



Indonesia: Develop formal mechanisms to protect human rights defenders at risk

Everyone has the right to promote and strive for the protection and realization of human rights and fundamental freedoms. Those threatened and attacked for doing so must be protected by the state through mechanisms (laws, policies, and practices) that recognize the diversity of the risks they face and respond to their needs wherever they are in Indonesia.

Introduction

Indonesia is one of the largest democracies in the world. It has a vibrant civil society. Nevertheless, people engaged in human rights work have been stigmatised, threatened, attacked, and killed. At particular risk are those working on anti-corruption, freedom of religion, land rights, women's rights, LGBTIQ* rights, and the rights of people in conflict situations. Perpetrators range from state actors, in particular, the police, military and the intelligence, as well as non-state actors, such as corporations and fundamentalist groups.

It is vital for the government of Indonesia to develop robust, responsive formal mechanisms to protect human rights defenders. These mechanisms should recognize

that everyone – not just high profile activists – has the right to promote and strive for the realization and protection of human rights.

As recommended by the United Nations Special Rapporteur on the Situation of Human Rights Defenders (UNSR) in his report to the Human Rights Council in March 2016 (A/HRC/31/55), these mechanisms should be rights-based; inclusive of defenders from diverse backgrounds; gender-sensitive; based on a holistic understanding of security; oriented to the protection of individuals and collectives; involve the participation of defenders in the choice of protection measures; and be flexible, in order to meet the specific needs of defenders.

Research Methods and Findings

Between September 2015 and April 2016, we interviewed and conducted focus groups and surveys with 87 human rights defenders at risk from different backgrounds engaged in a range of human rights work in Manokwari, Jayapura, Banda Aceh, Palu, Poso, Morowali, Malang, Jakarta, Maluku, Ambon and Surabaya (39 women, 47 men, and one transgender person). All had experienced risk, threat or attack in the past five years. We asked them about how they navigated risks, managed their security, and received support related to their protection.

Types of threats and attacks

Defenders most frequently mentioned being harassed and receiving threatening calls and messages. Other types of threats and attacks included: physical harm; threats to family members; being followed, monitored, or having surveillance conducted on them; being subject to investigations and criminal charges; and being portrayed negatively or defamed in the media.

Some – in particular academics and journalists – suffered professional consequences (for example, being demoted, fired, or transferred). In a few cases, state actors in Palu and Jayapura who took proactive action to defend the rights of others as part of their roles as public servants experienced risks and physical threats from other state actors who perceived their interests to be undermined. Women human rights defenders (WHRDs), LGBTIQ* defenders and HIV+ defenders also described the difficulties of living with discriminatory laws, practices, and cultures.

In general, the defenders in this study were inherently vulnerable. Even those who conducted human rights activities as part of their jobs (for example, as employees of NGOs) experienced insecurity. Some did not have health insurance coverage and decent, stable remuneration.

Types of perpetrators

The most common type of perpetrator mentioned by defenders were state actors, in particular, the police, the military, the national intelligence agency (*Badan Intelijen Negara*, BIN), as well as Members of Parliament, village heads, and government officials. The second and third most commonly mentioned type of perpetrator were corporations (particularly for those working on land rights and labour rights) and religious fundamentalists groups (particularly for those active on women's rights, LGBTIQ* rights, and religious freedom).

For some defenders, vigilante groups, community members (especially those who could be easily influenced or paid to carry out attacks), armed groups, and armed civilians were the source of threats and attacks. Defenders



expressed worry about being unable to identify their perpetrators, as it made it difficult for them to anticipate and prevent threats. 'Bullies' on social media were also named as perpetrators by several defenders.

The impact of threats and attacks experienced

There was a high level of concern amongst human rights defenders at risk about their security.

90% of defenders said that they were 'somewhat concerned' or 'very concerned' about their physical security; 91% expressed this in relation to their digital security; and 89% said the same in relation to their mental and emotional wellbeing.

Interviewees spoke about the mental and emotional impact of the threats faced – such as mental exhaustion, trauma, and "feeling numb". They noted feeling isolated and stigmatised for their work. A defender from a leading human rights organisation in Jayapura stated:

My extended family members sometimes say cynically, 'Do you eat human rights?' I don't have anywhere to escape. All ways out have been blocked. I feel like [I am] living inside the cage. I immerse [myself] into Internet as I found freedom there. I am not paranoid. I feel OK. But I don't go to church anymore. People don't want to shake hands with me, particularly the non-Papuans.

They expressed worry about having to give up their human rights work, thus going against their principles and having to live without following their own values. They expressed concern about the impact of their human rights work on their family members and loved ones. The defenders in this study also suffered financially from the threats.

Under the Aceh criminal code, the punishment for being an LGBT is caning. If caning is used to punish me, it will affect also my family as the caning is implemented in front of the public. My family could be exiled from their village and I cannot get any job and live in Aceh.

Defender working on the rights of LGBTIQ* persons in Aceh

Protection

Most of the defenders in this study took a variety of measures to protect themselves, such as: assessing the risks involved in their work (60%), proactively managing these risks (63%), following a 'security plan' (59%), and – when they do sensitive work – telling others where they go and what they do (63%) and making contingency plans (51%). However, we found that only a few NGOs adopted and applied organisational mechanisms and procedures to protect their own staff.

Defenders in this study often relied on support and help from friends, work colleagues, family members, neighbours, and other members of their community. Some mentioned receiving assistance from embassies, religious bodies, state authorities, and lawyers. They noted the importance of building allies with other human rights defenders, grassroots communities, government representatives (including the police and state security), the media, local leaders, academics, international NGOs, and religious groups.

In some cases, defenders had to relocate themselves, their families, or their colleagues, either temporarily or permanently. Some had to do so multiple times. While relocation helped them (and their families) to stay safe, it also resulted in their isolation and separation from loved ones. In some cases, the relocation was an immediate reaction to the threat faced, and defenders were neither well prepared for it nor did they recognize the long-term impact of the relocation on themselves and their families.

Some defenders also relied on accompaniment, either provided more formally through an organization, or organised with the help of friends and family.

59% of defenders stated that they had received some training on security management. Men received more training than women (67% of men compared to only 49% of women). The average number of trainings received was 1.27 per person.

In general, we found a pattern of the absence of protection by Indonesian state authorities in our study.

However, we note that human rights defenders have sought assistance from the National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia*, Komnas Ham), the National Commission on Violence Against

Women (*Komisi Nasional Anti-Kekerasan terhadap Perempuan*, Komnas Perempuan) and the Witness and Victim Protection Agency (*Lembaga Perlindungan dan Saksi*, LPSK).

Perceptions of 'human rights defenders'

Defenders observed that members of the public were largely unfamiliar with the term 'human rights defender'.

There was a broad sense that this was an 'exclusive' term, used primarily among human rights circles. Defenders said that the public were more familiar with the terms 'NGOs', 'activists', 'public defenders', and 'community assistant'.

...the terminology of human rights defender in Indonesia is very exclusive. People will think that human rights defenders are the supermen, superwomen or people who dare to die from the high-risk work. However, people don't understand that all human beings – as long as they are doing something in defending various rights and talking on truth and justice – can be called human rights defenders. The problem is that people don't understand the real terminology of human rights defenders. It should continue to be disseminated.

Woman defender working on labour rights and civil and political rights

In Papua, some people think of human rights defenders negatively as 'independence activists' or 'separatists'. In Aceh, they are sometimes accused of being anti-Islam, in particular 'anti-Shariah' and 'secular'. Elsewhere, human rights defenders are sometimes perceived as being 'anti-development,' 'anti-government' or 'liberal'.



Remembering Munir Said Thaib (1965 - 2004)

Recommendations

To the government of Indonesia:

- Formally recognise the rights of human rights defenders according to the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (the Declaration on Human Rights Defenders), and promote public understanding of the right of everyone to promote and strive for the protection and realization of human rights.
- Develop mechanisms – laws, policies and practices – that promote and protect human rights defenders at risk across Indonesia. These mechanisms should be established in consultation with human rights defenders and follow the principles set out by the UNSR – that is, they should be rights-based; inclusive; gender-sensitive; based on a holistic understanding of security; oriented to individuals and collectives; involve the participation of defenders in the choice of protection measures; and be flexible in order to meet the specific needs of defenders.
- Amend Human Rights Law No. 39/1999 so that it includes the protection and security of human rights defenders.
- Repeal any existing regulations that contravene the spirit and the letter of human rights provisions enshrined in the 1945 Constitution of the Republic of Indonesia.
- Provide Komnas Ham, Komnas Perempuan and LPSK with the mandate to protect human rights defenders. Strengthen their capacities and resources to identify and provide practical assistance to defenders at risk.
- Involve local and provincial authorities in the identification and protection of human rights defenders at risk. Sensitise them as to the specific risks faced by defenders in their areas, and support them in the development and implementation of swift and appropriate protection measures.
- Investigate and bring to justice perpetrators that threaten and attack human rights defenders.
- Develop protection mechanisms amongst human rights defenders, which involve support from civil society groups from local community to international levels.

About this project:

This Policy Brief is based on research findings from the project 'Navigating Risk, Managing Security, and Receiving Support' which examines the experiences of human rights defenders at risk in Indonesia. This research was also conducted in Colombia, Mexico, Egypt, and Kenya.

Interviews, focus groups and surveys with 87 human rights defenders at risk were conducted between September 2015 and April 2016.

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Reference

Nah, A.M. (2017) Indonesia: Develop Formal Mechanisms to Protect Human Rights Defenders at Risk, Human Rights Defender Hub Policy Brief 2, Centre for Applied Human Rights, University of York: York, available at securityofdefendersproject.org

Related Reading

Nah, A.M.; Maliamauv, K.; Bartley, P.; Fernida, I.; and Hernawan, B. (2017) Navigating Risk, Managing Security and Receiving Support: A Study of Human Rights Defenders at Risk in Indonesia, Summary of Findings, Centre for Applied Human Rights, University of York: York. Available at: securityofdefendersproject.org

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