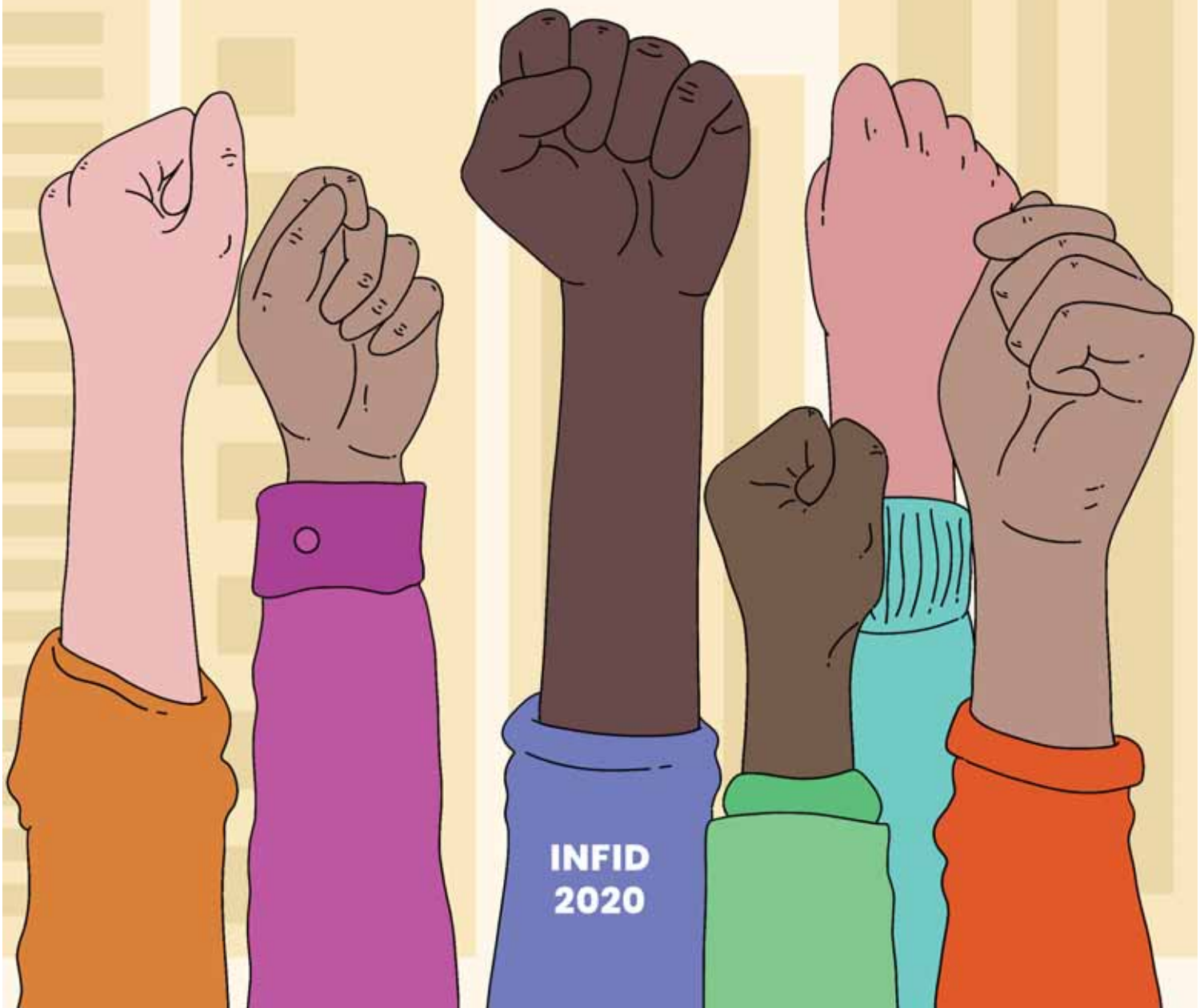


HUMAN RIGHTS CITIES IN INDONESIA

SUMMARY



INFID
2020

Human Rights Cities in Indonesia

Summary

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INFID

Foreword

We may not have agreed on the status of the implementation of human rights in Indonesia. There is an opinion that the state has adequately implemented human rights. There is also an opinion that there are still many examples of human rights that the state has not sufficiently enforced. Some cases are even considered a form of human rights violations by the state.

However, we can agree that the product of legislation in Indonesia has led to the guarantee of human rights. The 1945 Constitution of the Republic of Indonesia Articles 28A to 28J exist in a particular chapter of Human Rights and explains various forms of human rights, such as the right to associate and assemble and the right to be treated fairly before the law. Another example is Article 29, which guarantees freedom of religion and belief; Articles 31 and 32 provide the right to education and culture; Articles 33-34 relate to the economy and social welfare. There are many other legal products related to efforts to fulfill human rights. Among them are Law Number 39, the Year 1999 regarding Human Rights and Law No. 26 of 2000 concerning Human Rights Courts. We also have several international covenants related to human rights.

Indonesia has many institutions that are directed to strengthen and even guarantee the fulfillment of human rights. Three institutions are The National Commission on Human Rights (Komnas HAM), the National Commission on Violence Against Women (Komnas Perempuan), and the Indonesian Child Protection Commission (KPAI). We also have many ministries and institutions that specifically ensure the fulfillment of sector-based human rights, such as education, health, and strengthening the people's economy.

When the New Order government ended, the people's great demands were a decentralized system to replace centralization. The emergence of Law Number 22 the Year 1999 concerning Regional Government and Law Number 25 the Year 1999 concerning Financial Balance between Central and Regional Governments, both of which are positive markers of the beginning of the shift in the system from being utterly central to the division of power between the center and the regions. Changes are included in the national financial balance policy (APBN) and regional (APBD) levels.

Both laws have undergone several revisions in an effort to improve the decentralization order. The last one is Law Number 23, the Year 2014 concerning Regional Government and Law Number 33, the Year 2004 concerning Financial Balance between Central and Regional Government. There are currently discussions to revise Law Number 33 of 2004 so that the state financial sector at the national and regional levels, even to the village level, can be more equitable. The division of power to the regional level was also strengthened by Law Number 6 of 2014 concerning Villages.

INFID (International NGO Forum on Indonesian Development) is a civil society organization concerned with the implementation of democracy and human rights enforcement. INFID participates in encouraging the improvement of state regulations to strengthen the implementation of democracy and guarantee human rights. Included in the sharing of duties and responsibilities, INFID views it as a government area at the national level and a regional government.

Therefore, since 2015, one of the programs implemented is the Human Rights Cities (HRC, Human Rights Cities). INFID, in collaboration with Komnas HAM and the Kantor Staf Presiden (KSP), encourages more regions to fall into the HRC category. Local

governments are expected to have institutions and policy instruments that are truly directed at fulfilling human rights at the regional level. Local governments also involve various civil society elements in planning, implementing, and evaluating these policy institutions and instruments.

This book summarizes Human Rights Cities: its history, the principles, who initiated it, which areas are categorized as Human Rights Cities, and the condition in Indonesia. The reason why this book essential is the idea of Human Rights Cities must continue to be expanded to many local governments and community members. In the future, it is hoped that there will be more and more local government actors and civil society in the regions that will cooperate and seriously empower institutions and policy instruments (including budgeting) to fulfill human rights.

Hopefully, this book will explain and increase enthusiasm for realizing HRC in our respective regions.

Regards,



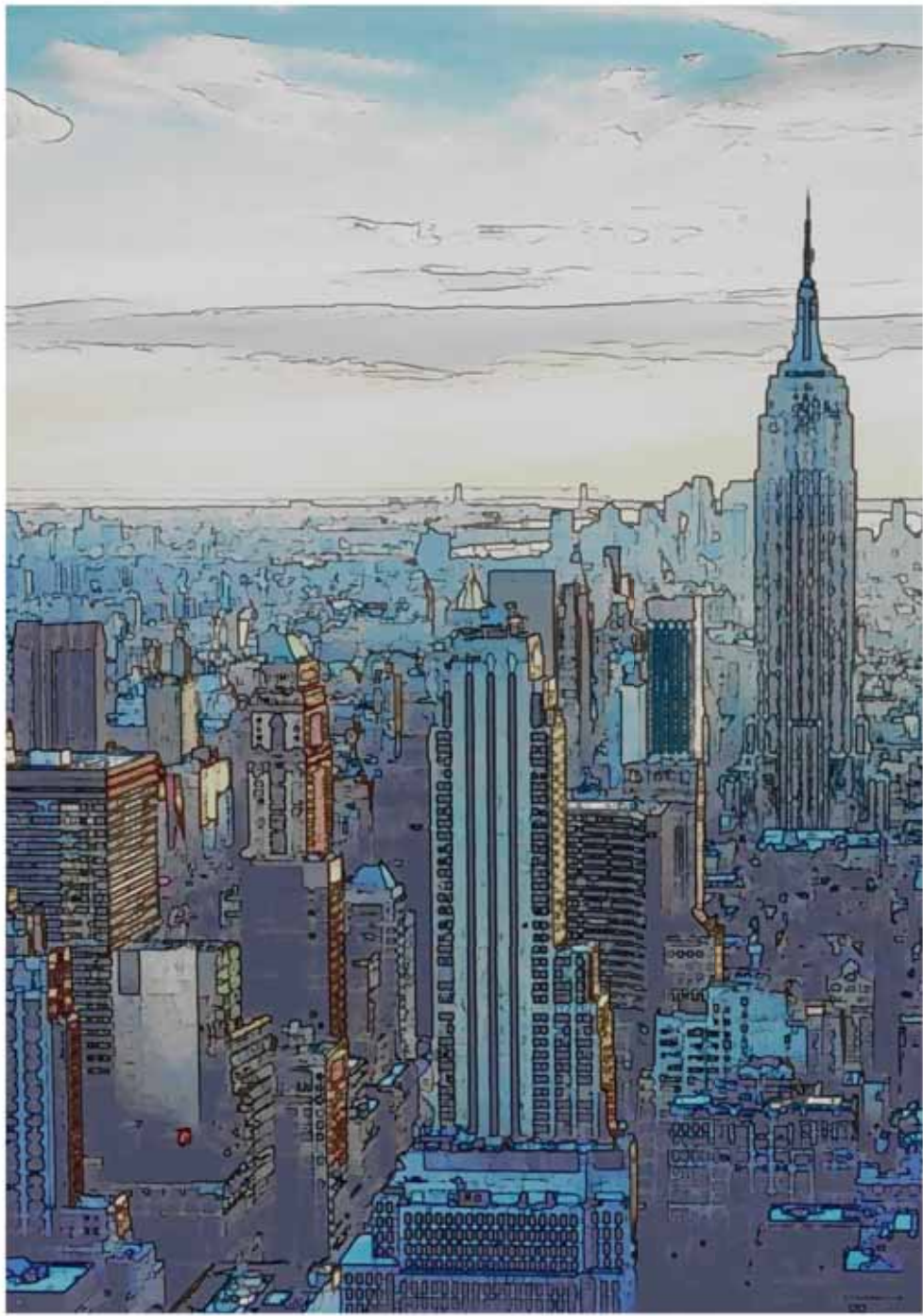
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History of Human Rights City

A human rights city is a city or community where people of good will, in government, in organizations, and in institutions, allow a human rights framework to guide the development of the life of the community (PDHRE, 2007). Human rights cities combine participation, empowerment, and social change with international cooperation grounded in the agreed principles of human rights education and sustainable development.

The notion of Human Rights City (HRC) first appeared during the World Conference on Human Rights held in Vienna in 1993. The term “human rights city” was coined by the People’s Movement for Human Rights Learning (PDHRE), an international human rights organization that also went on to launch the human rights city initiative.

The movement advocates for the implementation of human rights at the local levels of government. It sees the importance of a platform for human rights education designed to build local government capacity for a deeper understanding of diversity and human dignity. The first human rights city project was launched in Rosario, Argentina to educate the local police about the relevance of international human rights norms to their day-to-day work, primarily in their interactions with the lesbian, gay, bisexual, and transgender (LGBT) community.

Two decades later, the human rights cities movement has since made significant strides. Cities worldwide have experienced rapid growth, yet at the same time are grappling with a host of challenges, including poverty, unemployment, crime, and in fulfilling the human right to adequate housing. Acutely aware of these serious issues, several cities have turned to a human rights-based approach in a bid to make things

right, which they believed would be more effective if it starts from the bottom (local level). These local governments recognize their close proximity to the people as a strong feature that they should make the most of. This closeness allows for more frequent interactions with the community, and a stronger bond between democratic institutions and the people that they serve.

Apart from the opportunities that local governments are presented with, the human rights city concept is premised on the following trajectories:

- a. Moving from standard-setting to implementation, especially at the local levels of government who are in the best position to realize human rights, specifically economic and social rights.
- b. A global trend towards the decentralization of government power that started in the 1980s. In the last few decades, most countries around the globe have devolved powers to local government.
- c. Global demographic shifts, where it is projected that more than half, or 68%, of the world's population will be inhabiting urban areas by 2050 (UN, 2018).

Many international organizations and institutions have taken an active role in helping cities implement the human rights city concept. A wide range of initiatives involving stakeholders have been introduced, including international forums that are held annually. The World Human Rights Cities Forum, supported by United Cities and Local Governments (UCLG), for example, encourages cities to make the first step towards building themselves from a rights-based approach.

Several important milestones have been reached from these discussion forums. One of which is the Gwangju Guiding Principles for a Human Rights City—better known as the Gwangju Principles—that materialized from the 2014 World Human Rights Cities

Forum (WHRCF) in Gwangju (WHRCF, 2014). The document arose from the need to better formulate how the human rights city concept can be incorporated into policies. It outlines 10 agreed core principles for implementing the human rights city framework. Barcelona has a similar initiative known as the “City of Rights” program (Citizen Rights and Diversity Department, 2018) in which local policymakers mainstream human rights values and norms into local policies and development processes. Another document is “Madrid’s Strategic Plan for Human Rights Cities” in Spain (Estratégico, 2018) that provides a strategic framework to be implemented from 2018 to 2021, which covers several areas of focus, including the need to ensure that policies are rights-based and needs-based (UNHCHR, 2019).

The Human Rights City Concept

The process of establishing a human rights city (HRC), both in terms of concept and practice, invariably starts from the community. This community-led initiative is then communicated through discussion forums with emphasis on participation, empowerment, and solidarity with a view to promote social change. The PDHRE made clear that the HRC initiative also emerged out of the support of the international community based on the principles of human rights education and sustainable development (Marks, Stephen, & Modrowski, 2018).

According to the PDHRE, international human rights norms and standards will be effective when the citizens of all countries know and understand human rights as a framework for sustainable development at the community level. The HRC concept is seen as a response to pressing issues facing urban areas worldwide, such as climate change, human migration, violent conflict, environmental degradation, poverty and economic concerns.

In conceptualizing human rights city, human rights values and norms can be localized through actions and measures designed to effectively deal with urban issues. This is an achievable approach as the HRC concept considers civil engagement as a key element in policymaking and program development at the district/city level. It also relates to the use of human rights as a framework for implementing the HRC concept.

The HRC framework emphasizes on initiatives developed and implemented by local communities across the globe. It is a collaborative process among actors of change that combines participation, empowerment and social change. These local initiatives are reinforced by international solidarity that are consistent with the agreed principles

of human rights education and sustainable development (Stephen, Marks, & Modrowski, 2008).

The UN document A/HRC/27/59—Progress Report of the Advisory Committee on the Role of Local Government in the Promotion and Protection of Human Rights, including Human Rights Mainstreaming into Local Administration and Public Services—recognizes human rights city as a globally developed initiative aimed at localizing human rights. Furthermore, the Gwangju Declaration (WHRCF, 2011) describes a human rights city as an interaction process between the local community and the sociopolitical environment where human rights play a central role as fundamental values and guiding principles. In other words, the HRC concept stresses on making sure that human rights norms and standards are optimally implemented in a city.

The UN document A/HRC/27/59 also brings attention to the key challenges facing local government in promoting and protecting human rights:

1. Lack of political will, no long-term planning and/or commitment
2. Lack of autonomy, institutional capacity and/or resources
3. Prevailing centralistic and/or non-democratic regimes
4. Domestic political conflicts and tensions
5. Difficult economic situation in the country
6. No recognition of the role and contributions from civil society
7. Lack of coordination between the central and local governments
8. Poor understanding of human rights at the local government level

How then should a human rights city be established?

Building a human rights city involves a considerable lengthy process. Drawing from the experiences of existing human rights cities, it appears that the process for each city may have different starting points, but they share similarities. The process usually starts with an assessment to map out local potential and emerging issues. By doing so, every city can identify one or more priority issues. *Human Rights Cities: Civic Engagement for Societal Development* (Marks, Stephen, & Modrowski, 2008) presents the following steps involved in creating and developing human rights cities:

1. Forming a steering committee

A Steering Committee can be a city council or forum in which members represent different elements or sectors of society, working independently. It forms a vital component of the process towards creating a human rights city where civic engagement is key. The Committee functions democratically, and is independent of municipal authorities.

2. Developing a plan of action

The Steering Committee drafts an action plan for establishing a human rights city that outlines specific programs for different target groups. The action plan includes a review of laws, policies, resource allocation, and power relations in the city, from a gender perspective.

Prior to developing an action plan, a mapping exercise must first be carried out. The mapping of public attitudes and the local environment is a crucial component. Apart from guaranteeing the participation of everyone concerned,

and the implementation of human rights at the district/city level, the mapping exercise and the results thereof will inform the action plan, making sure that it addresses community needs and accommodates their aspirations. The mapping exercise may include an assessment of power relations, religious structures, municipal structures (including the number and location of government offices, schools, and public facilities), and other elements of the city that relate to the community.

3. Implementing learning activities and other actions

With the help of subcommittees, the Steering Committee develops a progressive learning process. Carried out in stages, this process engages citizens, schools, political, economic and social institutions, and civil society organizations. They will examine the human rights framework and relate it to their traditional beliefs, while taking into account the environmental, economic, and social justice issues. As agents of change, they will also identify, mentor, monitor, and document their needs, and be committed to take concrete actions in their respective district/city.

4. Evaluating the work of the human rights city

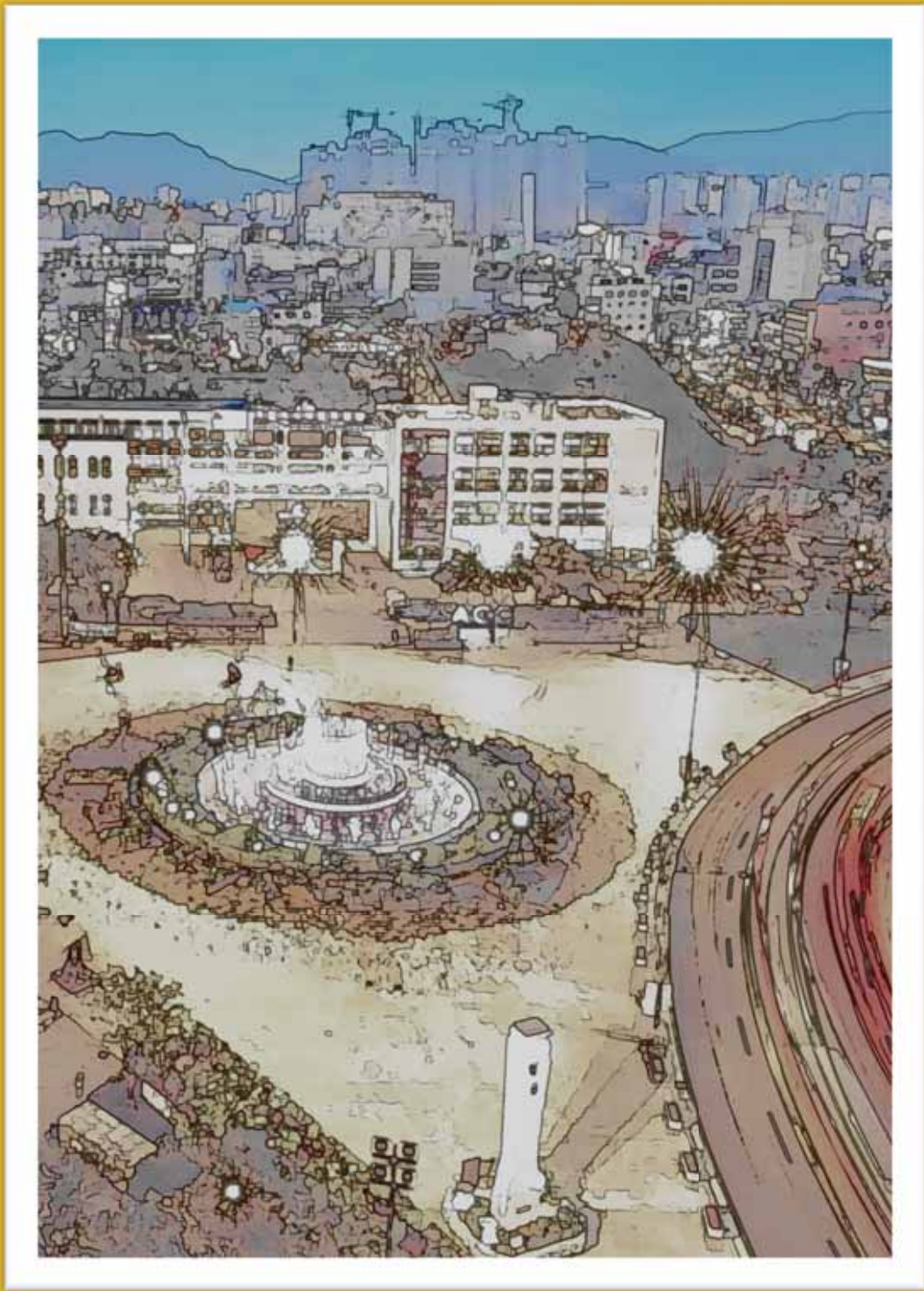
In addition to its planning and implementation responsibilities, the Steering Committee is also expected to monitor and evaluate the outcomes and effectiveness of the learning process. Members of the Committee may design and apply the monitoring tools or documents for assessing the implementation of the human rights city framework in their districts or cities.

5. Publicizing and expanding the effort

The positive outcomes of the work carried out towards building a human rights city should be documented and publicized. By making it widely known, other

districts/cities can learn from the experiences and adapt them to their own local contexts.

All the components mentioned above provide a framework towards contributing to the process of social development based on the change of attitudes among citizens, government officials, and organizations from the human rights perspective.



Gwangju, World's Best Practice in Establishing a Human Rights City

The human rights cities movement was set in motion in the 1990s. In Asia, Gwangju is considered the pioneer in implementing the HRC concept in South Korea, and has become a global model and reference point for other countries. Gwangju has reached this status after coming a long way towards becoming a human rights city, from its early inception to the many documents and forums that it has since brought forth, such as the Gwangju Principles and World Human Rights Cities Forum.

Gwangju has declared itself a human rights city. This was followed by the release of a document known as the Gwangju Declaration on Human Rights Cities (WHRCF, 2011). The city has actively worked towards honoring its commitment through various initiatives at the local, national and international levels. It was through these actions that Resolution A/HRC/24/2 in 2013 made specific mention of national government's responsibility to promote and protect human rights by working in concert with local government.

The UN Human Rights Council in 2014 went on to release a progress report from its Advisory Committee on local government's role in the promotion and protection of human rights. The report among others contains best practices and the challenges facing cities around the world in mainstreaming human rights into local administration and public services.

Before it transitioned into a human rights city, Gwangju has a different story to tell. Human rights were not a familiar concept to the city in the beginning, at a time when it was long under authoritarian rule. However, it managed to gradually transition

towards democracy and human rights. The city took a historic turn on 18 May 1980 following massive student-led demonstrations against the military regime under the command of Choon Doo-hwan (Kingston, 2014). It escalated into a physical confrontation that left over two thousand civilians killed.

The revolt soon spread across South Korea, with protesters demanding democracy. Now, May 18 is an annual national commemoration day to remind the nation of the painful tragedy. Large-scale commemorative events are held every year, and a human rights education center and library have since been established. South Korea has also formed a National Human Rights Commission with offices set up in Busan, Daegu, and Gwangju to prevent human rights violations, assist victims of human rights abuse, and monitor the implementation of human rights.

Gwangju has been a driving force behind the human rights movement as it believes that human rights values and norms should be front and center in all cities. It was declared a human rights city through the Gwangju Human Rights Charter in 2012 (Gwangju City, 2012). It has formulated 10 key principles for the fulfillment of human rights in cities known as Gwangju Guiding Principles for a Human Rights City. Gwangju went on to develop 5 (five) areas of focus, 18 tasks and 100 indicators of human rights fulfillment in cities to guide and measure local government policies. To support the work of human rights city, Gwangju has the following institutions in place: Human Rights Office, Gwangju Human Rights Protection and Improvement Ordinance, and Human Rights Ombudsman.

The notion of a human rights city is to reaffirm that human rights are not just norms and values, but constitute a universal language that can be translated into the day-to-day lives of city inhabitants. Human rights obligations not only rest with the central government where local authorities only act as an extended arm to the national

government. Local government should play an active role in advancing human rights, otherwise efforts to address human rights violations, and to uphold human rights would be futile. A human rights city demands local government to actively find solutions to issues facing the city, and to work towards the realization of human rights. Local government in alliance with the inhabitants of the city need to collectively seek viable solutions by mobilizing all resources and harnessing local potential to ensure the fulfillment of human rights. Only then will districts/cities become safe spaces where every resident, without exceptions, counts.

Human rights institutions, models, and policies in Gwangju

As a human rights city, Gwangju does not work through a single office for advancing human rights. A number of institutions are in place to support Gwangju as it embarks on the path towards becoming a human rights city. Every institution has specific roles and responsibilities, as described below (OHCHR, 2019):

1. Gwangju Human Rights Protection and Improvement Ordinance

In 2009, Gwangju established the Human Rights Improvement and Democratization, Human Rights, and Peace City Promotion Ordinance, which was later renamed Gwangju Human Rights Protection and Improvement Ordinance in 2012. The Ordinance specifies Gwangju's responsibility to promote human rights for its citizens, develop a masterplan, implement human rights with their indicators, design a human rights education system, and establish a Human Rights Support Center with a firm commitment towards promoting human rights.

2. Human Rights Office

A year later in 2010, Gwangju set up a Human Rights Office tasked to develop a human rights masterplan and system, implement the Gwangju Principles—jointly with the local government and the Human Rights Improvement Citizen Committee—and be involved in the hosting of the World Human Rights Cities Forum.

The Office is manned by a team of experts, one of whom specializes in the protection of the human rights of women, and was later expanded to become

the Democracy, Human Rights and Peace Bureau, which comprises 3 divisions. The head of the bureau is appointed from civil society.

3. Human Rights Ombudsman

In April 2013, Gwangju established a Human Rights Ombudsman. The institution's primary duty is to provide redress to victims of human rights violations or discrimination in the administrative process, investigate human rights violations, and offer recommendations to ensure redress for victims of human rights abuses.

Apart from having the aforementioned institutions in place, Gwangju also adopts multiple approaches:

- a. Declaration of the Gwangju Human Rights Charter
- b. Development of the Gwangju Human Rights City Master Plan
- c. Expansion of human rights education
- d. Operation of the democracy and human rights portal.

Gwangju has also introduced the following human rights policies (OHCHR, 2019):

1. Development of Human Rights Indicators

In 2012, Gwangju established a set of human rights indicators to objectively measure the human rights situation and formulate more systemic human rights policies. The indicators take into consideration the universal aspects of human rights, and the characteristics of the city. In developing the indicators, Gwangju also consulted with experts, and the wider public through public hearings, as well as the National Human Rights Commission of Korea, and the

UN Office of High Commissioner for Human Rights. From these processes, 100 indicators under 5 areas were identified, along with 18 implementation tasks.

2. Assessment of the Implementation of Human Rights

Gwangju has spared no effort in making sure that human rights values remain front of mind in the city's policymaking processes. In addition, a human rights education program has been introduced for public officials with a view to build their awareness on human rights. Since 2012, Gwangju has been conducting assessments of the implementation of human rights. The assessments is directed at the Gwangju City Hall on two key areas: the implementation of human rights policies, and human rights education programs. The assessment performed in July 2017 resulted in the revision of local regulations and improvements to public buildings for inclusive access.

3. Operation of Human Rights Governance

Gwangju adopts multiple approaches to human rights governance to promote citizen engagement in its Human Rights City Project that includes the Human Rights Improvement Citizen Committee in which the Gwangju Mayor co-chairs with a citizen from the private sector. The Committee engages with human rights experts and activists in developing the Human Rights Improvement Master Plan and Human Rights City Development Plan, a blueprint to guide efforts in promoting human rights and the human rights city.

Furthermore, since 2012 Gwangju has held joint human rights policy meetings to create a collaborative space that brings together the private and public sectors, human rights advocates, researchers, and officials of the Human Rights Office. In these meetings, participants exchange opinions, and identify initiatives and policies aimed at addressing human rights issues. This helps

ensure the participation of all concerned in monitoring the human rights situation in Gwangju.

4. Hosting the World Human Rights Cities Forum

Since 2011, Gwangju has been hosting the World Human Rights Cities Forum (WHRCF). The Forum convenes representatives from countries across the globe to share their experiences and initiatives in building human rights cities, to support each other, and to foster international cooperation for the implementation of human rights in cities.

5. Development of Human Rights Communities

In 2013, Gwangju introduced the Human Rights Community Project for the purpose of creating human rights communities in which members are the city dwellers themselves. Citizens will identify human rights issues facing their respective communities, and work collectively towards solving them. The project also seeks to cultivate a human rights culture and build a community-level human rights environment. In Gwangju, there are 5 (five) such communities in each of the districts in Gwangju. The community will each identify their own human rights issues, take stock of available resources, implement human rights programs, such as human rights education, human rights mapping, write about the human rights situation in the community, document the community's human rights journey and milestones, and conduct an evaluation. The project is considered to have been effective in "helping citizens understand their community from a human rights perspective".

6. Collaboration Project with Human Rights Organizations

Working with human rights organizations at the local and international levels is vital in order to create human rights communities where citizen participation is key. Such collaborative efforts involve experts and private sector organizations, with support from the city. The primary purpose of the project is to nurture a human rights culture that permeates the whole of society. Programs under the collaboration project include: a) production of a documentary on Korea's comfort women (Citizen Association of Korean Comfort Women); b) analysis of human rights violations by local laws and regulations; c) human rights camp for international workers.

Apart from Gwangju, other cities, including Rosario in Argentina, Accra in Ghana, Korogocho in Kenya, Musha in Rwanda, Graz in Austria, Bihac in Bosnia Herzegovina, Porto Alegre in Brazil, Edmonton in Canada, and Washington D.C in the United States, have been among the first to present themselves as human rights cities (Abidin, Bahagijo, Mugiyanto, & Simanjuntak, 2018). Over the course of time, the cities of Barcelona, Spain; Montreal, Canada; and Gwangju, South Korea have most often been used as a benchmark for their success in implementing the human rights city framework.

The cities mentioned above have diverse backgrounds, but now share a common bond as they declare themselves human rights cities. They each focus on different areas of priority. The city of Musha in Rwanda for example, focuses on victim recovery, reconciliation, and poverty in post-genocide Rwanda (McNamee, 2021), while Korogocho in Kenya places priority on the issue of poverty and crime, and youth empowerment (Bwire, 2019; African Union, 2020).



The Relevance of Human Rights City to Indonesia

Indonesia's decentralization policy that grants regional autonomy creates ample space for regions to develop their own potential. Pursuant to Law No. 23/2014 on Local Government, the administration of government affairs is to be divided between the national and subnational governments. Power and functions are delegated according to three categories of government affairs: 1) those under the absolute power of the central government, which consist of foreign affairs, defense, security, justice, finance, and religion; and 2) concurrent government affairs where power is divided between the central and provincial/district/city government; and 3) general affairs that fall within the scope of the President's power as the head of government.

Concurrent government affairs are divided into two:

1. **Mandatory government functions:**

- Matters that relate to essential services that cover education, health, public works and spatial planning, public housing and settlements, peace, public order and protection, and social affairs
- Matters that are unrelated to essential services that cover labor, women's empowerment and child protection, food, land, the environment, population and civil registration, community and village empowerment, population control and family planning, transportation, communication and informatics, cooperatives and small- and medium-sized enterprises, capital investment, youth and sports, and statistics, and coding.

- 2. Optional government functions:** including those related to marine and fishery, tourism, agriculture, forestry, energy and mineral resources, trade, industry, and transmigration.

Based on the delegation of responsibilities explained above, local government is conferred full power and authority in managing concurrent government affairs. In exercising such powers, local government can make the most of local resources to ensure the realization of human rights for all citizens.

In the human rights context, the state—in this case the government—has the obligation to protect and uphold human rights. Such responsibility does not only rest on the shoulders of the central government, but also the local government. Being the closest to the people, local government is therefore more familiar with the local situation and the issues facing the local population. Due to this level of proximity, it would be much easier for local government to engage with the people in efforts to advance human rights. Moreover, with the power and knowledge that local government holds, it can play a more assertive role in developing more well-targeted human rights efforts.

After 1999, Indonesia was divided into 34 provinces, 416 districts and 98 cities. Given the considerable number of districts/cities and the administrative situation in Indonesia, there are even greater opportunities to building human rights districts/cities. Human rights violations on the other hand are still a persistent issue in Indonesia. This is evident in the rising trend in intolerance, radicalization and violent extremism, which lead to the infringement of human rights. Not to mention the growing threat to religious freedom and free speech (Setara Institute, 2020).

Despite the opportunities at hand, many human rights issues remain unresolved as local government has not been effective enough in fulfilling its role as being the one closest to the people. Looking at the experiences of cities that have mainstreamed human rights into their governance system, the human rights city concept has helped them improve on how they protect, respect, and fulfill human rights.

What is the Legal Basis for a Human Rights City in Indonesia?

The HRC agenda is a newly emerging human rights initiative. As such, there is still no clear legislation to guide its implementation. Nevertheless, the HRC concept is consistent with existing laws and regulations. It is therefore relevant to Indonesia and can help ensure the effective implementation of other policies.

Indonesia's 1945 Constitution governs that the protection, promotion, upholding, and fulfillment of human rights are part of state obligation. In view of this, local government as an autonomous region bears the responsibility to ensure the people's enjoyment of their human rights. Human rights city indirectly becomes relevant as it allows local government to fulfill its obligation to protect, promote, uphold, and realize human rights in their respective jurisdictions.

Furthermore, Law No. 39/1999 on Human Rights stipulates that the government—central and local—has the obligation and responsibility to effectively implement human rights. Under Articles 71 and 72 of Law No. 39/1999, local governments are required to introduce regulations aimed at strengthening the respect and fulfillment of human rights. Local government duties and obligations are further enumerated in Law No. 23/2014 on Local Government, which reaffirms local government's responsibility and power to govern their own affairs. By virtue of these laws, the human rights city framework can be used as part of government efforts to protect, promote, uphold, and fulfill human rights.

In 2015, Presidential Regulation No. 75/2015 on the National Action Plan on Human Rights came into effect. It seeks to further ensure that human rights are indeed respected, protected, promoted, enforced and fulfilled by the state, especially the

government, for people from all walks of life. It also specifies who will be responsible for implementing the National Action Plan, one of whom is the local government leaders. The Presidential Regulation goes on to describe the implementation strategy of the National Action Plan, which includes the application of human rights norms and standards. This is in line with the HRC concept that emphasizes on mainstreaming human rights norms and standards at the local level that local leaders can initiate. The Presidential Regulation clearly facilitates the effective implementation of the human rights city framework in Indonesia.

As the HRC movement gains traction across the world, including in Indonesia, the Ministry of Law and Human Rights issued Ministerial Regulation No. 34/2016 on the Criteria of a Human Rights District and City. The Regulation provides a set of criteria that districts/cities should work towards meeting in their quest to becoming human rights-friendly regions. It also sets forth seven assessment indicators of a human rights district/city.

These legal instruments may not explicitly govern on human rights cities, but they certainly are supportive of and consistent with the HRC concept. Furthermore, the Indonesian President, Joko Widodo, has alluded to the concept in his speech delivered during Human Rights Day in 2015 when he briefed on key points that public officials should take note of. The President drew attention to the important role that local government plays in efforts to upholding human rights. He pointed out that local government—not only the central government—is equally responsible for ensuring that human rights are realized. He then called upon every region in Indonesia to move towards becoming human rights-friendly.

Best Practices of Human Rights City in Indonesia

Several regions in Indonesia have declared themselves as human rights cities. By doing so, they have consciously strived towards making their vision a reality by making the most of local potential through a flurry of policies. The following presents two human rights cities in Indonesia that can serve as an exemplary model in the implementation of the HRC concept:

Palu

Palu is one of the cities that has proclaimed itself a human rights city. It all began from a collaborative initiative between ELSAM (Institute for Policy Research and Advocacy), SKP HAM Sulteng (Solidarity with Victims of Human Rights Violations of Central Sulawesi), and KKP (Coalition for Justice and Truth). This partnership program focuses on helping victims of human rights violations in Palu in seeking effective remedy by providing a platform on which to disclose the truth and to ensure recognition of past human rights abuses, specifically for the victims of the 1965-1966 tragedy.

Rusdi Mastura (Mayor of Palu, 2005-2015) stated that in 2014, at least 354 families that comprised of 768 people were victims of human rights violations (already and yet to be verified). As these victims have no access to remedy, their living conditions have deteriorated even further as they remain trapped in poverty. Access to education, employment, and other entitlements that citizens should be able to enjoy are elusive to those whose human rights have been violated in the past.

During his first term in office, Rusdi Mastura paid specific attention to several human rights issues that cover the economic, social, and cultural rights of the Salena indigenous people, including their right to natural resources; the rights of traditional market traders; and access for the fishing community of Palu Bay. The city's development agenda was geared at the fulfillment of the right to health, education, employment, and public services. These development programs however were unreachable to the victims—and their families—of past human rights abuses. It was only on 24 March 2012 that Rusdi Mastura offered an apology to the victims and their families (Lidyawati, 2015). He asserted that the apology was directed at the victims, and not at PKI (The Communist Party of Indonesia).

The statement of apology was made on grounds of: 1) conscience; 2) humanity; 3) brotherhood; 4) camaraderie; 5) humility; and 6) remorse. Another reason for the apology is the recognition of the government's obligation to fulfill and restore the rights of every citizen, especially the victims who have unnecessarily endured decades long of hardship and suffering.

As a person who have lived amongst the people as part of the community and a witness to history, Rusdi avouched that his own personal experiences have brought him to the decision to offer an apology. He believes that the rights of victims can be restored through development programs providing local government shows goodwill and demonstrates the political will to help victims regain their civil and political rights, as well as their economic, social, and cultural rights.

Following the statement of apology, the Palu municipal government issued Mayoral Regulation No. 25/2013 on a National Action Plan on Human Rights, and subsequently the Palu Declaration of Human Rights City. The Mayoral Regulation enumerates the 10 fundamental rights listed below:

1. Right to life
2. Right to marry and found a family
3. Right to self-development
4. Right to justice
5. Right to personal freedom
6. Right to feel safe
7. Right to welfare
8. Right to participate in government
9. Rights of women
10. Rights of the child

All 10 (ten) basic rights mandated in Mayoral Regulation No. 25/2013 on a National Action Plan on Human Rights are then translated into programs that the Palu municipal government shall implement to advance human rights for every citizen, without exceptions. Although the Regulation does not expressly mention the rights of victims of past human rights violations, its issuance was inspired by the formal apology made to the victims and their families.

Palu has initiated programs to help victims restore and regain their dignity as instructed in the Mayoral Regulation:

1. Education scholarship
2. Health services and BPJS (Social Security Schemes)
3. Home renovation and capital assistance
4. Concrete programs for creating job opportunities, such as labor-intensive development projects
5. Grassroots-level reconciliation
6. Public awareness-building

7. Municipal-wide internalization of the issue

8. Public dialogues

To support the implementation of the Mayoral Regulation and to transform Palu into a human rights city, the local government found the need to build the human rights capacity and understanding of its implementing bodies and agencies (SKPD). This is to ensure that human rights values and standards are reflected in local policies and programs. In October 2014, the municipal government entered into a Memorandum of Understanding with ELSAM to work together towards strengthening the human rights capacity of SKPDs and local authorities in Palu. For this purpose, human rights education and training were provided to SKPD officials as well as the heads of subdistricts and urban wards across the city.

This capacity-building initiative that primarily targets SKPD officials, and subdistrict and urban ward leaders is part of efforts towards realizing Palu's ambition to become a human rights city, where local government officials should be among the first to have a good grasp of human rights norms and values. By enhancing their human rights knowledge and understanding, including on the importance of a human rights perspective, it is hoped that they can translate the programs set out in the Mayoral Regulation into tangible actions to advancing human rights.

Heads of subdistricts and urban wards were among the first to undergo human rights training as they stand at the frontline of efforts aimed at the realization of human rights. As part of local government, they are closer to the people and therefore are the ones who know most about the situation in the community, including on human rights issues. Equipped with the necessary human rights capacity and understanding, these local leaders can more effectively address challenges to the implementation of human rights in SKPDs, specifically on the lack of valid data.

Apart from its training programs, the Palu municipal government has also established a Working Group for the Local Action Plan on Human Rights where members represent SKPDs in Palu. The Working Group is in charge of efforts aimed at the fulfillment of human rights and the implementation of programs mandated in the Mayoral Regulation in accordance with the key duties and functions of the respective SKPDs.

Seven years since Palu embarked on the path towards becoming a human rights city, there has been a change in local leadership where Rusdi Mastura (2005-2015) was succeeded by Hidayat (2016 to 2021). Similarly in SKPDs, key positions have went through several reshuffles. In spite of these changes, Palu's human rights city programs remain ongoing to this day, as confirmed by Nurlaela "Ella" Lamasitudju of Palu's SKP HAM. This is made possible by the city's emphasis on taking a human rights perspective in order to create a well-functioning system. Other civil servants and the wider public have also gradually begun to gain a better understanding of human rights values. This is achieved through discussion forums among government employees and with the public in open dialogues that have facilitated the human rights education and implementation process. The discussion forums established in Palu include the following:

1. Molibu Inklusi

Molibu inklusi is a civil society-based forum to discuss issues facing the city, the results thereof are then discussed with SKPDs and the relevant public officials to jointly come up with solutions. One of the outcomes of the forum is the *musrenbang inklusi* (consultative inclusive development planning forum) that engages a broader spectrum of the public.

2. Musrenbang Inklusi

Musrenbang inklusi is the result of the *molibu inklusi* discussions that specifically brings attention to the implementation of human rights for vulnerable groups, such as people with disabilities, transgender victims, people living with HIV, senior citizens, women, female victims of violence, children, child victims of violence, scavengers in landfills, refugees, salt farmers, victims of disasters, and the craftsmen of Palu Bay. Before the *musrenbang inklusi* existed, the voices of victims and other vulnerable groups were only represented by 1 or 2 organizations. Now, they have a platform in which they can participate and make their voices heard. The *musrenbang inklusi* has managed to push for the drafting of a mayoral regulation on inclusion that is currently in the deliberative stage.

3. Libuntodea Forum

Libuntodea is a forum that discusses issues that need to be addressed in Palu, and that promotes public participation. It was initiated by the incumbent Mayor, Hidayat, who was inspired by the 2016 Human Rights Festival that he attended in Bojonegoro. At the Festival, the Bojonegoro District Head for 2008-2013 and 2013-2018, Dr. Suyoto, mentioned how he has made it a point to regularly consult with SKPDs and the public. In these routine meetings, Bojonegoro residents can freely voice their concerns and grievances, which will be followed up through joint problem-solving mechanisms. This has inspired the Mayor of Palu to do the same, and hence the establishment of the Libuntodea Forum. The forum has been around for roughly 4 years. Attendees represent various elements in society, including the academia, journalists, public officials, heads of local government agencies, and the general public. The forum also serves as a platform for promoting human rights values.

According to Ella Lamasitudju, in the time period when Rusdi Mastura served as the Mayor of Palu, the city was still in search of the most appropriate approach for planning what needs to be done in building a human rights city, and in aligning perceptions and strengthening the commitment towards its human rights obligations. When Hidayat stepped in as mayor, the system is already in place. Furthermore, the city's vision and mission has also been translated into programs from a human rights perspective with a view to ensure the fulfillment of the people's rights. Concerns that Palu's progress towards becoming a human rights city will be stalled when there is a change in leadership has proven to be unwarranted. This is due to a collective effort in making human rights front and center from the outset to make sure that everyone participates in implementing a rights-based approach to development in a sustainable manner.

Wonosobo

Wonosobo's journey towards becoming a human rights city began in 2013. It was set in motion by the then Wonosono District Head (2005-2016), Abdul Kholiq Arif. Several factors have driven Wonosobo on this path, including its worrisome poverty rate, which is among the highest in Central Java, albeit with slight improvements in the past few years (Wonosobo District Government, 2018). Its Human Development Index (HDI) still falls far short of the average score in Central Java, at 64.57 (BPS, 2019). Second, Wonosobo's social diversity is a potential that it can take full advantage of, where it is home to 6000 Ahmadiyya followers. Furthermore, Wonosobo needs new narratives and methods to build public participation and foster multistakeholder partnerships. Finally, the long-term commitment of District Head Kholiq Arif who stayed in office for 5 terms (2005-2015) to initiate efforts aimed at transforming Wonosobo into a human rights city.

The initiative was followed by concrete actions as the district became actively involved in the Gwangju's World Human Rights City Forum (WHRCF) since 2014. To provide a legal basis for the administration of local government affairs, such as in policymaking, and to mobilize public support and harness existing potential, Local Regulation No. 5/2016 was introduced to actualize its commitment to turning Wonosobo into a human rights city. In a similar vein to the mayoral regulation in Palu, Wonosobo's local regulation lays out 10 human rights and 51 corresponding policy priorities:

1. Right to life
2. Right to found a family
3. Right to self-development
4. Right to justice
5. Right to personal freedom
6. Right to feel safe
7. Right to welfare
8. Right to participate in government
9. Rights of women
10. Rights of the child

In the pursuit of becoming a human rights city, where human rights norms and values are reflected in the people's daily lives, Wonosobo has taken the following measures:

1. Wonosobo Human Rights Desk

An institution under the Wonosobo district government that is tasked to coordinate efforts relating to human rights city issues by engaging with the community and other elements of civil society.

2. Symbolization of Wonosobo as a Human Rights City

To build public awareness, the government has used symbols to communicate its 5 priority issues in moving towards becoming a human rights city.

3. Wonosobo Human Rights City Commission

Established in 2018 through District Head Decree No. 505/405/2018 (Febriana, 2018), the Commission is responsible for human rights education and guidance, as well as monitoring and offering recommendations. The Commission consists of representatives from the community and government.

4. Harnessing Community Strengths

To move closer towards becoming a human rights city, Wonosobo engages with some 50 communities who actively contribute towards social action, education, the environment, arts and culture, in order to accommodate local initiatives, cultivate diversity, and foster harmonious co-existence.

In addition, the local government has taken a rights-based approach to policymaking. In an effort to bring the government even closer to its people, several legal instruments have been enacted, including District Head Regulation No. 51/2017 on Local Action Plan on Human Rights City, and policies that govern on the inclusive utilization of village transfer funds through 8 poverty-busting schemes, and on promoting inclusive villages (Wonosobo District Government, 2016).

Wonosobo is currently under the leadership of Eko Purnomo, the District Head for 2016-2021. Despite the change in leadership, its HRC programs have not been affected. The formation of the Human Rights City Task Force has helped ensure the continuity of programs. The Task Force comprises of public officials from different SKPDs. It is a solid team of young individuals with a good understanding of human rights who are keen

on learning and sharing experiences. It plays a pivotal role in ensuring the implementation of the HRC concept in Wonosobo. It helps ensure a sustained implementation process by concretizing ideas into work programs in the context of human rights fulfillment in Wonosobo. By working hand in hand with the community and organizations, such as INFID, Komnas HAM (National Human Rights Commission), and FNS, the Task Force meaningfully contributes to the effective implementation of human rights in Wonosobo.

Although Wonosobo has declared itself a human rights city, and has established supporting institutions for the implementation of human rights, budgeting challenges are holding back further progress. Due to resistance from several politicians in local parliament, concrete steps toward addressing budgetary issues remain elusive. The local government still needs to communicate more effectively with local legislators to ensure the sustainability of HRC programs.

Five years into the adoption of the HRC initiative, more work still needs to be done to apply human rights values into tangible actions on the ground, and to engage influential figures in building the public's human rights awareness and understanding. Nevertheless, Wonosobo has made commendable progress towards advancing human rights, as evidenced by improvements to its poverty rate, and Human Development Index.

From the discussion above, it is clear that effective and inclusive local-level communication with the community is crucial for the planning and development processes of a district/city. Nearly all districts/cities that adopt a human rights-based approach to policymaking have emphasized on the importance of participation and human rights education across all government bodies and the community. This is a key takeaway for further efforts in implementing the HRC initiative. It is equally

important to build the competence and capacity of local government and civil society who fully understands their human rights duties and obligations. Having such knowledge will significantly contribute towards increasing participation and strengthening human rights as the cornerstone of local administration. This is particularly relevant to local government as they are the frontline defenders of human rights.

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