

Press Release of 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 (GoI)'s initiative to invite the UN High Commissioner of the Office of High Commissioner on Human Rights, Mr. Zeid Ra'ad al Husein to Jakarta, Indonesia. The meeting between the High Commissioner of the UN and the Civil Society Organizations (CSOs) on 5 February 2018 discussed issues related to human rights, among others discrimination and violence, land rights and indigenous people, impunity and accountability.

Under the administration of Jokowi, discrimination and violence against minority groups have been constantly increasing. Perpetrators involved were religious extremist, non-state actors, and law enforcement apparatuses, 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, sociocultural rights. For example, the Blasphemy Law No 1./1965 is used very often by individual or religious extremist to discriminate and persecute minority of religion and belief. Another case is the enactment of Qanun Jinayat No. 6/2014 that has been used to criminalize minority and vulnerable groups, especially Lesbian, Gay, Bisexual, and Transgender (LGBT).

Land Rights are also becoming a serious concern. AMAN mentioned about indigenous people, peasant, and paupers who become victims of land grabbing by the Government. The *Domein Verklaring* concept, which is adopted by the Government as national law through agrarian 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 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 are criminalized. Coalition for Agrarian Sector Reform (KPA) recorded that throughout 2017, 659 agrarian conflicts occurred, and this number will increase if the Government does not seriously address the agrarian conflict and start to stand with its people instead of big corporations or private sectors. The arrest of 13 indigenous people from Seko due to Governemnt's ambition to build a dam, the arrest, terror, and violence experienced by indigenous people Nagari in Salingka, Talang Mountain, and the criminalization of 4 people from Sumber Agung Tumpang Pitu village who opposed the construction of mine and were then criminalized under the charge of communism are only a few examples from numerous problems in the agrarian sector.

Those human rights violation cases are difficult to solve due to the culture of impunity that still exists and has become a burden of the country. As mentioned by KontraS, after almost 20 years from the reformation era, the politic of impunity have been continuously adopted under the regime of President Joko Widodo. The resolution for massive human rights abuses are stagnant. In the case of Munir, the document produced by fact finding team remains unknown. Furthermore, there is no willingness from the President to make the results of the investigation conducted by the fact finding team public.

The human rights violations continuously happened in various forms, both in the form of 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. Related to this, the UN High Commissioner for Human Rights, Mr. Zeid said that he will convey the issue of impunity occurring in Indonesia in his meeting with the State officials.

In addition, the rule of law is no longer upheld, reflected by the numerous court judgments that are not implemented by the Government. The judiciary that suppose to be the last fortress in providing remedy for the victims are instead becoming a tool to violate the people's rights. This is due to the absence of check and balances in the police, attorney general office, and judiciary. Developments that do not involve or consider people's opinion leads to the increase of human rights violation. 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 have violated 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 one of the diplomacy plots that use human rights as tokens. The UN High Commissioner for Human Rights must demonstrate a strong stance against the Indonesian government to question national accountability of Indonesia's diplomatic pledge on the human rights sector. FORUM-ASIA research conducted in 18 countries found that Asian governments showed a significant decline in freedom of expression and association due to the sheer amount of legislation that repressed basic freedoms. This trend further marginalizes women and vulnerable groups such as LBGT. Indonesia must demonstrate global leadership by abolishing those 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 the full human rights provisions, in particular 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 to the President Jokowi to disclose the investigation result of fact finding team on Munir's case to 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 to State officials is not a platform to provide a loophole for the eradication of mistakes made by perpetrators of human rights violations. The mandate of 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, such as the United Nations High Commissioner for Human Rights, 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 a diplomacy of "human rights investment" by the Indonesian government and supported by the Office of High Commissioner on Human Rights. We are still putting our hope on the power of international human rights bodies to take a significant step in giving attention to the situation of human rights and democracy in Indonesia

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