

**Submission by Franciscans International (FI)
and
Geneva for Human Rights (GHR)**

**Written contribution for adoption of the list of issues (LOI) of Indonesia
in the 78th Pre-sessional Working Group
of the United Nations Committee for the Elimination of Discrimination
Against Women (CEDAW)**

15 June 2020

Introduction

1. This submission is prepared by Franciscans International (FI),¹ with the support of Geneva for Human Rights (GHR).² FI is 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. GHR is a human rights training organization having the Consultative Status with the Economic and Social Council of the United Nations. Through training, study, and protection, GHR aims to bridge the gap between international standards and realities as well as to empower all those involved in the promotion and protection of human rights. The GHR's training department conducts annual courses and seminars in Geneva and at the regional level.
2. The Government of Indonesia ratified the International Convention on the Elimination of Discrimination Against Women (CEDAW) on 13 September 1984, with a reservation on article 29.³ The focus of the present submission is the implementation of the CEDAW by the Government of Indonesia in the Provinces of Papua and West Papua,⁴ in particular on violence against indigenous women committed by security forces with impunity (Articles 2 & 3); Domestic violence (Articles 2, 3,4 & 15); Economic marginalization of indigenous Papuan women (Articles 3, 4, 13 & 14); Access to maternal health care services (Articles 3, 12 & 14); Participation in politics and Government administration (Article 3, 4, 7, 11 & 14)

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

3. The violence experienced by women in the Provinces of Papua and West Papua is relatively high. The most common pattern of violence against women is domestic violence. Domestic violence against women occurs in all areas of the Provinces of Papua and West Papua, but only a few cases are reported to the authorities, and even fewer cases result in legal prosecution. In most of the reported cases, violent acts are accompanied by alcohol consumption prior to the offense.⁵ The victims often do not report the offense because they fear acts of revenge by their husband, boyfriend or

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

² See <https://gdh-ghr.org/>

³ The Government of Indonesia made the following declaration for CEDAW "The Government of the Republic of Indonesia does not consider itself bound by the provisions of article 29, paragraph 1 of this Convention and takes the position that any dispute relating to the interpretation or application of the Convention may only be submitted to arbitration or to the International Court of Justice with the agreement of all the parties to the dispute."

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 See the report "Human Rights in Papua 2017, by the International Coalition for Papua, at <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2017-ICP.pdf>

father.⁶ Most of the reported cases of domestic violence included acts of physical abuse but also emotional abuse.

4. In 2016, United Nations Development Programme (UNDP) estimated that 38 % of ever-partnered Papuan women between the age of 14 and 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.”⁷ It is reported that 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.⁸
5. Among the women victims of domestic violence who suffered sexual violence in the two provinces are having 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.⁹ Instead, some of those domestic violence cases were solved through customary solution.¹⁰

Suggested questions for the State:

- *Please provide information on policies and measures taken by the Government of Indonesia to prevent and address domestic violence against women in the Provinces of Papua and West Papua.*
- *Please provide information and data on complaints, investigations, and outcomes of domestic violence cases in the Provinces of Papua and West Papua.*
- *Please provide information and data on remedies and compensation given to Papuan indigenous women victims of domestic violence.*

Impact of military presence on indigenous Papuan women (Articles 2 & 3)

6. The Indonesian military has been present in the Provinces of Papua and West Papua since the integration in 1969. The on-going conflict between the Indonesian security forces (i.e. military and police) and the pro-independent Free Papua Movement

⁶ See the statement made Mrs Anike Rawar, the head of the Office for Women Empowerment, Child Protection and Family Planning in Papua Province at <https://papua.go.id/view-detail-berita-5055/undefined>

⁷ 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>

⁸ Idem, p.14

⁹ 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>

¹⁰ See the statement of Ms Juli E Masa, the head of the Office for Women Empowerment, Child Protection and Family Planning of Jayawijaya Regency, Papua province at <https://www.antaraneews.com/berita/930709/hukum-adat-selesaikan-kasus-kdrt-di-papua>

(*Organisasi Papua Merdeka, OPM*) in the Provinces of Papua and West Papua, has the consequence of a permanent presence of Indonesian military that continues to increase.¹¹ The two provinces are, *de facto*, military operation areas.¹² Torture, killing, surveillance, arbitrary arrest and detention, and disappearances are frequently employed by the Indonesian security services to intimidate civilians in the Provinces of Papua and West Papua to control civilians, including women.¹³

7. Between December 2018 and July 2019, several thousand of indigenous Papuans in the Nduga Regency, in Papua Province were displaced. This occurred as a result of the violent clash between the Indonesian security forces and the West Papua National Liberation Army (TPN PB) - a pro-independent Papuan armed group, which started when 19 Indonesian contractor workers were killed by members of TPN PB on 8 December 2019. Women and children were particularly affected during this conflict. While there is no report of the killing of women by the Indonesian security forces, it was reported that in the 8 months period, 77 women who died (21 adult females, 21 female minors, 14 female toddlers, 17 female babies) as a consequence of their displacement. They died mostly from famine and other illnesses, due to poor living conditions in the shelters.¹⁴
8. According to credible information from Franciscans in Papua, on 4 July 2019, the members of the Indonesian military and police forces were involved in the alleged killing of a 26-year-old indigenous Papuan woman, Mrs Kenmalet Gwijangge in the district of Mugi, Nduga regency.¹⁵ At the time of the incident Mrs. Gwijangge had her one-year-old baby Raina Nirigi with her. She and three other indigenous women wanted to collect sweet potatoes as security force members opened fire at the women. While three women were able to flee, Mrs Gwijangge suffered a lethal bullet injury and fell with her baby on the ground. It is currently not known whether Raina Nirigi remained unharmed and where the members of the security force brought the baby.¹⁶

¹¹ See <https://thediplomat.com/2014/01/the-human-tragedy-of-west-papua/>

¹² See the Refugee Studies Center Working Paper 49 at <https://www.rsc.ox.ac.uk/files/files-1/wp42-dynamics-conflict-displacement-papua-2007.pdf>

¹³ See the article of Budi Hernawan, Torture as a Mode of Governance: Reflections on the Phenomenon of Torture in Papua, Indonesia at <https://press-files.anu.edu.au/downloads/press/p315331/pdf/8.-Torture-as-a-Mode-of-Governance-Reflections-on-the-Phenomenon-of-Torture-in-Papua-Indonesia.pdf>

¹⁴ See <https://www.thejakartapost.com/news/2019/08/01/182-reportedly-die-while-seeking-refuge-in-nduga-conflict.htm>

¹⁵ See <http://fransiskanpapua.org/wp-content/uploads/2020/01/Buku-Papuan-Bukan-Tanah-Kosong.pdf>, p. 60

¹⁶ See also report by the International Coalition for Papua at <https://humanrightspapua.org/news/31-2019/454-update-armed-conflict-in-nduga-regency-security-force-members-kill-indigenous-woman-and-take-her-baby>

Suggested questions for the State:

- *Please provide information on policies and the steps taken by the Government of Indonesia to provide effective redress to victims of gender-based violence committed by the Indonesian security forces in the Provinces of Papua and West Papua.*
- *Please provide information on measures taken by the Government of Indonesia to respect, protect and fulfil the human rights of indigenous women who have been displaced during the situation of conflict.*
- *Please provide information on steps taken by the Government of Indonesia to ensure humanitarian access to assist the victims of internal displacement, including women, during the situation of conflict, such as the case in Nduga in Papua Province.*

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

9. The Provinces of Papua and West Papua are predominantly rural areas. And the vast majority of the indigenous Papuans live in these rural areas. They are primarily dependent on subsistence agriculture for their livelihood.¹⁷ Most of the Papuan women are involved in agriculture. To meet their other needs, they also sell their products, such as fruits and vegetables, in the market.
10. The indigenous Papuan women often do not have equal and effective access to extension services like sufficient business knowledge and capital to have adequate access to the market. There is a gap of skill and knowledge between the indigenous Papuan women who are involved in the market as compared with the migrants coming from outside Papua. This gap is due to the uneven assistance from the government that provide less capital and trainings to Papuan women traders, which makes their productivity and skills as traders quite limited.¹⁸
11. Large scale development projects, especially through the conversion of customary land and forests, are among the key causes for the economic marginalization of women. The destruction of forests and hunting grounds as a source of livelihood for indigenous communities puts an additional burden on the lives of affected Papuan women. As a result, the indigenous Papuan women have limited access to economic resources.
12. Government-led development projects 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

¹⁷ See <https://minorityrights.org/minorities/papuans/>

¹⁸ See paper on “The Role of Papuan Women Trader in Increasing Family Income in Traditional Market of West Papua Province” at <https://knepublishing.com/index.php/Kne-Social/article/view/440/1508>

children to the plants and animals of this forest.¹⁹ Due to the deforestation to the benefit of the project, the Marind women were also deprived from their access to water. It is also reported that some Marind women were subject to sexual and physical violence while on their way to collect water from other sources.²⁰

Suggested questions for the State:

- *Please provide information on measures and steps taken by the Government of Indonesia to ensure that indigenous women in the Provinces of Papua and West Papua can be involved in the decision-making process including on the economic matters to avoid the gap between the indigenous and non-indigenous Papuans*
- *Please provide information on policies and measures taken by the Indonesian government to guarantee and fulfil the customary rights of indigenous Papuans, including women, to their natural resources, including forest and land.*

Access to health, including maternal health and care services (Articles 3, 12 & 14)

13. The prevalence, as expressed in percentage, of HIV/AIDS of the Provinces of Papua and West Papua is the highest in Indonesia, reaching 2.4 % for the two provinces, in particular for the population of the age between 15 and 49 years old.²¹ The prevalence of HIV infections in the Province of Papua is 2.4% which is 24 times higher than the national rate in Indonesia.²² Indigenous Papuans are twice as likely to live with HIV/AIDS in comparison to people from other ethnic groups. Papuan women are particularly at risk, with HIV/AIDS transmission occur mainly through sexual transmission.²³

14. According to the data released by the Papua Provincial Health Office the number of HIV/AIDS cases reached 32,263 cases, consisting of 11,828 HIV and 20,435 AIDS cases. With regard to gender, HIV cases for male amount to 5,203 and AIDS to 10,345, while HIV cases for female are 6,563 and AIDS are 10,055. Further, there were 62 HIV and 35 AIDS cases whose identities were unknown by gender.²⁴

15. The indigenous Papuan women with HIV/AIDS were particularly vulnerable. They were often denied from the health services, or in some other cases, they were afraid to seek

¹⁹ See <https://theconversation.com/in-west-papua-oil-palm-expansion-undermines-the-relations-of-indigenous-marind-people-to-forest-plants-and-animals-124885>

²⁰ See <https://bisnis.tempo.co/read/751969/perempuan-adat-paling-rentan-terkena-dampak-konflik/full&view=ok>

²¹ See Witaningrum, Adiana & Khairunisa, Siti & Yunifiar, M & Bramanthi, R & Rachman, B & Nasronudin, (2018). Opportunistic infection of HIV/AIDS patients in West Papua. IOP Conference Series: Earth and Environmental Science. 125. 012062. 10.1088/1755-1315/125/1/012062.

²² See <https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-019-6392-2>

²³ See the report of the UN Special Rapporteur on right to health A/HRC/38/36/Add.1 on his visit to Indonesia from 22 March to 3 April 2017.

²⁴ The data, as of December 31, 2017, was obtained through https://franciscansinternational.org/fileadmin/media/2018/Asia_Pacific/Publications/West-Papua-HR-Cat-Rep-2019.pdf

for help precisely because of stigmatization of their HIV Status. Some women also experienced violence either by the husband or other members of the family due their HIV Status.²⁵

16. The rate of mortality for pregnant women and infants in the Papua Province is also very concerning. The information from the Wamena Regional General Hospital, Jayawijaya Regency showed that from the 1,888 mothers who gave birth in 2015, 7 of them died. In 2016, from 2,009 mothers gave birth, out of which 6 died. According to the Wamena Hospital obstetrician, Dr. Charles Ratulangi, the death were caused by by bleeding, pregnancy infection and malnutrition for pregnant women.²⁶ The head of the Regional Health Department in Papua Province, Drg. Aloysius Giyai, explained that the mortality rate in nine regencies in Papua remained high. The nine regencies are Deiyai, Dogiyai, Pegunungan Bintang, Yahukimo, Mamberamo Tengah, Nduga, Puncak, Puncak Jaya and Waropen.²⁷
17. According to a statement of UNICEF, the maternal mortality rate in the Provinces of Papua and West Papua in 2019 was the highest in comparison with other parts of Indonesia.²⁸ The number reaches 305 death cases per 100.000 births. One of the reasons was the lack of professional assistance during labour.²⁹ in rural areas, access to health clinics is either absent or very limited. In several instances, the quality of health services in the health clinics is poor or they are understaffed. This situation has put pregnant women, especially those with complications, at a particular risk. The underdeveloped infrastructure places an additional challenge on pregnant women living in remote areas to access health services.

Suggested questions for State:

- *Please provide information on the policies and measures taken by the Government of Indonesia to ensure that Papuan indigenous women have effective access to maternity and other sexual and reproductive health services.*
- *Please provide information on the specific policies and measures to protect and assist the indigenous Papuan women who are vulnerable to HIV/AIDS.*

²⁵ See AJAR Study, "Berani Sehat: Perempuan Papua Melawan HIV/AIDS dan Kekerasan, publish in 2019, at https://asia-ajar.org/2020/05/berani-sehat-buku-foto-tentang-pengalaman-perempuan-papua-mengatasi-hiv-aids-dan-kekerasan/?utm_source=rss&utm_medium=rss&utm_campaign=berani-sehat-buku-foto-tentang-pengalaman-perempuan-papua-mengatasi-hiv-aids-dan-kekerasan

²⁶ See further information at <http://tabloidjubi.com/m/artikel-7104-tingkat-kematian-ibu-hamil-dan-bayi-di-rsud-wamenameningkat.html>

²⁷ See

<https://regional.kompas.com/read/2016/09/07/16214001/angka.kematian.bayi.di.sembilan.kabupaten.di.papua.masih.tinggi>

²⁸ The statement was made by Mr Trilaksono Hartono, the head of UNICEF Office for Papua and West Papua Province, see <http://www.harnas.co/2019/12/12/tingkat-kematian-ibu-melahirkan-tertinggi-di-papua>

²⁹ See articles in <https://republika.co.id/berita/q2eji3366/kematian-ibu-melahirkan-di-papua-tertinggi-di-indonesia>

Participation in politics and Government administration (Article 3, 4, 7, 11 & 14)

18. The custom in Papua is still very much under the patriarchal domination of leadership, where subordination of women is pervasive, and deeply rooted in tradition.³⁰ Women play a limited role in the decision-making process, either in public or private spaces. Papuan men control the household, tribal and community leadership bodies, and churches and faith groups, while women are expected to be submissive, to obey their husbands and refrain from argument. They are also expected to assume their traditional roles in the family, including caretaking and other domestic duties, as well as working in the fields, selling produce at the markets, and providing cigarettes and food for their husband and family.

19. The participation of women in politics and administration in the Provinces of Papua and West Papua is still below the statutory quota of 30 %. In the West Papua Province, from the total number of 45 elected members for the period of 2019 to 2024, there are only seven (7) women³¹ or only 15.5 % of the total. Among those, indigenous Papuan women are further underrepresented. Currently, three (3) out of seven (7) women are indigenous Papuan women. It means 4.4% of the total numbers of the elected parliamentarians. In the previous period of 2014 to 2019, there were only two (2) women in the provincial parliament of West Papua Province, regardless whether they were indigenous or non-indigenous women. For Papua Province, the 2019 to 2024 Provincial parliament has only eight (8) women out of 49 elected members,³² or 16 %. From the eight women, five (5) or 10% are indigenous Papuan women.³³ At the regency level in the Papua Province, there is no woman leadership at all.³⁴ This situation is the same in the West Papua Province where there is no woman leader in all regencies.³⁵

Suggested questions for the State:

- *Please provide updated information on the number of women, including indigenous women, in Papua and West Papua Provincial Parliament, and government offices, including at decision-making levels.*

³⁰ See UNDP Report, Study on Women's and Men's Health and Life Experience in Papua, Indonesia, published in August 2016, see

https://www.id.undp.org/content/indonesia/en/home/library/democratic_governance/study-on-women-s-and-men-s-health-and-life-experiences-in-papua.html

³¹ See <https://www.jagatpapua.com/keterwakilan-perempuan-di-dpr-papua-barat-perlu-diberi-peran-strategis/>

³² See the members of Provincial Parliament of Papua Province at <https://dpr-papua.go.id/profil-anggota-dprp-masa-jabatan-2019-2024/>

³³ See <https://jubi.co.id/keterwakilan-perempuan-di-parlemen-papua-hanya-jadi-pelengkap-loloskan-parpol/>

³⁴ See the list of head of regencies in Papua Province at <https://www.papua.go.id/view-detail-listkab-all/daftar-kabupaten.html>

³⁵ See the list of head of regencies in West Papua province at https://id.wikipedia.org/wiki/Daftar_bupati_dan_wali_kota_di_Papua_Barat

- *Please provide information on measures taken by the Government of Indonesia to ensure that the mandatory quota of 30 % women in parliament is fulfilled, including in provincial and regency parliaments as well as local government in the Provinces of Papua and West Papua.*
- *Please provide information on measures taken by the Government of Indonesia to empower women to be in the position to take up their roles in the parliament and decision-making process in the Provinces of Papua and West Papua.*