

United Nations High Commissioner for Refugees

Indonesia

We would like to bring your attention to the following excerpts, taken directly from Treaty Body Concluding Observations and Special Procedure reports, relating to issues of interest and concern to UNHCR with regards to Indonesia.

Treaty Body Concluding Observations

CRC/C/15/Add.223 34th Session
26 February 2004

30. The Committee notes with concern that societal discrimination persists against girls and against other vulnerable groups of children, in particular children living in poverty, children born out of wedlock, children displaced by conflict and minority children.

65. The Committee is very concerned at the situation of refugee and internally displaced children living in refugee camps.

72. The Committee recommends that the State party:

- (a) Take immediate steps to ensure that all displaced and refugee children and their families have access to basic health and education services, and that all their rights contained in the Convention are protected, including the right to be registered at birth;*
- (b) Strengthen the measures taken to ensure quick and safe repatriation of all Timorese children separated from the families to Timor-Leste;*
- (c) Accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness;*
- (d) Continue its collaboration with, among others, UNHCR. (para. 66)*

The Committee is further gravely concerned at the very large number of children displaced as a consequence of armed conflict. (para. 70)

The Committee recommends that the State party develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict. In particular, the Committee recommends that the State party:

- (a) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied IDPs and refugees, returnees and smuggled children, which also ensures their privacy;*
- (b) Take effective measures to ensure that children affected by conflict can be reintegrated into the education system, including through the provision of non-formal education programmes and by prioritizing the*

- rehabilitation of school buildings and facilities and the provision of water, sanitation and electricity in conflict-affected areas;*
- (c) Criminalize the recruitment and use of children for military purposes by any armed force or armed group*
 - (d) Provide alternatives to military recruitment, including by increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas.*

Special Procedure Reports

**Integration of the Human Rights of Women and the Gender Perspective:
Violence Against Women
Economic and Social Council
E/CN.4/1999/68/Add.3
21 January 1999**

94. The Special Rapporteur has received reports of widespread atrocities in Aceh during counter-insurgency operations there in 1990-1991. The deportation of hundreds of Acehnese migrants from Malaysia in late March caused an international outcry, as some of those sent back were clearly refugees who had fled Aceh in the early 1990s and feared persecution. Counter-insurgency operations by the Indonesian army resulted in large-scale sexual violence.

**Situation of Human Rights in East Timor
A/54/660
10 December 1999**

2. The [Human Rights] Commission further expressed its deep concern at the widespread forced removal and displacement of persons to West Timor and other nearby areas, the serious humanitarian situation of the displaced East Timorese, the violence and intimidation directed against international agencies as well as most of the independent media, and the lack of effective measures to deter or prevent militia violence and the reported collusion between militias and members of the Indonesian armed forces and police in East Timor.

4. The [Human Rights] Commission called upon the Government of Indonesia... to continue to implement its obligations under the Agreement of 5 May 1999 and to guarantee the voluntary return of all refugees and displaced persons, including those who had been forcibly displaced to camps in West Timor. The Government was called upon to ensure immediate access by humanitarian agencies to displaced persons, both in East Timor and West Timor as well as other parts of the Indonesian territory, to guarantee the security and free movement of international personnel and to continue to allow the deployment of emergency humanitarian assistance.

20. However, after this announcement militia groups and elements of the Indonesian security forces unleashed a wave of violence in which pro-independence

supporters were terrorized and killed. Private homes, public buildings and infrastructure were systematically burned and destroyed. More than 400,000 people were forced to leave their homes and flee to the hills, or were forcibly displaced by TNI and militia units to areas outside East Timor, mostly in West Timor and other neighboring islands in Indonesia.

57. The Special Rapporteur also heard reports of violence against women in refugee camps in West Timor. There are allegations that girls were being taken out of the camp at night, raped and brought back. Though she heard this allegation from many non-governmental sources, it was not verified by any individual cases or direct testimony. Nevertheless, the persistence of the allegations requires that they be investigated by authorities who have access to refugee camps in West Timor. The only confirmation to have emerged was the case of a 24-year-old woman who returned from West Timor. Medecins sans Frontieres confirmed that they had transferred her to ICRC. She had been beaten and violently raped and was suffering from psychological trauma. ICRC had not reported the case to INTERFET, but agreed that all future cases would be referred to the investigating authorities.

Recommendation 1. The Government of Indonesia should immediately comply with its memorandum of understanding with the Office of the United Nations High Commissioner for Refugees by securing unimpeded access of UNHCR to the camps in West Timor where a quarter of the East Timorese population is held, so that the speedy return to East Timor of those who so wish may be effected.

Specific Groups and Individuals: Mass Exoduses and Displaced Persons
Economic and Social Council
E/CN.4/2002/95/Add.2
15 February 2002

1. Internal displacement is a relatively new phenomenon in Indonesia. Indeed, the displacement crisis, which now affects some 1.3 million people, should be viewed against the background of the profound changes that the country has undergone since 1998... In general terms, most of the displacement is due to intercommunal, inter-ethnic and/or religious fighting between Christian and Muslim groups.

4. Although the response of the Government and the international community varies from province to province and with the nature of the conflict causing the displacement, the conditions of the internally displaced persons in the country are generally reported to be poor. Internally displaced persons living in makeshift camps are in need of shelter, food, medicine and proper sanitation. Long-term solutions are also needed for those living with families and friends. Further, issues of land and property belonging to internally displaced persons need to be resolved. Protection problems need also to be addressed, as they are severe in areas of intercommunal conflict and where the two separatist movements operate. There is a particularly serious problem of many children lacking documents, which impedes their access to schooling. Other issues involving children are whether food assistance programmes target their particular nutritional needs and whether they are adequately protected from recruitment by armed groups.

33. *In his discussions with national and provincial authorities, the Representative further emphasized the need to combine humanitarian assistance with protection, in particular of women and children. The violent clashes in Central Sulawesi between Muslim and Christian groups, for example, brought home once again the urgent need to ensure security guarantees and protection for the civilian population and to address the causes of the conflict.*

34. *There was, however, general acknowledgement that there were serious gaps in performance, and that to address the problem in a more comprehensive and coherent manner the authorities needed to develop their capacity and expertise. The Government's response to the problem has been described as "complex and confusing", with a wide array of ministries and departments playing a role. The Government's national-level reorganization and a decentralization of power to the local level are adding to the lack of clarity regarding institutional responsibility and to existing problems of coordination.*

75. *The Representative has persistently made the point that in working towards solutions to situations of displacement, there is an opportunity, and indeed a need, for Government and other pertinent actors to address not only the situation of the internally displaced population, but also the root causes of the conflicts that displaced them. In Indonesia, there is an urgent need to ensure that ongoing tensions are controlled in order to prevent conflicts from spreading and new conflicts from erupting.*

77. *The crisis of displacement, though new, had rapidly assumed major proportions. The Government had acknowledged the problem and had resolved to bring it to an end in the shortest possible time with the assistance of the international community. It is important now that the Government work closely with displaced communities and local and international partners in designing solutions and that it extend full access to humanitarian agencies... It is, however, also vitally important that the objective of ending displacement in the shortest possible time be pursued with due regard to the aspirations of the people, that appropriate conditions for their return or resettlement be created, that their integration into existing communities be genuinely empowering, and that in implementing the respective "patterns", the overriding values of human dignity are respected and supported.*

Economic, Social and Cultural Rights: The Right to Education

Economic and Social Council

E/CN.4/2003/9/Add.1

4 November 2002

37. *A single word, 'pengungsi', encompasses the internally displaced and refugees. The Government planned in 2001 to "immediately end the problems of IDPs/refugees" through return, integration or resettlement. In education, the obstacles faced by these two categories are different. Refugees may not have a legally recognized right to education owing to their lack of citizenship, but they are few in number. The internally displaced, much larger in number, often lack access to school because there is none or children lack "documents, which impedes their access to schooling."*

**Protection Operations and Legal Advice Section
Division of International Protection Services
UNHCR
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