functionally subordinate to the provincial legislatures.

The Committee should ask the Indonesian government to:

- *Provide information on the measures it has taken, and plans to take, to ensure the participation of women in communal decision making and the utilisation of Government funds on a community level to improve the lives of indigenous women;*
- *Provide information on the measures it has taken, and plans to take, to eradicate gender inequality and discrimination against women in the field of government administration as well as politics, and to supervise their implementation.*

²³ The Papuan People's Council (Majelis Rakyat Papua) was formed by the Indonesian Government in 2005. Its members comprised indigenous Papuans from local customary, religious and women's groups and it was tasked with arbitration and speaking on behalf of the Papuan people.