

**Mandates of the Special Rapporteur on the human rights to safe drinking water and sanitation;
the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the
Special Rapporteur on the situation of human rights defenders**

Ref.: AL IDN 3/2024
(Please use this reference in your reply)

27 May 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the human rights to safe drinking water and sanitation; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 51/19, 50/17 and 52/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning acts of intimidation, censorship and coercion at the People's Water Forum, in the context of the World Water Forum which took place in Denpasar, Bali, from 21-23 May 2024.

According to the information received:

The People's Water Forum (PWF) is a coordinating platform for water justice movements around the world. For almost 20 years, networks affiliated with the PWF have offered the PWF as an open, accessible space for frontline communities, workers and human rights and water defenders to share knowledge and build solutions towards a just, equitable and sustainable water future. Starting in 2006, this forum has offered an alternative space to the World Water Forum, which, according to the PWF, lacks plurality and democracy. Although the PWF is an international platform, it largely relies on local civil society organizations to coordinate and carry out the various events.

Since preparations for the 2024 PWF began, the local organizers of the event encountered significant obstacles, such as interrogation and intimidation. It has been reported that intimidations began in early May 2024. A member of the local organizing committee was visited at home and interrogated by allegedly police intelligence officers and military officers who asked for the agenda of the PWF event and if demonstrations were going to take place. In addition, venues identified for the Peoples Water Forum event were visited by intelligence officers.

Reportedly, the Ministry of Education, Culture, Research and Technology requested the academic institution where the PWF was supposed to take place to cancel the event. On 13 May a cancellation letter was issued by the academic institution, informing the PWF event that it could not host the event. Accommodation facilities were also forced to withdraw their support for the forum. A number of academics from Universities worldwide, including from Indonesia issued a letter of concern on 20 May 2024. Other venues declined to support the event, due to similar acts of intimidation.

In the run up to the Peoples Water Forum event, members of the PWF 2024 organising committee received threatening and intimidating messages from unknown people urging them to cancel the PWF 2024.

On 20 May, a press conference hosted by PWF at a hotel in Denpasar was violently disrupted by a group of unidentified and masked people. Several forum participants were physically attacked, and event banners and billboards were destroyed.

A masked group had visited the event site before the discussion, demanding the cancellation of the PWF's event.

On 21 May, a group of more than 50 people wearing masks broke into the hotel where the Indonesian civil society organizations and human rights defenders were staying and imposed a blockade at the hotel entrance, blocking access to the hotel and restricting the freedom of movement of local PWF participants and others. There were around 40 people trapped in the hotel trying to negotiate with the masked group for their freedom of movement and access to food, water and menstrual pads. People outside were trying to provide those trapped with these essential items but were prevented from doing so by members of the masked group. This blockade lasted for 3 days.

On 21 May the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation, visited the above mentioned hotel accompanied by PWF representatives from international organizations to witness the situation and speak with those who were trapped inside the hotel. On arrival at the entrance of the hotel, a number of unidentified masked men confronted the Special Rapporteur and the three people who were accompanying him. The Special Rapporteur was prevented from entering the hotel, was physically shoved, and forced to leave, along with the three representatives of the PWF.

At the entrance of the hotel the Special Rapporteur also encountered a group of at least 20 police officers (in uniform), who told him that they could not intervene because the hotel entrance was in the hands of the civilians. They told the Special Rapporteur not to enter the hotel.

During the Special Rapporteur's visit in Bali, he experienced several acts of intimidation. He was under surveillance by non-identified civilians; he was followed and asked about his activities, and constantly had his photos taken without his consent including when he was speaking or meeting with human rights defenders. The people accompanying him have also been harassed.

As a direct result of the harassment and intimidation outlined above, the People's Water Forum was cancelled. This is the first time that an alternative forum like the People's Water Forum has been cancelled as a result of pressure and intimidation.

Without prejudging the accuracy of these allegations, we express our deep concern about the cancellation of these events through coercion. We are also concerned by the restriction of movement, particularly of Indonesian activists, social and water justice movements, as well as water and human rights defenders, allegedly for their legitimate human rights work and the exercise of their freedom of peaceful

assembly and association. We are particularly concerned about retaliation that they have encountered and might keep encountering once the international actors leave the country. We express particular concern about the chilling message the harassment and intimidation send to all those wishing to express critical views, possibly leading to self-censorship. We are also concerned about the Indonesian academics' safety given the context of intimidation. It is the government's duty to guarantee the safety of everyone, including Indonesian activists and human rights and water defenders and to ensure that they are able to carry out their human rights work, exercise their rights to peaceful assembly and of association, and in this context, return to their homes safely. We are also troubled by the intimidation and security incidents the Special Rapporteur faced during his stay in Bali. Special Procedures mandate holders should be able to implement their mandate without any fear of intimidation and get support in their effort to implement their mandate.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information and justification for the Ministry's request to the academic institution to cancel the People's Water Forum,
3. Please provide information and justification for the blockade of the hotel where the People's Water Forum was supposed to take place, and how these measures comply with articles 19, 21 and 22 of the ICCPR. Please advise why the police allegedly refused to intervene in the blockade.
4. Please describe the measures put in place to ensure that human rights and water defenders can enjoy their rights and freedoms, including academic and scientific freedoms, without fear of threats or reprisals of any kind, and are able to carry out their work in a safe and enabling environment.
5. Please describe safety measures taken to ensure that local human rights defenders are able to return to their homes safely, particularly those who have been intimidated and interrogated in the past.
6. Please provide the details of any investigation, and judicial or other inquiries which may have been carried out in relation to allegations of human rights violations during the People's Water Forum and the World Water Forum. If no inquiries have taken place, or if they have been inconclusive, please explain why. Please also indicate any measures taken by your Excellency's Government to ensure that the victims of alleged violations have access to an effective remedy.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with the above-alleged facts and concerns, we recall to your Excellency the explicit recognition of the human rights to safe drinking water and sanitation by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR. Furthermore, in its General Comment No. 15, the Committee on Economic, Social and Cultural Rights (CESCR) clarified that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic uses. The human rights to water and sanitation require that water is continuously available, in sufficient quantity for drinking, personal hygiene and domestic uses. In addition, the CESCR highlights that “the right to water is also inextricably related to the right to the highest attainable standard of health (article 12.1) and the rights to adequate housing and adequate food (article 11.1) and that “water is required for a range of different purposes, besides personal and domestic uses, to realize many of the Covenant rights. For instance, water is necessary to produce food (right to adequate food) and ensure environmental hygiene (right to health)”.

In connection with above alleged facts and concerns, we would like to refer your Excellency’s Government to articles 9, 19, 21, and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Indonesia on 23 February 2006.

Article 19 of the ICCPR guarantees the right to freedom of opinion and expression. Articles 21 and 22 protect the rights to freedom of peaceful assembly and of association. Article 21 states that “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.” The Human Rights Committee previously affirmed that States “should effectively guarantee and protect the freedom of peaceful assembly and avoid restrictions that do not respond to the requirements under article 4 of the Covenant. In particular, it should refrain from imposing detention on individuals who are exercising their rights and who do not present a serious risk to national security or public safety” (CCPR/C/THA/CO/2, para. 40). In this regard, we would also like to refer to the recently adopted General Comment No. 37 of the Human Rights Committee on the right of peaceful assembly (CCPR/C/GC/37), which stressed that “the possibility that a peaceful assembly may provoke adverse or even violent reactions from some members of the public is not sufficient grounds to prohibit or restrict the assembly.[...] States are obliged to take all reasonable measures that do not impose disproportionate burdens upon them to protect all participants and to allow such assemblies to take place in an uninterrupted manner”.

Furthermore, we would like to refer your Excellency’s Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted on 9 December 1998

(also known as the UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration state that everyone has the right to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote, and implement all human rights and fundamental freedoms.

Likewise, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 6 (a)-(c), which provides for the right to know, seek, obtain, receive, and hold information about all human rights and fundamental freedoms; to freely publish, impart, or disseminate to others views, information, and knowledge on all human rights and fundamental freedoms; and to study, discuss, form, and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;
- Article 9(1), which provides for the right to benefit from an effective remedy and to be protected in the event of the human rights violations;
- Article 9(3)(b), which provides for the right to attend public hearings, proceedings, and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments; and
- Article 12(2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would like to note that in March 2024, Indonesia received the [concluding observation of the Second Periodic Report on Indonesia by the Human Rights Committee](#), highlighting the significant reports of harassment, intimidation, surveillance, and the excessive use of force by peaceful protesters and members of civil society. We would like to refer that the recommendations issued on this report include:

33. The State party should take the measures necessary to ensure the full enjoyment of the right to freedom of opinion and expression, with reference to General Comment no. 34 (2011) on the freedoms of opinion and expression. In particular, the State party should:

- (a) Adopt measures to effectively protect individuals exercising their freedom of expression, including the adoption of legislation to protect human rights defenders and to guarantee their rights, including their right to effective remedies;
- (b) Conduct prompt, thorough, and impartial investigations into all reports of harassment, intimidation and reprisals against human rights defenders, ensure that perpetrators are brought to justice, and if convicted, punished with penalties commensurate to the seriousness of the offence, and that defenders are able to carry out their work in a safe and enabling environment.