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Совет по правам человека

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**Поощрение и защита всех прав человека,
гражданских, политических, экономических,
социальных и культурных прав,
включая право на развитие**

Письменное заявление Национальной комиссии Индонезии по правам человека*

Записка секретариата

Секретариат имеет честь препроводить Совету по правам человека письменное заявление Национальной комиссии Индонезии по правам человека**, которое распространяется в соответствии с пунктом b) правила 7 правил процедуры Совета (см. резолюцию 5/1, приложение) и процедурами и практикой, согласованными Комиссией по правам человека в ее резолюции 2005/74.

* Национальное правозащитное учреждение со статусом аккредитации «А» Глобального альянса национальных учреждений по поощрению и защите прав человека.

** Воспроизводится в полученном виде только на языке представления.



Приложение

Письменное заявление Национальной комиссии Индонезии по правам человека

I. Introduction

1. Indonesia National Commission on Human Rights (Komisi Nasional Hak Asasi Manusia – Komnas HAM) is a national human rights institution with an "A" accreditation by the Global Alliance of National Human Rights Institutions dengan ini hereby submits this statement regarding the situation of Masyarakat Adat / Indigenous Peoples in Indonesia to the Human Rights Council.

2. Across many parts of the world, particularly in Asia, Indigenous Peoples/Masyarakat face systemic challenges such as forced evictions, loss of ancestral lands, denial of identity, and repression accompanied by violence. This is no exception for Indonesia, with an estimated 40–70 million Indigenous Peoples although constitutional recognition exists, comprehensive implementing regulations to ensure respect, recognition and protection are not yet available.

3. The Government of Indonesia through Law No. 29 of 1999, has ratified the International Convention on the Elimination of All Forms of Racial Discrimination. In the review of state reports under Article 9 of this Convention, the situation of Indigenous Peoples has consistently been a matter of close attention. The Committee has emphasized that all appropriate measures must be taken to combat and eliminate discrimination against Indigenous Peoples.

4. Global standards such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention No. 169 serve as international frameworks. However, they remain largely aspirational. The Government of Indonesia needs to strengthen regulations relating to Indigenous Peoples which is expected to minimize violations, ranging from land grabbing and agrarian conflicts to intimidation and the criminalization of Indigenous leaders.

II. Key Issues

5. During January 2023 to December 2024, Komnas HAM received 128 complaints related to Indigenous Peoples, primarily concerning intimidation and criminalization in their struggle for land and natural resources, as well as violations of cultural rights.

6. Throughout 2024, Komnas HAM recorded a number of cases that demonstrated recurring patterns of violations against Indigenous Peoples. In Papua, large-scale development and investment projects threatened Indigenous Peoples' rights, while their participation in decision-making remained very limited. In East Kalimantan, Komnas HAM found practices of intimidation against Indigenous residents in connection with the development of the new capital city (Nusantara). In North Sumatra, Indigenous leaders were criminalized in land conflicts, even though the courts acquitted them, while intimidation persisted. In West Sumatra, communal land conflicts emerged after the expiration of plantation concessions, with companies offering only limited compensation. Meanwhile, in West Kalimantan, Indigenous Peoples faced the seizure of customary forests without compensation. These cases reflect consistent patterns of violations: intimidation, criminalization, disregard for land rights, and the lack of meaningful participation of Indigenous Peoples in development processes.

Indigenous Peoples and Agrarian Issues

7. The issues related to Indigenous Peoples cannot be separated from agrarian and natural resources, as these are central to their livelihoods. Agrarian issues are the most frequently reported each year to Komnas HAM. From January 2020 and December 2024, Komnas HAM received 2,780 complaints related to agrarian conflicts. Indigenous Peoples are often among

the victims in these disputes. The number of complaints involving Indigenous Peoples as victims in agrarian conflicts were: 44 (2020), 43 (2021), 56 (2022), 65 (2023); and 43 (2024).

8. Komnas HAM notes that in agrarian conflicts, corporations were the most frequently reported actors (146 complaints), followed by local governments (97 complaints). This pattern highlights serious tensions between communities—including Indigenous Peoples—and corporations managing natural resources, as well as weak agrarian governance by local governments. Most complaints were filed by community groups, with the right to welfare being the most commonly violated right. This underscores that agrarian conflicts directly affect the livelihoods and survival of Indigenous Peoples.

9. Komnas HAM urges the Government of Indonesia to accelerate the recognition of Indigenous lands and forests in the country.

10. Komnas HAM encourages the Government of Indonesia to revise laws and regulations that contribute to agrarian conflicts harming communities, including the Job Creation Law.

11. Komnas HAM calls on the Government of Indonesia to resolve agrarian conflicts through sound cross-ministerial governance, minimizing gaps and overlaps of authority among ministries and institutions mandated to address agrarian issues.

Indigenous Peoples and National Strategic Projects

12. The development of National Strategic Projects (NSPs), with 233 projects worth more than IDR 6,246 trillion, is designed to boost infrastructure and investment but has also become a significant source of human rights violations.

13. Komnas HAM recorded that the most frequently reported actors were the central government and corporations, showing that large-scale development often displaces Indigenous Peoples and threatens their fundamental rights. The closed and top-down process for determining national strategic projects (PSN) often violates the right to information and excludes meaningful public participation. Various regulatory concessions and incentives for PSNs have led to discrimination and arbitrariness. The most frequently impacted projects include toll roads, dams, airports, ports, and smelters.

14. Komnas HAM urges the Government of Indonesia to respect human rights principles in development projects and to ensure the application of the principle of Free, Prior, and Informed Consent (FPIC) in NSPs involving Indigenous territories or settlements

Policy Strengthening

15. Indigenous peoples' issues occur in various regions of Indonesia, including in economic centers such as Jakarta, West Java, and North Sumatra. This shows that conflicts occur not only in rural areas but also in areas with high levels of development.

16. Agrarian conflicts involve various actors, ranging from corporations, the central government, state-owned and region-owned enterprises, to local governments. Conflict resolution processes are often prone to tension, as large-scale economic development almost inevitably creates access barriers and negative impacts on the fulfillment of human rights. There is a need for clear regulations defining the boundaries of authority between central and local governments to avoid friction and human rights violations that harm communities.

17. Komnas HAM has received many complaints concerning the right to welfare, while others relate to access to justice. Women, children, and persons with disabilities within Indigenous communities face particular vulnerabilities, including gender-based violence, limited access to education and health services, as well as the impacts of land dispossession, criminalization, intimidation, violence, and environmental degradation

18. Komnas HAM observes that one significant obstacle is the lack of a consistent definition of "Indigenous Peoples" at both the national and international levels. Greater clarity of norms is needed to ensure more consistent policies and law enforcement.

19. Nevertheless, Komnas HAM notes some progress up to August 2025: the Ministry of Forestry has recognized 333,687 hectares of customary forests through 160 decrees in 19 provinces, established a Customary Forest Task Force, and the National Development Planning Agency (Bappenas) is preparing a Roadmap for the Recognition of Indigenous

Peoples (2025). Komnas HAM itself conducted a National Inquiry on Indigenous Peoples (2015–2016), which recommended 40 customary territories, 11 of which have since been formally recognized as customary forests

20. In 2024, Komnas HAM has published Human Rights Standards Norm Regulations (SNP) No. 15 on the Protection of the Rights of Indigenous Peoples, which regulates fundamental rights including land, natural resources, health, education, and freedom of religion. This SNP underscores the obligation of the state to recognize and respect Indigenous Peoples and requires accountability from non-state actors, including through compensation, environmental restoration, and improvements in business governance.

III. Recommendations

21. Komnas HAM recommends that Human Rights Council encourage the mainstreaming of international legal frameworks—particularly the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), ILO Convention No. 169, and other related instruments—into the development of national legislation in countries facing conflicts and vulnerabilities concerning the rights of Indigenous Peoples.

22. Komnas HAM also emphasizes the importance of the Human Rights Council considering recognition and acceptance of alternative terms beyond indigenous peoples or other equivalent designations within definitions, so as to serve as a significant reference in strengthening recognition of Indigenous community entities.

23. Furthermore, Komnas HAM urges the Government of Indonesia to accelerate the deliberation and enactment of the Indigenous Peoples Bill (RUU Masyarakat Adat) as a demonstration of the state’s commitment to protecting and recognizing the rights of Indigenous Peoples, in line with the constitutional mandate of the 1945 Constitution.

IV. Conclusion

24. Every nation is part of a multicultural global society, shaped by the long history of civilizations rooted in Indigenous Peoples as intergenerational guardians. Our existence today, in diverse races, ethnicities, and peoples, serves as tangible evidence of the presence of Indigenous Peoples. This must be continuously reinforced through recognition of Indigenous Peoples and their rights. At the global level, guarantees for the fulfillment and protection of these rights have been enshrined in various covenants. However, in terms of implementation, these covenants need to be mainstreamed into inclusive national policies to ensure respect, protection, and fulfillment of the rights of Indigenous Peoples.
