

**Universal Periodic Review (UPR)  
27<sup>th</sup> Session**

(April/May 2017)

**Human Rights Situation in Indonesia**  
*Specific focus on Human Rights in West Papua*

Submission of :

**The Commission of Justice, Peace and Integrity of Creation of Franciscans Papua (SKPKC Franciscans Papua); The Commissions of Justice and Peace of the Catholic Dioceses of Merauke (SKP Merauke), Timika (SKP Timika), Agats (SKP Agats) and Sorong (SKP Sorong); VIVAT Indonesia; VIVAT International  
Franciscans International**

Geneva, September 2016

## INTRODUCTION

1. This is a joint submission for the 3rd Cycle of the UPR Indonesia, concerning the human rights situation in West Papua (which covers the provinces of Papua and West Papua) for consideration by the UPR Working Group at its 27<sup>th</sup> session, April / May 2017. The human rights issues addressed are the freedom of expression; right to health, right to education, rights of indigenous peoples, extrajudicial execution and impunity. This joint submission is submitted by The Commission of Justice, Peace and Integrity of Creation of Franciscans Papua (SKPKC Franciscans Papua); The Commissions of Justice and Peace of the Catholic Dioceses of Merauke (SKP Merauke), Timika (SKP Timika), Agats (SKP Agats), Sorong (SKP Sorong); VIVAT Indonesia; VIVAT International and Franciscans International.

### **Extrajudicial Execution and Impunity**

#### *Second-Cycle Recommendations*

2. In 2012, the Indonesian Government accepted the recommendation to hold accountable officials of all ranks responsible for human rights violations in the Papua provinces and to take measures to guarantee accountability by ensuring that human rights violations, including abuses committed by Indonesian security forces are investigated and that those deemed responsible are prosecuted in a fair prompt and impartial manner.<sup>1</sup>

#### *Promotion and Protection of Human Rights on the Ground*

3. We have documented several cases of extrajudicial executions between 2012 and 2016. One of them is the killing of four students in Paniai district in 8 December 2014, allegedly committed by the members of Indonesian security forces, while 17 others were injured. Alpius Youw (17 years old), Yulian Yeimo (17), Simon Degei (18) and Alpius Gobai (17) were shot to death while participating in a peaceful demonstration in Karel Gobay field, in Eneratoli, Paniai, Papua Province. The demonstration was in relation with the conflict between local youth and military personnel the night before.
4. The Indonesian Commission on Human Rights (Komnas HAM) sent an investigation team to Paniai following the incident. In its report, Komnas HAM stated that there is an allegation of a serious human rights violation. In March 2016, it established an “ad hoc” Commission to make further investigation and to come up with the recommendations to be submitted to the office of Attorney-General. Prior to this, we received information from our source that the Indonesian Police Force has made its own investigation. However, the report has not been made public. The “ad hoc” Commission team of Komnas HAM is considered to make a very slow progress in its investigation work.
5. On 18 May 2016, the Coordinating Ministry of Politic, Law and Security issued a decision to establish a team to investigate the allegation of human rights violation in the Provinces of Papua and West Papua. The team is supervised by the Coordinating Minister on Politic, Law and Security, and composed mainly by members of Indonesian Police Force and Army, representatives of Komnas HAM, representatives of the Office of Attorney General and the representatives of civil society, academics and indigenous community. From 25 April to 25 October 2016, the team has the mandate to collect data and information from Komnas HAM and other sources on the allegation of human rights in West Papua and Papua Provinces; to collect and analyze the data and

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<sup>1</sup> See recommendations 108.91 and 108.95

information so as to decide and classify the following process; to submit a report to the Minister which then will submit it to the President. We were informed that the priority is given to the three most urgent cases of violation, namely the Paniai killing (2014), Biak Massacre in 1998 and Wassior Killing in 2001 by the end of December 2016.

6. While understanding the intention of the government to address the past and on-going human rights violations of human rights in Papua, members of civil society still doubt the effectiveness of the work of the team. This is not the first time that the government establishes such a team. We believe that Komnas HAM has the mandate to conduct investigation on the allegation of human rights violations and made recommendations. The establishment of this team shows that there is a lack of coordination between the government and the national commission on human rights.
7. We also note that the most of the members of the team belong to the Indonesian Security Forces: to the Indonesian Police Force and to the Indonesian Army, which allegedly are the most frequent perpetrators of the human rights violation in Papua. The selection of the representatives of civil society is also widely questioned due to the undemocratic process of selection. They are also considered not representing the interest of the victims of the human rights violations. This might be seen as an attempt to divide the human right groups in Papua.
8. We also express our concern on the change of the minister due to the reshuffle of the Cabinet in July 2016. Mr Luhut Pandjaitan, then the Coordinator Minister of Politic, Law and Security is now replaced by Mr Wiranto (Rtd General) who was in charge of the Indonesian Army during the Biak Massacre in 1998. Some organization claimed his involvement or at least responsibility during the incidents. Therefore, his impartiality in addressing the cases is questioned.

#### *Recommendations*

- **End the excessive use of force by the Indonesian security forces and to review the security policy in Papua by involving broad participation of civil society at the local and national levels;**
- **Ensure that impunity for human rights violation including torture does not persist.**

### **Freedom of Expression**

#### *Second-Cycle Recommendations*

9. In 2012, The Indonesian Government supported several recommendations regarding the freedom of expression, which include to intensify its efforts to respect and uphold freedom of expression, including political expression (...); review laws and decrees currently in force restricting the freedoms of (...), opinion, and of expression, in order to prevent any risk of discrimination; end prosecutions under Articles 106 and 110 of your criminal code for exercising the internationally protected right of freedom of expression, and re-evaluate the convictions and sentences of individuals prosecuted for those actions; facilitate the visits of the Special Rapporteur (...) on Freedom of Expression.<sup>2</sup>

#### *Legal and Institutional Frameworks*

10. The freedom of expression in Indonesia is guaranteed by the article 28E of the Constitution. In most part of Indonesia, people enjoy their rights to express their opinion. However, the West Papuans experienced a different treatment. Demonstrations held by West Papuans are regularly

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2 See recommendation 108.103 ;108.113 ;108.55 ; 109.32

faced with restrictions and reprisals.

11. In 1 July 2016, the Head of the Regional Police of Papua Province issued an “Maklumat” or Announcement (*Maklumat Kapolda Provinsi Papua*) declaring that the members of seven organisations, namely National Committee of West Papua (KNPB), Federal States of West Papua, United Liberation Movement of West Papua (ULMWP), People’s Parliament of Papua (PRD), Parlemen National West Papua (PNWP), Organisasi Papua Merdeka (OPM), and Tentara Pembebasan Nasional (TPN) are forbidden from organizing any public demonstration. It explains that they are radical separatist organizations, which fight for the independent of West Papua. A radical group is identified as ‘a group that wants a drastic social-political change and renewal by using violent means’. Since the issuance in July 2016, the Indonesian Police Force has been using it as a legal base to restrict and disperse and criminalise any public demonstration organized by them. According to the Indonesian system, there is no such term of *Maklumat*. Therefore, we questioned the legal base of its issuance. Therefore, the *Maklumat* is null by law.

### *Promotion and Protection of Human Rights on the Ground*

12. Since 2012, we noted the continuing restrictive policy on freedom of expression in West Papua by the Government of Indonesia. Between 2013 and 2016, several events triggered for mass demonstrations such as the unconstitutional drafting of the Special Autonomy Plus Bill, 2014 Presidential elections, the request to accelerate the pending human rights violation cases, such as the case of bloody Paniai, and the support to ULMWP to join the Melanesian Spearhead Group (MSG). During this period there were thousands of political arrests, which included reports of torture, ill-treatment or cruel and degrading treatment. The activists, organising or taking part in demonstrations, risked threats, intimidation, incarceration, disappearances, shootings, injury and death.
13. In 8 October 2015, during the celebration of human rights days, a coalition of several civil society organizations held a public rally in front of Good-Shepard-Catholic-Church in Abepura, Papua, urging The Indonesian Government resolve the case of Paniai Killing in 2014 and other human rights violations in Papua. The Indonesian Police Force from Jayapura and Abepura units responded it by force. They briefly arrested 18 participants including priests, students and youth activists.
14. After the acceptance of ULMWP within MSG in 2014, several civil society groups in West Papua, including KNPB, have been very active in promoting the work of ULWMP. However, Indonesia strongly opposed it. Several demonstrations held by KNPB in different cities and towns were responded by reprisals by the Indonesian Police Force. On 15 February, 2016 in Wamena, the highland in West Papua, where several people were briefly arrested and interrogated after a blessing ceremony of a traditional house, which was also meant as the office of ULMWP. The organizer of the event was accused of organizing a meeting of treason (*makar*) which is penalized according to the Indonesian Penal Code.
15. In May 2016, more than 2.500 people were arrested during peaceful mass protests in all major Papuan cities (Jayapura, Merauke, Fakfak, Sorong, Wamena) and several other cities, such as Makassar (South Sulawesi), Manado (North Sulawesi), Yogyakarta and Semarang (Central Java). In June 2016, we received information that 1.235 members of KNPB were arrested in Jayapura, Wamena, Sentani, Nabire (Papua) and in Malang (East Java). Most of them were released and some were tortured during their detention. The demonstrations were held in support of the ULMWP to be recognized as a full member of the MSG, the commemoration of 1 May 1963 as Indonesia’s accession of West Papua.

16. On 15 July 2016, members of the Indonesian Police surrounded the dormitory of Papuan students in Yogyakarta Province to prevent them from attending a peaceful protest in support of the bid of ULMWP to be a member of the MSG. The dormitory was surrounded for several days which prevented people from outside from entering and the students from going out. The ambulance of the Indonesian Red Cross was denied the access to provide food for the students. At the end, the Police arrested seven students for their intention to organize a peaceful protest. The Indonesian National Commission on Human Rights strongly challenged the action of the Indonesian Police. This incident provides a clear example of violation of the right to freedom of expression and assembly of the indigenous Papuans by the Indonesian State.
17. On Monday 19 September 2016, the Yakuimo Police arrested 21 members of KNPB as they distributed leaflets about a peaceful rally to be held on Monday the 19 September. Eight activists were arrested first, followed by another 13 when over 200 people protested outside the local police station at the arrests. One activist was taken to hospital after being hit by a police officer. The rally on Monday show the support for the Pacific countries which are the members of the Pacific Islands Coalition on West Papua (PICWP) which will raise West Papua issue at the UN General Assembly.

***Recommendations:***

- **Guarantee the right of freedom of expression and freedom of association and assembly for the Indigenous Papuans;**
- **Open access to Papua for the international community;**
- **Decide the dates of the visit of the UN Special Rapporteur on Freedom of Expression, as it was agreed, and to allow open access to Papua.**

**Human Rights Defenders**

*Second-Cycle Recommendations*

18. In 2012, the Indonesian Government accepted recommendation to conduct impartial and independent investigations into acts of violence committed against human rights defenders, to enhance efforts in order to provide adequate protection to human rights defenders and to ensure a safe and enabling environment.<sup>3</sup>

*Promotion and Protection of Human Rights on the Ground*

19. As in many conflict-affected areas, human rights defenders in West Papua have to work in an all-pervasive atmosphere of fear and they are subject of repressive actions, intimidations or even physical attacks. Human rights defenders and the journalists working independently or in small local organizations are particularly vulnerable. Until now, Indonesia has restricted the presence of the international human rights organizations and human rights observers in West Papua. Even though, the local human rights activists frequently report about ongoing human rights violations in West Papua. As a result of a regressive government policy, several international organizations had left West Papua. This, it has isolated the conflict region further from international human rights observation.
20. On 23 April 2014 at 11:30, Yones Douw, a human rights defender from the human rights desk of the Tabernacle Church Papua (Kingmi Papua), was threatened by several police officers. When he

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<sup>3</sup> See recommendations 108.115-118

was trying to attend the plenary meeting of the local election commission in Nabire. Police officers intercepted Yones Douw as he entered the building, leading to a dispute between Yones and the police officers. As, five crowd control (DALMAS) police officers saw the incident, they approached Yones Douw. One of the police officers intimidated Yones by placing his hand on the gun holster, as if to draw his weapon. Another police officer, named Sukifri, yelled from a nearby police vehicle to the other officers: “Just kill him, shoot him or beat him up!” Police officer Sukifri already knew Yones Douw from a previous incident at the Tumartis Market Nabire in 2009. At that time the officer had threatened Yones Douw at gunpoint, then released several shots in another direction. This was because Mr. Douw complained against the excessive use of force against a Papuan man during the attempt to resolve a conflict between two local residents.

21. On 16 September 2014 at 19:00 hours, Ms Anum Siregar, a human rights lawyer of the Democracy Alliance for Papua (ALDP), was attacked with a knife as she returned to her hotel following a high profile pre-trial hearing against the head of district police Jayawijaya in Wamena. The pre-trial hearing was launched because police officers in charge, violated the criminal procedure code (KUHAP) during the arrest of her client Areki Wanimbo, a Papuan political prisoner originally arrested in August alongside two French journalists. The perpetrator attacked Ms. Siregar in front of the hotel with a knife and hurt her in the hand. After that, he managed to grab Ms. Siregar’s bag and run away. The cut required two stitches,<sup>3</sup> and Ms Siregar has yet to recover normal functioning her hand. Police were extremely reluctant to respond to the case. Then, they made a public statement saying that the incident had nothing to do with the trial. This statement was somewhat premature seeing as there had been no police investigation into the attack.
22. On 20 May 2016, at around 3 to 4 am in Ring Road of Hamadi beach, Jayapura, Papua, Mr Robert Jitmau, the Secretary of Solidarity for Indigenous Papuans Vendors (*SOLPAP*) was killed instantly by a car while spending time with his friends, Mr Nehemia Yerinal and Mr Melianus Duwitauw. Mr. Yerinal was not injured, while Mr Duwitauw was beaten and made unconscious by unknown person while the accident took place. He was taken to the hospital. The body of Mr Jitmau was taken to Bhayangkara Military Hospital and declared as dead due to traffic accident. The police arrested two persons, Mr Dolfinus Seifa and Mr Herep Patay. The first, who acknowledged that he did not know how to drive, accidentally drove the car backward and hit Mr. Jitmau.
23. Ms Jitmau was known as a human right defender who worked to defend the indigenous market in the center of Jayapura, the provincial capital of Papua, from being removed to remote area outside the city. The market, known as *Pasar Mama-mama*, is the last place in Jayapura for the Papuan indigenous women, to sell their agricultural products. Despite the pressure from investors to use the prime compound of the market for more profitable commercial buildings, Mr Jitmau supported the Papuan women to defend their right to sell their products in the market. His work drew national attention including the Indonesian President Mr Joko Widodo who promised to improve the market, including by putting the first brick for the restoration of the market in April 2016. However, no further construction activity has taken place. While, the police declared that the incident was purely a traffic incident, several human rights activists suspected that the incident was politically motivated. The injury in his right eye, which went through his crane, seemed to be caused by a sharp object instead of being caused by a car accident.

## **Right to health**

### *Second-Cycle Recommendations*

24. In 2012, The Indonesian Government accepted several recommendations with regards to right to health, to continue the efforts to develop the health and education public services; intensify its efforts with a view to decrease infant and maternal mortality rates; strengthen the programs and

initiatives aimed to guaranteeing the right to health and in particular at reducing maternal and child mortality and morbidity.<sup>4</sup>

### *Promotion and Protection of Human Rights on the Ground*

25. As part of Papua's special autonomy status (OTSUS) considerable funding is to be made available for the improvement of health services. However, the health system in Papua has become a serious concern. There have been allegations of serious misuse of these funds on a broad scale, which are caused by a lack of proper management and as a result of negligence and the absence of healthcare workers in duty posts.

### *People living with HIV/AIDS*

26. The prevalence of HIV/AIDS among the indigenous Papuans is also a concern. In Papua the epidemic has, in the highlands at least, most likely become generalized (>5% prevalence of infections in the adult population) amongst the indigenous population. The only general HIV prevalence survey was conducted in 2006 and registered an average prevalence of 2.4 % in Papua.

27. According to the official data, published by the Papua Province Administration in March 2016, there have been 25.233 registered cases of HIV/AIDS infections, almost equally distributed between men (12.480 cases) and women (12.649). According to the statistic of the Indonesian Ministry of Health in 2014, the respective prevalence in Papua and West Papua Provinces are in comparison with the national prevalence which is 359.43 and 228.03 per 100.000 inhabitants in comparison with national prevalence of 23.48.<sup>5</sup> It means that the prevalence in Papua province is 15 times higher than the national average, while in West Papua province is 10 times higher. In 2008 the Ministry of Health initiated a program called 'Save Papua', under which mobile health teams were formed at district level to provide Voluntary Counseling and Testing (VCT) in remote villages. The persons with discovered the HIV virus, were referred to a hospital to receive ARV treatment. This program functioned till 2010, however, its outcomes are unclear. The program has not been continued by the government and has not been evaluated.

### *Negligence of the health situation in the remote areas, especially in the high land areas*

28. Since September 2015, in the districts of Mbua, Dal, Mbulmu Yama in the Nduga Regency, in Papua Province, there has been a serious concern on the continuous health deterioration,. Started with the unusual cases of death wild animals, followed by the sudden death of cattle. In those three districts there was an epidemic, which caused the life of 54 members of the communities, 51 children and 3 adults. Nduga District is located in the remote area in the highland region of Papua Province. The El Nino climate phenomena resulted in an extremely dry and cold weather for the region, which seriously affect the crops, and food supply for the substantial farmers. The death of the members of the community was mainly caused by the outbreak of the Pertusis (whooping caught), which is a preventable disease. The Indonesian Government failed in providing immunization for the children and the members of the community.

29. The Pertusis outbreak in Mbua District is one of the recent examples on the lack of comprehensive policy of the Indonesian Government in providing adequate health service for the indigenous Papuans, especially those who live in the remote areas and in the highlands. In these areas, there is an acute lack of basic medical services, due to the absent of both: the health center

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<sup>4</sup> See recommendation 108.120-122

<sup>5</sup> See the information from the Indonesian Ministry of Health at <http://www.depkes.go.id/resources/download/pusdatin/infodatin/Infodatin%20AIDS.pdf>

(PUSKESMAS) and the medical personnel. When there is a health outbreak, the indigenous peoples have to walk a long distance to find health centers, which are often poorly equipped in medicaments and personnel. As result, in such cases as in the Mbua district, the action from the government was not addressed timely and the response was too late to save lives.

### ***Recommendations:***

- **Provide disaggregate data for different ethnic groups in its demographic and health service statistics, e.g. non-Papuan and Papuan inhabitants;**
- **Adopt concrete and specific measures to monitor, evaluate, and intervene in the execution of failing health and education services in the highland districts;**
- **Adopt specific measures to address the epidemic of HIV/AIDS in West Papua by involving the indigenous Papuan communities;**
- **Take measures to hold health district authorities accountable by law for the misappropriation of health funds provided under the rules of special autonomy.**

### **Rights of Indigenous Peoples**

#### *Second-Cycle Recommendations*

30. In 2012, The Indonesian Government accepted several recommendations with regards to the rights of indigenous peoples and committed to ensure the rights of indigenous peoples and local forest dependent peoples in law and practice, in particular regarding their rights to traditional lands, territories and resources. Indonesia also committed to invite the Special Rapporteur on the rights of Indigenous Peoples to make a country visit.<sup>6</sup>

#### *Promotion and Protection of Human Rights on the Ground*

#### ***Human Rights impacts of business on the human rights of Indigenous Papuans***

31. In the Province of Papua, the central government of Indonesia has adopted an aggressive policy on the forest management by converting the tropical rain forests, which traditionally belong to the Indigenous Papuans to production forests by granting permission to either palm oil plantation or logging companies. Members of the indigenous communities were conditioned to sign agreements, without given the knowledge on the consequences. We received information that in many cases, the agreements caused tensions among different indigenous communities who agreed or disagreed to the projects. In most cases, the agreements were signed with the presence of local government representing companies as well as Indonesian security forces to ensure the interest of the companies. After losing their forests and access to resources in the forests, some of them were given menial or daily jobs by the companies.

32. We documented several cases of conflict between the members of the local indigenous populations with palm oil plantation companies. For example, in Nabire region, West Papua Province, PT Nabire Baru received the concession by the local government of Nabire in June 2007 to convert 24.000 hectares of forest to palm oil plantation, despite of the opposition of several indigenous clans in the region. On June 26, 2013, we received report that three members of Indonesian Police Mobile Brigade beat Mr Titus Money, a member of Yerisiam indigenous community from Yaur district in Nabire. Mr Money protested against unjust and late payment. It was found that the company employed eight members of the Indonesian Police Force, including the three police who

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<sup>6</sup> See recommendation 109.36 and 109.15

beat Mr Money. A similar case took place in 2014, when Mr Imanuel Money, also a member of Yerisiam indigenous community, was beaten by members of Indonesian Police Force, when he questioned the implementation of Memorandum of Understanding between the company and the local communities. He was threatened not to make further protests on the police station.

33. In November 2014, members of Indonesian Police Brigade who worked for PT Nabire Baru arrested two members of Yerisiam Gua indigenous communities: Mr Yorampit Henawi and Mr Heris Nanaor. They were arrested because they put an announcement: “This is our land not the land of the company” on the concession compound. They were arrested for several days without warrant and finally released. PT Nabire Baru, which is owned by Goodhope Holdings, operates in Nabire Regency and it is a transnational corporation based in Singapore and specializing on palm oil plantation. There has been allegation by the community that the company does not have their permission and consent to operate in their indigenous land. On the 12th April 2016, around 550 square metres of lands were cleared, including 15 stands of sago palms (which is the main staple food of this community). The operation was conducted with the presence of the fully armed Indonesian Police Mobile Brigade (Brimob), causing anxiety within the community. The community collected 110 signatures of their members to protest against the activities of the companies and sent a letter to the company. However, PT Nabire Baru claimed that it had settled all issues of community rights, was in possession of all the required permits and had corporate social responsibility programmes in place. It was also stated that Brimob were stationed in the company’s area because local people had requested protection from the threat of armed groups.
34. We also received information regarding intimidation against Mr Agustinus Dayo Mahuze, an indigenous leader from Muting District in Merauke Regency. On 16 July 2016, members of Indonesian military visited his house and convoked him to the nearby military office to discuss his refusal to the Palm Oil Plantation project run by PT. Agriprima Cipta Persada which would use area belonging to the indigenous community. The convocation of the military personal was a clear proof on the role of Indonesian military in defending the interests of private companies rather than to protect the rights of the indigenous peoples.
35. The presence of new companies has negatively impacted: the forest and the indigenous peoples for whom the forest is of vital importance. The conversion from protected forest into palm oil plantations or logging concession has largely destroyed not only the forests, but also the ecosystem of the area. We found cases of internal displacement of local communities, the pollution of the rivers, and the lost of livelihood of the indigenous communities such as the case of indigenous communities of Wanggar, Worawi, Sima, Wamijaya, which could no longer have the access to their traditional livelihood and means of existence.

## **Recommendations**

- **Adopt measures and legislation, which should legally bind the business enterprises operating in Papua to respect the principle of Free, Prior and Informed Consent (FPIC) and to comply with the UN Guiding Principles on Business and Human Rights;**
- **Adopt concrete actions in bringing business enterprises that violate the rights of indigenous peoples to justice and provide remedies for the victims;**
- **Take measures to guarantee the security and safety of human rights defenders working on the rights of indigenous Papuans, including those who work on the violation of human rights by the business enterprises;**
- **Modify existing legislation and practices which discriminate against and violate the rights of indigenous peoples, especially Investment Law No 25/2007 and Presidential Regulation 65/2006;**
- **Uphold the principles enshrined in the UN Declaration on the rights of Indigenous Peoples**

**and ensure the right of indigenous Papuans to the resources that are the source of their livelihood, including forests and land.**

*Demographic imbalance between migrants and Indigenous Papuans that affects on the human rights of indigenous Papuans*<sup>7</sup>

36. The basic population dynamic is that the original Melanesian inhabitants are being challenged by a large influx of non-Papuan migrants who started arriving after West Papua's disputed integration into Indonesia in 1969. Currently, non-Papuans make up a majority. The Papuan population increased from 887,000 in 1971 to 1,505,405 in 2000. This represents an average annual growth rate of 1.84%. The non-Papuan population increased from 36,000 in 1971 to 708,425 in 2000. This represents an average annual growth rate of 10.82%. If we assume that the population growth rate for Papuans continued its historic rate of 1.84% (which may be optimistic given the poor health and living conditions for many Papuans) the total number of Papuans in 2015 would be 1,961,000. Papuans would therefore represent 42.24% of the total population of West Papua (West Papua Province and Papua Province) in 2015.
37. Although it is difficult to generate precise demographic statistics, but it is possible, to clearly establish the demographic trends underway in West Papua: the number of Papuans is declining in relation to the number of non-Papuans; they are now an overall minority, and they will become an ever smaller minority if current Indonesian policies remain unchanged.
38. This demographic transformation, however, is not uniform across the entire West Papua. In the urban areas, such as in Jayapura, Merauke and Sorong, the migrants from outside Papua are more dominant. They are settled in the economic areas, such as business centers, shops, transportation and other key services. The number of non-Papuans working in these areas is disproportionately bigger than the number of Indigenous Papuans. There is no much left for the Papuans who work in the marginal trade especially selling bettle nuts on the roadside.
39. On the contrary, the rural areas, especially in the central high lands, the majority are the Indigenous Papuans, such as in the area of Wamena. However, the migrants come more and more and they settle also in the region. This imbalance creates conflicts, most seriously with ongoing military operations against 'separatists'. Non-Papuans also dominate economic activity and formal employment, causing further tensions with Papuans and they are discriminating them. Genocide claim is often heard and needs serious consideration and proper investigation. The indigenous Papuans are clearly experiencing marginalization. Ongoing serious human rights abuses are well documented.
40. In West Papua a demographic transition is well under way and it is one of the drivers of conflict in the region. More research is required to fully understand this process, and hopefully to mitigate or limit future mass migration of non-Papuans; the Melanesian population is afraid of suffering a demographic catastrophe. Given the rapid changes in mass communication through internet and social media, this conflict can no longer be hidden from the world. It is in Indonesia's interest to address this issue directly or face international condemnation as the dire situation of the Papuans becomes more widely known. This situation has impacted on the enjoyment of human rights of Indigenous Papuans.

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<sup>7</sup> See Report of Human Rights in West Papua 2015 published by International Coalition for Papua and Franciscans International pp 69-74. This is part is largely taken from the report.

## **Recommendations**

- **Adopt policies and legislation to prevent the demographic imbalance between migrants and Indigenous Papuans;**
- **Review policies which cause the marginalisation of the Indigenous Papuans in their own land such as the policy on transmigration;**
- **Take concrete measures to protect the rights of the Indigenous Papuans, including their customary rights over land and natural resources;**
- **Take measures to prevent any attempt to promote conflict on the basis of ethnic differences.**

## **Rights to Education**

### *Second-Cycle Recommendations*

41. In 2012, The Indonesian Government accepted recommendation to continue the efforts to develop (...) education public services, to develop education policies aimed at ensuring access to education for all, especially for the poor who live in rural and disadvantage areas.<sup>8</sup>

### *Promotion and Protection of Human Rights on the Ground*

42. Over the past years, the education sector in the highlands of Papua has continued to expand. New schools and medical centres are being built and thousands of teachers and health workers have been employed to work in the region. In spite of this, in some areas, there has been a complete withdrawal of public services, which is causing literacy rates to fall, in remote areas to less than 10 per cent. The scale of the crisis is not acknowledged in official reports and its impact has been hugely underestimated.

43. A study conducted in 2014 in 40 villages in the regencies of Wamena, Yahukimo and Yalimo has shown that in many areas in the highlands, particularly in those areas with difficult access, the schools have been closed and the teachers absent for several years. Many teachers, who do not live in their designated workplace but in urban areas, continue to receive wages, including bonuses for service in remote areas. Some teachers only attend their place of work, once or twice a year for exams. Some headmasters, themselves mainly absent, employ under-qualified assistant teachers, who receive low and irregular salaries. The study covers an area of about 100.000 inhabitants, but is likely representative of most of the highland regencies. This is highlighted by mass media and NGOs reports on the situation of basic education in the regencies of Pegunungan Bintang, Tolikara, Puncak Jaya, Lanny Jaya, Nduga, Puncak and Intan Jaya. This means that a high percentage of the 1,2 million Papuas, living in those highland regencies, is affected by the situation.<sup>9</sup>

44. According to testimonies we received from a priest working in Oklip District in Pegunungan Bintang regency in Papua, the principle of the elementary school, came only during the national examination period. He spent most of his time in the urban areas such as in Jayapura. Some students have to walk for hours to reach their school only to find that the teachers are not available. Unfortunately, there was no visit from the regional department of education to monitor the situation in Oklip. There is also a concern on the lack of teaching staff. The elementary and secondary school of Oklip are combined into one building, with only two teachers for the elementary classes and six teachers for the secondary classes. Additional staffs are recruited temporarily from the area although they do not have any qualification to teach.

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<sup>8</sup> See recommendations 108.120, 108.125-127

<sup>9</sup> See the report of Human Rights in West Papua 2015 pp 61-64 published by International Coalition for Papua and Franciscans International

**Recommendations**

- **Evaluate and review the education-policies in Papua, especially in the remote and highland areas by prioritizing the needs and reality of indigenous Papuans.**