



**Submission to the UN Committee on the Elimination of All Forms of
Discrimination Against Women (CEDAW)
for Its Review of Indonesia**

**Contribution for the Adoption of the List of Prior Issue (LOI) in the 78th Pre-Sessional
Working Group of the CEDAW**

June 2020

**VIOLENCE AGAINST WOMEN IN CONFLICT
INDONESIA**

I. Introduction

Asia Justice and Rights (AJAR), Papuan Women Working Group (PWG) and PASKA Aceh submitted this report for the UN Committee on the Elimination of Discrimination against Women ahead of the adoption of the list of issues prior to reporting for Indonesia at its Pre-sessional Working Group for the 78th session.

AJAR is a regional human rights organisation whose aim is to strengthen human rights and contribute to the alleviation of entrenched impunity in the Asia-Pacific region. Its work focuses on countries in transition from a context of mass human rights violations to democracy. Working together with partner organizations in these countries, AJAR strives to build cultures based on accountability, justice, and a willingness to learn from the root causes of mass human rights violations and help prevent the recurrence of state-sanctioned human rights violations.

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 impact of violence as experienced by Indigenous Papuan women.¹

Paska Aceh (*Pengembangan Aktivitas Sosial Ekonomi Masyarakat Aceh*, Development of Socio-Economic Activities of the Aceh Community) is a non-profit organization that focuses on the empowerment of victims of the Aceh conflict through the development of social and economic activities. Its mission is to strengthen the position of a peaceful Acehese society with socio-cultural and economic quality, encourage policy changes that are socially and gender equitable, and encourage local initiatives through integrated and sustainable community-based economic efforts.

AJAR, Papuan Women Working Group, and Paska Aceh have been working together to document victims' stories in conflict areas in Indonesia, Aceh and Papua. Since 2015, we have developed an approach using Participatory Action Research to preserve the stories from women victims and survivors, demand justice for the violations they endured, and conduct civil-society-led memorialization to remember those who suffered humiliation and prevent recurrence.

We have evaluated the implementation of recommendations made to Indonesia during the 52nd session on Concluding Observation of the Committee of the Elimination of Discrimination Against Women and the 8th Periodic Report by Indonesia. In particular, we reviewed the implementation recommended by the UN Committee of the Elimination of Discrimination against Women on their recommendation to the government in concluding observation article 27 about Violence Against Women in Conflict Areas and also provide alternative information on the state report of the Government of Indonesia on article 100-103.

II. General Situation of Indonesia's Women in Conflict

From 1965 to 1998, Suharto's "New Order" Regime led Indonesia with scars of mass human rights violations across the archipelago, including Aceh, East Timor, and Papua. Whereas the conflict in East Timor ended with independence in 1999 and Aceh in 2005 with peace accord, conflict still continues in Papua. After Suharto's fall, Indonesia passed several regulations that inspired from the guarantee of the rule of law and the supremacy of human rights based on justice and truth. However, there is little effort to redress the situation of women victims affected by the 1965

¹ Members of the PWG are: SKP Merauke Diocese/El-Adpper, Merauke; KPKC GKI, Jayapura; ELSHAM Papua, Jayapura; Humi Inane, Wamena; Belantara Papua, Sorong; Asia Justice and Rights (AJAR).

atrocities, the 1998 May Riots, and in conflict areas, in particular facing a military operation such as Aceh, East Timor, and Papua.

Women continue to experience systematic and conflict-related violence. The absence of justice exacerbates these persisting problems. Impunity is the norm for most women victims of armed conflict and state violence, including victims of sexual violence. Women victims' struggle for economic survival affects their access to justice. They are vulnerable to new forms of violence including domestic violence and community violence. Lack of basic services, facing health and reproductive health problems, and a continuation of trauma due to lack of concern from the government. However, they also have resilience as women survivors of conflict.²

Women in Aceh have suffered from the long-term impacts of war. Not only did they suffer when the men in their families were killed, disappeared, or had to flee to the mountains or forests, but also as victims of proxy violence, detained, tortured and raped as substitutes for the absent men. On-going 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. They have suffered as victims of discrimination and violence, which includes domestic violence, sexual violation, and violence in the context of development projects.

There is a lack of fulfilment of women's right to truth, justice, reparations and non recurrence. Although there were peace processes in Aceh, Maluku and Central Sulawesi, women were not able to significantly participate during the process.

Although the women in Aceh started to cling on to the hope through the newly established truth and reconciliation commission in 2016, many indigenous Papuan women still experience ongoing violence, both individual and collective in their communities and tribes.

Adopting the transitional justice framework as a concept appeared in response to the human rights violations that had been conducted systematically and at an escalated rate, which include delivering justice, seeking truth, providing reparations and promoting guarantees of non-recurrence. A failed transitional justice mechanism has serious implications for the present and future as the cycles of impunity, ongoing restriction of freedom of expression and lack of accountability continues to occur.³

After the recommendation to the State by the Committee on the Elimination of Discrimination against Women in their 2012 report, there have been no commitments by the government to seek the settlements accordingly to the past human rights violations and women in conflict situations. There has been a lack of comprehensive remedy for women victims, including acknowledgement, recognition, and fulfilment of their rights.

We highlight the CEDAW Committee General Recommendation No. 30 on paragraph 35 that explains the condition suffered by women in conflict. Failure to prevent, investigate and punish all forms of gender-based violence can lead to further violence against women in the post-conflict period.

² AJAR in 2016 has written a research report on the story of 140 women survivors of torture and other forms of violence from Indonesia, Timor-Leste and Myanmar. Based on participatory action research with women survivors, "Enduring Impunity" presents a new approach and knowledge on how women experience impunity in conflict and post-conflict settings in Southeast Asia. See more at: <http://www.asia-ajar.org/files/ENDURING%20IMPUNIY%20final-23%20Nov-press.pdf>

³ AJAR has written a brief summary on Indonesia's path in transitional justice, 2017. See more at: <https://asia-ajar.org/wp-content/uploads/2018/12/English-Indonesia-Case-Study.pdf>

We also highlighted the article 27 on 52nd Concluding Observation of Committee on the Elimination of Discrimination against Women in 2016. It concerned that:

“...sexual violence, especially rape, has reportedly been a recurring form of violence against women during conflict, including the events of 1965, the 1974-1999 conflict in the then East Timor Province, the May 1998 riots, the conflict in Aceh Province, the deployment of security and defence forces in Maluku Province and Poso (Central Sulawesi Province) and the conflicts in East Java and Papua Provinces.”

The State responded in its 8th periodic report submitted by Indonesia under article 18 of the CEDAW. The government stated progress through Law No. 7/2012 on Social Conflict that mandates the government to provide protection, rehabilitation, training, and ensure basic needs for women in social conflict situations. With the exception of programs that include women affected by the Aceh conflict, we discern this point of view only from the prevention of horizontal conflict that still impacts Papuan women as they continue to endure State-led violence. The State's view in seeing repression against women in conflict periods as a part of social conflict might hamper the urgency in highlighting human rights issues during the conflict.

III. Legal framework

Indonesia has enacted the Human Rights Law (No. 39/1999) and the Human Rights Court Law (No. 26/2000). Human Rights Court Law establishing a mechanism to investigate and prosecute gross human rights violations, defined as crimes against humanity and genocide (but not including war crimes).

Based on the human rights court law, the human rights court heard three cases: the massacre of Tanjung Priok (1984), Timor-Leste (1999), and the Abepura case in Papua (2001) with evidence drawn from investigations conducted by Komnas HAM and the Attorney General's Office (AGO). Nevertheless, these three cases resulted in the acquittal of all defendants, either by the first ruling or on appeal. No gender-based crimes have ever been brought to trial. Due to the lack of accountability process, there is an initiation to revise the human rights law and human rights court law.

The Law No. 13/2014 regarding the Protection of Witness and Victims regulated victim's right on restitution, rehabilitation, compensation, satisfaction, and non-repetition (of human rights violations). The regulation regarding restitution, compensation and rehabilitation is also stated within the human rights court law.

However, reparations are only provided if a court has acknowledged human rights violations. However, the national Witness and Protection Agency (LPSK) can provide referrals for urgent health and psychosocial services based on a recommendation from Komnas HAM of a person's "legal status as a victim". According to the Law on the Protection for Witness and Victims and regulating the mandate of LPSK, there are several obstacles even though the regulations already have been amended from Law No. 13/2006.

Papua and West Papua provinces were granted Special Autonomy status, mandated by Law No. 21 of 2001. This law recognized and granted Papua and West Papua provinces authority to regulate and manage local community interest according to Papuans aspirations and rights. In the Special Autonomy Law of Papua, reconciliation and resolutions of problems in Papua is also encouraged, to provide recognition and disclosure of Papuan historical truth by establishing the local truth commission in Papua. On the other hand, the establishment of a human rights court in

Papua is supposed to investigate human rights violations in Papua. Even Though the violation is ongoing, there is no local Human Rights Court and Truth Commission in Papua.

In Aceh, Law No. 11 of 2006 on Aceh Province Special Autonomy was made after the 2005 peace agreement between Free Aceh Movement (Gerakan Aceh Merdeka, GAM) and Indonesia government. This Law has allowed the Aceh Government to implement and enforce Islamic law and an Islamic court. The Truth and Reconciliation Commission and Aceh Human Rights Court were also mandated in this law to resolve human right violations cases. The protection of children and women's rights are mentioned in this law, obliging the Aceh Government to promote and protect children and women's rights and to implement empowerment efforts. A local truth and reconciliation commission was established in 2016, while the human rights court stalled in the regulations.

Suggested adoption of issues:

Revise the law to include redress for victims of serious crimes that ensure their rights to truth, justice and reparations, as well as measures to strengthen the independence and professionalism of the judiciary.

IV. Implementation of the violence against women in conflict

1. Prosecutions on all violence against women in conflict

We would like the committee to follow up its recommendation in article 28a of the 52nd Concluding Observation of Committee on the Elimination of Discrimination against Women in 2016 that stated:

"To promptly investigate, prosecute and punish all acts of violence against women, including acts of sexual violence, perpetrated by private actors and by the security and defence forces, the police and militant groups, ensuring that inquiries are conducted exhaustively, impartially and transparently"

To date, while three cases have been brought to trial, no gender-based crimes have ever been brought to trial. Two ad hoc courts were established to try two cases: the violence regarding the referendum in East Timor (1999), and a massacre that took place in Tanjung Priok, North Jakarta (1984). This has not included measures to investigate experience by women survivors of sexual violence in East Timor during Indonesian occupation (1975-1999)⁴. The last case to be tried by the human rights court was the Abepura case that took place in Papua (2001). All perpetrators were acquitted, and no gender-based crimes have ever been brought to trial.

Following the large-scale violence that occurred in May 1998, the National Commission on Violence against Women released a report on sexual violence on the May 1998 Riot and its impacts. The victims were mainly Indonesian Chinese ethnic women with ages ranging from 5 to 50 years old, and from varying marital status'. To date, the case is also abandoned with the insensitive demand for the victims to be testi-fied publicly as the only way to fulfill the State's responsibility in addressing the victims' rights for the truth, justice, and recovery.⁵ In addition, the

⁴ In 2018 AJAR has written a brief research report on the condition of children born from women victims of sexual abuse during human rights violations committed during the Indonesian occupation of Timor-Leste (1975-1999). See more at: http://asia-ajar.org/wp-content/uploads/2018/05/Final_Labarik-Funu_ENG_PressQuality.pdf

⁵ More information regarding this report can be read at: https://lib.ohchr.org/HRBodies/UPR/Documents/session13/ID/Komnas_Perempuan_UPR_IDN_S13_2012_KomnasPerempuan_Annex6_E.pdf

National Commission on Human Rights conducted a *pro justitia* investigation into this case and issued its report in early 2005, as well as submitted it to the General Attorney for further investigation and duly prosecution process in January 2005. They recommended that the crimes against humanity occurred in this period, but the case was not followed up by the Attorney General.

In Aceh, the National Human Rights Commission (Komnas HAM) has completed ad hoc *pro justitia* inquiries into three cases of gross violations of human rights in Aceh: killings and acts of torture in Rumah Geudong, Pidie (1997-98, also including sexual violence), Simpang KKA, North Aceh (1999), and Jamboe Keupok, South Aceh (2003). The Commission has filed these cases to the Attorney General's Office since 2016, but no further investigation on this case.

In Papua, Komnas HAM also completed ad hoc inquiries for cases called Wasior (2001-2002), Wamena (2003), and the Paniai (2014). Particularly in Wasior and Wamena, each has at least one woman as victims of sexual violence.⁶ These cases are unresolved cases of gross human rights violations caused by the state apparatus in Papua. Similarly, the Attorney General has not followed up the judicial process since 2004.

The promise of establishing a human rights court under the peace agreement has been abandoned because it is seen as too difficult, despite growing global recognition that the delivery of justice is related to preventing the rise of extremism. Just like the other cases, the Attorney General's Office has returned all human rights violations in parts of Indonesia including Aceh and Papua to the commission, claiming that the files are administratively incomplete.⁷

The refusal of the Attorney General Officer (AGO) to follow up the gross past human rights violations, including the sexual violence mentioned above by the Concluding Observation, still continues. Furthermore, the AGO has never provided any response regarding this situation. On the other hand, Komnas HAM and AGO were taking a series meeting in dealing with this issue, however there is no further action to solve it. This failure to deliver justice reveals a systemic weakness in the judiciary and a lack of political will in the executive branch. Taken with the AGO's refusal to follow up on Komnas HAM inquiries into other cases, the Government is not pursuing justice for past gross human rights violations.⁸

On another note, women human rights defenders were attacked, intimidated and received terror threats because of their role in providing assistance to victims of human rights abuses and political activists who were facing criminal charges for peaceful political activity. Until now, there is no one legal framework for the protection of human rights workers in Indonesia, particularly for women human rights defenders.

Across the region, serious cases of threat, intimidation and physical violence against women has occurred. In Papua, at least four women human rights lawyers who provided legal support in cases against local police authorities with allegations of human rights violations. While after the peace process in Aceh, women human rights defenders are sometimes accused of as being anti-

⁶ Indonesia National Human Rights Commission released an executive summary containing the information. Read more at: https://perpustakaan.komnasham.go.id/opackomnas/index.php?p=show_detail&id=10549&keywords=

⁷ The 12 alleged of crimes against humanity are: shootings of students at Trisakti and Semanggi I and II (1998-1999); the Paniai case in Papua (2014); Wasior (2001-2002) and Wamena (2003) cases in Papua; the May Riots (1998); activist disappearances (1997-1998); the Talangsari case (1989); summary killings (1982-1985); 1965-66 atrocities; three cases in Aceh called Jambo Keupok, Aceh (2003), Simpang KKA (1999), Rumah Geudong (1989-1998); and Banyuwangi Killings on Black Magic Shaman (1998).

⁸ See more at: <https://asia-ajar.org/wp-content/uploads/2018/12/English-Indonesia-Case-Study.pdf>

Islam, in particular “anti-Shariah”, and “secular, pluralist, liberal, imperialist” when they want to speak up on their rights.

Suggested adoption of issues:

- *Immediately resolve the impasse between Komnas HAM and the AGO by establishing an effective mechanism for cooperation between the two institutions under the President’s supervision;*
- *Immediately conduct an audit towards the Attorney General Office regarding the case handling of gross human rights violations cases, which also affected women survivors, for accountability and transparency; that include establishing an independent prosecutor which is free from political interest to prosecute the gross violations of human rights.*
- *Establish ad hoc human rights courts for all cases involving crimes against humanity that have been determined by Komnas HAM, which also prosecute violence against women in those cases.*
- *Establish the human rights court in Aceh and Papua, as mandated in the special local regulations of its provinces.*
- *Conduct effective and prompt investigations on allegations of human rights violations for violations against women human rights defenders and ensure the protection for women human rights defenders who face an even higher risk of physical violence and intimidation.*

2. Redress the women victims of violence as a result of conflict

We would like the committee to follow up its recommendation in article 28b and 28c of the 52nd Concluding Observation of Committee on the Elimination of Discrimination against Women in 2016 that stated:

“(b) To provide full and effective reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, to all victims of human rights violations committed during the conflicts;

(c) To take comprehensive measures to provide medical and psychological support to women victims of violence, including sexual violence, committed during the conflicts, and to establish counselling centres for women to overcome their traumatic experiences;”

Since 2012, there has been no significant improvement on the UN Committee of CEDAW on the recommendation related to comprehensive reparations, particularly for sexual violence victims.

In Indonesia, the current human rights legislation allows reparations provided by a decision made by a court of law. Thus the demise of the human rights court has effectively blocked victims from receiving reparations. However, the Witness and Victim Protection Agency (*Lembaga Perlindungan Saksi dan Korban*, LPSK), is empowered to provide referrals for urgent health and psychosocial services for victims, including those whose cases were investigated by the national human rights commission. However, currently, LPSK integrated this assistance with the national policy health system (BPJS), the change makes the ongoing advocacy for acknowledgement for them as victims disappeared, as they are now included in a public service mechanism.

In 2002, the Governor of Aceh initiated a compensation scheme under Islamic tradition, known as *diyat*, for the families of those killed or disappeared. The program pledged to provide three million IDR (around 300 USD) for each of 20,000 widows in Aceh. However, problems with

transparency and lack of acknowledgment of the violations for which compensation was given led to victims' dissatisfaction.

Later, Aceh's Reintegration Agency (BRA) distributed aid for conflict-affected communities. This was also done without any special process to listen to victims living in these communities, thus providing little reparative impact for victims. A new hope on a reparation scheme might be realized through the ongoing work of the formal Truth and Reconciliation Commission in Aceh that has the mandate to give recommendations for urgent and comprehensive reparations of victims to the Aceh.

In Papua, there is a local regulation as an improvement to protect the victims of human rights violations, which is the Local Law on the Rehabilitation of the Rights of Women Victims of Human Rights Violations (Perdasus no.1/2011), which was passed without public dissemination and remains lacking in sub-regulations. The regulations have not been implemented.

It is difficult for survivors of gender-based violence in conflict to speak about their experiences. If women victims can not prove that a sexual assault took place, then she risks being charged for adultery. There is also pressure from family and local leaders from women to remain silent about sexual violence as it brings shame to the community.⁹

With the absence of official acknowledgement and support from the government, women survivors continue to suffer trauma and long-term impact of the violations on their health, social, and financial livelihoods. There was a breakthrough from the National Witness and Protection Agency (LPSK) that can provide referrals for urgent medical health and psychosocial services based on a recommendation from Komnas HAM of a person's "legal status as a victim". However, only a small number of survivors have access to this government-funded medical support.

In response to the lack of official truth-seeking processes of mass human rights violations, civil society has led the documentation and unofficial truth-seeking of mass human rights violations. A coalition of 50 NGOs called *Koalisi Keadilan dan Pengungkapan Kebenaran* (KKPK) or the Coalition for Justice and Truth conducted an unofficial truth initiative called "The Year of Truth" and launched a report concluding that systematic and widespread gender violence took place in conflict zones between 1965-2005.¹⁰

In addition, AJAR, Paska Aceh and PWC conducted participatory action research developed by AJAR called "Stone & Flower",¹¹ which integrates human rights, legal, and psycho-social approaches to assist victims, particularly victims of sexual violence during conflict. It addressed human rights violations, the social and political impacts of violations, and provides an environment where healing can take place, although it might not yield the information desired for advocacy efforts.¹² The participatory action research was conducted in Aceh and Papua with hundreds of women impacted by conflicts.

Suggested adoption of issues:

⁹See more at: <http://www.asia-ajar.org/files/ENDURING%20IMPUNIY%20final-23%20Nov-press.pdf>

¹⁰ A report from documentation led by the Coalition for Justice and Truth, can be read at: <http://www.asia-ajar.org/files/MENEMUKAN%20KEMBALI%20INDONESIA%20-%20BUKU%201.compressed.pdf>

¹¹ More information about the "Stone & Flower" methodology can be read at: <http://www.asia-ajar.org/files/stone%20%26%20flower.pdf>

¹² Later, AJAR adapted these tools for work with survivors of torture and their communities. See "Mosaic: Rebuilding Lives and Communities after Torture" at: <https://asia-ajar.org/wp-content/uploads/2018/01/Mosaic-Unlearning-Impunity-Series-Manual-2018.pdf>

- *Provide victims with comprehensive reparations that complement justice mechanisms, restore victims' trust, and provide social and economic programs, prioritizing rehabilitation for those impacted from conflict: women, the elderly, children, and those living in geographically isolated locations.*
- *Ensure effective programmes for women victims of state violence, which includes assistance for physical, psychological, economic and social effects of armed conflict on women.*
- *Ensure the upcoming Aceh TRC recommendation for reparation for victims, particularly victims of sexual violence in Aceh conflict can be realized and tangibly implemented by the local and national governments.*
- *Strengthen civil society initiatives in providing comprehensive assistance to victims of human rights violations, particularly women survivors during conflict.*

3. Establishment of truth and reconciliation commission for the violence against women in conflict

We would like the committee to follow up the recommendation of article 28d of the 52nd Concluding Observation of Committee on the Elimination of Discrimination against Women in 2016 that stated:

"To adopt the new draft law providing for the establishment of a national truth and reconciliation commission and to ensure that the commission has broad powers to receive complaints and investigate grave human rights violations; during the conflicts, and to establish counselling centres for women to overcome their traumatic experiences;"

A law to establish a national truth and reconciliation commission was passed in 2004, but struck down by the Constitutional Court after a judicial challenge. Civil society and victims' groups sought an amendment in the articles that required victims to forgive perpetrators in order to receive reparations. However, the Constitutional Court then annulled the entire law, a defeat in the struggle against impunity. On a positive note, in early 2020 the Government initiated a revisit to the national truth commission law through a Presidential Decree. However, it is not clear yet how the prospect of these initiatives went.

On the other hand, pressure by civil society in Aceh led to a local TRC law in 2013. The Aceh parliament has appointed seven commissioners and started to work in 2016. At the start of the establishment, there was little to no recognition by the Government. This resulted in the working condition of the Aceh TRC was based on voluntary measures with limited official recognition and support.

Aceh TRC has made several groundbreaking achievements, including statement takings of women victims of sexual violence and conducting three public hearings.¹³ The total of 50 victims and their families involved in the public hearings, with officials also invited to give remarks on the process. By the end of 2021, Aceh TRC will be expected to release their first final report.

Meanwhile in Papua, Law No. 21/2001 on Special Autonomy of Papua also provided a local human rights court and truth and reconciliation commission. However, the establishment of truth and reconciliation has been stalled until now.

¹³ For more information on the second Aceh TRC Public Hearing in July 2019, see AJAR Press Release in: <https://asia-ajar.org/2019/07/aceh-truth-and-reconciliation-commission-public-hearing-in-north-aceh-the-urgency-to-provide-reparation-for-victims/>

One of the remaining cases related to conflict is the issue of “stolen children” from Timor-Leste, children who were forcibly taken by Indonesia officials in the period of occupation of East Timor (1975-1999). The impact for the girls, now adult women, of “stolen children” is particularly related to psychological trauma due to the experience of violence inside the adoptive families, some mentioned faced sexual harassment. To date, they are living in parts of Indonesia, unable to go back due to economic hardship, fear of rejection, and isolation. Many families in Timor-Leste still look for them, some consider them missing persons or dead in conflict, after being lost decades apart.¹⁴

Suggested adoption of issues:

- *Establish the national truth commission with ensuring that any mechanisms to address past human rights violations not be used as a substitute for the responsibility of the criminal justice system to investigate and prosecute those responsible for grave human rights violations and crimes under international law.*
- *Ensure the effective establishment of the TRC in Aceh by acknowledging truth about the conflict, provide justice for victims and their families, and provide effective reparation for victims of the Aceh conflict in the framework of peace. A special treatment for comprehensive reparation should be delivered for women in conflict.*
- *Provide recognition and disclosure of Papua historical truth by establishing the local truth commission in Papua, as mandated by Law of Special Autonomy 2001.*
- *Establish a bilateral commission with the Government of Timor-Leste to study and implement the recommendations of previous truth commissions (the Timor-Leste Commission for Reception, Truth, and Reconciliation/CAVR and the Indonesia and Timor-Leste Commission for Truth and Friendship/CTF) and ensure the acknowledgement and reparation of the Stolen Children in Timor-Leste, particularly to reunite victims in Indonesia to their families in Timor-Leste.*

4. Fulfillment of the economic, social, and cultural livelihoods of the women in conflict areas including internally displaced women

We would like the committee to follow up its recommendation in article 28e of the 52nd Concluding Observation of Committee on the Elimination of Discrimination against Women in 2016 that stated:

“To ensure the security of internally displaced women and to allocate adequate resources to meet their needs, in particular their access to a livelihood, water and education for themselves and their children;”

Alongside the attack against women in conflict’s personal integrity, many women survivors also experience violations of their social and economic rights. These abuses include the loss of land and livelihoods, and exclusion from education and health care services, all undermined by their socio-economic wellbeing. The abuses are not only widespread but can often extend over many years.¹⁵ With the absence of official acknowledgement and support from the government, women survivors continue to suffer long-term impact of the violations on their health, social, and economics. Women in conflict are also vulnerable to new forms of domestic and community

¹⁴ For more information related the Stolen Children of Timor-Leste, see AJAR brief report in: <https://asia-ajar.org/2016/08/long-journey-home-stolen-children-timor-leste/>

¹⁵ AJAR conducted a participatory action research on how 108 women experience conflict, and in its aftermath, struggle to survive in situations where impunity is the norm. Read more at: <http://asia-ajar.org/files/Surviving%20on%20Their%20Own%20-%20Small%20Size.pdf>

violence. While domestic violence is widely experienced, there are only a few cases reported to the police, and less cases prosecuted in the judicial system.¹⁶

In Papua, on-going violence and discrimination is a common and widespread issue, which has an increasing impact on the lives of Papuan women. 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. In Aceh, even though many policies enacted related to economic and livelihood access, women survivors are still left behind.

- **Access to livelihoods**

In the context of Papua, women survivors are facing difficulties in accessing their livelihood rights and meeting their economic needs. Various indigenous women find themselves struggling to compete with other traders. Monopoly and control of market access by certain groups of people have made it harder for Papuan women to gain access toward economic improvement. Many women in conflict areas are being left out in the development process.

- **Access to water and food**

For indigenous people, including women in Papua, land and forest serve a strong purpose in their lives, not only as a source of food and water but also giving meaning to their lives and cultures. When forests are converted to plantations or other "productive" functions, women must adapt their food sources, as their access to traditional sources diminish.

Water is increasingly becoming a scarce resource as companies inflict large-scale damage on Papuan forests, with long droughts and contaminated water sources being reported. Women have to spend hours every day to draw water from locations far from their homes. Rivers have been polluted due to surrounding environmental degradation.¹⁷ In addition, the large-scale destruction has created a dependency on new seeds and chemical fertilizers for plantations. People hunted and gathered food in the forest, while tending to small gardens in their village. When the company took their land, it also opened village gardens using imported seeds and fertilizers. When the company left, the community no longer knew how to garden. Women lack access to traditional food.¹⁸

- **Access to health service**

Although there are national or local health schemes (with "health cards" such as BPJS, Papua Sehat, and Jaminan Kesehatan Aceh), women victims face difficulties in accessing these services, especially for sexual and reproductive health, and basic health services. In various places, women are unable to access health services because they do not have an identity card (Kartu Tanda Penduduk).

In Papua, women victims cannot pay transport costs, or come to a health facility where health workers are unavailable. Moreover, discrimination and marginalization of HIV-positive Papuan women remains a problem for on-going violence, since Papua has alarmingly high rates of HIV/AIDS cases. In Aceh, due to relatively high poverty, women victims have difficulties in accessing health services. The aforementioned factors leave many women even more vulnerable.¹⁹

¹⁶ National Commission on Violence against Women release a report in Indonesia on the situation of Women in Aceh, including the domestic violence. Read more at:

[https://www.komnasperempuan.go.id/file/pdf_file/2018/Publikasi/Catatan%20Dua%20Tahun%20Terakhir%20\(2011-2012\)%20Kekerasan%20Terhadap%20Perempuan%20di%20Aceh.pdf](https://www.komnasperempuan.go.id/file/pdf_file/2018/Publikasi/Catatan%20Dua%20Tahun%20Terakhir%20(2011-2012)%20Kekerasan%20Terhadap%20Perempuan%20di%20Aceh.pdf)

¹⁷ I am Here: The Voice of Papuan Women Facing Violence that Never End, AJAR and PWC, 2017

<http://asia-ajar.org/wp-content/uploads/2017/11/Sa-Ada-di-Sini-Report.pdf>

¹⁸ Submission to UN Special Rapporteur on the Right to Food, Papuan Women's Working Group, 2019

¹⁹ Documentation from Paska Aceh, 2017.

- **Internally displaced women in conflict situations**

In Papua, communities have been displaced because of various conflicts, most notably those that occurred in Nduga in 2018, where many women and children have become internally displaced peoples. Fleeing from the ensuing bouts of fighting and raids, displaced villagers have sought refuge in neighbouring parts of Nduga. Away from their own land and gardens, the IDPs are struggling to meet basic needs, and living in appalling makeshift conditions, where there is a lack of freedom from fear.

Suggested adoption of issues:

- *Acknowledge the existence of victims of human rights violations, particularly women victims in conflict and provide comprehensive reparation which includes support for socio economic, health and livelihood.*
- *Ensure that women in conflict are meaningfully involved in deliberations on development issues at all levels, including the decision making process for the socio economic and development policy.*
- *Ensure basic needs and livelihoods assistance, particularly for women and children in the temporary camps of IDPs; revoke the militaristic approach of sending troops and stop violence in conflict areas.*
- *Support various initiatives of women survivors and its community for their resilience in maintaining their livelihood.*

5. Womens meaningful participation in post-conflict and peacebuilding processes

We would like the committee to follow up its recommendation in article 28f of the 52nd Concluding Observation of Committee on the Elimination of Discrimination against Women in 2016 that stated:

"To include women in the post-conflict reconstruction and peacebuilding process;"

In Papua, a civil society push for peace talks between indigenous leaders and the central government has been on the boil for many years. But women's participation remains minimal. The political mechanism adopted the "Noken System" as a local wisdom and guideline for voting which provides affirmative support for indigenous Papuans. However, it has not been able to have a positive impact on increasing women's participation rights in politics. The calculation mechanism that has been represented by the tribal chief is very advantageous for men who have a more prominent position in custom (*adat*) structures, so that the women involved find it difficult to get votes.

In Aceh, although women played a major role in mitigating the conflict, providing humanitarian support to victims, monitoring human rights violations and advocating for peace, only one woman from the independence group of GAM participated in the official peace process.

Peace-building programs in Aceh have focused on disarmament and decommissioning, demobilization of the GAM, and reintegration of former combatants, including former woman combatant, Inong Bale. During the peace process, GAM turned in weapons, demobilized all military troops, and transformed it into the political Committee for the Transition in Aceh (known as KPA). While the Indonesian government relocated "non-organic" military and police personnel, released GAM's amnestied prisoners, which included women prisoners.²⁰

²⁰ Negotiating Peace in Indonesia Prospect in Building Peace and Upholding Justice in Aceh and Maluku, 2009. See more at: <https://www.ictj.org/sites/default/files/ICTJ-IFP-Indonesia-Negotiating-Peace-2009-English.pdf>

Later, the task of implementing the long-term reintegration program was given to the Aceh Reintegration Authority (BRA). However, it only focuses solely on social and economic programs and building a livelihood. Reparations for affected civilians were included in this broad reintegration strategy. Yet the MoU did not specifically use the term “victims” and did not mention women and children. Sharia law under Special Autonomy in Aceh has put in place a morality code that often results in discrimination against women.

The lack of meaningful participation results in the inadequate assistance to those most in need. In Aceh’s case, vulnerable groups, such as women, children, the elderly, and the disabled, receive insufficient support. This is partly because the program lacks targeted support for women—often the sole remaining caregivers—as all assistance to conflict-affected civilians has been provided on a community grant basis. Moreover, the focus on cash payments, rather than programs supporting sustained livelihoods, health, and education, has had a disparate impact on women, children, the elderly, and the disabled.²¹

Suggested adoption of issues:

- *Ensure the equal participation and equal opportunities of women in peace or dialog processes towards adequate and sustained assistance on livelihoods programs and health and education services.*
- *Ensure affirmative policy for women in politics is meaningful, effective, and supported by customary law.*

6. Ratify and implement the Rome Statute of the International Criminal Court

We would like the committee to follow up its recommendation in article 28g of the 52nd Concluding Observation of Committee on the Elimination of Discrimination against Women in 2016 that stated:

“To consider ratifying the Rome Statute of the International Criminal Court;”

Indonesia has actively participated in the process of forming the ICC on 17 July 1988 at the Diplomatic Conference in Rome. At that time, Indonesia had expressed its support for the ratification of the Rome Statute and the establishment of the ICC, ICC has also been announced in the National Action Plan for Human Rights (RANHAM) 2004-2009. However, there is no further agenda to ratify the ICC.

Suggested adoption of issues:

- *Accede and ratify to the Rome Statute of the International Criminal Court, incorporate its provisions into domestic law and implement it in policy and practice.*
- *Ensure Indonesian authorities revise the Law on Human Rights Courts to expand into including war crimes and other crimes under international law.*

**Respectfully submitted,
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²¹Read more at: <https://www.ictj.org/sites/default/files/ICTJ-Indonesia-Aceh-Process-2008-English.pdf>