

**Submission from the Internal Displacement Monitoring Centre (IDMC)
of the Norwegian Refugee Council (NRC) for consideration at the
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Indonesia

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Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established in 1998 by the Norwegian Refugee Council (NRC) and monitors conflict-induced internal displacement worldwide. The Geneva-based Centre runs an online database providing comprehensive and regularly updated information and analysis on internal displacement in more than 50 countries. Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations. The sources of information contained in this submission can be found in IDMC's online database, which can be accessed at www.internal-displacement.org

I. Background to internal displacement in Indonesia

1. There are no accurate figures on the number of people currently internally displaced in Indonesia due to conflict, violence or human rights violations. According to the government, only 4,918 people have been displaced by conflict in the past five years (2009-2013)¹. However, people displaced in Papua, the only province still affected by an armed conflict, are not included in this figure². Other documented displacement events have also been excluded³. The extent of protracted displacement following earlier conflicts is not known.

2. IDMC believes at least 90,000 people remained displaced in Indonesia at the end of 2013⁴. Most were displaced during the widespread inter-communal conflicts that rocked the country between 1997 and 2004 and they are mainly located in Maluku, West Timor, Aceh and North Sulawesi provinces. Many continue to struggle to recover from their displacement and they face economic and social hardship often closely linked to difficulties in asserting ownership or tenancy over land. The estimate also includes people who fled their homes during 2012 and 2013, in particular in Papua but also in East Java, West and East Nusa Tenggara and Jambi provinces. A number of these displacements were caused by land conflicts, which have been on the rise in Indonesia in the past years⁵.

3. The Government of Indonesia allocated significant financial and human resources to assist and protect the estimated 1.4 million people displaced between 1997 and 2002, including by facilitating returns and finding solutions for those unable or unwilling to do so. Rehabilitation and recovery assistance was also provided in many provinces though it often didn't reach all groups in need. In recent years, efforts to address the outstanding rehabilitation and recovery needs of people living in protracted displacement have been mainly led by provincial and district-level authorities often with support from international actors including the EU, INGOs and UN agencies. These programs ran at least until 2013. This was in line with national development policies for the period 2010-2014 where post-conflict areas were identified as priority development zones⁶. In early 2014 it was reported that the government, through its development agency (Bappenas), was seeking input from provinces hosting protracted IDPs to inform the development of the next national development plan (2015-2019)⁷.

4. Since 2008, the National Disaster Management Agency (BNPB) has been in charge of disaster management and policy. It has long-term responsibility for people displaced by natural disasters and conflict, while the Ministry of Social Affairs is responsible for providing relief during an emergency. The 2007 legislation that established the BNPB states that IDPs and communities affected by natural and human-made disaster are entitled to protection and the fulfillment of their rights at all stages of their displacement⁸.

¹ Data available on the website of the National Agency for Disaster Management (BNPB) - www.bnpb.go.id

² The conflict between the government and the rebels of the Free Aceh Movement (OPM) is reported to have displaced tens of thousands of people since 2009. See IDMC, *Indonesia overview*, 22 December 2011

³ On such example is the estimated 3,300 people displaced by violence in Maluku province's capital Ambon in September 2011. See ICG, *Indonesia: Cautious calm in Ambon*, 13 February 2012

⁴ Based on data collected from various sources, including government agencies, INGO, UN agencies and media

⁵ According to the Consortium for Agrarian Reform (KPA), in 2013 a total of 369 land conflicts were recorded compared to 198 in 2012. Nearly half of the 2013 land disputes involved palm oil companies. See www.kpa.or.id

⁶ Government of Indonesia, *National Medium Term Development Plan (RPJMN) of 2010-2014*, 2010

⁷ The Jakarta Post, *Eastern Indonesia gives input on rights on land and housing*, 16 January 2014

⁸ Law No. 24/2007 on Disaster Management, Article 6

II. Issues of concern and questions for the Government of Indonesia

Article 2 – Non-discrimination on the basis of religion

5. An estimated 151 to 184 members of the Shi'a Muslim community in Madura Island (East Java) who fled attacks by anti-Shi'a mobs in August 2012 have since been prevented from returning to their home. The main obstacle to return remains the requirement by Sunni local leaders that the displaced convert to Sunni Islam. Many of the displaced had already been forced from their homes by similar attacks at the end of 2011, after which local authorities forced them to return even though most did not feel safe to do so. After living in a sports centre in Sampang district for ten months, the displaced were forcibly relocated by the government in June 2013 to "low-cost" apartments in Sidoarjo, East Java, reportedly under pressure from the majority Sunni community. In November 2013, there were reports that local officials tried to forcibly relocate 20 families in a dormitory in Surabaya, allegedly to pressure them to accept converting to Sunni Islam⁹.

6. In West Lombok regency, West Nusa Tenggara province, some 177 members of the Ahmadiyya Muslim community (32 households), displaced in 2006 by a mob of villagers because of their "deviant" religious beliefs, have since been living in a makeshift camp known as "Wisma Transito" in Mataram on Lombok Island. In February 2014, the provincial government offered the displaced to be resettled in a new location, however, this was rejected by the community because they considered the proposed site to be too remote making it difficult for them to access schools and hospitals. They also who said their preference was to return to their original homes in West Lombok¹⁰. In 2010, some 12 families had reportedly attempted to return but they had been chased out again and had returned to the camp¹¹.

7. As a result of their religiously-motivated displacement and subsequent relocations, most of the Shi'a displaced in East Java have been prevented from enjoying their fundamental social, economic and cultural rights, including the right to work, the right to an adequate standard of living, the right to physical and mental health, the right to education and the right to take part in cultural life. After visiting the displaced Ahmadiyya in July 2013, the National Commission on Human Rights (Komnas HAM) stated a number of their fundamental rights had been violated, including the right an adequate standard of living, the right to work and the right to education¹².

8. Following her visit to Indonesia in November 2012, the UN High Commissioner for Human Rights, Ms. Navi Pillay, expressed concern about discrimination experienced by religious minorities in the country¹³.

I was distressed to hear accounts of violent attacks, forced displacement, denial of identification cards and other forms of discrimination and harassment against them. I was also concerned to hear that the police have been failing to provide adequate protection in these cases. Of course, issues of community violence are

⁹ Amnesty International (AI), *Shi'a community at risk of new forced eviction*, 13 November 2013

¹⁰ PortalKBR, *Pemindahan Warga Ahmadiyah NTB Bisa Timbulkan Masalah Baru*, 27 February 2014

¹¹ Dwianto Wibowo, *Refugees in their own land*, January 2014

¹² The Jakarta Post, *Komnas HAM finds human rights violations in Ahmadi refugee case*, 11 July 2013

¹³ UN High Commissioner for Human Rights, *Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to Indonesia*, 13 November 2012

complex and not easily solved. However, I was particularly concerned about statements made by officials promoting religious discrimination.

9. Following her visit to Indonesia in May 2013, the UN Special Rapporteur on the right to adequate housing, Ms. Raquel Rolnik, expressed concerns about the government's failure to adequately protect and assist these two groups of IDPs. In her report to the Human Rights Council (A/HRC/25/54/Add.1) dated 26 December 2013 she called on the government to:

Government to ensure that displaced communities have immediate access to essential services such as food, clean drinking water and health services, and to guarantee their safe return to their homes, providing them with the necessary assistance to rebuild their homes that were damaged or destroyed.

10. The government has failed to take measures to guarantee the Shi'a displaced' right to return, their right to freedom of religion and to be effectively protected from attacks, leaving it to local authorities to shape their own policies on the matter even when these were in violation of international human rights and freedoms guaranteed by the Indonesian Constitution. Forcibly relocating the displaced from one shelter to another without their consent and with no valid justification is in violation of international human rights law, including the right to adequate housing, which is a component of the right to an adequate standard of living¹⁴. States have the obligation to ensure that protection against forced evictions and the right to adequate housing is guaranteed without discrimination, including on the basis of religion. According to the Law No.7/2012 on the Handling of Social conflict, the government should take concrete measures to seek reconciliation, rehabilitation and reconstruction. The Law No. 24/2007 on Disaster Management stipulates that the BNPB, both at the national and regional level, should assist IDPs "through quick, appropriate, effective and efficient actions"¹⁵.

- **Please indicate what measures have been taken to (first) prevent attacks displacement caused by this religious hatred and (then) protect victims of religiously motivated attacks; to investigate and prosecute the perpetrators of these attacks and ensure that, if the perpetrators are convicted, appropriate sanctions are imposed; and to provide victims, including those displaced as a result, with adequate compensation.**
- **Please outline what measures have been taken to ensure displaced members of religious minorities can fully exercise the rights enunciated in the present Covenant, including in particular the right to work, the right to an adequate standard of living, the right to physical and mental health and the right to education.**

Article 6 – The right to work

11. The August 2012 attacks on Shi'a followers in East Java resulted in the damaging and destruction of an estimated 35 homes and other property. The displaced received no compensation and as a result of their displacement, they were also unable to access their fields

¹⁴ See OHCHR, *Basic principles and guidelines on development-based evictions and displacement*, 2007

¹⁵ Law No. 24/2007 on Disaster Management , articles 13 and 20

and earn a living¹⁶. Limitations on the freedom of movement were also reported with the displaced unable to leave the Sampang sport centre. Conditions in their new shelter in Sidoarjo where they were moved in June 2013 were reported not to have substantially improved with continued limitations placed on their freedom of movement, limited access to livelihood opportunities and no healthcare support¹⁷. In her report to the Human Rights Council, the Special Rapporteur on adequate housing raised concern about the Indonesian government's practice to relocate evicted groups to low-cost apartment buildings namely because "*low-cost rental buildings are located far away from the evicted communities' original location and employment opportunities*"¹⁸.

12. In Maluku, a study conducted by Mercy Corps five years after the return of the displaced to their home or after their resettlement showed that the majority continued to have lower incomes than those who were never displaced¹⁹. In addition to suffering from the economic impact of the destruction of their homes and property and debts incurred during their displacement, they often struggled to adapt to their new urban environment. Many were forced to take up low-paid employment rather than re-establishing their original livelihoods, leaving them with reduced income and social status.

13. In 2010, it was believed that three-quarters the 600,000 people estimated to have been displaced by the Aceh conflict between 1999 and 2004 had managed to return or settle elsewhere. The majority did so voluntarily and without any support. Assessments conducted in areas of return after the August 2005 peace agreement showed that returnees faced significant recovery challenges²⁰. Many returned to destroyed houses and property and they were trapped in poverty because they failed to quickly restore their farming land, plantations or businesses and were forced to accept low-paid jobs in the meantime to provide for their families. In addition, the high level of mental trauma among IDPs and returnees often represented an impediment to work and resulted in a loss of revenue. The government failed to properly identify and support IDPs and returnees and the majority received almost no assistance at all. By 2009, assistance provided by the Aceh Reintegration Agency (BRA), the body responsible for the coordination of post-conflict programming, had only benefited some 2,500 IDPs, or less than 0.5 per cent of the estimated total number of people displaced by the conflict.

14. The December 2009 Multi-Stakeholder Review of Post-Conflict Programming in Aceh (MSR) noted that the social security net for the most vulnerable was very weak for those not working and more importantly for those unable to work and recommended to the Coordinating Ministry for People Welfare and the Ministry of Social Services that they "*Actively seek out those who are physically or mentally unable to work and provide adequate social security*" and provide "*Special training and programs for the most vulnerable (...) to give them an opportunity to gain new skills in appropriate work.*" The Ministry of Manpower and Transmigration was invited to implement

¹⁶ Finding and Recommendation Team (TTR), *Restore constitutional rights to Shia followers in Sampang*, 26 August 2013

¹⁷ The Jakarta Post, *Displaced Shiites denied proper health services*, 24 January 2014

¹⁸ HRC, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, *Mission to Indonesia*, 26 December 2013, para. 16

¹⁹ Mercy Corps, *Aid to Uprooted Peoples in Maluku*, 19 April 2010

²⁰ IDMC, *Indonesia/Aceh: IDPs and returnees still face significant recovery and reintegration needs*, 8 September 2010

programs to “support programs for return of IDPs, host and receiving communities and those who have recently returned (...)”²¹.

- Please indicate what has been done to ensure displaced Shi’a who have been cut off from their main source of livelihood as a result of their displacement have been provided with alternative livelihood options or any form of assistance to help them sustain their fundamental needs.
- Please outline which barriers IDPs and returnees in former conflict-affected provinces such as Aceh and Maluku face to re-establishing their livelihoods or secure new ones and how the government plans to eliminate these barriers.

Article 11 – The right to an adequate standard of living

15. The Ahmadiyya IDPs in Mataram, Lombok have been living since 2006 in an overcrowded temporary accommodation with no regular access to essential services such as clean water or electricity. Denied ID cards the displaced have not been able to access government assistance programs. After a visit in July 2013, Komnas HAM recommended the local government addressed the needs of the displaced and considered moving them to another place with adequate living conditions. As a result of Komnas HAM visit the local administration promised the displaced they would be given ID cards.²² In November, or four month later, the displaced had still not received the cards. According to a local government official this was because as IDPs they were considered as a “vulnerable group” and their status needed to be validated²³.

16. While living in the sport centre in Sampang between August 2012 and June 2013, the Shi’a displaced were reported to have very limited access to health care, medicine, food as well as basic social services such as health and education. In November 2012, government food aid was withdrawn for nearly two weeks. In May 2013, food aid was again stopped along with provision of clean drinking water.

17. In Indonesia’s West Timor province, an estimated 25,000 relocated IDPs, displaced from Timor-Leste nearly 14 years ago and considered as “new citizens” since 2003, continued to require livelihood and shelter assistance some 14 years after their displacement²⁴. The lack of tenure security, exacerbated by land scarcity and tensions between the displaced and the host community, was identified by agencies assisting them as a key obstacle to durable solutions²⁵. In early 2014, the government development agency, Bappenas, organised consultations with West Timor local authorities and international agencies assisting them, to use their experience in working with protracted IDPs as input into the national development National Medium Term Development Plan (RPJMN) of 2015-2019 which was being developed.

²¹ Multi-stakeholder Review (MSR), *Multi-Stakeholder Review of Post-Conflict Programming in Aceh, Annex 9: Matrix of the Brief Assessment of the Government Agencies and Institutions mentioned in Presidential Instruction No. 15. 2005*, December 2009

²² The Jakarta Post, *Displaced NTB Ahmadis to get ID cards, but with no religious preference*, 26 July 2013

²³ Tempo, *Displaced for Seven Years , Ahmadiyah members would be given ID cards*, 21 November 2013

²⁴ The Jakarta Post, *UN gets input from minority groups*, 17 January 2014

²⁵ UN-Habitat, *Access to land in Indonesia: reflections on some cases*, 26 December 2013

18. At least 2,500 households in Maluku still lived in informal settlements in 2011, while many more were struggling to achieve durable solutions more than ten years after their displacement. Obstacles to their recovery in return areas included ongoing disputes over their land and property, difficulties in re-cultivating long-term crops, inadequacy of assistance and poor reintegration with host communities. They share with their non-displaced neighbours the inadequacy of water distribution systems, sanitation and health care facilities. In resettlement sites, access to potable and irrigation water and to sanitation facilities remained generally limited. Often forced to live on the fringes of urban areas, they were sometimes required to travel long distances to access health care or schools, a cost many of them could not afford. The unhygienic conditions they lived in, the lack of health care facilities and staff, and their poverty all contributed to poor health indicators. Their lack of land ownership left many vulnerable to eviction and deprived them of incentives to make durable improvements to their homes.

19. In 2012, there were still seven IDP settlements in Bitung, 200 kilometres from North Sulawesi's capital Manado, hosting approximately 4,000 people²⁶. They fled inter-communal violence that affected North Maluku from 1999 to 2000 and were part of the estimated 35,000 people, most of them Christians, who sought refuge in North Sulawesi province where many originated from. While some returned to North Maluku after the conflict ended, the majority decided to stay and to locally integrate. In Bitung, most are living in overcrowded conditions in abandoned army barracks lacking access to safe water and sanitation facilities. The shelters are of sub-standard quality often made from old discarded materials like corrugated iron or wooden sheeting. The lack of tenure security puts them at risk of eviction with little incentive to make improvements to their homes.

- **Please indicate what measures have been taken to ensure IDPs in Mataram, Lombok, receive the ID cards they have been promised and which will enable them to avail from government assistance.**
- **Please indicate what effective measures have been taken to ensure IDPs living in informal shelters and resettlement sites in Maluku and North Sulawesi provinces have adequate access to basic services such as clean water, sanitation and health care facilities.**
- **Please outline the government plans for long-term housing support for the remaining IDPs living in inadequate housing conditions, including measures to strengthen their tenure security.**
- **Please indicate if in addition to West Timor Bappenas plans to assess the outstanding recovery needs of protracted IDP groups located in other provinces and to include these in the National Medium Term Development Plan (2015-2019).**

Article 12 – The right to physical and mental health

20. There is no comprehensive data available on the mental health of IDPs in Indonesia. A number of studies conducted in former conflict and displacement-affected provinces such as Aceh, Central Sulawesi and Maluku have shown IDPs to be generally more affected by mental

²⁶ Habitat for Humanity, *Internally Displaced Persons Project Phase 2*, April 2012

health problems as compared with the non-displaced population. In addition to having been exposed to violence and trauma during the conflict, many also experienced hardships during displacement, often living in overcrowded living spaces with limited access to essential necessities such as food, water and health, and sometimes also exposed to sexual and gender-based violence. Even after return or relocation, the long-term effects of displacement continued to have a negative impact on the mental well-being of IDPs. In many provinces, several years after the conflict ended those who were displaced continued to suffer from higher levels of unemployment, poverty and enjoyed poorer living conditions than the non-displaced population. As a consequence, the prevalence of psychological distress was generally higher among IDPs than non-IDPs living in the same provinces²⁷.

21. The conflict in Aceh had a great impact on the mental health of residents of affected areas. Based on psychosocial needs assessments carried out in between December 2005 and November 2006, IOM estimated that a staggering 930,000 people experienced psychological trauma, or nearly one in four Acehnese. People forced to leave their homes often experienced the highest level of violence, including being caught in a bombing or being shot at, robbed, extorted or physically beaten. Many also witnessed their houses being burnt or had their property damaged or seized by armed groups. Most lacked food or had limited access to medical assistance during displacement. This resulted in severe mental health consequences such as depression, anxiety and post-traumatic stress disorder²⁸. Psychosocial support has been largely nonexistent or ineffectual. While a number of trauma counselling centers were established by the government, these were not seen as very effective. International actors such as IOM also implemented psychosocial assistance programmes but their coverage remained limited²⁹.

22. Similarly, in Central Sulawesi, those forced from their homes by the conflict often experienced the highest level of violence. Many reported suffering from depression, anxiety and post-traumatic stress disorders. Trauma and psychological stress were compounded by economic hardship which resulted in increased stress on family relationships. The loss of income caused by the conflict also created frustration and tension between children and parents³⁰. A number of psycho-social programmes were conducted by INGOs for children in schools located in areas most affected by the conflict but overall trauma counselling and psycho-social assistance remained insufficient.

- **Please provide information on the physical and mental health status of IDPs and how their health compares to the non-displaced population.**
- **Please indicate what measures have been taken to address the physical and mental health needs of IDPs.**

²⁷ Turnip, Klungsoyr, Hauff, *The mental health of populations directly and indirectly exposed to violent conflict in Indonesia*, in *Conflict and Health*, 2010, 4 :14

²⁸ International Organization for Migration (IOM), *A psychosocial needs assessment of communities in 14 conflict-affected districts in Aceh*, 20 June 2007

²⁹ Multi-stakeholder Review (MSR), *Multi-Stakeholder Review of Post-Conflict Programming in Aceh: Identifying the Foundations for Sustainable Peace and Development in Aceh*, December 2009, p.27

³⁰ Tol et al., *Communal violence and child psychosocial well-being: Qualitative findings from Poso, Indonesia*, February 2010, p.119