

Joint Press Release - Civil Society Organizations on the Visit of the United Nations High Commissioner for Human Rights to Indonesia

(Jakarta, 6 February 2018)

Commission for the Disappeared and Victims of Violence (KontraS), Indonesian Legal Aid Foundation (YLBHI), Human Rights Working Group (HRWG), Alliance of Indigenous People of Nusantara (AMAN) and Asian Forum for Human Rights and Development (FORUM-ASIA) appreciate the Government of Indonesia's initiative to invite the UN High Commissioner for Human Rights, Mr. Zeid Ra'ad al Husein to Jakarta, Indonesia. The meeting between the High Commissioner and Civil Society Organizations (CSOs) on 5 February 2018 discussed issues related to human rights particularly discrimination and violence, land rights and indigenous people, impunity and accountability.

Under the administration of President Jokowi, discrimination and violence against minority groups has significantly increased. Perpetrators include religious extremists non-state actors, and law enforcement agencies, such as the police. HRWG explained the existence of numerous national and local level discriminatory laws as one of the causes of increasing discrimination and violence leading to the negligence of fundamental rights comprising of civil, political, economic and sociocultural rights. For example, the Blasphemy Law No 1./1965 is used very often by individuals and religious extremists to discriminate and persecute religious minorities. Enactment of Qanun Jinayat No. 6/2014 has also been used to criminalize minority and vulnerable groups, especially Lesbian, Gay, Bisexual, and Transgender (LGBT) people.

Land rights issues are increasingly becoming very serious in the country. AMAN mentioned about indigenous people, peasants and paupers who are victims of land grabbing by the Government. The *Domein Verklaring* concept, which is adopted by the Government as national law, becomes the baseline for the Government to seize lands owned by people who do not have ownership through a legal certificate. A similar situation is also depicted in the Forestry Law. The non-existence of laws to recognize and protect indigenous people has led to the criminalization and the increase of agrarian conflicts. AMAN noted that 261 indigenous people have been criminalised. Coalition for Agrarian Sector Reform (KPA) recorded that in 2017, 659 agrarian conflicts occurred, and this number is likely to increase if the Government does not seriously address the agrarian conflict and stand with its people instead of big corporations and the private sector. The arrest of 13 indigenous people from Seko due to Government's ambition to build a dam, the violence experienced by Nagari people in Salingka - Talang Mountain, and the criminalization of 4 people from Sumber Agung Tumpang Pitu village who opposed the construction of mines were criminalized under the charge of communism. These are only a few examples of the numerous problems in the sector.

These human rights violations are difficult to solve due to the culture of impunity that still exists and has become a burden for the country. As mentioned by KontraS, after

almost 20 years of the reformation era, the politics of impunity has been continuously adopted under the regime of President Jokowi. In the case of Munir Said Thalib, the document produced by the fact finding team still remains unknown. Furthermore, there is no willingness from the President to make the results of the investigation public.

The human rights violations continue to take place in various forms, both due to government policies that are contrary to the principles of democracy and human rights as well as ongoing cases of violations. Impunity is also marked by President Jokowi's counterproductive policy by appointing suspected perpetrators of human rights abuses in his government and/or within his power circles, both formally and informally. Regarding this issue, the UN High Commissioner for Human Rights, Mr. Zeid said that he will address the issue of impunity in Indonesia in his meeting with the State officials.

In addition, the rule of law is no longer upheld, reflected by the numerous court judgements that are not implemented by the Government. The judiciary that's supposed to be the last fortress in providing remedy for the victims is instead becoming a tool to violate people's rights. This is due to the absence of any accountability in the police, attorney general's office, and the judiciary. Developments that do not involve or consider people's opinion leads to an increase in human rights violations. This is evident in YLBHI's records during 2017 that infrastructure projects are the cause of most human rights violations from cases handled by 15 LBH offices across Indonesia. All of these cases violate the victim's right to remedy. If this situation is not seriously addressed, our country will shift from rule of law to rule by law.

Regarding the visit of the UN High Commissioner for Human Rights, FORUM-ASIA hopes that this will not be used as a token for diplomacy. The UN High Commissioner for Human Rights must take a strong stance against the Indonesian government to question national accountability of Indonesia's diplomatic pledge for the human rights sector. According to a research by FORUM-ASIA, it's evident that Asian governments showed a significant decline in freedom of expression and association due to the amount of legislations that repress basic freedoms. This trend further marginalizes women and vulnerable groups such as LBGT. Indonesia must demonstrate global leadership by abolishing these discriminatory laws.

Therefore, here are the recommendations we would like to convey to the UN High Commissioner for Human Rights:

- Encourage the government to implement full human rights provisions, particularly in providing effective remedies for victims as stipulated in the International Covenant on Civil and Political Rights and the Covenant on Economic Social and Cultural Rights;
- Provide a strong impetus to the Government of Indonesia to revoke the Blasphemy Law no. 1/1965;
- Providing a strong impetus to the Government of Indonesia to review Qanun Jinayat no. 6 Year 2014 in Aceh;

- Encourage and ensure the Government of Indonesia's commitment to implement the UPR recommendations, particularly in relation to the protection of minorities and vulnerable groups in Indonesia;
- Making a positive contribution to the process of promoting and protecting human rights in Indonesia;
- Encourage and ensure the government's commitment in resolving past gross human rights violations with the judicial mechanism in accordance with Law no. 26/2000 on the Human Rights Court;
- Demand President Jokowi to make the investigation result of the fact finding team on Munir's case public;
- Pass on Indigenous Peoples Laws, implementation of UNDRIP, UNSRIP and UNSRHRD laws.

We strongly reiterate our message that the visit of the UN High Commissioner of Human Rights is not a platform to provide a loophole for the eradication of mistakes made by perpetrators of human rights violations. The mandate of the High Commissioner's arrival to Indonesia should be ensured that it is not a means for the Indonesian government to acquire the international communities "forgiveness" of the Indonesian government's failure to account for human rights violations. The presence of the UN High Commissioner of Human Rights should instead strengthen the voice of civil society and victims of human rights violations. In this regard we hope for the intervention of international human rights bodies to be courageous and give firm statements on their stance and strong recommendations. If this is not the case, the presence of the UN High Commissioner of Human Rights in Indonesia, facilitated by the Government, is no more than diplomacy of "human rights investment" by the Indonesian government and supported by the Office of High Commissioner on Human Rights. We have faith in the power of international human rights bodies to play a significant role in giving attention to the situation of human rights and democracy in Indonesia.

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