

**Information on Local Government Initiatives for
Promoting and Protecting Human Rights in Indonesia
Submitted by
International NGO Forum on Indonesian Development (INFID)**

A. Introduction

1. This document aims to provide information on the initiatives and efforts made by local governments in Indonesia in promoting and protecting human rights to the United Nations High Commissioner on Human Rights as requested in a letter addressed to the International NGO Forum on Indonesian Development (INFID), that is a national NGO with Special Consultative Status to the UN ECOSOC since 2004.
2. The document draws on INFID's work experiences and sources of knowledge in working with the national and sub-national governments and other stakeholders, specifically based on experiences in interacting with these stakeholders in implementing the framework of Human Rights Cities and the implementation of the achievement of the Sustainable Development Goals (SDGs).
3. The document is prepared by INFID, Komnas HAM (National Commission on Human Rights) and the Executive Office of the President (KSP) of the Republic of Indonesia with inputs and consultation from the local governments of the districts of Wonosobo, Pakpak Bharat, Serdang Bedagai, Jember and Palu.

B. Laws, Policies, and Programmes that have been developed by local authorities to protect and promote human rights

4. Following the 1998 reform movement, Indonesia demonstrated its commitment to respect, protect and fulfil human rights as embodied in the Second Amendment to the 1945 Constitution, and various laws and regulations such as Law No. 39/1999 on Human Rights. The ratification and accession of international human rights instruments further reinforce Indonesia's commitment in promoting and protecting human rights.
5. Indonesia's Constitution and legislation govern on a decentralized system that devolves power to the regions in managing their own affairs. By virtue of this system, the responsibility to

promote and protect human rights not only lies with the national government, but also the local authorities.

6. Since 1998, the national government has issued an array of policies on human rights promotion and protection that expressly and concretely confer powers to local governments through the five-year National Action Plan on Human Rights (RANHAM), among others. RANHAM mandates local governments to form a Local RANHAM Committee and to initiate local-level efforts to promote and protect human rights. Local authorities also have the power to introduce their own regulations on human right promotion and protection.
7. Apart from RANHAM, the national government has also established various national agendas on more specific human rights issues such as on the protection of children, women and persons with disabilities, and a national strategy on access to justice. These agendas in turn compel districts/cities to establish their own policies and regulations for local-level human rights promotion and protection, such as human rights protection for children, women and persons with disabilities, and formal recognition of indigenous peoples, as well as local regulations on legal aid to widen the people's access to justice. In Pakpak Bharat for example, 10 local regulations have been introduced on providing access to and realization of human rights.
8. More specifically, since 2012 the Ministry of Law and Human Rights has initiated the Human Rights City Programme¹ to assess the extent to which districts/cities have implemented human rights programmes in their respective jurisdictions. More districts/cities are increasingly becoming human rights cities over the years. From only 19 human rights cities in 2012 to 54 cities in 2014, and further multiplying to 228 cities in 2016, then 232 cities in 2017 and 271 cities in 2018. The programme inspires districts/cities to more actively promote and protect human rights.
9. In line with the Human Rights City Programme, local governments have taken a wide range of initiatives to promote and protect human rights at the local level through the human rights city framework by partnering with various stakeholders, including INFID and Komnas HAM, with support from KSP. These initiatives have gained President Joko Widodo's seal of approval, who declared in a State Address delivered in commemoration of the 2015 International Human Rights Day his support to transform more regions into human rights cities."² In the Universal Periodic Review Forum, the government of Indonesia once again reaffirmed the commitment to support cities across Indonesia to lead the way in furthering the human rights city agenda, and promote civil society's role in establishing human rights cities.³
10. In the past 7 years, local governments across Indonesia have declared their commitment to work towards becoming human rights cities. Many have issued local regulations to implement

¹ Pursuant to Law and Human Rights Ministerial Regulation (Permenkumham) No. 25/2013 on the Criteria of Human Rights Cities, later revised into Permenkumham No. 34/2016

² Human Setkab, Setkab.go.id, '*Sambutan Presiden Joko Widodo Pada Peringatan Hari Hak Asasi Manusia (HAM) Se Dunia, di Istana Negara, Jakarta*', 11 December 2011, Setkab.go.id <<http://setkab.go.id/sambutan-presiden-joko-widodo-pada-peringatan-hari-hak-asasi-manusia-ham-se-dunia-di-istana-negara-jakarta-11-desember-2015/>>

³ UN Human Rights Council, *National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution: Indonesia*, 20 February 2017, A/HRC/WG.6/27/IDN/1, para 25.

human rights in their respective regions, including Bandung,⁴ Palu, Wonosobo, Bojonegoro and East Lampung. Other districts/cities, such as Pakpak Bharat, Serdang Bedagai and Karo intend to develop local regulations on human rights cities. Several regional heads have also participated in international fora on human rights cities, including the annual World Human Rights Cities Forum (WHRCF) in Gwangju, South Korea.

11. Wonosobo District is at the forefront of the human rights city movement in Indonesia, having fully implemented the initiative through various human rights promotion and protection measures.⁵ The district has introduced a local regulation on human right cities as its highest legal instrument that governs on the following: (i) integration of core human rights principles into every local policy; (ii) implementation of a rights-based approach in local governance from planning, policy-making, monitoring and evaluation; and (iii) implementation of human rights education programmes, as well as the gradual and continuous implementation of human rights. Pursuant to this local regulation, Wonosobo has formed its own Human Rights Commission,⁶ and engaged citizens in transforming Wonosobo into a human rights city, in addition to developing human rights programmes tailored to local priorities and needs as laid out in the Local Strategic Plan. In November 2018, Wonosobo City hosted the Human Rights City Conference and National Human Rights Festival in collaboration with INFID, Komnas HAM, KSP and the Central Java Provincial Government.⁷
12. Other cities have taken various initiatives to promote and protect human rights through programmes that address human rights issues specific to the respective regions. Palu City (Central Sulawesi) for instance, has launched a Human Rights City Declaration in 2013, comprising a ten-point commitment to uphold human rights, among others, an anti-discrimination commitment, protection of minority groups, and fulfilment of the people's basic rights.⁸ Palu went on to issue Mayoral Regulation (Perwali) No. 25/2013 on Local RANHAM that provides a human rights policy and programme framework for Palu City, encompassing the fulfilment of basic rights, human rights education, adoption of human rights norms and standards, right to remedy for victims of human rights abuses, and citizens' role in promoting human rights. Palu City succeeded in developing programmes that provide access to remedy for victims of past human rights violations, and eliminate discrimination and stigmatisation of victims.⁹ Rusdi Mastura, the then Palu Mayor, publicly apologised to the victims and expressed support in uncovering the truth.¹⁰ The City has managed to transform society, making them more aware of the importance of respecting, protecting and promoting human rights.
13. In governing Bojonegoro, East Java, the district adopts a rights-based approach combined with the open government partnership programme. It established District Head Regulation (Perbup) No. 7/2015 on Bojonegoro as a Human Rights City and the Bojonegoro Human Rights

⁴ <http://news.metrotvnews.com/read/2015/05/14/126015/ridwan-kamil-declares-bandung-as-human-rights-city>

⁵ <https://www.thejakartapost.com/news/2014/05/05/wonosobo-get-makeover-become-human-rights-city.html>

⁶ <https://www.infid.org/wonosobo-akan-memiliki-komisi-ham-pertama-di-indonesia/?lang=en>

⁷ <https://www.thejakartapost.com/news/2018/10/08/wonosobo-home-minorities-host-human-rights-festival.html>

⁸ Kota Palu, Deklarasi Kota Sadar HAM, 20 May 2013.

⁹ <https://www.nytimes.com/2015/07/13/world/asia/a-city-turns-to-face-indonesias-murderous-past.html>

¹⁰ <https://www.thejakartapost.com/news/2013/10/25/rusdy-mastura-the-mayor-who-said-sorry-1965.html>

Declaration in 2016.¹¹ The regulation stipulates that the implementation of the human rights city agenda is aimed at enhancing local government's role in protecting, respecting and promoting human rights in Bojonegoro, and strengthening the role of all stakeholders in implementing human rights principles. In 2016, Bojonegoro organized the Human Rights Festival that not only provided a medium where all layers of society in the district can contribute in promoting human rights, but also succeeded in creating a space for various parties to engage in constructive discussions on advancing the human rights city initiative. Bojonegoro has set an example on how to effectively address discrimination, resolve social conflicts, and prevent intolerance and radicalism through a rights-based approach.

14. Other districts/cities have continued to initiate efforts for promoting and protecting human rights as part of local government's public service obligation. These regions include Banyuwangi, Bantaeng, Solo, Yogyakarta, Jember, Bogor, Serdang Bedagai, Pakpak Bharat, Sigi, Sambas, Sikka, and Bitung. They have managed to widen the people's access to education, healthcare, housing and employment, among others. Jember District in East Java has merged the human rights city approach with its SDGs programmes that have succeeded in improving access to human rights.
15. Another commendable local government initiative was launched in Aceh Province where a Truth and Reconciliation Commission was formed. Despite lack of progress in settling past human rights abuses at the national level, in 2012 the Aceh Provincial Government enacted Local Regulation (Qanun) No. 17/2013 on the Truth and Reconciliation Commission of Aceh. The Commission has since been established, and is still functioning to this day. It is mandated to ensure the full disclosure of truth behind the human rights abuses committed in Aceh, provide recommendations for effective remedies to the victims, and other measures necessary to serve justice for the victims. This initiative provides victims with the opportunity to make their voices heard in finding closure to human rights violations in a fair and responsible manner, and also strengthens the peace-building process in Aceh.¹²
16. The initiatives undertaken by districts/cities have built local government awareness on the importance of promoting and protecting human rights at the local level. Local governments in cooperation with civil society organisations, such as INFID, with support from Komnas HAM and the Ministry of Law and Human Rights have the annual agenda of holding the Human Rights City Conference¹³ and the National Human Rights Festival. The Human Rights Conference and Festival are forums for all parties to participate in – national and local governments, NGOs, CSOs, and the public – and interact with each other for developing and

¹¹ The Bojonegoro Human Rights Declaration highlights the following: (i) scaling up efforts to uphold human rights in order for the people to lead better lives; (ii) promoting local government initiatives in fulfilling its human rights obligations; (iii) ensuring that human rights agendas abide by the principles of human rights that are universal, non-discriminatory, inclusive, solidarity and sustainable; (iv) ensuring public participation to the widest extent possible in local governance; (v) calling upon all parties to actively participate in human rights knowledge capacity building, for government bodies, civil society and others; (vi) fostering partnerships between local government, citizens, civil society groups, academia and private sector in developing human rights cities; and (vii) active engagement in global partnerships to promote human rights cities.

¹² <https://asia-ajar.org/2017/11/press-release-first-year-anniversary-aceh-trc/>

¹³ <https://www.thejakartapost.com/news/2017/12/02/human-rights-conference-aims-to-promote-tolerance.html>

enhancing efforts to promote and protect human rights at the local level by sharing experiences and working side by side.

C. Effective methods to foster cooperation between local government and local stakeholders for the promotion and protection of human rights, including reference to local government programme

17. In Indonesia, human rights promotion and protection by local government is based on the following elements: (i) an agenda pushed by the central government; (ii) political will from local leaders; and (iii) pressure from civil society through advocacy work. The effectiveness of efforts in fostering cooperation between local government and local stakeholders in promoting and protecting human rights therefore is closely related to the three aspects above.
18. Several best practices on effective partnerships between local governments and local stakeholders show the importance of the three abovementioned elements. A central government agenda on human rights promotion and protection at the sub-national level through RANHAM or human rights programmes for example, inspires all parties at the local level to implement the agenda. The RANHAM scheme requires local government to create space for effective partnerships with local stakeholders, especially civil society.
19. Local government's political will and support is a crucial element in encouraging collaborative ties for human rights promotion and protection at the local level. In Wonosobo, Bojonegoro and East Lampung, local leaders have managed to build partnerships and ensure the active participation of all local stakeholders, and gain the support of national stakeholders for jointly developing human rights promotion and protection agendas. Regarding Wonosobo's human rights city local regulation for example, the scepticisms shown by local politicians at DPRD (Local House of Representatives) on the establishment of the local regulation could be refuted through close cooperation between local leaders and DPRD members.
20. In other regions, strong civil society groups capable of building networks with other stakeholders at the national and local levels have managed to convince local governments to take the necessary steps for promoting and protecting human rights. This was the case for Palu and Aceh where strong civil society organisations succeeded in influencing all stakeholders to support local agendas on human rights promotion and protection.
21. Local government programmes where partnerships have been struck with stakeholders include the following: (i) Weekly public dialogues between Bojonegoro District Head and local citizens held every Friday at the District Head Office; (ii) Formation of several *baskom* (community-led groups) by the Wonosobo District Head to support ongoing dialogues between Wonosobo District Government and the local people; and (iii) Wonosobo District Human Rights Commission with members comprising of government officials and members of civil society is an example of a local human rights mechanism.

22. Based on the many experiences provided above, effective ways in which to foster partnerships between local government, civil society and other stakeholders in Indonesia include the following:

- a) The national government develops national policies on human rights, and ensures their implementation, while calling upon local governments to engage stakeholders, especially civil society, in contributing towards formulating local government programmes from a human rights perspective. The national policies can take the following forms:
 - RANHAM for a specified period, and renewed upon expiration. RANHAM sets out local government's obligation to ensure multi-stakeholder engagement in achieving its goals.
 - Ministerial-level regulations, such as those issued by the Ministry of Law and Human Rights, on the importance of local government's role, and showing appreciation to local governments that satisfy administrative requirements.
 - Appeal from the President of Indonesia to strengthen and develop more human rights cities across Indonesia.
 - Presidential Decree on Sustainable Development Goals to be implemented right down to the district/city level.
- b) Identifying regional heads at the district/city level demonstrating the commitment to respect, protect and fulfil human rights, and to lobby and support these local leaders in developing human rights programmes for their respective regions.
- c) Urging local governments to engage civil society in drafting public policies or developing local government programmes. Several regions have encouraged the participation of local citizens in consultative development planning forums from the village to sub-district and district levels.
- d) Creating spaces for dialogue between local government and civil society at the local level.
- e) Facilitating local government to participate in regional and international human rights fora, including in acting as resource persons in these forums.
- f) Building civil society's capacity through facilitation, training, education, seminar and others.
- g) Strengthening local government's capacity to fulfil their human rights obligations, through training, facilitation and consultation on policy-making.
- h) Providing assistance in developing a roadmap for local governments to become human rights cities.
- i) Creating spaces for sharing knowledge and experiences among regional heads.
- j) Facilitating the development of annual development plans (activity plan and budget), including in monitoring human rights programme implementation and its evaluation.

D. Raising awareness - implementing Sustainable Development Goals (SDGs) and New Urban Agenda (NUA).

23. The President has issued a President Regulation (Perpres) No. 59 in 2017 on the Implementation and Achievement of the Sustainable Development Goals (SDGs), which is elaborated among other in the form of Local Action Plan (RAD) on SDGs. On the basis of this

President Regulation, local governments conduct and participate in the various fora aimed at raising awareness and developing capacities on SDGs, many of them in cooperation with civil society organizations.

24. As of today, Local Action Plans on SDGs have been and are being developed in 10 cities/districts and provinces, such as Tuban District, Cirebon District, Banda Aceh City, Maros District, Pangkep District, Jember District, Bojonegoro District, Rejang Lebong District, Yogyakarta Province and East Nusa Tenggara Province.
25. In many local governments, a multi-stakeholder forum on the SDGs is formed that include local government, universities, private sector, and CSOs. Universities in several districts and cities are also establishing SDGs centres.
26. Several local governments have been participated in international forum on human rights, SDGs and NUA, such as the one the district of Wonosobo that participated in the UN Habitat III Forum in Quito, Ecuador in November 2016.

E. Local government connected to UN human rights system

27. Based on the constitutional system in Indonesia, Law on Local Governance and Law No. 37/1999 on Foreign Relations for example, stipulate that local government participation or involvement should be done through the central government. Local government's participation or involvement in the UN System without prior consultation, approval or confirmation from the central government in the normative sense, is not permitted.
28. Local government participation or involvement in the UN System is done under the coordination of the central government through the relevant State Ministry, such as the Ministry of Foreign Affairs, Ministry of Home Affairs and Ministry of Law and Human Rights. In preparing reports for UN bodies for example, the central government shall solicit input from or engage local government on the issues addressed in the reports.
29. A form of local government engagement in the UN System is the participation of Pakpak Bharat's District Head as part of the Indonesian delegation to the Universal Periodic Review (UPR) 2017 at the invitation of the Ministry of Law and Human Rights. The District Head was asked to be part of the delegation to the UPR in recognition of the District's praiseworthy accomplishments in promoting and protecting human rights.

F. Challenges and Obstacles

30. There are still challenges and obstacles to human rights promotion and protection at the local level, including the following: (i) sustainability and consistency; (ii) knowledge capacity on human rights among bureaucrats and the public (CSOs); (iii) political support; and (iv) corruption.
31. The challenges and obstacles relating to the sustainability and consistency of local human rights promotion and protection programmes mainly concern the following: (i) Bottom-up approach to national programmes that are planned by the central government and often not tailored to the local context, making it difficult for regions to implement the programmes; (ii)

Change in local leadership often also means change in programme orientation and priority. There are cases where human rights promotion and protection programmes were initially introduced and supported by local leaders, but eventually discontinued by their successors; (iii) Resource constraints that impose limitations on the planning and budgeting of local human rights promotion and protection programmes. Many regions then have to select their priority programmes based on available local resources.

32. The different levels of knowledge about human rights, or lack thereof, among bureaucrats, CSOs and other stakeholders impede effective protection of human rights in addressing cases at the local level. Local government development programmes, such as infrastructure projects, involve land acquisitions, which often culminate in disputes. Due to poor understanding of human rights, local government officials do not apply human rights principles, and thus unlawful forced evictions, for example, occur. The knowledge gap on human rights leads to different ways in tackling human rights issues arising between local government and members of the public.
33. Lack of political support, or in certain circumstances become political constraints, hamper human rights promotion and protection at the local level. In highly sensitive cases, local government lacks the courage to make bold decisions in protecting human rights, such as regarding the establishment of places of worship or the settlement of past human rights violations. In dealing with disputes over the establishment of houses of worship for example, local authorities tend to take the harmony approach that often meant compromising the interests of the minority group. Local government, including the local security forces, would bow to pressures from the majority group, citing conflict prevention as reason. Furthermore, in the context of electoral politics, regional leaders would pander to their constituents in order to maintain political support, and thereby tend to act in a discriminatory fashion.
34. Another factor hampering human rights promotion and protection at the local level is corruption. In the past 5 years, over 100 regional heads were implicated in graft cases that involve local law enforcers, bureaucrats and business owners. Such cases include bribery in exchange for mining and plantation concessions, which are often related to the protection of privately-held lands from human rights violations. This is also the case for corruption of development budgets for improving access to human rights, such as the construction of schools, hospitals, and other public facilities.