

Death penalty

Amnesty International On-line petition

Amnesty International, 17-06-2016

Up to 15 people are believed to be at risk of imminent executions in Indonesia. Join us in calling on Indonesian authorities to halt executions now.

At least four death row prisoners were moved to Indonesia's Nusakambangan prison island in recent weeks, where 13 of the 14 executions carried out in 2015 took place. The death row prisoners have been convicted of drug-related offences and some did not receive a fair trial. In some cases examined by Amnesty International, the police tortured or otherwise ill-treated some of the detainees, including to extract 'confessions'. Many weren't given access to a lawyer at the time of their arrest and at other stages of the process.

The exact date of the executions hasn't been confirmed but the Attorney General stated that another round of executions will be carried out "in the near future". The authorities will only give 72-hours' notice before the executions are carried out. Prison officials have prepared the execution grounds and the firing squads have also been organized.

The death penalty is a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. In addition, executions for drug-related offences are not permitted under international law as they do not meet the threshold of the "most serious crimes". Indonesian authorities have repeatedly referred to their execution plan as an effective tool in tackling drug trafficking, despite the lack of evidence to support this claim.

Join our call on President Joko Widodo to halt executions now. We are urging him to:

- Immediately halt plans to carry out any executions;
- Suspend all executions with a view to abolishing the death penalty and to commute all death sentences to terms of imprisonment;
- Ensure that the death penalty is not used for drug-related offences, which do not meet the threshold for the death penalty under international law.

Authorities in Indonesia plan to execute up to 15 prisoners including Indonesian and foreign nationals soon after Ramadan which ends on 6 July. Those most likely to be executed in this round have all been sentenced to death for drug related offences which do not meet the threshold of the "most serious crimes".

Please sign and share our online petition calling on Indonesia authorities to halt executions immediately and address fair trial violations in all capital cases: <https://www.amnesty.org/en/get-involved/take-action/stop-imminent-executions-indonesia/>

Social and Economic Rights

Field investigations on Indofood-owned palm oil plantations expose egregious labor rights abuses in Indonesia

Rainforest Action Network (RAN), OPPUK, an Indonesian labor rights advocacy organization, and International Labor Rights Forum (ILRF), 08-06-2016

A report released today by Rainforest Action Network (RAN), OPPUK, an Indonesian labor rights advocacy organization, and International Labor Rights Forum (ILRF) titled, "The Human Cost of Conflict Palm Oil: Indofood, PepsiCo's Hidden Link to Worker Exploitation in Indonesia," reveals the findings of field investigations and worker interviews completed on two palm oil plantations owned and operated by Indonesian food giant Indofood, a producer of PepsiCo-branded snack foods.

Child labor, exposure to highly hazardous pesticides, payment below the minimum wage, long-term reliance on temporary workers to fill core jobs, and the use of company-backed unions to deter independent labor union activity, among other findings, were all documented on the plantations which are linked to PepsiCo through its joint venture partnership with Indofood.

"Simply put, this report reveals that Indofood is violating the fundamental rights of workers on its palm oil plantations, as PepsiCo watches on. Both companies must act without delay to address the egregious worker exploitation exposed on Indofood's plantations," said Robin Averbeck, senior campaigner with Rainforest Action Network.

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“These workers live in a world dominated by palm oil. The plantations stretch for miles in every direction, and Indofood’s subsidiary PT London Sumatra has nearly complete power over the livelihoods of its workers. Women are rarely afforded full, permanent employment and are given some of the most toxic jobs applying highly hazardous pesticides. Harvesters, one of relatively few permanent positions, struggle under a high quota system which forces them to bring their wives and children to work with them for help to earn the measly base pay—well below a living wage. Children leave school and childhood behind and work in the rows of palm oil trees to help their families make ends meet. It’s a disturbing system of abuse, where workers’ rights are rarely respected,” said Averbeck.

Indofood—one of the largest palm oil growers in the world, the biggest food company in Indonesia, and the sole maker of PepsiCo products in Indonesia—is lagging behind its peers. Indofood is now the largest private palm oil company in Indonesia that has not strengthened its policies or improved its practices to align with the new benchmark for responsible palm oil: a commitment to no deforestation, no expansion on peatlands, and no violation of worker or human rights throughout the company’s own operations as well as those of third party suppliers.

Read on:

http://www.ran.org/new_report_finds_food_giants_pepsico_indofood_linked_to_child_labor_poverty_wages_and_worker_exploitation

Domestic workers continue to be denied legal protection

Amnesty International Public Statement, 15 June 2016

On 16 June people around the world will commemorate International Domestic Workers’ Day, a day calling for the global recognition of domestic work as work. There are an estimated 2.6 million domestic workers in Indonesia according to the International Labour Organization (ILO). Domestic workers, thousands of whom live and work in abusive conditions, must be afforded the same legal protection as all other workers.

A recent high-profile case against a former member of the House of Representatives IX, Fanny Safriansyah (also known as Ivan Haz), is emblematic of how thousands of domestic workers continue to be at risk of ill-treatment and violence. Ivan Haz is facing up to 5 years’ imprisonment and a fine for violating Law No. 23/2004 on the Eradication of

Domestic Violence for repeated acts of physical abuse against a woman domestic worker employed to look after his children.

Despite being subject to a range of binding treaties providing general protection for domestic workers, Indonesia’s laws do not currently provide adequate protection specifically for domestic workers. For instance, the 2003 Manpower Act (Law No 13/2003) actively discriminates against domestic workers because it does not define domestic worker as workers or provide domestic workers the same protection as other workers. A regulation by the Minister of Manpower and Transmigration issued last year (No.2/2015), while a small step forward, does not adequately address reasonable limitation of working hours; guarantees of sufficient remuneration for an adequate standard of living; clearly defined weekly rest and leave periods including annual leave, public holidays, sick leave and maternity leave, leaving domestic workers at risk of exploitation and human rights abuse. The Minister Regulation No. 2/2015 also does not have a legal enforcement mechanism if the domestic workers rights are not guaranteed by their employer.

Amnesty International is therefore calling for a fully enforceable Domestic Workers Protection Law that complies with international human rights law and standards. Such a law would better protect the rights of domestic workers from economic exploitation, gender-based discrimination, physical, psychological, and sexual violence and other human rights abuses.

Amnesty International welcomes The Indonesian House of Representatives’ (DPR RI) decision in February to include the Draft Law on Domestic Workers Protection on the National Legislative Programme (Prolegnas) for 2016. The organization urges the House to follow this up and promptly debate and enact the law that fully respects the human rights of domestic workers at the earliest time possible.

During Indonesia’s Universal Periodic Review (UPR) in 2012 Indonesia accepted recommendations to adopt a draft law on domestic workers and a recommendation to ratify the ILO Convention No. 189 on Domestic Workers, a landmark treaty setting international standards for the protection of domestic workers’ rights. The Convention was adopted on 16 June 2011 during the 100th session of ILO in which the then President Susilo Bambang Yudhoyono declared publicly to support its ratification. However, Indonesia has yet to ratify the convention.

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Amnesty International calls on the Indonesian authorities to ratify the ILO Convention No. 189 on Domestic Workers as a first step to ensure effective legal protection of Indonesian domestic workers in the country as well as Indonesian domestic workers overseas.

In 2015, the National Advocacy Network for Domestic Workers (Jala PRT) recorded at least 402 cases of mistreatment and violence against domestic workers in Indonesia, though the figure could be much higher as the survey was conducted by NGOs in the absence of an official figure. The lack of effective legal protection for domestic workers against human rights abuse disproportionately affects women and girls, who constitute the overwhelming majority of Indonesian domestic workers.

Land Rights

Activists Slam Police's Handling of Bengkulu Anti-Mining Protest

The Jakarta Globe, 13-06-2016

Civil society groups have slammed the police's handling of an anti-mining rally in Merigi Kelintang, Central Bengkulu, at the weekend after four local residents were shot and two police officers were injured.

The incident occurred on Saturday afternoon (11/06) when hundreds of local residents attempted to force their way into a mining area operated by Citra Buana Sentosa to deliver a memorandum containing their objections, after a series of negotiations ended in deadlock.

The protesters rejected the 800-meter-deep underground coal mining development, which has negatively affected residents in the districts of Merigi Melintang and Merigi Sakti.

Four residents – Marta Dinata (20), Yudi (28), Alimuan (65) and Badrin (45) – were shot by officers while trying to break through a police barricade. They were rushed to local hospitals with severe bullet wounds.

Two officers were also injured during the altercation between police and around 500 protesters.

Indonesian Forum for Environment (Walhi) executive director Nur Hidayati said the incident showed that besides damaging the environment, extractive industries, such as coal mining, also handle conflicts with local residents in a militaristic fashion. "The violence against people who care about the environment is a violation to the human rights principle contained in the 1945 Constitution and Law No 32/2009 on Environmental Protection," Nur said in a statement on Sunday.

Ki Bagus Hadi Kusuma of the Mining Advocacy Network (Jatam) said the residents were exercising their democratic rights when protesting against the development of the underground coal mine after a series of failed discussions with the local government. "Police should have taken preventive action and communicated with local the government to respond to the residents' demands. But they did the opposite; they chose to confront the residents with violence," Ki Bagus said.

The four gunshot victims are still receiving treatment in the intensive care unit of a local hospital.

LGBT Rights

A dispensable threat

Inside Indonesia, June 2016, by Benjamin Hegarty and Ferdiansyah Thajib

In late January a support group for those that identify as lesbian, gay, bisexual and transgender (LGBT) at the University of Indonesia became the unlikely source of a nationwide controversy when its pamphlets found their way onto social media and into the orbit of Technology, Research and Higher Education Minister Muhammad Nasir. Nasir demanded clarification from the university rector about the status of the group, called Support Group and Resource Center on Sexuality Studies (SGRC), and made public comments condemning it. In statements carried in the mainstream media on 23 January, Nasir claimed that LGBT-identifying people 'should be banned from entering university campuses'. A deluge of responses in both traditional and new media followed. In response, Nasir himself turned to Twitter to attempt to clarify his comments.

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Rather than linking LGBT to transgressive forms of sexuality within Indonesian society more generally, Nasir stressed a concern that campus life should uphold certain standards of decency. He argued that campus life should reflect the role of the university as a utilitarian space for learning, and a benefit to the nation and society as whole. Nasir's comments struck many observers as harking back to Suharto-era demands that campus life should be apolitical. This is reminiscent of New Order anxieties about student activism that can be traced to the 'normalisation of campus life' coined in 1978, which reaffirmed that university campuses should be for productive rather than political purposes. Less surprising was Nasir's use of moral rhetoric directed at non-normative sexualities and genders, which continues to play a role in Indonesian politics.

However, the media response to coverage of the early 2016 LGBT controversy differed from past events in crucial ways. The diversity of actors who commented on it and the nature of media coverage was caustic, achieving formerly unseen levels of popular condemnation. While transgender, gay or lesbian Indonesians have endured a range of controversies, this is the first in which the entire group – under the acronym LGBT – have become a target of sustained attacks. Depicted as a foreign threat to productivity and the reproductive family, LGBT has emerged as a useful way to direct attention away from problems related to Indonesia's protracted problems with inequality.

Read on: http://www.insideindonesia.org/a-dispensable-threat?utm_source=All+Subscribers&utm_campaign=d9ed65e11f-14Jun16_LGBT+Rights+%26+Recognition+in+Indonesia&utm_medium=email&utm_term=0_32cd77f926-d9ed65e11f-295518369

Refugees

Shots fired amid attempt to illegally push Sri Lankan Tamil asylum seekers back out to sea

Amnesty International Public Statement, 17 June 2016, 15:49 UTC

- UN Refugee Agency (UNHCR) on the scene but denied access
- Aceh authorities undermine Indonesian Vice President
- Nine children and a heavily pregnant woman among 44 people at risk

The Indonesian authorities in Aceh are endangering the lives of a group of more than 40 Sri Lankan Tamil asylum seekers by firing warning shots and threatening to push them back out to sea in flagrant violation of international law, Amnesty International said today.

“Instead of deploying these crude intimidation tactics that could put the lives of men, women and children at risk, the Indonesian authorities should come together to allow them to disembark safely so the UN Refugee Agency can interview them,” said Josef Benedict, Amnesty International's Director of Campaigns for South East Asia and the Pacific.

Today's latest attempt to force the boat off the coast of Indonesia's Aceh province and back out to sea comes a day after local Aceh police fired warning shots in the air, terrifying at least five Sri Lankan Tamil women who tried to run ashore. The group aboard the boat includes a heavily pregnant woman and nine children. On Friday, a Banda Aceh immigration office spokesman said the Tamil asylum seekers who set out from Sri Lanka three weeks ago will not be allowed to disembark in Indonesia. Their original intended destination was Australia's Christmas Island.

Aceh police chief Inspector Gen. Husein Hamidi said that after providing food to the group of Sri Lankan Tamils and repairing their boat, the police and navy were preparing to push them back into international waters.

“Indonesia risks squandering the good will it generated when it provided assistance last year to hundreds of refugees and migrants who had been stranded on the Andaman Sea. In contrast to what happened in May 2015, developments this week invite comparisons with other countries that have a notorious record of setting desperate people adrift and at risk of death on the high seas,” said Josef Benedict.

The immigration office, police and navy in Aceh have ignored Indonesian Vice President Jusuf Kalla's directions to provide the group with shelter. Instead, they have blocked off the area, denying the Sri Lankan Tamil asylum seekers access to the shore.

UNHCR officials are on standby in Aceh province, ready to interview the group of Sri Lankan Tamil asylum seekers to verify their identities and determine their status.

“The immigration office and security forces in Aceh are flouting the authority of their own Vice President and not letting the UNHCR do its job. Consistent standards must be applied

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across the board, with all Indonesian authorities working together with recognized international bodies,” said Josef Benedict.

Aceh fishermen discovered the boat off the coast of Aceh province on 11 June. They subsequently reported the boat to the Indonesian Navy who have not allowed the people on the boat to disembark and apply for asylum, arguing the asylum-seekers lack the proper documentation. Under international law, neither a lack of documentation nor irregular entry precludes people from seeking asylum.

The boat began a hazardous journey from India after those on board reportedly fled Sri Lanka, where the members of the Tamil minority have suffered past persecution. Despite many recent improvements, there are still concerns about discriminatory practices against Tamils by law enforcement officials.

The group had set out from India, more than 1,700 km away, on a boat bearing an Indian flag. They had been travelling for more than three weeks headed for Australia. As they neared the coast of Aceh, bad weather struck, stranding their boat off Lhoknga.

The UN Human Rights Council noted in April that Sri Lanka saw a spate of arrests of Tamils under the Prevention of Terrorism Act (PTA). Arrests carried out under the PTA have, in a number of cases, failed to meet the minimum standards of due process laid out in directives by Sri Lanka’s National Human Rights Commission. Sri Lankan Tamils remain deeply concerned about what they say is a persistent culture of surveillance in the north and east of the country.

Indonesia Lets In Sri Lankan Asylum Seekers Stranded on Boat off Aceh Coast

The Jakarta Globe, 19-06-2016

After a week of standoff, Indonesia has temporarily allowed 44 Australian-bound asylum seekers from Sri Lanka to land on Indonesian soil in Lhoknga, Aceh, on Saturday (18/06).

Aceh Immigration Office Head Ahmad Samadan told reporters on Sunday the asylum seekers — members of Sri Lanka’s Tamil minority — were allowed to stay at a military tent pitched 50 meters in from Lhoknga beach.

United Nations High Commissioner for Refugees (UNHCR) officers have been given permission to interview the asylum seekers and collect their data.

Ahmad said Indonesia will escort the asylum seekers and their Indian-flagged boat back to international waters after the damaged boat has been repaired. The Indonesian authorities have given the boat 7 tons of fuel to continue their trip.

Meanwhile, UNHCR and the International Organization for Migration (IOM) are still lobbying the Aceh authorities to move the asylum seekers — including a pregnant woman and nine children — to a detention center in the province.

The Tamil asylum seekers were stranded for more than a week off Aceh’s Lhoknga beach after fleeing Sri Lanka via India last month. Sri Lanka’s Tamil minority is claiming persistent discriminatory practices by the Sri Lankan government.

Indonesia normally moves asylum seekers intercepted on Indonesian waters to its own detention centers, where their asylum applications are then processed by the UNHCR and IOM. There are currently more than 13,000 refugees and asylum seekers registered with the UNHCR in the archipelago, with most of its detention centers at more than overcapacity.

Police accountability

A new Head of Police: Tito Karnavian?

Kompas, 20-06-2016

Vice Chair of the IIIrd Commission (Justice and Law) of the Indonesian Parliament (DPR), Desmond J Mahesa (Gerindra Party) has stated that if the proposed new Head of Police, General Tito Karnavian, wants to implement reforms in the police structure, he will first have to address the culture of corruption, that is alleged to live within the senior officers’ circles. “This is the challenge for Tito. If he is able to put himself well into place, he will be implementing such reforms without any problems for the solidity of the police work,” he said.

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The “fit and proper test” by DPR on Tito is planned to take place on 22 June. The DPR will especially dig into his views on staff development and a system of accountability and evaluation that is more strict and more objective.

The proposal by President Joko Widodo to appoint Tito Karnavian as the new Head of Police has raised some eyebrows because of his relatively young seniority. Karnavian finished the police academy in 1987. In hierarchy terms, with the president’s proposal, he jumped ahead of eight other three-star police generals from the cohorts of 1981 till 1985.

The importance of internal reforms within the police by the new Head of Police was stressed by the DPR member of PDI-P, Junimart Girsang. Contrary to Gerindra parliamentarian Desmond, he stated that Karnavian will not have any problem with implementing reforms because of his juniority. He is an easy communicator and has authority, he said. He referred to Karnavian’s performance in Papua (2012/14) and as head of Police Jakarta when the bomb explosion took place at the Sarinah shopping mall on Jl. Thamrin (January 2016).

Prison conditions

Improving Prison Management in Indonesia

Fair and Efficient Justice, The Raoul Wallenberg Institute, 15 June, 2016

Staff from over 100 corrections facilities in Indonesia took part in a recently finalized two-year project aimed to improve prison management and treatment of prisoners in the country.

“The Director General of the Directorate General of Corrections (DGC) said the project provided him with an honest, measurable, reliable, and on-the-ground review of his facilities,” says Aisyah Yuliani, Programme Officer at RWI’s Indonesian office. “In addition, he said it provided him with suggestions on what to prioritize and worked as an early warning system.”

The project, funded by the Norwegian Ministry of Foreign Affairs, aimed to strengthen the capacity of the staff at the Ministry of Law and Human Rights’ provincial offices by boosting auditing capacity at corrections facilities.

The project also assisted the DGC in sampling and data collection from various provinces to give better information of the service provided in the institutions and the gap between regulation and implementation.

While originally the program was only piloted in seven institutions, starting in 2014 RWI and the Directorate General began a nationwide training and accompaniment to ensure that the junior auditors were properly trained and had access to a safety net in the form of senior auditors during the audit.

During the project, the auditors would do a five-day visit to the institutions to check whether the facility met the standard made by the United Nations, called the Standard Minimum Rules for the Treatment of Prisoners. During these audits, the auditors would go and check all of the living quarters, facilities, and documents, in addition to interviewing the officers.

The History

The Raoul Wallenberg Institute has been partnering with the Indonesian Directorate General of Corrections and the Ministry of Law and Human Rights’ provincial offices since 2005.

The Institute has been working to strengthen human rights capacity in corrections facilities most recently in three different phases.

- Leadership training (2014-2015)
- Audit training (2014-2015)
- Audit accompaniment (2015 -2016).