

**Submission by Franciscans International
With the support of TAPOL**

**In the view of the adoption by the UN Human Rights Committee of the
list of issues prior to reporting (LOIPR) on Indonesia pursuant to Article 40 of
the International Covenant on Civil and Political Rights**

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Introduction

1. This submission is prepared by Franciscans International (FI),¹ a faith-based International Non-Governmental Organization with General Consultative Status with the Economic and Social Council of the United Nations. It was founded in 1989 to bring to the UN the concerns of the most marginalized and disadvantaged. Using a rights-based approach, FI advocates at the UN for the protection of human dignity and environmental justice.
2. TAPOL² is a human rights organization based in the United Kingdom. It campaigns for human rights, peace and democracy in Indonesia as well as to raise awareness of human rights issues in Indonesia, including in the contested territory of West Papua. Founded on grassroots campaigning, TAPOL works closely with local organizations in Indonesia to advocate for truth and justice and encourage the international community to take action.
3. The Government of Indonesia ratified the International Covenant on Civil and Political Rights (ICCPR) on 23 February 2006, with a declaration on article 1.³ The focus of the present submission is the implementation of the ICCPR by the Government of Indonesia in the Provinces of Papua and West Papua,⁴ in particular with respect to Article 3; Article 6; Article 7; and Articles 19-22 of the ICCPR.

Discrimination against women and lack of adequate protection against gender-based violence (Article 3, in conjunction with articles 6 and 7)

4. Women in Provinces in Papua and West Papua have been victims of multiple forms of intersecting discriminations and various forms of violence. These include domestic violence; disproportionate impact of situations of conflict, especially between the security forces and the separatist arm group; as well as violations of women's rights, especially indigenous women's rights, in the context of development projects promoted by the Government.

¹ See <https://franciscansinternational.org/home/>

² See <https://www.tapol.org/>

³ The Government of Indonesia made the following declaration for the ICCPR, "With reference to Article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of Indonesia declares that, consistent with the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States, and the relevant paragraph of the Vienna Declaration and Program of Action of 1993, the words "the right of self-determination" appearing in this article do not apply to a section of people within a sovereign independent state and cannot be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states."

⁴ The Western half the New Guinea island is divided into two provinces, the Provinces of Papua and West Papua since 1999. Prior to that, there was only one province. The term "Papuan(s)" in this report will mainly refer to the indigenous Papuans which belong to the Melanesian ethnicity.

5. The domestic violence experienced by women in the Provinces of Papua and West Papua is relatively high. In 2016, UNDP estimated that 38 % of ever-partnered Papuan women between the age of 14 to 64 years old experienced at least one form of physical and/or sexual violence by a male intimate partner in their lifetime. "One in three ever-partnered women (33 %) reported experiencing some form of physical intimate partner violence in their lifetime, while one in five ever-partnered women (20%) had ever experienced sexual intimate partner violence."⁵ It is reported that the emotional abuse is also a concern. Around 31% of the women in the Provinces of Papua and West Papua have experienced at least one act of emotional abuse in their lifetime.⁶ The women victims of sexual violence in the two provinces, have been continually facing difficulties in speaking out of their experience, due to shame, fear of stigma and judgement, concerns about confidentiality, and lack of confidence in the rule of law—all of which are barriers to accessing justice.⁷
6. The indigenous women and children fatalities among the Internally Displaced Persons (IDPs) are also very concerning. Between December 2019 and July 2020, several thousands of indigenous Papuans from Nduga region in Papua Province were internally displaced following the conflict between the Indonesian security forces and the West Papua National Liberation Army (TPN PB) - a pro-independent Papuan arm group, which started when 19 of Indonesian contractor workers were killed by members of TPN PB on 8 December 2019. It is reported that in the 8 months period, there were 77 women who died (21 adult females, 21 female minors, 14 female toddlers, 17 female male babies), from total of 243 victims, all indigenous Papuans. They died mostly from famine and other illnesses, due to poor living conditions in the shelters.⁸
7. Government-led development project in Papua Province, such as the Merauke Integrated Food and Energy Estate (MIFEE), which planned to convert at least a million hectare of forests and swamp into privatized concessions has particularly affected Marind indigenous women who live in the area of the project. Sago trees found in the forest have been their main source of food. In addition, the destruction of the forest for the project undermines the special relationship of Marind men, women, and children to the plants and animals of this forest.⁹ Due to the deforestation for the project, the Marind women were also deprived from their access to water. It is also

⁵ See UNDP Report , Study on women's and men's health and life experiences in Papua, Indonesia, pp 13-14 at <https://www.undp.org/content/dam/indonesia/2016/press-doc/Papua%20Final%20Report%20OK-2.pdf>

⁶ Idem, p.14

⁷ See the research of AJAR Asia, "Here I am, Voices of Papuan Women in the Face of Unrelenting Violence, p.21 at <https://asia-ajar.org/wp-content/uploads/2019/04/I-am-Here-Voices-of-Papuan-Women-2019.pdf>

⁸ See <https://www.thejakartapost.com/news/2019/08/01/182-reportedly-die-while-seeking-refuge-in-nduga-conflict.htm>

⁹ See <https://theconversation.com/in-west-papua-oil-palm-expansion-undermines-the-relations-of-indigenous-marind-people-to-forest-plants-and-animals-124885>

reported that some Marind women were subject to sexual and physical violence while on their way to collect water from other sources.¹⁰

Suggested question for State:

1. *What measures, if any, has the Government of Indonesia taken to protect women, especially indigenous women, against the various forms of discrimination and violence they are facing?*
2. *In particular, what measures, if any, has the Government of Indonesia taken to protect women in the situation of conflicts and internal displacement, such as the case in the Provinces of Papua and West Papua?*

Right to life (Article 6)

8. Extrajudicial executions continue to take place in the Provinces of Papua and West Papua, perpetuated by members of police and members of the military. The security forces use the pretext of the maintaining of public order. The majority of cases of extrajudicial executions in both provinces reveals that the victims are indigenous Papuans, including minors. This shows that the indigenous population is more likely to become victim of state violence. Often, they suffer from racially based prejudices prevailing amongst Indonesian security forces in the Provinces of Papua and West Papua, including that indigenous Papuans generally support separatist groups.¹¹
9. Between January 2010 and February 2018, 69 cases of suspected unlawful killings by security forces in the two Provinces, with 95 victims, were recorded. In 34 of the cases the alleged perpetrators came from the police forces, in 23 cases they came from the military, and in 11 cases both security forces were allegedly involved. One more case also involved the municipal police, a body under local government and tasked to enforce local regulations. Most of the victims (85 of them), have Papuan ethnicity.¹²
10. A symbolic case took place on 7 and 8 December 2014, known as *Bloody Paniai*, when four indigenous Papuans between the age of 17 and 18 were killed by the Indonesian security forces, while 21 others experienced various forms of violence which amounts to torture, cruel, inhuman and degrading treatments.¹³ Following several years of investigation, in February 2020, the Indonesian National Commission on Human Rights

¹⁰ See <https://bisnis.tempo.co/read/751969/perempuan-adat-paling-rentan-terkena-dampak-konflik/full&view=ok>

¹¹ See the joint statement of Franciscans International at
https://franciscansinternational.org/fileadmin/media/2017/Asia_Pacific/UN_Work/2017.09.19_Oral.Statement_WestPapua.pdf

¹² See report by Amnesty International
<https://www.amnesty.org/download/Documents/ASA2181982018ENGLISH.PDF>

¹³ See the report of the Indonesian Commission on Human Rights (KOMNAS HAM) on the Paniai incident at
[https://www.komnasham.go.id/files/20151102-jurnal-ham-edisi-khusus-papua-\\$MSS.pdf](https://www.komnasham.go.id/files/20151102-jurnal-ham-edisi-khusus-papua-$MSS.pdf). The publication is in Bahasa Indonesia.

(KOMNAS HAM) has submitted a report to the Attorney General's Office in which it considers the case a gross human rights violation. However, on 4 March 2020, the Attorney General declared that an investigation dossier into the Bloody Paniai case has failed to meet the requirements to be declared a gross human rights violation, and the case was sent back again to KOMNAS HAM.¹⁴

11. Between 2017 and 2018, human rights defenders and local media outlets reported a total number of 21 cases of extrajudicial killings which resulted in the death of 33 victims, allegedly perpetrated by members of the police and members of the military. All were ethnic Papuans.¹⁵ In only three out of 21 case investigations against the perpetrators were conducted. In all prosecutions the perpetrators received minor imprisonment sentences or only had to publicly apologize for their misconduct.
12. Following the racial incidents in Malang and Surabaya in August 2019, thousands of Papuans demonstrated in not less than 30 cities in the Provinces of Papua and West Papua and other parts of Indonesia. In West Papua Province, Papuan rioters burned the Manokwari Parliament building and a prison in Sorong. In Papua Province, clashes between protesters and security forces took place in several cities including in Deiyai, Sorong and Wamena. It was reported in Deiyai that at least eight protesters were killed, while 50 were injured.¹⁶ Many indigenous peoples in the areas around the towns of Enarotali, Moanemani and Waghete have fled into the surrounding forest due to the heavy police and military presence in the regencies of Deiyai, Paniai and Dogiyai. Schools, offices and shops were closed because people feared further reprisals by security forces.¹⁷
13. On 13 April 2020, two indigenous Papuans, students age 19 and 23, were shot and killed by the Indonesian security forces in Timika,¹⁸ Papua Province. The two were carrying fishing gear and were mistakenly thought as weapons by the security forces. The police have apologized, but no one has been held into account.

Suggested questions for State:

1. *What measures has the Government of Indonesia taken to respond to the allegation of gross human rights violation in the Paniai case from 2014, as reported by KOMNAS HAM? What is the status of the investigation of the case as of today?*

¹⁴ See <https://www.indoleft.org/news/2020-03-04/insufficient-evidence-to-declare-paniai-killings-gross-rights-violation-ago.html>

¹⁵ See a report by the International Coalition for Papua at
<https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

¹⁶ Idem p.6

¹⁷ See a report by the International Coalition for Papua at <https://humanrightspapua.org/news/31-2019/469-west-papua-wide-anti-racism-protests-accompanied-by-violence-eight-protesters-killed-31-injured-during-crackdown-in-waghete>

¹⁸ See Jubi News Portal report at <https://jubi.co.id/korban-penembakan-yang-tewas-di-mimika-mahasiswa-umn-tangerang-selatan/>

2. *Regarding further allegations of extrajudicial killings in West Papua since the Paniai killings, will the Government of Indonesia take responsibility for these killings and hold those who are responsible accountable? Can the Government of Indonesia prevent such violations from occurring again in future?*
3. *Please provide information on the victims of extrajudicial executions in the Provinces of Papua and West Papua since the last review in 2013, including segregated information on the number of indigenous Papuan and non-indigenous Papuan victims.*

Torture and cruel, inhuman or degrading treatment or punishment (Article 7)

14. Since the integration of Papua into Indonesia in 1969, there has been continuous reports of the use of torture and inhuman or degrading treatment or punishment by the Indonesian security forces. Most of the reported cases of ill-treatment and torture have been allegedly committed by police forces, in particular by the members of the Police Mobile Brigade (Brimob). According to our sources, there were 244 victims of ill treatment or torture in 2015 and 64 victims in 2016.¹⁹ Most cases were related to the excessive use of force by the Indonesian security forces in responding to peaceful demonstration. Out of all the reported cases, only two cases in 2016 resulted in the prosecution of police officers in a public trial. A further prosecution of four military perpetrators was documented in 2015.²⁰ These perpetrators were sentenced by a military tribunal.
15. In 2017 and 2018, a total of 53 cases of torture, cruel, inhuman or degrading treatment or punishment were documented in the two provinces. In 2017, there were 184 victims, while in 2018, there were 55 victims. The total number of the two years was 239 victims.²¹ Most (92.9%) of the reported victims throughout 2017/2018 were indigenous Papuans - a strong indication of the persistent racial discrimination that indigenous Papuans have to face. Torture, inhuman or degrading treatment or punishment were most commonly used for the purpose of punishment, for crowd control operations and other security force operations where members of the security forces used physical means to discipline individuals.

¹⁹ See a report by the International Coalition for Papua at
<https://humanrightspapua.org/images/docs/HumanRightsPapua2017-ICP.pdf>

²⁰ On the four cases in 2015, during the trial at the military court III-19 in Jayapura, the perpetrator Sergeant Anshar was sentenced to nine years in prison and Imanuel Imbiri to a three-year prison sentence. Two other perpetrators, first Pvt. Makher Rehatta and Chief Pvt. Gregorius B Geta, were sentenced to twelve- and three-year imprisonment respectively. All perpetrators were dismissed from military service. See
<https://www.gatra.com/detail/news/174050-pengadilan-militer-jayapura-pecat-2-tni-pelaku-penembakan-warga-timika> and <https://www.antaranews.com/berita/529198/tentara-penembak-warga-dihukum-12-tahun-penjara>

²¹ See a report by the International Coalition for Papua at
<https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

16. On 6 February 2019, for the purpose of obtaining a confession, members of Indonesian Police wrapped a snake on an Indigenous Papuan boy while he was handcuffed. He screamed of fear, while the police were laughing at him. The boy was allegedly accused of stealing a mobile phone.²² The incident was recorded and the video on the interrogation was widely circulated. The UN, through a joint statement of several Special Rapporteurs, expressed denounced such practices. Further, they stated that the case reflects “a widespread pattern of violence, alleged arbitrary arrests and detention as well as methods amounting to torture used by the Indonesian police and military in Papua”.²³ The Indonesian police have apologized and pledged disciplinary action to the officers,²⁴ while attempted to justify the officers' actions by saying the snake was not venomous and that they had not resorted to beating the man, who was suspected of theft.²⁵
17. On 14 May 2020, Papua based media outlet Jubi reported a case of torture on the person of Mr. Ayub Jr Hutagaol perpetrated by several members of Indonesian Police officers. The incident took place in Wania district, Mimika regency.²⁶ The torture occurred inside Mr. Huatagaol's shop and was caught on CCTV. The recordings quickly went viral after local residents shared the video on social media. A team of lawyers representing Mr. Huatagaol officially filed the case to the Mimika District Police. District Police Chief, Era Adhinata, announced in an interview with media outlet Jubi that he will process the perpetrators through a police internal investigation for violation of the police ethic code and a law enforcement procedure.²⁷

Suggested questions for State:

1. *Following the widespread allegations on the use of torture and inhuman or degrading treatment or punishment in the Provinces of Papua and West Papua, please provide information on the measures taken by the Government of Indonesia to address these allegations and provide redress to victims?*
2. *Please provide information on measures taken for the prevention of torture and inhuman or degrading treatment or punishment, especially addressed to the law enforcement officers in the Provinces of Papua and West Papua?*
3. *Provide information regarding the remedies, if any, for the victims of torture and inhuman or degrading treatment or punishment in the Provinces of Papua and West Papua.*

²² See <https://www.theguardian.com/world/2019/feb/23/un-urges-torture-inquiry-after-indonesia-police-put-snake-on-west-papua-boy>

²³ See the joint statement of UN Special Rapporteurs at
<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24187&LangID=E>

²⁴ See <https://www.reuters.com/article/us-indonesia-papua-snake/indonesia-police-apologise-for-using-snake-in-papua-interrogation-idUSKCN1QooF1>

²⁵ See <https://www.abc.net.au/news/2019-02-11/indonesian-police-admit-using-snake-to-terrorise-papuan-man/10798212>

²⁶ See <https://jubi.co.id/polres-mimika-proses-oknum-anggota-terlibat-penganiayaan-warga-papua/>

²⁷ See <https://www.humanrightspapua.org/news/32-2020/580-cc-tv-records-police-officers-torturing-suspect-in-mimika-regency>

Freedom of speech, expression, peaceful assembly and association (Article 19-22)

18. The Government of Indonesia has severely restricted the right of the indigenous Papuans to express their opinion, especially political opinions, as well as their right to peaceful assembly. The aim is to control the political activism in the Provinces of Papua and West Papua. Critical voices from Papuan people have been faced with excessive use of force and reprisals, leading to arbitrary detentions, torture and in some cases, extrajudicial executions.
19. In August 2019, a series of racist assaults targeted Papuan students in the Javanese cities of Surabaya and Malang. On 16 August 2019, as many as 43 Papuan students were taken to the district police headquarters after Indonesian Police fired teargas and forced their way into a student dormitory in Surabaya.²⁸ The police used excessive force, by deploying SWAT (Special Weapon and Tactics) team and were armed with riot shields. The students were accused of vandalizing the Indonesian flag. During the raid, the members of Indonesian nationalist mass organizations were present along with the security forces. There have been allegations that the Police threatened to kill Papuan students, while shouting racist insults such as 'animals', 'dogs', 'pigs' and 'monkeys'. In another city, Malang, members of nationalist mass organizations attacked a group of Papuan protesters, who organised a peaceful demonstration in commemoration of the New York Agreement.
20. The incidents in Surabaya and Malang triggered mass demonstrations of indigenous Papuans against racial discrimination in all large cities and towns across the Provinces of Papua and West Papua. The majority of protests in Papuan cities in late August 2019 remained peaceful. Several anti-racism demonstrations in the Provinces of Papua and West Papua were responded by the excessive use of force by the Indonesian security force in the cities of Fak-Fak, Sorong, Deiyai, Jayapura, Manokwari, Timika, Waghet and Wamena.
21. The freedom of media in the Provinces of Papua and West Papua has been restricted. Since the last review of Indonesia by the Committee in 2013, there have been reports of attacks on national journalists, while foreign journalists were obstructed or attacked by members of the Indonesian security forces. Attacks against local journalists, of indigenous Papuan origin in particular, have often occurred during coverage of political protests.
22. Despite the announcement of President Jokowi in 2015 that foreign journalists would be allowed to access to the Provinces of Papua and West Papua, in reality this access has been restricted. In order to get the permission to go to the two Provinces, the

²⁸ See <https://asiapacificreport.nz/2019/08/18/indonesian-police-raid-papuan-student-dormitory-with-tear-gas-arrest-43/>

Indonesian authorities issued series of bureaucratic impediments range from demands for details of itineraries and focus of news coverage to the need to supply multiple “recommendation letters” from prospective interviewees/sources.²⁹ These obstacles reflect Indonesia’s deep ambivalence to allowing greater foreign media access to the Provinces of Papua and West Papua. In some cases, officials and members of the police and the military are outright hostile to the idea. They are not normally allowed into the Provinces of Papua and West Papua because of Indonesia’s sensitivity about the independence movement there.³⁰

23. In February 2018, Ms Rebecca Henschke, BBC journalist based in Jakarta since 2006, was arrested and expelled, shortly after arriving in Papua Province, on the grounds that she had “hurt the feelings” of soldiers in a tweet. She had traveled with a special permit to visit Papua with a crew to cover a military aid operation.³¹ She was held by immigration officers for 24 hours before being escorted out of Papua.
24. In August 2018, a Polish national, Mr. Jakób Fabian Skrzypski, a freelance journalist was arrested in Papua Province. He entered the Province of Papua with a tourist visa. He was accused of helping the separatist groups in Papua. Mr Skrzypski is the first foreigner to be found guilty of an attempt to overthrow the Indonesian government and imprisoned under Article 106 of the Indonesian criminal code. He was sentenced for five years in May 2019 by the Papua Provincial Court.³² His appeal to the Supreme Court was rejected.³³ In October 2019, the European Parliament referred to Mr Skrzypski as a political prisoner and expressed concern over his continued incarceration, given the unrest in West Papua.³⁴
25. On 21 August 2019, responding to the anti-racism protests in several cities in the Provinces of Papua and West Papua, the Indonesian government shut down the internet throughout the two Provinces.³⁵ The Indonesian Ministry of Communication and Information issued a statement “To speed up the process of restoring the security and order situation in Papua and surrounding areas, after coordinating with law enforcement officials and related agencies, the Ministry (.....) decided to temporarily block the Telecommunications Data service, starting from Wednesday (21/8) until the

²⁹ See <https://www.undp.org/content/dam/indonesia/2016/press-doc/Papua%20Final%20Report%20OK-2.pdf>

³⁰ See <https://www.abc.net.au/news/2018-02-03/australian-journalist-expelled-from-papua/9393520>

³¹ See <https://rsf.org/en/news/rsfs-decries-journalists-expulsion-indonesias-papua-region>

³² See the Jayapura High Court Decision 54/PID/2019/PT JAP at <https://putusan3.mahkamahagung.go.id/direktori/putusan/53f58c7c1515dfa7a7fdb10972242b6.html>

³³ See Indonesian Supreme Court Decision 1081 K /Pid/2019 at

<https://putusan3.mahkamahagung.go.id/direktori/putusan/8a3f6a8a31ec28ae7898faggodgbbd5d.html>

³⁴ See the statement of European Parliament https://www.europarl.europa.eu/doceo/document/TA-9-2019-0044_EN.pdf

³⁵ See news report of Human Rights Watch at <https://www.hrw.org/news/2019/09/07/indonesia-investigate-deaths-papuan-protesters>

atmosphere of Tanah Papua returned to normalcy.”³⁶ As result to this shutdown, human rights defenders and activists did not have any access to internet communication and social media, which de facto deprived them of their main channels of communication. Access to internet and social media have been considered as tools to empower the Papuans to disseminate first-hand information to the public, and also for them to learn about events happening in the two Provinces and elsewhere.³⁷ The internet shutdown was also considered as an intentional disruption of communications by the Indonesian authorities, rendering them inaccessible or effectively unusable, and to exert control over the flow of information.³⁸ On 4 September 2019, internet services were partially restored.³⁹

26. A total of 86 people was held and questioned for treason⁴⁰ in relation to the anti-racism protests in the Provinces of Papua and West Papua. There are currently 56 people in detention on charges of treason (among others). They were arrested for either organizing or participating in protests and their arrests had more to do with their political affiliations rather than being responsible for a specific action related to a crime, other than organizing peaceful protests. In addition, human rights activists who shared information regarding incidents that led to the mass civilian anti-racism protests in the Provinces of Papua and West Papua were criminalized. The Government of Indonesia is using treason charges⁴¹ and the Electronic Information and Transaction Law⁴² (known as ITE Law) to arbitrarily arrest and charge peaceful political activists and human rights activists on the issues of Papua. Journalists and legitimate news organizations in the Provinces of Papua and West Papua are facing serious threats to their personal security as well as being targeted by digital disinformation campaigns to distort the work of these legitimate news sources and their journalists.⁴³ The submissions also detail deaths and assaults against local

³⁶ See the official notice of the Ministry of Communication and Information

https://www.kominfo.go.id/content/detail/20821/siaran-pers-no-155hmkominfo82019-tentang-pemblokiran-layanan-data-di-papua-dan-papua-barat/o/siaran_pers?utm_source=dlvr.it&utm_medium=twitter

³⁷ See <https://theconversation.com/the-internet-shutdown-in-papua-threatens-indonesias-democracy-and-its-peoples-right-to-free-speech-122333>

³⁸ See <https://elsam.or.id/internet-shutdown-in-papua-a-digital-form-of-repression-that-contravenes-the-principle-of-emergency-situation-2/>

³⁹ See <https://www.aljazeera.com/news/2019/09/indonesia-restores-internet-access-parts-west-papua-190905040815981.html>

⁴⁰ See Joint statement delivered by Latifah Anum Siregar at the 43rd Session of the Human Rights Council at <https://www.tapol.org/news/ngo-joint-statement-43rd-session-human-rights-council>

⁴¹ The articles of the Indonesian Criminal Code (KUHP) that are commonly used against critical voice from Papua are article 106 on treason (known as *Makar* in Bahasa Indonesia); article 110 on criminal conspiracy (known as *perfumakatan jahat*); and article 160 on incitement.

⁴² Article on hate speech of the Indonesian Electronic Information and Transaction Law is usually used. See the Indonesian Electronic Information and Transaction Law [at https://zaico.nl/files/RUU-ITE_english.pdf](https://zaico.nl/files/RUU-ITE_english.pdf)

⁴³ See <https://www.tapol.org/news/media-freedom-west-papua-submission-house-commons-foreign-affairs-committee-inquiry>

Papuan journalists all of which were reported to the authorities but are currently pending official investigations.

27. In 2019, the Province of Papua had the lowest rate of press freedom according to the Indonesian Freedom of Press Index, among 34 Provinces in Indonesia. It is in the category of “rather free” just one category above “rather not free”. The index has been issued annually by the Indonesian Press Council. The index was done by measuring three categories of indicators, encompassing physical and political indicator; economic indicator; and law enforcement indicator.⁴⁴ The report shows that in 2019 the situation of press freedom and the criminalization of journalists in Papua Province were worse than in 2018.⁴⁵

Suggested questions for State:

1. *What measures has the Government of Indonesia taken to ensure that the Indigenous People from the Provinces of Papua and West Papua can enjoy their freedom of expression and peaceful assembly and have the protection from Indonesian Police?*
2. *What have been the responses of the Government to the allegations of excessive use of force and racism by the Indonesian Police in the context of the anti-racism demonstrations in the Provinces of Papua and West Papua in August and September 2019, including the racist incidents in the city of Surabaya and Malang in August 2019?*
3. *Please provide information regarding the internet shutdown in the Provinces of Papua and West Papua in August and September 2019 which has impaired the enjoyment of the right to information. Please also provide information on the conditions under which the internet shutdown was imposed and how applicable legal standards were guaranteed, including regarding proportionality, necessity and non-discrimination.*
4. *Please provide information regarding the allegations on the restriction of access to foreign journalists to the Provinces of Papua and West Papua.*

⁴⁴ See <https://jubi.co.id/indeks-kemerdekaan-pers-papua-terendah-dari-34-provinsi/>

⁴⁵ See <https://www.papuatoday.com/2019/11/25/indeks-kebebasan-pers-di-papua-masih-rendah/>