

**Submission to the Universal Periodic Review (Fourth Cycle) of Indonesia
for the 41st Session (November 2022) of the UPR Working Group
Submitted on 31 March 2022**

**Joint Stakeholders' Submission on:
The Situation of Human Rights and Related Environmental Issues in Papua**

**Submitted by The Coalition of Civil Society Organizations for Social Justice,
Human Rights and Environmental Sustainability in Papua**

Consisting of Yayasan Pusaka Bentala Rakyat (PUSAKA), Lembaga Advokasi Peduli Perempuan (eLAdPPer) Papua, Jaringan Advokasi Rakyat (JERAT) Papua, Keadilan Perdamaian Keutuhan Ciptaan (KPKC) Gereja Kristen Injili di Tanah Papua, Perkumpulan Belantara Papua, Wahana Lingkungan Hidup Indonesia (WALHI) Papua, Lembaga Bantuan Hukum (LBH) Papua, Perkumpulan Panah Papua, AMAN Sorong Raya, LP3BH Manokwari, Greenpeace Indonesia, Yayasan Satu Keadilan, Lembaga Studi dan Advokasi Masyarakat (ELSAM).

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Introduction

This report is a joint submission by the above-mentioned non-governmental organizations (NGOs) working on human rights and environmental issues in Papua.¹ We, the undersigned NGOs, welcome the opportunity provided by the Office of the United Nations High Commissioner for Human Rights to submit a stakeholder report to the Universal Periodic Review (Fourth Cycle) of Indonesia in November 2022.

The report highlights key concern related to the Indigenous Peoples' rights and land rights in relation to human rights; Environmental, Business and Human Rights ; and Human Rights Defenders. The term of Papua refers to the Province of Papua and the Province of West Papua.

At the 3rd UPR Cycle of Indonesia in 2017, Indonesia received several recommendations important for the fulfillment of indigenous peoples' rights. Specifically, Indonesia received recommendations to "Evaluate the establishment of mechanisms that allow indigenous peoples to be guaranteed the right to their ancestral lands"²; "Continue to implement policies aimed at enhancing social protection and reducing inequality, and develop infrastructure that provides more targeted social assistance, particularly to those living in rural areas"³; "Extend an invitation to the Special Rapporteur on the rights of indigenous peoples to visit Indonesia, including Papua, in line with the openness of Indonesia to collaborate with special procedure mandate holders"⁴; and "Ratify as soon as possible the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169)"⁵. The Government of Indonesia (GoI) has not only failed to fulfil any of these recommendations, since then it has enacted a new Omnibus Law, the Law on Job Creation (No.11/2020), which, despite a constitutional order suspending its implementation, is spurring national policies that further undermine respect for indigenous peoples' rights.

I. Lack of Respect for Indigenous Peoples' Land Rights Exacerbated by the Omnibus Law

1. The GoI fails to respect Indigenous Peoples' land rights, including by non-compliance with judicial decisions regarding Indigenous Peoples' land rights. Since Constitutional Court ruling No. 35/2012, which held that indigenous forests are not State forests, Indonesia has, by its own admission, formally only recognized "35, 090 ha [hectares] as Adat [customary]

¹ The term Papua refers to the Province of Papua and the Province of West Papua in the Republic of Indonesia.

² See A/HRC/36/7/Add.1 – Para.10. 141.74

³ See A/HRC/36/7/Add.1 – Para.10. 139.83

⁴ See A/HRC/36/7/Add.1 – Para.10. 141.74

⁵ See A/HRC/36/7/Add.1 – Para.10. 141.19

Forest”.⁶ This represents less than 0.1 percent of the estimated 40 million hectares of forests and other lands customarily owned by Indigenous Peoples.⁷

2. The absence a specific law on Indigenous Peoples’ rights, accompanied by the State’s onerous and complicated procedures for Indigenous Peoples to even claim recognition of their rights, has left many Indigenous Peoples’ lands vulnerable to expropriation. The existing legal framework in Indonesia enables the grants of natural resource extractive concessions over Indigenous Peoples’ customary lands without respect for the right to Free, Prior, and Informed Consent (FPIC) in part because those customary lands are not legally recognized. Importantly, Indigenous Peoples’ ability to even claim land rights are not legally recognized until a district and/or provincial government certifies their “existence” via decree or regulation, depending on the status of the claimed area.⁸ This requirement leaves wide discretion to local governments,⁹ and denies Indigenous Peoples legal personality (a non-derogable right)¹⁰; disregards the fundamental criterion of self-identification;¹¹ and *ab initio* subordinates their rights to the interests of other parties. Even where regulations recognise the existence of Indigenous Peoples, they do not necessarily protect Indigenous Peoples’ land rights. In Papua, for example, there are tens of regional and district-level regulations equivalent to sectoral laws on the recognition and protection of Indigenous Peoples’ rights. These sectoral laws only recognise the existence of Indigenous Peoples but do not recognise their land rights.
3. In 2012, a draft Bill on the Recognition and Protection of the Rights of Indigenous Peoples (the Indigenous Peoples Bill, *RUU Masyarakat Adat*) was submitted to the national parliament to more fully protect Indigenous Peoples’ rights. The Bill allows for self-identification of indigenous peoples and simplifies procedures for claiming land rights. Despite numerous recommendations by UN human rights bodies for the GoI to enact this bill into law,¹² the bill continues to languish in the legislature without any sign of imminent

⁶ Second periodic report submitted by Indonesia under articles 16 and 17 of the Covenant, CESCR, 3 November 2021, para. 298. According to the Badan Registrasi Wilayah Adat (BRWA) (the indigenous Territory Registration Body), this figure was the amount recognised as of 2016; as of August 2021, “the Ministry of Environment and Forestry (KLHK) has issued 75 decrees recognizing Customary Forests with an area of 56,903 hectares or about 0.68% of the current potential of Indigenous Forests.” BRWA information on the “status of recognition of indigenous territories in Indonesia”, BRWA Indigenous Territories Registration System, 2021.

⁷ See e.g., Reuters, 2018, With forest rights, indigenous Indonesians stave off mining, palm oil, <https://www.reuters.com/article/us-indonesia-landrights-lawmaking-idUSKCN1NI13T>

⁸ Land claimed inside of State Forest requires different regulations and processes to land claimed outside of State Forest.

⁹ See e.g., ‘Indonesia’s indigenous wage two-pronged battle for legal recognition’, *Mongabay News*, 27 April 2016 (reporting that “just five regulations — known as *Perdas* — [have been adopted] since the landmark court decision three years ago,” and that, “despite explicit constitutional recognition, no national law has been passed that says who qualifies as indigenous, or what rights, if any, such status confers. The lack of legal certainty leaves *adat* communities especially vulnerable to abuse and loss of lands to those who see profit in their forests”), <https://news.mongabay.com/2016/04/perda-push/>.

¹⁰ See ICCPR, Art. 16 (“Everyone shall have the right to recognition everywhere as a person before the law”), read in conjunction with Art. 4(2), stating that “No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.”

¹¹ See CERD/C/IDN/CO/3 (2007), para. 15 (concluding that, although Indonesia “recognizes the existence of Indigenous Peoples on its territory ... under domestic law, these peoples are recognized ‘as long as they remain in existence’, without appropriate safeguards guaranteeing respect for the fundamental principle of self-identification in the determination of Indigenous Peoples”); E/C.12/IDN/CO/1 (2014), para. 38 (where the UNCESCR refers to Indonesia’s “statement that it would make use of relevant principles contained in the [UNDRIP]” and “urges the State party to expedite the adoption of the draft law on the rights of Masyarakat Hukum Adat and ensure that it: (a) Defines Masyarakat Hukum Adat and provides for the principle of self-identification, including the possibility to self-identify as Indigenous Peoples...”).

¹² See, e.g., CESCR E/C.12/IDN/CO/1*, para. 38; CERD/EWUAP/103 rd session/2021/MJ/CS/ks.

approval by the House of Representatives (DPR)¹³. Without such a law, the existing legal system imposes significant obstacles to the protection of Indigenous Peoples' rights.

4. Securing Indigenous Peoples' land rights is complicated further by the numerous decades' worth of natural resource concessions already granted over Indigenous Peoples' customary lands without their FPIC. Pusaka has documented that between 1990 and 2021, the cumulative area for various extractive industrial projects reached over 12 million hectares across Papua. Such concessions are suspected of being acquired through land-grabbing and the deliberate denial of the rights of the Indigenous Peoples. The violations of Indigenous Peoples' land rights has directly lead to the loss of indigenous culture and traditional livelihoods, impoverishment of communities, and situations of exploitative labour conditions (see Section III).¹⁴
5. Meanwhile, the GoI adopted the Law on Job Creation (No.11/2020) which facilitates investments while weakening social and environmental protections to the detriment of Indigenous Peoples' rights. The Law enables an increase in the already extensive criminalization of indigenous traditional practices; expands the options for government expropriation of lands; reduces penalties for corporate actors to mere administrative sanctions for environmental and forestry offences; abolishes the already weak requirements, including the conduct of environmental impact assessments, for companies to obtain the necessary permits for business activities on Indigenous Peoples' lands; and significantly waters down or eliminates critical safeguards for indigenous land rights, namely, effective participation in decision-making on the issuance of business licenses and the conduct of environmental and social impact assessments.¹⁵
6. This set of laws does not correct the policy and the lack of respect for rights in pre-existing land acquisition or licensing regulations on the corporate procurement of natural resources in Papua.¹⁶ These regulations which facilitate the procurement of licenses do not respect the right of Indigenous Peoples to FPIC, and instead enable the corporate takeover of Indigenous Peoples lands through intimidation, manipulation, violence, criminalization or unfair compensation¹⁷.

¹³ For the last 10 years, the Bill on the Recognition and Protection of the Rights of Indigenous Peoples has repeatedly entered the national legislation program but has never been approved by the DPR at the end of the legislative year.

¹⁴ "Forced labour occurs when people are subjected to psychological or physical coercion in order to perform work, which they would not otherwise have freely chosen.... ILO research indicates that indigenous peoples in many areas are at high risk of becoming victims of forced labour, as a result of longstanding discrimination." *INDIGENOUS & TRIBAL PEOPLES' RIGHTS IN PRACTICE: A GUIDE TO ILO CONVENTION No. 169*, (International Labour Standards Department, ILO Office: Geneva, 2009), p. 157, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_106474.pdf

¹⁵ AMAN et al., "Request for consideration of the Situation of Indigenous Peoples in Indonesia under the United Nations Committee of the Elimination of Racial Discrimination's Urgent Action and Early Warning Procedure", CERD 102nd Session, October 2020.

¹⁶ Regulations regarding limits of land acquisition and ownership in Papua which has been governed by the Decree of Ministry of Agrarian and Spatial Affairs/Head of National Defence No. 14, 2018 on licensing on Locations; Decree of Minister of Agriculture No. 98/Permentan/OT.140/9/2013 on Agricultural Business Licensing Guidelines; 1999 Government bill No. 6 on Forest Industrialization and Extraction from Industrial Wood; which made exceptions on the case of Papua and West Papua, with example given that Palm plantation quota are capped at 200.000 hectares per company, whilst Sugar plants are capped at 300.000 hectares; Logging licenses (IUPHHK-HA) being capped at 200.000 hectares; Also see: Power to make land dispossession acceptable: a policy discourse analysis of the Merauke Integrated Food and Energy Estate (MIFEE), Papua, Indonesia, January 2014, source: <https://www.tandfonline.com/doi/abs/10.1080/03066150.2013.873029>

¹⁷ See: <https://news.mongabay.com/2021/03/palm-oil-firm-digoel-agri-said-to-clear-papuan-forest-without-indigenous-consent/>

7. Indonesia Constitutional Court Decree No. 91/PUU-XVIII/2020 has deemed the Law on Job Creation to be conditionally unconstitutional. The State has ignored this ruling and instead published related amendments and persisted in pushing for its Strategic National Program (PSN) agenda which is covered under the Law on Job Creation. For Papua Province, the PSN constitutes a plan to develop a Food Estate project which would convert 2,684,681 hectares of forest to commercial agrobusiness plantations. This program is being pursued without the participation of Indigenous Peoples. Their Free, Prior, and Informed Consent (FPIC) has not been respected, and no social welfare protections have been proposed by the State.
8. PSN threatens local livelihoods and food sources. An estimated 169,045 Indigenous Peoples, who live across 200 villages in Papua Province, will be affected by PSN because their lives are heavily dependent on the non-timber forest products they source from their customary lands. PSN, if pursued, will repeat the problems generated by the Merauke Integrated Food and Energy Estate project (MIFEE) which was documented during Indonesia's previous UPR¹⁸ and prompted concerns from UN Committee on the Elimination of Racial Discrimination (UNCERD)¹⁹.

Recommendations to the Government of Indonesia:

9. Expedite the enactment of the Bill on the Recognition and Protection of the Rights of Indigenous Peoples.
10. Recognize and protect Indigenous Peoples' rights to their customary lands and resources, including through the adoption of mechanisms enabling such protection, such as the Bill on the Recognition and Protection of the Rights of Indigenous Peoples.
11. Ratify as soon as possible the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169)
12. Implement the recommendations of the UN human rights bodies, including those detailed in the UNCERD's latest communication to Indonesia.²⁰
13. Discontinue policies and projects in relation to the PSN Food Estate program which is contingent on the mass acquisition and repurposing of forest lands customarily owned by Indigenous Peoples and the development of a Special Economic Zone in Papua which will likely lead to ecological destruction, human rights violations and breaches of the rules agreed under the UN's Sustainable Development Goals (SDGs).
14. Refrain from granting concessions or approving other projects, investment expansion or activities affecting Indigenous Peoples' lands without the FPIC of the Indigenous Peoples affected. The State should seek FPIC prior to granting such concessions, and concession holders should seek FPIC prior to commencing activities. Such processes should be gender-sensitive and may require separate consultations and meetings with women in communities.

¹⁸ See: https://www.upr-info.org/sites/default/files/document/indonesia/session_27_-_may_2017/js26_upr27_idn_e_main.pdf

¹⁹ See: <https://www.forestpeoples.org/sites/default/files/publication/2013/09/cerdindonesiamifeeaugust2013.pdf>

²⁰ CERD/EWUAP/103ND SESSION/2021/MJ/CS/ks, 30 April 2021

https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/IDN/INT_CERD_ALE_IDN_9400_E.pdf

15. Commit to the rehabilitation and restitution of lands to victims of land-grabbing whose rights have been violated. Restore, recognize and protect the rights of Indigenous Peoples over their customary lands and forests. Empower and strengthen Indigenous Peoples in securing, handling and utilizing their customary lands and forests based on the intersection of innovation and local custom governance.
16. The government should issue Norms, Standards, Procedures and Criteria (NSPK) on Sustainable Forest Management in favor of indigenous peoples and environmental sustainability.

II. Failure to Ensure Business Respect for Human Rights and Environment in Papua

17. The above-mentioned lack of respect for Indigenous Peoples' land rights is an underlying factor contributing to many other human rights violations (and environmental damage) caused by the State's preferencing of business interests over human rights. In Papua, for example, the 35 million hectares of primary tropical rainforest are home to numerous endemic species of flora and fauna, which serve as the source of livelihood for Papua's Indigenous Peoples. 12 million hectares of the forest have already been parcelled out for logging, pulp and paper, mining, palm oil and other agrobusiness concessions owned by Indonesian and transnational corporations. Although many of these concessions remain inactive, the expansion of palm oil and logging development in Papuan Indigenous Peoples' lands is already contributing to a cycle of poverty in indigenous communities. Oftentimes when State²¹ and non-State actors enter a community's ancestral lands, if Indigenous Peoples are not forcibly evicted, their cultural heritage sites and resources are physically destroyed or they may otherwise lose access to them. Indigenous Peoples are denied their culture and livelihoods and forced to vacate the land that sustains them (in every sense of the word), generally with no resettlement assistance, or they must enter into exploitative employer-employee relationships that are suggestive of forced labour. Indeed, there is an internationally recognized link between inadequate protection of customary land rights and forced or bonded labour.²² Large-scale development projects have also invited large influxes of migrant workers which further displace indigenous communities from their customary lands and livelihoods, bringing a drastic change to their ways of life and cultures.²³ The State has done little to address these issues and to ensure respect for Indigenous Peoples' right to culture, livelihoods, and labour rights.
18. Indonesia's National Commission on Human Rights (Komnas HAM) reported that since 2019, they received 1,366 reports on human rights violations carried out by corporate actors, including land disputes, exploitative labour conditions, and the destruction of the

²¹ Indigenous Papuans have been forced from their homes due to pressures imposed on them by the economic, political and security policies of the GoI, see <https://www.refworld.org/pdfid/4cc1264a2.pdf>

²² Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian. UN Doc. A/HRC/12/21, 10 July 2009, at para. 50 noted that indigenous peoples are especially vulnerable to forced labour "because in many countries, they have limited access to land for their traditional income-generating activities such as cultivation or hunting. The issue of land ownership is closely linked with the phenomenon of bonded labour."

²³ Franciscans International, Papua Land of Peace and Asian Human Rights Commission, Human Rights in Papua 2010-11, November 2011, at p. 37.

environment. The environmental destruction caused by corporations is sometimes in direct violation of Indonesian law yet often remains unprosecuted. For example, companies open up land for development by burning huge swathes of forest, yet deliberate forest burning is prohibited by Article 32 of Law 2009 on the Protection and Management of the Environment. An investigation by Greenpeace and Forensic Architecture of University of London²⁴, using spatial analysis, found evidence of deliberate land burning within concessions held by the transnational corporation, Korindo Group, from 2011-2016. Korindo is accused of contributing to the loss of 50,000 hectares of forest in Papua and Northern Maluku²⁵.

19. In its previous UPR, the State was recommended to “further strengthen the commitment of Indonesia to strengthen the human rights dimension in business activities”²⁶ ; to prioritize and “promote sustainable economic and social development”²⁷ ; and to “ensure open, transparent and accountable governance”²⁸. In 2017, the Constitutional Court Decree (No. 121K.TUN/2017) mandated the Ministry of Agriculture and Spatial Planning to publish information and data on holders of HGU (Cultivation Rights) licenses. Despite the Court order and the recommendations in its UPR, the GoI has failed to provide this information to the public and remains reluctant to provide transparent access to information regarding the issuance of licenses and business operations impacting Indigenous Peoples. This defiance of a Constitutional Court order parallels the State’s failures to implement the other recommendations from its previous UPR. The lack of transparency, weak regulations, and lack of enforcement of regulations on businesses leads to the prevalence of injustice, corruption, deforestation, agrarian conflicts, and human rights violations in Indonesia.

Recommendations to the Government of Indonesia:

20. Immediately cease issuing new licenses and cancel licenses which allow for the expansion of extractive businesses on forest and peat lands. Forest regions that have been damaged/destroyed should be put under a rehabilitation program that includes the participation of Indigenous Peoples of Papua.
21. Require businesses to adhere to internationally recognized human rights, particularly Indigenous Peoples’ rights to their customary lands, to FPIC, and the rights of workers and human rights defenders. Require the provision of remedy to the victims of such violations.
22. Require businesses to develop principles and corporate policies that respect Human Rights and Sustainable Development; conduct due diligence on all business supply chains; and conduct evaluations of areas of high conservation value within concessions before and after operations.

²⁴ See: <https://www.youtube.com/watch?v=tfxFqKX2p-M>

²⁵ AidEnvironment, Burning Paradise: The oil palm practices of Korindo in Papua and North Maluku, see: <http://kfem.or.kr/wp-content/uploads/2016/09/Report-Burning-Paradise.pdf>

²⁶ See A/HRC/36/7 – Para. 139

²⁷ See A/HRC/36/7 – Para. 139

²⁸ Ibid - -- See A/HRC/36/7 – Para. 139

23. Investigate in a transparent manner the operations of mining, agribusiness and logging companies in Papua, and sanction companies that commit human rights violations and environmental offences.
24. Establish special mechanisms and institutions to handle complaints from Indigenous Peoples on land, forest, and labour issues, profit sharing, and other human rights violations.

III. Failure to Protect Human Rights Defenders

25. The State received recommendations in its previous UPR to ensure the safety of all Human Rights Defenders (HRDs), including Indonesia's Indigenous Peoples²⁹; to strengthen the national effort in promoting and protecting HRDs³⁰; and to facilitate the work of HRDs and journalists³¹. The State has not acted on these recommendations.
26. Last year (2021) saw 95 recorded attacks against 297 activists, government critics, students, journalists and Indigenous Peoples, ranging from intimidation to physical abuse, an increase from the previous year's 93 incidents affecting 253 victims. Police and military personnel, as well as officials from the central government and local administrations, allegedly took part in 55 of the incidents. Extrajudicial killings by security forces claimed 15 lives in Papua this year and 30 last year.³²
27. Pusaka documented numerous cases of violence in Papua between 2020 and 2021, which included intimidation, criminalization, and property destruction by both State and non-State actors resulting in internal displacement of Papuan indigenous peoples³³ who defend their land rights against corporates. Indigenous peoples were often objects of direct and indirect threats³⁴, especially when they or their family members were defending their land rights.³⁵
28. As just an example, on 20th May 2020, a member of the Indonesian Police Force known as "MY" allegedly beat and tortured Marius Betera and caused his death. The incident happened on at the compound of PT Tunas Sawa Erma (PT TSE) POP A, a palm oil company and subsidiary of Korindo Group, located in Jair district, Boven Digoel sub-district, Papua. Marius had complained to the manager of PT TSE about his orchard being

²⁹ See A/HRC/36/7/Add.1 – Para 10

³⁰ See A/HRC/36/7 – Para. 139

³¹ Ibid. --- See A/HRC/36/7 – Para. 139

³² "Indonesia's human rights record 'alarming': Amnesty", The Jakarta Post, <https://www.thejakartapost.com/indonesia/2021/12/15/indonesias-2021-human-rights-record-alarming-amnesty.html>.

³³ These cases include: the Moskona indigenous people, Teluk Bintuni Regency (April 2020); the Aifat indigenous people, Maybrat Regency (April – May 2020); environmental Human Rights Defenders in Ikana Village, Kais Darat, South Sorong Regency (June 2020), and in Kali Kao, Jair District, Boven Digoel Regency (June 2020), Papua Province.

³⁴ For example, an indigenous woman of the Awyu tribe in Boven received verbal threats and experienced destruction of property by non-state actors who are affiliated with the company's 'pro' community group as she was considered to have obstructed investment plans for oil palm plantations and hindered progress in their village. Furthermore, as a woman, she is considered not to have the right to talk about customary land, because she has no ownership rights attached to her. See Threats to Papuan environmental and human rights defenders in 2020 (Bahasa Indonesia): https://pusaka.or.id/assets/2021/02/Buku-Laporan-Ancaman-Kepada-Pembela-HAM-Lingkungan-Papua-Tahun-2020_Revisi-4.pdf

³⁵ International Working Group for Indigenous Affairs (IWGIA), "Civil Society Condemns Human Rights Violations against Indigenous Peoples in West Papua", 17th June 2021 <https://www.iwgia.org/en/indonesia/4415-civil-society-condemns-human-rights-violations-against-indigenous-peoples-in-west-papua.html>

bulldozed by the company without notice. The manager in question is suspected of having invited the police who subsequently beat and tortured Marius. To this day, there has been no information on actions taken to hold “MY” or PT TSE accountable.

29. The UN Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor, expressed concerns about the intimidation and criminalization of HRDs in Papua, including direct threats to Victor Yeimo,³⁶ Fatia Maulidiyanti and Haris Azhar,³⁷ and Veronica Koman³⁸. Special Rapporteur Lawlor urged the State to ensure the safety of and provide treatment for Victor Yeimo, and cease their legal campaign against the activists Fatia Maulidiyanti, Haris Azhar and Veronica Koman.

Recommendations to the Government of Indonesia:

30. Extend an invitation to the UN High Commissioner for Human Rights to visit Papua and to be given as much access possible³⁹.
31. Develop and implement legislation and policies to prevent intimidation, threats, harassment, and violence against HRDs, particularly by recognizing and protecting the rights they are defending, including indigenous land rights.
32. Develop and implement effective legislative and policy measures to protect HRDs from intimidation, violence, military intervention, criminalization, and murder by state officials and to investigate reports of such.
33. Develop and implement effective legislative and policy mechanism to access remedy and reparation for victims of HRDs.
34. Develop and implement the mandate of Chapter 66 of Law Number 32 of the 2009 concerning Environmental Protection and Management, related to the protection policy for Environmental Human Rights Defenders, including the enactment of an *Anti SLAPP* policy (Strategic Lawsuit Against Public Participation).
35. Cease the use of violent security measures in responding to peaceful actions by Indigenous Peoples and Human Rights Defenders. Security forces should be non-discriminatory and prioritize non-violent means of handling peaceful protests and ensure that the National Army is not involved in handling interactions between Indigenous Peoples and businesses.
36. Cease the intimidation and criminalization of Indigenous Peoples and Human Rights Defenders, such as Victor Yeimo, Veronika Koman, Fatia Maulidiyanti and Haris Azhar and members of the Papua Indigenous Peoples who advocate for and demand the recognition and protection of their customary lands and forests.

³⁶ See: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27494&LangID=E>

³⁷ See: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27867&LangID=E>

³⁸ See: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27969&LangID=E>

³⁹ see <https://nasional.kompas.com/read/2020/09/28/11362851/bantah-vanuatu-kemenlu-sebut-sudah-undang-komisi-tinggi-ham-pbb-ke-papua?page=all>

Annex:

Report Contributors:

- Yayasan Pusaka Bentala Rakyat (**Pusaka**) is an NGO in Indonesia, was founded in 2007 with a mission is to advocate the indigenous peoples rights and environmental issues. It advances capacity building, education and empowerment related to indigenous peoples' issues, such as land rights, economic and social rights, customs and community empowerment.
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- Lembaga Advokasi Peduli Perempuan (**eLAdPPer**) Papua, Women's Advocacy Organization (eL_AdPPer) is a non-governmental organization established by the Secretariat for Justice and Peace of the Arch-Diocese Merauke (SKP-KAME) that provides critical education to women and other victims of violence. EL_AdPPer also advocates for government policies advancing women's protection and empowerment.
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- The Papuan Peoples Network (**Jerat Papua**) is a Non-governmental Organization (NGO) focus on economic, social, culture rights and natural resources management. It was founded in 2008. Address: Karang street 02 Gang II, Kelurahan Waena, Sub district of Heram, 98351. Jayapura City, Papua Province. Telp: +62 (0967) 5170983; Email: office@jeratpapua.org ; Website: www.jeratpapua.org ; Contact Person: Jimmy Biay ; Email: jimmybeay@gmail.com.
- Perkumpulan Belantara Papua (**Belantara**) was founded in 2005, the aim Belantara to advocating and empowering the rights of Papuan indigenous, and to increase capacity and critical awareness of the public to be independent.
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- Keadilan Perdamaian Keutuhan Ciptaan (**KPKC**) Gereja Kristen Injili di Tanah Papua work for justice, peace and integrity of creation (Human Rights and Environmental Protection) as one of the pillars in the Synod of the Christian Protestant Church in the Land of Papua or GKI di Tanah Papua.
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- Wahana Lingkungan Hidup Indonesia (**WALHI**) **Papua** is a part of The Indonesian Forum for the Environment (WALHI) is an environmental movement organization in Indonesia. WALHI actively encourages efforts to save and restore the environment in Indonesia.

WALHI works to continuously encourage the recognition of the right to the environment, protection and fulfillment of human rights as a form of State responsibility for the protection of the people's sources of life.

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- Lembaga Bantuan Hukum (**LBH**) **Papua** is a civil society organization that works in Papua to realize a legal society system with a justice and human, and democratic social relations ; and to promoting justice programs in various fields, especially for the weak and poor layers of society.
Address: Jl. Gerilyawan No. 46, Yobe, Abepura, Jayapura City, Papua Province (99351); Website: ; Contact person: Emmanuel Gobay, SH., MH, ; Phone: +62 82199507613; Email: revowissel@yahoo.com.
- The Panah Papua Association (**Panah Papua**) is a civil society organization that works in Papua to encourage community access to manage natural resources. Panah Papua has pushed for a policy of recognizing indigenous peoples in Teluk Bintuni Regency, West Papua Provinces, which gives recognition to seven indigenous peoples.
Address: Jalan Tugu Jepang, Gang Manjada, Kelurahan Amban, Manokwari, West Papua Province, email: office@panahpapua.or.id ; Website: <https://panahpapua.or.id> ; Contact person: Sulfianto Alias; Phone: +62 8115309289; Email: anthobio@gmail.com.
- **AMAN Sorong Raya** is a part of The Alliance of Indigenous Peoples of the Archipelago (AMAN) is an independent community organization whose members consist of Indigenous Peoples' communities from various corners of the archipelago. AMAN's vision is the realization of a just and prosperous life for indigenous peoples. AMAN's goal is the realization of politically sovereign, independent Indigenous Peoples economically and culturally dignified.
Address: Jalan Tanjung Perak, Sawagumu, Sorong Utara Sub District, Sorong City, West Papua Province; Website: www.https://sorongraya.aman.or.id/author/admin/ ; Contact Person: Fecky Mobalen, email: feckimobalen@yahoo.com ; Phone: +62 82248636709.
- **LP3BH** (Lembaga Penelitian Pengekajian dan Pengembangan Bantuan Hukum) **Manokwari** is a civil society organization with the mission to increase law enforcement effort and protecting the indigenous peoples rights on natural resources and biodiversity ; to supporting the community empowerment and respecting human rights and democracy. It was founded in 1997.
Address: Jalan Gunung Salju Nomor 18, Fanindi, Bengkel Tan, Manokwari (98312) Papua Barat; Email: officelp3bh,manokwari@gmail.com ; Contact Person: Yan Christian Warinussy, SH, email: : koealiap08@gmail.com ; phone: +62 81283937365.
- Lembaga Peduli Masyarakat Wilayah Mimika Timur Jauh (**Lapemawil** – Mimitim) is a community organization to mediation and save the peoples and rehabilitation the environmental damage or pollution in Amungsa Land without discrimination. It was founded in 2014.

Address: Jalan Klinik Hadelisari, Jalan Baru, Timika, Papua Province; Email: lepemawitimika@gmail.com Contact person: Adolfina Kuum, Phone: +62 82198456188

- Yayasan Satu Keadilan (**YSK**) was formed to fight for democracy and human rights, and to struggling people justice.
Address: Jl. Parakan Salak No. 1, Kemang Village, Bogor Regency, West Jawa Province.
Email: office@satukeadilan.org; satu.keadilan@gmail.com; website: www.satukeadilan.org
; Contact Person: Syamsul Alam Agus, Email: duael.saja@gmail.com ; Phone: +62 811-8889-083
- **Greenpeace Indonesia** is an independent global campaigning network part of Greenpeace International and Greenpeace Southeast Asia that uses confrontational, creative and non-violent action to address global environmental problems and promote solutions that enable a green and peaceful future.
Address : Jl HOS Cokroaminoto No 19 Menteng, Jakarta Pusat DKI Jakarta - Indonesia 10350 Phone: +62-21-521-2552, Fax: +62-21-521-2553. Website : www.greenpeace.or.id
Contact person : Asep Komarudin, Phone +62813-1072-8770, Email : asep.komarudin@greenpeace.org
- **ELSAM** (Institute for Policy Research and Advocacy) was established in August 1993 in Jakarta. Its objective is to actively participate in efforts to develop, promote and protect civil and political rights and other human rights, as mandated by the 1945 Constitution and Universal Declaration of Human Rights (UDHR).
Address : Jl Siaga II No 31, RW.5, Pejaten Barat, Pasar Minggu, Jakarta Selatan, Indonesia 12510, Phone: +62-21-7972662, Fax: +62-21-79192519. Website : www.elsa.or.id, Contact person : Muhammad Azka Fahriza, Phone +62 856-4636-0902, Email : azka@elsam.or.id.