

2012 Country Reports on Human Rights Practices - Indonesia

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EXECUTIVE SUMMARY

Indonesia is a multiparty democracy. In 2009 voters reelected Susilo Bambang Yudhoyono as president in free and fair elections. Domestic and international observers judged the 2009 legislative elections free and fair as well. After more than 10 years of democratic reforms, the security forces reported to civilian authority; however, there were isolated instances in which elements of the security forces acted independently of civilian control.

The suppression or abridgement of the rights of religious and ethnic minorities was a problem. The government applied treason and blasphemy laws to limit freedom of expression by peaceful independence advocates in the provinces of Papua, West Papua, and Maluku and by religious minority groups. Official corruption, including within the judiciary, was a major problem.

Other human rights problems included killings by security forces, abuse of prisoners and detainees, harsh prison conditions, trafficking in persons, child labor, and failure to enforce labor standards and worker rights.

On some occasions the government punished officials who committed abuses, but judicial sentencing often was not commensurate with the severity of offenses, as was true in other types of crimes.

Separatist guerillas in Papua killed members of the security forces in several attacks and injured others. Suspected Papuan separatists also killed a number of non-Papuan Indonesian migrants in Papua throughout the year.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed arbitrary or unlawful killings during the year.

On June 14, unidentified members of the security forces in Jayapura, Papua shot and killed Mako Tabuni, a leader of the National Committee for West Papua (KNPB), which campaigns for self-determination for the provinces of Papua and West Papua. The circumstances surrounding Tabuni's death remained unclear, with Indonesian National Police (INP) personnel asserting that Tabuni was shot while resisting arrest and human rights advocates stating that he was shot in the back while attempting to run away. Tabuni believed that he was the target of a government assassination attempt that claimed the life of student activist Tejoli Weya on May 1. Unknown actors shot Weya during a demonstration commemorating the 1963 transfer of Papua and West Papua from the Netherlands to Indonesia. At the time of the shooting, Weya was reportedly standing with Tabuni in the back of a truck as it passed the Abepura military compound. Fellow KNPB members and activists claimed that Weya was shot from the compound, and an autopsy revealed that he was struck by fragments from a .22 caliber round. Police did not investigate the case.

On July 27, members of the National Police Mobile Brigade (Brimob) dispersed a demonstration by villagers of Limbang Jaya village, Ogan Ilir Regency, in West Sumatra. The Indonesian National Human Rights Commission (Komnas HAM) found that Brimob personnel shot 12-year-old Angga Prima as they tried to prevent a demonstration from forming. Komnas HAM also found evidence that the South Sumatra chief of police ordered Brimob to employ "repressive measures" in dealing with local residents in Ogan Ilir. An ongoing land dispute between villagers and the Indonesian corporation PT Perkebunan Nusantara (PTPN) VII Cinta Manis led to the conflict. INP investigators interviewed 120 Brimob members who took part in the clash, but none were arrested or charged.

Violence continued to affect the provinces of Papua and West Papua during the year. The remoteness of the area made it difficult to confirm reports of burned villages and civilian deaths. On June 6, following an incident in Wamena in which a child was injured in a traffic accident involving two 756 Infantry Battalion soldiers on a motorcycle, local residents beat the two soldiers, killing First Private Ahmad Sahlan and severely injuring Sergeant Parloi Pardede. Subsequently, 50-100 members of the battalion descended on that neighborhood of Wamena, killing Elinus Yoman, injuring a number of residents, and reportedly burning 87 houses. At year's end authorities had not arrested or disciplined any members of the 756 Infantry Battalion for their roles in the incident. The Indonesian Army claimed their soldiers had to defend themselves while attempting to retrieve Sahlan's body. A few days following the event, a special reconciliation ceremony occurred that included local villagers, civilian officials, and security forces.

Much of the violence in Papua and West Papua had a link to the Free Papua Movement (OPM) and security force operations against OPM. For example, on August 23, police arrested four persons who they alleged were OPM members as suspects in the August 21 killing of police officer Yohan Kasimatau at Enarotali Airport in Paniai.

In addition to killings by security forces and OPM, there were a number of violent incidents, including some killings by unknown parties in Papua and West Papua. Unknown attackers, whom government officials and human rights contacts suspected to be Papuan separatists, killed a small

number of non-Papuan migrants. On May 22, chauffeur Syaiful Bahri died at the hands of unknown assailants. Police recovered his charred remains inside a rental car in a cemetery in Jayapura, Papua. An autopsy revealed the Javanese migrant likely died after being stabbed repeatedly.

Violence continued to occur along the road near Freeport McMoRan's (Freeport's) Grasberg gold and copper mine in Timika, Papua, including the killings of security forces and workers. On January 9, unknown gunmen shot and killed two workers of PT Kuala Pelabuhan Indonesia, a Freeport contracting company, along the road. Police recovered their bodies in a burned vehicle. On February 7, at another point along the road, suspected OPM gunmen shot and killed Brimob officer Ronald Sopamena.

In June 2011 the Supreme Court refused an appeal by Pollycarpus Budihari Priyanto, who was previously convicted in the 2004 poisoning of human rights activist Munir Said Thalib. Although human rights groups continued to allege that members of the intelligence services were involved in Munir's murder, the investigation appeared inactive.

b. Disappearance

There were no reports of politically motivated disappearances during the year. The government and civil society organizations reported little progress in accounting for persons who disappeared in previous years or in prosecuting those responsible for such disappearances.

In 2009 the House of Representatives (DPR) approved the formation of an ad hoc court to pursue investigations of and possible prosecutions for the 1998 abductions of prodemocracy activists. At year's end the government had not established this ad hoc court.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution states that every person shall have the right to be free from torture and other cruel, inhuman, and degrading treatment. The law criminalizes the use of violence or force by officials to elicit a confession, punishable by up to four years in prison, but the criminal code does not specifically criminalize torture. In previous years law enforcement officials widely ignored and rarely were tried under this statute. More recently the government made some efforts to hold members of the security forces responsible for acts of torture, but these efforts did not constitute full accountability. Torture typically occurred soon after detention. There were reports that detainees were beaten with fists, sticks, cables, iron bars, and hammers. Some detainees reportedly were shot in the legs at close range, subjected to electric shock, burned, or had heavy implements placed on their feet.

Local nongovernment organizations (NGOs) reported that torture continued to be commonplace in police detention facilities. The NGO Commission on the Disappeared and Victims of Violence (KontraS) reported that between July 2011 and June 2012, it received 86 reports of torture with a total of 243 victims. Eleven of these cases, involving 98 victims, occurred in Papua.

On December 26, 2011, police arrested two teenage brothers, Faisal and Butri Zen, in Sijunjung, West Sumatra, for allegedly stealing money from a charity box at a local mosque. Two days later the Sijunjung Regency Police informed the boys' family that the two had committed suicide while incarcerated. Upon collecting the bodies, the boys' family saw evidence that both had been severely

beaten. The results of an autopsy were never shared with the family or with Komnas HAM. In January Komnas HAM cited evidence of torture and called for a full investigation. Subsequently, a court convicted nine policemen of crimes related to "maltreatment" and sentenced them to 21 days' detention.

Abuse of detainees in Papua came under heightened scrutiny when, in 2010, a graphic video on YouTube showed several Indonesian Armed Forces (TNI) personnel threatening one detainee, Telangga Gire, with a knife to the throat and applying a smoldering stick to the genitals of another detainee, Tunaliwor Kiwo. In January 2011 after a military trial, Second Sergeant Irwan Rizkianto received a 10-month prison sentence, Private Yakson Agu received a nine-month prison sentence, and Private Thamrin Mahagiri received an eight-month sentence. All received the charged of disobeying orders but not the more severe charge of abuse. The military discharged all three during the year.

Three enlisted members of the Nabire-based 753rd Infantry Battalion convicted for the 2010 killing of Papuan civilian Kinderman Gire completed their prison terms and were discharged from the military.

Between January and June in Aceh, authorities caned 49 individuals publicly for crimes related to gambling, adultery, consuming alcohol, or selling food during daylight hours in the month of Ramadan.

Prison and Detention Center Conditions

Conditions at the country's 428 prisons and detention centers were sometimes harsh and life threatening. Overcrowding was widespread.

Physical Conditions: At the end of the year, data from the Ministry of Law and Human Rights indicated that there were 144,332 detainees in the system, in comparison with a designed capacity of 97,327. Prisons and detention centers in the Jakarta region were operating at 227 percent of capacity. For example, according to the government, the Lapas Cipanang Prison in Jakarta, designed for 880 prisoners, held 2,572. There were reports that holding cells in police stations in Papua were overcrowded, with as many as 18 prisoners in cells designed for four. Human rights groups alleged that officials held many Papuans in these conditions for months at a time.

According to government figures, 440 prisoners died in custody between January 1 and December 1. Of those, 351 prisoners died as a result of preexisting medical conditions, seven committed suicide, nine died from wounds sustained during incidents of inmate-on-inmate violence, and 73 died from "other causes."

NGOs noted authorities sometimes did not provide prisoners adequate medical care. Prison officials required jailed Papuan independence activist Filep Karma to raise the money required for a medical procedure. In July police in Papua detained a number of Karma's supporters for fundraising on his behalf.

Guards regularly extorted money from and mistreated inmates. There were widespread reports the government did not supply sufficient food to prisoners, and family members often brought food to supplement their relatives' diets. Family members reported prison officials often sought bribes to

allow relatives to visit inmates. Wealthy prisoners paid for special treatment and more comfortable lodging. Officials held unruly detainees in solitary confinement for up to six days on a rice-and-water diet.

Government data indicated that approximately 4.6 percent of inmates were women and 3.2 percent were juveniles. According to the Directorate General for Corrections, in October there were 3,217 juvenile convicted prisoners and 1,924 juvenile pretrial detainees.

By law children convicted of serious crimes should serve their sentences in juvenile prisons. During the year NGO observers in Papua reported that authorities held juveniles in the same facilities as adults for prolonged periods during pretrial detainment. By law prisons held those convicted by courts, while detention centers held those awaiting trial; in practice officials held pretrial detainees at times with convicted prisoners.

Authorities generally held female prisoners in separate facilities. In prisons that housed both male and female prisoners, female prisoners were held in separate cell-blocks from male prisoners. According to NGO observers, the conditions in female prisons tended to be significantly better from those in male prisons, with less violence and a more hygienic environment. However, female cell blocks within prisons that held prisoners of both genders did not always have access to the same amenities as their male counterparts. These included exercise and library facilities.

Administration: Record keeping was considered adequate. Prisoners were permitted religious observance and, with detainees, had reasonable access to visitors, although this access reportedly was limited in some cases. International and local NGOs reported that in some cases, prisoners did not have ready access to clean drinking water. The government actively monitored prison and detention center conditions.

Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions.

The criminal procedure code does not incorporate alternative sanctions or sentencing for nonviolent offenders.

The national ombudsman can advocate on behalf of prisoners and detainees on a variety of issues, including monitoring conditions and treatment of prisoners; addressing the status and circumstances of confinement of juvenile offenders; and improving pretrial detention, bail, and recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense. In the past the ombudsman has investigated prison issues and communicated his findings to the minister of law and human rights and the Supreme Court. The Ombudsman's Office and the Directorate General for Correctional Facilities signed a Memorandum of Understanding on Supervision of Public Service for detainees and prisoners.

Monitoring: Since 2009 the government has denied the International Committee of the Red Cross (ICRC) access to monitor prison conditions and treatment of prisoners nationwide including the ability to meet and speak privately with prisoners.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention but lacks adequate enforcement mechanisms. Some authorities violated these provisions.

Role of the Police and Security Apparatus

The president appoints the national police chief, subject to confirmation by the DPR. The police chief reports to the president but is not a full member of the cabinet. The INP has approximately 420,000 personnel deployed in 31 regional commands in 33 provinces. The police maintain a centralized hierarchy; local police units formally report to the national headquarters. The military is responsible for external defense but also has a residual obligation to support the police with domestic security responsibilities and resolving communal conflicts.

In Aceh the Sharia Police, a provincial body, is responsible for enforcing Sharia.

The Internal Affairs Division and the National Police Commission within the INP investigated complaints against individual police officers. Additionally, Komnas HAM and NGOs conducted external investigations with the knowledge and cooperation of the police. During the year, 4,154 officers received disciplinary infractions.

In 2009 the INP implemented regulations that standardized human rights regulations in the normal course of police duties. However, impunity and corruption remained problems.

Arrest Procedures and Treatment While in Detention

The law provides prisoners with the right to notify their families promptly and specifies that warrants must be produced during an arrest. Exceptions are allowed if, for example, a suspect is caught in the act of committing a crime. The law allows investigators to issue warrants; however, at times authorities made arrests without warrants. A defendant may challenge the legality of his arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained; however, defendants rarely won pretrial hearings and almost never received compensation after being released without charge. Military and civilian courts rarely accepted appeals based on claims of improper arrest and detention.

Arbitrary Arrest: There were reports of arbitrary arrest by police and security forces. On June 13, in response to reports that OPM members had hidden a weapons cache in the area, police and military personnel reportedly searched a number of dwellings on the outskirts of Mulia in Papua. Although they found no weapons or evidence, the security forces detained Wiron Kogoya, a craftsman from another village who was passing through the area. Kogoya was released after being held for several days.

Pretrial Detention: The law limits periods of pretrial detention. Police are permitted an initial 20-day detention, which can be extended to 60 days by the prosecutors while the investigation is being completed; prosecutors may detain a suspect for a further 30 days during the prosecution phase and may seek a 20-day extension from the courts. The district and high courts may detain a defendant up to 90 days during trial or appeal, while the Supreme Court may detain a defendant 110 days while considering an appeal. Additionally, the court may extend detention periods up to another 60 days at each level if a defendant faces a possible prison sentence of nine years or longer or if the individual is certified to be mentally disturbed. During the year authorities generally respected these

limits in practice. The antiterrorism law allows investigators to detain for up to four months any person who, based on adequate preliminary evidence, is strongly suspected of committing or planning to commit any act of terrorism; thereafter charges must be filed.

By law suspects or defendants have the right to legal counsel of their choice at every stage of an investigation. Court officials will provide free legal counsel to persons charged with offenses that carry a death penalty or imprisonment of 15 years or more, or to destitute defendants facing charges that carry a penalty of five years or more. Suspects have the right to bail and to be notified of the charges against them. Courts generally respected these rights.

On March 16, Jayapura District Court convicted five Papuan independence activists, including Forkorus Yaboisembut and Edison Waromi, and sentenced them to three years in prison for their statements declaring the independence of the "Republic of West Papua," display of banned separatist symbols, and leadership roles at the October 2011 Third Papuan People's Congress. Defense attorneys alleged during the trial that police interrogated the accused without advice of counsel and beat those held while in pretrial detention.

Amnesty: As in previous years, the government offered remissions ranging from a few days to six months as a reward for good behavior while incarcerated to most prisoners. In 2011 the government offered a remission to Filep Karma that would have resulted in his release. Karma declined the remission, stating he would accept release only if he were fully exonerated and the government apologized for past abuses in Papua.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, in practice the judiciary remained susceptible to influence from outside parties, including business interests, politicians, and the security forces. Low salaries and poor oversight continued to encourage acceptance of bribes, and judges were subject to pressure from government authorities and other groups, which appeared to influence the outcome of cases.

At times authorities did not respect court orders, and decentralization created additional difficulties for the enforcement of these orders. For example, local authorities in the city of Bogor continued to disregard a 2010 Supreme Court decision related to a construction permit for GKI Yasmin Church. In September local authorities again denied the congregation's request to begin construction.

During the year a number of low-level and sometimes mid-level soldiers were tried in military courts, including for offenses that involved civilians or occurred when the soldiers were not on duty. If a soldier was suspected of committing a crime, military police investigated and then passed their findings to military prosecutors, who decided whether to prepare a case. Under the law military prosecutors are accountable to the Supreme Court; however, in practice military prosecutors were responsible to the TNI for the application of laws.

A three-person panel of military judges heard trials, while the High Military Court, the Primary Military Court, and the Supreme Court heard appeals. Civil society organizations and other observers criticized the short length of prison sentences imposed by military courts.

Four district courts located in Surabaya, Makassar, Jakarta, and Medan are authorized to adjudicate cases of systematic gross human rights violations with the recommendation of the Komnas HAM. The law provides for each court to have five members, including three noncareer human rights judges, who are appointed to five-year terms. Verdicts can be appealed to the standing appellate court and the Supreme Court. The law provides for internationally recognized definitions of genocide, crimes against humanity, and command responsibility, but it does not include war crimes as a gross violation of human rights nor does it require the prosecution of commanders in crimes perpetrated by subordinates. None of the four district courts heard or ruled on any cases during the year.

Under the Sharia court system in Aceh, 19 district religious courts and one court of appeals heard cases. The courts heard only cases involving Muslims and used decrees formulated by the local government rather than the penal code. Critics argued that regulations for the implementation of Sharia law were procedurally ambiguous, leading to inconsistencies in its application. For example, defendants had a right to legal aid, but this right was inconsistently implemented. Although Sharia cases were supposed to be tried in closed hearings, during the year there were numerous problems with trial proceedings going forward in open court.

Trial Procedures

The law presumes defendants are innocent until proven guilty. Defendants have the right to confront witnesses and call witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court; in such cases sworn affidavits may be introduced. However, in some cases courts allowed forced confessions and limited the presentation of defense evidence. Defendants have the right to avoid self-incrimination. In each of the country's 804 courts, a panel of judges conducts trials by posing questions, hearing evidence, deciding on guilt or innocence, and imposing punishment. Both the defense and prosecution can appeal. Defendants may access the prosecution's evidence through application to the hearing panel's presiding judge.

The law gives defendants the right to an attorney from the time of arrest and at every stage of examination and requires that defendants in cases involving capital punishment or a prison sentence of 15 years or more be represented by counsel. In cases involving potential sentences of five years or more, the law requires an attorney be appointed if the defendant is indigent and requests counsel. In theory indigent defendants may obtain private legal assistance, and NGO lawyer associations provided free legal representation to indigent defendants. For example, Jakarta Legal Aid handled 959 cases during 2011. The law extends these rights to all citizens. In some cases procedural protections, including those against forced confessions, were inadequate to ensure a fair trial. There were reports from Papua that defendants did not have access to attorneys of their choosing and that authorities denied them adequate time and facilities to prepare a defense. With the notable exceptions of Sharia court proceedings in Aceh and some military trials, trials are public.

Political Prisoners and Detainees

Credible international NGOs estimated that there were more than 80 political prisoners at the end of the year. Most were prosecuted under treason and conspiracy statutes for actions related to the display of banned separatist symbols, and many were serving lengthy sentences (see section 2.a.).

Government officials affirmed publicly that they would not tolerate the display of separatist symbols.

A number of Papuan independence activists, including Filep Karma, were in detention or prison for raising a banned separatist flag. Local human rights observers noted that enforcement of flag-raising laws was not always consistent but was widespread across Papua and West Papua provinces. These observers asserted that persons arrested for political offenses often faced harsh treatment, including withholding of necessary medical care (see section 1.c.).

On March 16, Jayapura District Court convicted five Papuan independence activists, including Forkorus Yaboisembut and Edison Waromi and sentenced them to three years in prison for their statements and leadership roles at the October 2011 Third Papuan People's Congress (see section 2.b.).

Buchtar Tabuni, who was previously incarcerated for a flag-raising offense in Papua and received a remission in August 2011, was rearrested for his part in a 2010 prison uprising. On July 23, during Tabuni's trial, Yusak Pakage, another Papuan political prisoner who had received early release, was arrested for carrying a pocket knife in court.

Local human rights activists reported that local activists and family members generally were able to visit political prisoners, although authorities held some prisoners on other islands far from their families.

Civil Judicial Procedures and Remedies

The civil court system can be used to seek damages for victims of human rights violations; however, widespread corruption and political influence limited victims' access to this remedy.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires judicial warrants for searches except for cases involving subversion, economic crimes, and corruption. Security forces generally respected these requirements. The law also provides for searches without warrants when circumstances are "urgent and compelling" and for the execution of warrantless wiretaps by the Anticorruption Commission (KPK).

Security officials occasionally broke into homes and offices. Authorities occasionally conducted warrantless surveillance on individuals and their residences and monitored telephone calls. The Law on State Intelligence passed in 2011 granted new authorities to the State Intelligence Agency regarding surveillance and intercepting communications. Some international and domestic NGOs warned that the law could empower the government to stifle journalists, political opponents, and human rights activists.

The government used its authority to expropriate or facilitate private acquisition of land for development projects, often without fair compensation. In other cases state-owned companies were accused of endangering resources upon which citizens' livelihood depended. In December 2011 the legislature passed an eminent domain law that allows the government to appropriate land for the public good against the owner's wishes provided that the government gives compensation.

During the year security forces allegedly used excessive force while evicting individuals involved in land disputes, although evictions of squatters living on government land and of street vendors continued to decrease in Jakarta. The Agrarian Reform Consortium (KPA) recorded 198 agrarian conflicts during the year. According to KPA, these conflicts involved 141,915 families and 963,411 acres of land.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and the law provide for freedom of speech and press. While there was a vigorous free press, the government and private actors at times restricted these rights in practice. Politicians and powerful businessmen filed criminal or civil complaints against journalists whose articles they found insulting or offensive; some journalists faced threats of violence.

Freedom of Speech: Individuals and organizations have the right to criticize the government publicly and privately and could discuss almost all matters of public interest without reprisal. The law criminalizes content that advocates separatism. Some NGOs and other organizations alleged government monitoring of their organizations, and government application of treason laws in cases of peaceful calls for separatism in Papua limited the rights of individuals to engage in speech deemed to be pro-separatist. In August police in Manokwari reportedly arrested 10 Papuans for raising a banned separatist flag and calling for Papuan independence.

Freedom of Press: The independent media were active and expressed a wide variety of views. However, regional- and national-level regulations were at times used to restrict the media. The government continued to restrict foreign media, NGOs, and government personnel from traveling to the provinces of Papua and West Papua by requiring them to request permission to travel through the Foreign Ministry or an Indonesian embassy. The government approved some requests and denied others ostensibly for reasons regarding the safety of foreign visitors.

In September the Supreme Court required the Ministry of Communication and Information Technology to refrain from allowing any other parties to use Radio Era Baru's, a Chinese-language, Falun Gong-affiliated radio station that authorities had closed in September 2011, old frequency while the court was adjudicating two cases related to the closure.

Violence and Harassment: The Alliance of Independent Journalists (AJI) reported that from August 2011 to July 2012, there were at least 45 cases of media intimidation, compared with 49 cases during the same period in the previous year. On May 29, seven journalists from several television stations were beaten by a dozen Indonesian naval personnel in Padang, West Sumatra, while filming an expose on prostitution in the town. Press accounts stated that the naval personnel provided protection to brothels operating in the area.

On January 2, the Supreme Court sentenced three suspects, in absentia, to four years in prison for the 2010 stabbing and killing of television reporter Ridwan Salamun while he was filming a fight between two villages in Southeast Maluku. At year's end police had not apprehended the convicted parties.

Censorship or Content Restrictions: In 2010 the Constitutional Court ruled unconstitutional a long-standing law that gave the Attorney General's Office (AGO) the authority to ban written material. The Constitutional Court ruled that the AGO maintains the authority to monitor written material and request a court order to ban written material.

Under the Blasphemy Law, "spreading religious hatred, heresy, and blasphemy" is punishable by up to five years in prison. On July 12, the Sampang District Court sentenced Shia cleric Tajul Muluk to two years in prison for blasphemy following the issuance of a fatwa by a local Islamic clerical council that called his teaching deviant. On September 21, the court extended the sentence to four years.

Although the Papua Special Autonomy Law permits flying a flag symbolizing Papua's cultural identity, a government regulation prohibits the display of the Morning Star flag in Papua, the Republic of South Moluccas (RMS) flag in Maluku, and the Free Aceh Movement Crescent Moon flag in Aceh. There were no reported new arrests related to the display of the RMS flag or the Free Aceh Movement flag. However, police continued to imprison individuals for raising the Morning Star flag in Papua. According to reliable NGOs, between June and September, authorities arrested more than 60 people in Papua for flag-related offenses. Police held most of them for one to three days before releasing them.

Libel Laws/National Security: During the year the practice of public figures and institutions involved in corruption or personal disputes filing criminal and civil defamation complaints with police continued and expanded to Twitter. For example, on June 25, Junior Attorney General for Supervision Marwan Effendy filed a criminal defamation complaint against Muhammad Fajriska Mirza for allegations of embezzlement made on Twitter.

Internet Freedom

The government attempted to restrict access to the Internet via the 2008 Information and Electronic Transaction Law. The law, meant to combat online crime, pornography, gambling, blackmail, lies, threats, and racism, prohibits citizens from distributing in electronic format any information that is defamatory and punishes transgressors with a maximum of six years in prison or a fine of one billion rupiah (\$110,000) or both. According to a November industry survey, there were 61 million (roughly 25 percent of the population) Internet users, an increase of 10 percent over 2011. Of these, 58 million typically accessed the Internet using a mobile device such as a smart phone or tablet.

On June 14, a court sentenced civil servant Alexander Aan to 30 months in prison for posting statements and material that a local council of Muslim clerics deemed atheistic and blasphemous. Aan was convicted for violating an article of the law that forbids "knowingly and without authority" disseminating information designed to inflict "hatred or dissension on individuals and/or certain groups of community based on ethnic groups, religions, races, and intergroups."

The Ministry of Communications and Information Technology continued to request Internet service providers (ISPs) to block access to pornographic Web sites and other offensive content. The ministry did not have any internal mechanisms to block the Web sites in question. Enforcement of these restrictions depended upon individual ISPs, and a failure to enforce these restrictions could result in the revocation of an ISP's license.

On September 18, the Supreme Court overturned the criminal conviction of Prita Mulya, one of the first persons convicted under the Information and Electronic Transaction Law. Mulya had complained about treatment she received at a private hospital. The hospital had filed criminal and civil complaints, and Mulya was sentenced to six months in prison.

Academic Freedom and Cultural Events

The government continued restrictions on cultural events. Generally it did not restrict academic freedom; however, in July the Indonesian Defense University, a government-administered institution, dismissed untenured lecturer Al Araf for publishing an opinion article that criticized the government's plan to purchase tanks from Germany. The university previously had reprimanded Araf for an article that pointed to financial irregularities in the government's procurement of fighter jets from Russia.

Critics feared that the definition of pornography in the 2008 antipornography law could be used to justify attacks on artistic, religious, and cultural freedom. The law includes provisions allowing citizens to "supervise" adherence to the law. In 2010 the Constitutional Court ruled the law constitutional and not in violation of the freedom of religion and expression provisions of the constitution.

During the year the government-supervised Film Censorship Institute continued to censor domestic and imported movies for content deemed pornographic and religiously or otherwise offensive. As recently as 2011, the Film Censorship Institute censored politically sensitive films. Societal pressure led to self-censorship by some media outlets.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. The law generally does not require permits for social, cultural, or religious gatherings; however, in some places local government regulations require that those organizing a demonstration obtain a permit.

During the year police arrested participants in peaceful demonstrations that included protesters peacefully calling for land reform (see section 1.a.) or the display of illegal separatist symbols (see section 2.a.).

During the year there were a number of large demonstrations throughout Papua; most were conducted in accordance with the law and remained peaceful. However, on May 1, during protests commemorating the transfer of Papua and West Papua from the Netherlands to Indonesia, police arrested 13 demonstrators who attempted to raise a banned separatist flag near the tomb of a Papuan independence movement leader in the town of Sentani. On the same day, during a protest in Abepura, West Papua, an unknown person shot and killed Tejoli Weya during an otherwise peaceful protest (see section 1.a.).

In October 2011 police and military units violently dispersed participants in the Third Papua People's Congress, a gathering held in Jayapura October 16-19. Activists displayed banned

separatist symbols and read out a declaration of independence for the "Republic of West Papua" on the final day of the gathering. Police fired into the air and detained hundreds of persons, all but six of whom were released the following day. Three persons were found shot and killed in the area. Police spokesmen claimed that the police were equipped only with rubber bullets and other non-lethal ammunition. Police beat many of those detained, and dozens were injured. Six of the leaders of the Third Papua People's Congress were convicted on charges of treason and weapons possession and at year's end were serving jail terms of approximately three years.

Freedom of Association

The law provides for freedom of association, and the government generally respected it in practice.

Members of the Ahmadiyya religious group have not held any national conferences since 2008, when the Bali police refused to issue them a permit. In addition, some local governments continued to restrict their right of assembly.

Some lesbian, gay, bisexual, and transgender (LGBT) advocacy groups reported encountering difficulties when attempting to register their organizations.

c. Freedom of Religion

See the Department of State's [*International Religious Freedom Report*](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement and generally allows for travel outside of the country. However, the constitution allows the government to prevent persons from entering or leaving the country. The Law on Overcoming Dangerous Situations gives military forces broad powers in a declared state of emergency, including the power to limit land, air, and sea traffic; however, the government did not use these powers.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: During the year the government continued to restrict freedom of movement for foreigners to Papua and West Papua provinces through a system of "travel letters," but enforcement was inconsistent.

Foreign Travel: The government prevented arrivals and departures at the request of police, the AGO, the KPK, and the Ministry of Finance. Some of those barred from entering and leaving were delinquent taxpayers, convicted or indicted persons, individuals implicated in corruption cases, and persons otherwise involved in legal disputes.

Internally Displaced Persons (IDPs)

The international NGO Internal Displacement Monitoring Center estimated in a December 2011 report that the combined number of those still displaced and those who have returned or resettled but who continued to face barriers that prevented them from enjoying the full range of their rights may reach as high as 180,000. A lack of systematic monitoring of return and resettlement conditions as well as difficulties in defining who is still an IDP made it difficult to reliably estimate the number of IDPs. Communal violence displaced hundreds of Shia residents in Madura following August riots that left two dead and dozens of houses burned. Following the violence, some government ministers called for the group's permanent resettlement, as they would likely continue to be targets for Sunni hard-line groups.

The law stipulates that the government ensure "the fulfillment of the rights of the people and displaced persons affected by disaster in a manner that is fair and in line with the minimum service standards."

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. Estimates of the number of refugees and asylum seekers in the country varied. In July there were 4,552 asylum seekers and 1,180 refugees registered with the UNHCR. Approximately 20 percent of those were held in 13 immigration detention centers throughout the country, while the majority of the remainder lived in boarding houses through the assistance of the International Organization for Migration (IOM). In 2011 the government reported 3,980 refugees or asylum seekers. Some were applicants and others were dependents. Most refugees or asylum seekers were from Afghanistan (59 percent), Iran (9 percent), and Pakistan (6 percent). More than 1,100 Afghan refugees and asylum seekers were under the care of IOM.

Access to Basic Services: The government prohibited refugees from working and accessing public elementary education.

Durable Solutions: According to the Ministry of Housing, approximately 100,000 former East Timorese refugees resided in West Timor. The government provided 10,400 houses for former refugees in Kupang, Timor Tengah Selatan, Timor Tengah Utara, and Belu regencies. Nearly 25,000 people continued to live in refugee camps. Conflicts, mostly involving land disputes, between local people and former refugees sometimes occurred. An April 2011 International Crisis Group paper stated that many refugees were not well integrated into host communities and that former refugees continued to return to Timor Leste in small but increasing numbers.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

The constitution provides for national elections every five years. DPR members automatically are members of the People's Consultative Assembly, a fully elected body consisting of the 550 DPR members and 128 members of the House of Regional Representatives (DPD).

Recent Elections: In 2009 voters reelected President Yudhoyono. Also in 2009 the country conducted its third democratic legislative elections. In general, domestic and foreign observers found the elections free and fair. The elections were a complex affair with voters receiving ballots for the DPR, the DPD, provincial parliaments, and regency and city councils. Thirty-eight national parties competed in the elections, with an additional six parties in Aceh Province only. Irregularities occurred, requiring 245 reruns in 10 provinces out of a total of 550 elections in 33 provinces. Violence occurred in the lead-up to and during Aceh's provincial elections in April.

In 2009 political parties were required to win a minimum of 2.5 percent of the national vote to qualify for a seat in the DPR. Nine parties met this threshold and won seats in parliament. The top three vote getters were secular, nationalist parties, followed by the four largest Islamic-oriented parties. President Yudhoyono's Democrat Party won a plurality of seats, while the Golkar Party finished in second place. The Indonesia Democratic Party of Struggle, led by Megawati Soekarnoputri, finished in third place.

All adult citizens, age 17 or older, are eligible to vote except active members of the military and the police, convicts serving a sentence of five years or more, persons suffering from mental disorders, and persons deprived of voting rights by an irrevocable verdict of a court of justice. Married juveniles (i.e., those under age 17) are legally adults and allowed to vote.

According to the General Elections Commission (KPU), four provinces/special areas held gubernatorial elections during the year, including in Aceh and Jakarta. Elections in Aceh were rescheduled three times between November 2011 and April 2012 due to legal challenges and Constitutional Court rulings. Systematic violence and intimidation by Party Aceh marred campaigning and caused international and domestic observers to note that preelection violence and tension may have kept some voters from the polls. On the other hand, international observers viewed the election for Jakarta's governor as credible and successful.

By year's end the Papua General Election Commission announced plans to hold elections for governor and vice governor early in 2013. Appointees have encumbered these positions since the terms of the previously elected officials expired in mid-2011. During the year the Constitutional Court upheld the practice of voting by acclamation in Papua, which has unique electoral rules due to its special autonomous status. International observers called on the KPU to develop clear guidelines for this voice vote that will allow for an accurate count.

In 2011 the Elections Oversight Body, which handles reports of electoral violations, received 1,718 reports of violations in 92 local elections out of a total of 115 elections. Of these, 565 were considered administrative and handled by the Elections Oversight Body. There were 372 considered to be poll violations that involved criminal acts and which the police investigated, resulting in 13 prosecutions. The remaining 781 cases were not pursued due to lack of evidence.

Participation of Women and Minorities: There are no legal restrictions on the role of women in politics. A law on political parties mandates that women make up at least 30 percent of the founding members of a new political party.

The election law passed prior to the 2009 national elections included a nonbinding clause for parties to select women for at least 30 percent of the candidate slots on their party lists. The Constitutional Court invalidated this clause when it struck down the law and ruled voters could directly elect their

representatives from an open-list ballot, regardless of their position on closed party lists. The number of women in parliament increased significantly, from 11 percent to 18 percent of the DPR seats and from 19 percent to 27 percent of the DPD seats in the 2009 elections. During the year women continued to hold four of 38 cabinet-level positions.

At the provincial level, there was one female governor and one vice governor. Women held disproportionately few leadership positions in local government in some provinces; for example, in Aceh the highest position held by a woman was that of deputy mayor, in the city of Banda Aceh.

In some parts of the country, non-Muslims effectively were blocked from political office by a requirement that all candidates must demonstrate their ability to read the Quran in Arabic. In August the mayor of Gorontalo, the capital of Gorontalo Province on the island of Sulawesi, delayed the inauguration of a subdistrict official because of his inability to read the Quran with sufficient fluency to satisfy local regulations.

There were no official statistics on the ethnic backgrounds of legislators in the DPR. President Yudhoyono's cabinet generally reflected the ethnic diversity of the country.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government generally tried to implement the law. Despite the arrest and conviction of many high-profile and high-powered officials, there was a widespread domestic and international perception that corruption remained a part of daily life. The KPK and the AGO under the deputy attorney general for special crimes have jurisdiction over investigation and prosecution of corruption cases.

Since 2009 the government established anticorruption courts in all 33 provinces. During the year the KPK conducted 45 inquiries, 26 investigations, and 14 prosecutions. As a result it recovered approximately 1.3 trillion rupiah (approximately \$135 million) in state assets. In addition, according to the KPK's annual report, it recovered and prevented the loss of more than 152 trillion rupiah (\$16.8 billion) in state assets.

The police and the KPK clashed over corruption issues. For example, when the KPK opened an investigation into INP procurement of driving simulators, the INP responded by opening an investigation into alleged misconduct in 2004 by a police official seconded to the KPK and working on the driving simulator investigation.

Widespread corruption throughout the legal system continued. Independent corruption watchdog groups implicated 84 anticorruption court judges in corruption cases. Bribes and extortion influenced prosecution, conviction, and sentencing in civil and criminal cases. Key individuals in the justice system were accused of accepting bribes and of turning a blind eye to other government offices suspected of corruption. Legal aid organizations reported cases often moved very slowly unless a bribe was paid.

Between January and June, the National Ombudsman Commission investigated 1,545 of 4,500 general complaints against government officials.

Police commonly extracted bribes ranging from minor payoffs in traffic cases to large bribes in criminal investigations. Corrupt officials sometimes subjected migrants returning from abroad, who were primarily women, to arbitrary strip searches, theft, and extortion.

On September 27, an anticorruption court judge sentenced Miranda Goeltom, former deputy governor of Bank Indonesia, to three years in prison for her role in bribing members of parliament for their support in her bid to become deputy governor in 2004. In recent years more than 30 legislators have been convicted of accepting bribes in the case.

By law senior government officials, as well as other officials working in certain agencies, are required to file financial disclosure reports. The law requires that the reports include all assets held by the officials, their spouses, and their dependent children. The report must be filed upon taking office, every two years thereafter, within two months of leaving office, and immediately upon request by the KPK. The KPK is responsible for verifying disclosures and publicizing them in the State Gazette and on the Internet. There are criminal sanctions for noncompliance in cases involving corruption. In practice, not all assets are verified due to human resource limitations within the KPK.

The Freedom of Information Act, effective in 2010, grants citizens access to governmental information and provides mechanisms through which citizens can obtain such information. The law allows for a protected class of "secret" information, including information on state defense and security, law-enforcement investigation and activities, public officials, and business interests of state-owned enterprises. At year's end many government entities remained unwilling or unprepared to implement the law. According to an April study by the AJI, authorities granted 46 percent of requests for information. According to the study, many officials either ignored or lost requests.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights organizations generally operated without government restriction throughout the country, investigating and publishing their findings on human rights cases as well as advocating for improvements to the government's human rights performance. The government met with local NGOs, responded to their inquiries, and took some actions in response to NGO concerns. However, some government officials, particularly in Papua and Aceh, subjected the organizations to monitoring, harassment, and interference as well as threats and intimidation. Activists said intelligence officers followed them, took their pictures surreptitiously, and sometimes questioned their friends and family members regarding their whereabouts and activities.

Human rights and anticorruption activists reported receiving threatening messages and other intimidation from unknown sources.

UN and Other International Bodies: Of the 180 recommendations made by member states of the UN Human Rights Council during the Universal Periodic Review process, the government accepted 150 and rejected 30. The security forces and intelligence agencies tended to regard with suspicion foreign human rights organizations, particularly those operating in conflict areas, and restricted their movement in these areas.

In 2009 the government cancelled the ICRC presence agreement and suspended ICRC prison visits including confidential meetings with prisoners throughout the country. It allowed the ICRC to make visits to Papua and conduct a limited range of activities (such as providing training to military and police, school curriculum development, and sanitation/technical assistance to prisons).

Government Human Rights Bodies: A number of independent government-affiliated bodies addressed human rights problems, including the National Ombudsman, the National Commission on Violence against Women (Komnas Perempuan), and the National Commission on Human Rights (Komnas HAM). The public generally trusted Komnas HAM, Komnas Perempuan, and the ombudsman, but government cooperation with their recommendations was not mandatory and not usual.

In July Komnas HAM released its findings regarding the anti-Communist purges of 1965 and 1966. Based on a four-year investigation, the commission concluded that government actions, which included killing, extermination, enslavement, eviction or forced removal of the population, the deprivation of personal freedom, torture, rape, and enforced disappearance, constituted a crime against humanity. President Yudhoyono directed the AGO to study the findings and report back to him. However, the coordinating minister for political, legal, and security affairs rejected the commission's findings and publicly defended the purges. Human rights groups estimated that between 500,000 and 2 million people died in violence related to the government's reaction to an alleged Communist plot to overthrow the Sukarno government. At year's end the government had not filed any charges in cases related to those events.

In 2009 the DPR approved the formation of an ad hoc tribunal to investigate and prosecute the disappearance of human rights activists. Twenty-four human rights activists and students disappeared between 1997 and 1998; ten later reappeared, accusing the military of kidnapping and torture. One body was found, and 13 activists remained missing. Despite this authorization, by year's end the government had not established this tribunal.

Although the 2006 Law on the Government of Aceh states a human rights court would be established in Aceh, establishment of the court remained stalled due to complications stemming from other national-level legislation.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution does not explicitly prohibit discrimination based on gender, race, disability, language, or social status. It provides for equal rights for all citizens, both native and naturalized. However, in practice the government sometimes failed to defend these rights, particularly for minority communities.

Women

Rape and Domestic Violence: The law criminalizes rape, although the legal definition of rape covers only forced penetration of sexual organs, and filing a case requires corroboration and a witness. The law criminalizes marital rape. Reliable nationwide statistics on the incidence of rape continued to be unavailable. Rape is punishable by four to 14 years in prison, and the government imprisoned perpetrators for rape and attempted rape; however, light sentences continued to be a problem, and many convicted rapists received the minimum sentence.

The law prohibits domestic abuse and other forms of violence against women. However, domestic violence was a problem. Violence against women remained poorly documented and significantly underreported by the government. Nationwide figures were unavailable. Most NGOs working on women and children's issues believed the real figure was far higher than the available government statistics, noting the tendency of many victims to keep silent. The government's National Commission on Violence against Women, Komnas Perempuan, reported domestic violence was the most common form of violence against women.

Social pressure deterred many women from reporting domestic violence. In 2011 the Women's Legal Aid Foundation received 417 complaints of domestic violence, including physical and sexual harassment. They also received 61 criminal complaints, of which 36 were related to sexual violence.

Two types of crisis centers were available for abused women: government-run centers in hospitals; and NGO centers in the community. Nationwide, the police operated "special crisis rooms" or "women's desks" where female officers received criminal reports from female and child victims of sexual assault and trafficking and where victims found temporary shelter.

Female Genital Mutilation/Cutting (FGM/C): According to NGOs some FGM/C of women over the age of 18 occurred. A 2010 Ministry of Health decree provides specific instructions prohibiting certain more drastic types of FGM but explicitly permitting others. The decree states that doctors, midwives, and licensed nurses may perform type IV FGM (a symbolic pricking or piercing of the clitoris or labia) with the request and consent of the woman on whom it is performed (see section 6, children).

Sexual Harassment: Although not explicitly mentioned in the penal code, article 281 of the code, which prohibits indecent public acts, serves as the basis for criminal complaints stemming from workplace sexual harassment. Violations of this article are punishable by imprisonment of up to two years and eight months and a small fine.

Reproductive Rights: The government recognized the right of individuals and couples to choose the number, spacing, and timing of children and encouraged family planning. According to a study published by an international NGO in August, on average 30 percent of women surveyed over a four-year period who wanted no more children subsequently gave birth. The study found that a number of factors influenced this statistic, including the use of short-term rather than long-term contraceptive methods. Although the government subsidized and provided access to contraception throughout the country, the cost of contraception and poor medical infrastructure often limited availability. An international NGO's 2010 report indicated that unmarried women in particular were not provided adequate access to contraceptives, and this continued to be a problem. According to the 2010 Demographic and Health Survey, 55.8 percent of married women used contraception. The study also found that 93 percent of women received medical prenatal care. The official maternal mortality ratio per the 2007 census (the most recent available) was 228 per 100,000 live births. The primary causes of maternal mortality were postpartum hemorrhage, pre-eclampsia, and sepsis. According to a 2010 World Bank review, there were several key factors in the high rates of maternal mortality. While 79 percent of women had skilled birth attendants at delivery, the uneven deployment of midwives at the community level and the substandard training for many midwives and high use of traditional birth attendants were contributing factors. Hospitals and health centers did not perform at optimal levels in management of complications, and there were problems with

referrals for complications including financial barriers or limited availability of qualified health personnel. Close to 50 percent of births occurred at home. A woman's economic status, level of education, and age at first marriage also affected maternal mortality.

Discrimination: The law states that women have the same rights, obligations, and opportunities as men; however, it also states that women's participation in the development process must not conflict with their role in improving family welfare and educating the younger generation. The marriage law designates the man as the head of the family. Women in many regions of the country, particularly in Papua, complained about differential treatment based on gender.

Divorce is available to both men and women. Many divorcees received no alimony, since there was no system to enforce such payments. If there is no prenuptial agreement, joint property is divided equally. The law requires a divorced woman to wait 40 days before remarrying; a man can remarry immediately. The government continued to implement Sharia in Aceh. The impact of this implementation varied across the province but, continuing the pattern of the last few years, in general it appeared to be less intrusive due to improved government oversight of the Sharia police. The most visible impact on women's rights continued to be the enforcement of dress codes. Sharia varies somewhat across the province; for example, in West Aceh District women are required to wear skirts, a restriction not explicitly stated elsewhere. It was not uncommon for Sharia police to briefly stop and lecture Muslim women whose dress did not conform to local Sharia requirements on appropriate attire.

Local governments and groups in areas outside Aceh also undertook campaigns to promote conformity by women with the precepts of Sharia. Local regulations in some areas mandated the wearing of Islamic dress by government employees. Vigilance in enforcing separation of sexes, fasting, and dress codes increased during Ramadan. The Ministry of Home Affairs is responsible for "harmonizing" local regulations that are not in line with national legislation. Between January and August, the ministry evaluated 13,520 local regulations throughout the country and cancelled 824 deemed in conflict with national law.

Women faced discrimination in the workplace, both in hiring and in gaining fair compensation; however, there was progress in that area, especially in public sector jobs. According to International Labor Organization (ILO) reports, women's hourly wages as a percentage of men's wages continued to increase. A 2009 ILO report showed significant progress towards gender equality in labor market participation, employment, and wages. Gender wage gaps narrowed between 2004 and 2008 in most sectors but widened in others (professional, technical, and related workers). While women in administrative and managerial jobs earned more than their male counterparts, they were underrepresented at the managerial level. According to the government, women constituted 47 percent of all civil servants as of October 2011 and more than 24 percent of senior civil servants, up from only 9 percent in 2009. Some activists said that in manufacturing, employers relegated women to lower-paying, lower-level jobs. Like their male counterparts, many female factory workers were hired as day laborers instead of as full-time permanent employees, and companies were not required to provide benefits, such as maternity leave, to day laborers. By law, if both members of a couple worked for a government agency, the couple's head-of-household allowance was given to the husband.

Jobs traditionally associated with women continued to be significantly undervalued and unregulated. For example, domestic workers received little legal protection. Under the labor law,

domestic workers are not provided with a minimum wage, health insurance, freedom of association, an eight-hour work day, a weekly day of rest, vacation time, or safe work conditions. Consequently, as reported by NGOs, abusive treatment and discriminatory behavior continued to be rampant.

Children

Birth Registration: Citizenship is acquired primarily through one's parents; however, it can be acquired through birth in national territory. Although the law provides for free birth registration, this registration requirement was not enforced, and approximately 30 percent of citizen births were not registered. Without birth registration, families may face difficulties in accessing government-sponsored insurance benefits and enrolling children in schools. It was often impossible to be certain of a child's age, and ages were falsified on identity cards, sometimes with the cooperation of government officials.

A February ruling by the Constitutional Court overturned a 1974 law that stipulated children born outside of registered marriages shared civil ties only with their mother. The ruling provided for the inclusion of DNA evidence in determining paternity and conferred inheritance rights to the father's property for children born outside of registered marriages.

Education: Although the law provides for free education, in practice most schools were not free, and poverty put education out of the reach of many children. By law children are required to attend six years of elementary school and three years of junior high school; however, in practice the government did not universally enforce these requirements. Although girls and boys received equal educational opportunities, boys continued to be more likely to finish school.

Some provinces and districts, such as South Sumatra Province and Serdang Bedagai District in North Sumatra Province, have local policies for compulsory education for 12 years or up to senior secondary.

Child Abuse: Child labor and sexual abuse were serious problems. Child abuse is prohibited by law, but government efforts to combat it generally continued to be slow and ineffective. The Child Protection Act addresses economic and sexual exploitation of children as well as adoption, guardianship, and other issues; however, some provincial governments did not enforce its provisions. Komnas Perlindungan Anak reported that during the year it received an average of 100 reports of cases of violence against children per month.

According to Komnas Perlindungan Anak, approximately 8.5 million children under the age of 18 were working because of poverty.

Child Marriage: The legal distinction between a woman and a girl was not clear. The law sets the minimum marriageable age at 16 for a woman (19 for a man), but the Child Protection Law states persons under age 18 are children. A girl who marries has adult legal status. Girls frequently married before reaching the age of 16, particularly in rural and impoverished areas. According to UNICEF, in the years 2000 to 2009, 22 percent of women 20 to 24 years old were married or in union before they were 18.

Harmful Traditional Practices: FGM/C on children was practiced in some parts of the country. Some NGO activists dismissed any claims of mutilation, saying the ritual as practiced in the

country was largely symbolic. A 2010 Ministry of Health decree prohibits more drastic types of FGM but explicitly permits doctors, midwives, and licensed nurses to conduct type IV FGM (a symbolic pricking or piercing of the clitoris or labia). The decree requires the prior consent of the subject, a parent, or guardian.

Sexual Exploitation of Children: While there is no offense by the name of statutory rape under the law, the penal code forbids consensual sex outside of marriage with girls under the age of 15. The law does not address heterosexual acts between women and boys, but does prohibit same sex acts between adults and minors. The 2008 Pornography Law prohibits child pornography and establishes a maximum sentence of 12 years and fine of six billion rupiah (approximately \$625,000) for producing or trading in child pornography. Nationally, UNICEF estimated that 40,000 to 70,000 children were victims of sexual exploitation and that 30 percent of all female commercial sex workers were underage. According to NGO estimates, 30 percent of the estimated 4,000 sex workers in Batam were children. The same NGO assessed that commercial child sex had declined due to increased police efforts in the area.

A six-month foreign government investigative agency's assessment of allegations of child sex tourism found no credible cases of foreign persons travelling to the country to engage in sexual acts with children. The assessment revealed multiple incidents of child sex abuse, but in all cases the abuser was a local resident.

Displaced Children: According to government reports, as of September there were 7,315 street children in Jakarta, of whom 4,827 participated in a social welfare program run by the Ministry of Social Affairs. The government continued to fund shelters administered by local NGOs and paid for the education of some street children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

The Jewish population was extremely small. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's [Trafficking in Persons Report](#).

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or provision of other state services. The law does not contain specific requirements regarding access to air travel and other transportation, but it mandates accessibility to public facilities for persons with disabilities; however, the government did not enforce this provision (the Surabaya International Airport, for example, is not disabled accessible). The government classifies persons with disabilities into three categories: physically disabled, intellectually disabled, and physically and intellectually disabled. These categories are further divided for schooling. The government restricts the rights of persons to vote or participate in civil

affairs by not enforcing accessibility laws. However, during the year's regional elections, the government provided some Braille ballots for blind voters.

The law provides children with disabilities with the right to an education and rehabilitative treatment. A November 2011 UNESCO study found that children with disabilities were 59 percent more likely not to receive a formal education than other children. According to one NGO, there were 1.4 million children with disabilities in the country, and fewer than 4 percent had access to education. According to 2008-09 government statistics, there were 1,686 schools dedicated to educating children with disabilities, 1,274 of them run privately. According to NGOs, more than 90 percent of blind children were illiterate. Some young persons with disabilities resorted to begging for a living. Children with disabilities were sent to separate schools, and mainstream education for them was extremely rare. The country's universities did not offer a degree in special education.

National/Racial/Ethnic Minorities

The government officially promotes racial and ethnic tolerance. Ethnic Chinese, who accounted for approximately 3 percent of the population, played a major role in the economy and increasingly participated in politics.

Indigenous People

The government viewed all citizens as "indigenous"; however, it recognized the existence of several "isolated communities" and their right to participate fully in political and social life. These communities include the myriad Dayak tribes of Kalimantan, families living as sea nomads, and the 312 officially recognized indigenous groups in Papua. During the year indigenous persons, most notably in Papua, remained subject to widespread discrimination, and there was little improvement in respect for their traditional land rights. Mining and logging activities, many of them illegal, posed significant social, economic, and logistical problems to indigenous communities. The government failed to prevent companies, often in collusion with the local military and police, from encroaching on indigenous peoples' land. In Papua and West Papua, tensions continued between indigenous Papuans and migrants from other provinces, leading to several killings of migrants in the restive provinces.

As the government did not recognize "indigenous people," it also did not recognize "indigenous lands." The government did recognize some communal ownership rights. However, access to ancestral lands continued to be a major source of conflict throughout the country. Large corporations and government regulations displaced people from their ancestral lands. Some land-rights NGOs asserted that ineffective demarcation of land led to denying individuals access to their own land. Central and local government officials reportedly extracted kickbacks from mining and palm oil companies in exchange for land access at the expense of the local populace. Land-rights advocates reported receiving threats from government and private parties after publicizing these issues. The government program of transferring migrants from the crowded islands of Java and Madura diminished greatly in recent years. However, communal conflicts often occurred along ethnic lines in areas with sizeable transmigrant populations.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The 2008 Pornography Law bans consensual same-sex sexual activity. In addition local regulations across the country criminalize same-sex sexual activity. For example, the province of South Sumatra and the municipality of Palembang have local ordinances criminalizing same-sex sexual activity together with prostitution. The province of Nanggroe Aceh Darussalam's legislature passed an ordinance regulating "immoral behavior," including consensual same-sex acts between adults, but at year's end the governor had not signed it into law. Additionally, under a local ordinance in Jakarta, security officers regard any transgender person found in the streets at night as a sex worker. According to media and NGO reports, a number of transgender individuals were abused and forced to pay bribes following detention by local authorities. According to NGOs, many persons considered LGBT issues as socially taboo. The government took almost no action to prevent discrimination against LGBT persons, and in some cases it failed to protect LGBT individuals from societal abuse. Police corruption, bias, and violence caused LGBT individuals to avoid interaction with police. Sharia police in Aceh reportedly harassed transgender individuals. NGOs reported religious groups, family members, and the general public sometimes ostracized LGBT individuals.

LGBT organizations and NGOs operated openly, although often without proper licenses (see section 2.b.). Certain religious groups sporadically disrupted LGBT gatherings, and individuals occasionally were victims of police abuse.

LGBT groups maintained a lower profile throughout the year compared with previous years, in part due to concerns over physical security. In September and October, the Q! Film Festival, subject of protests in 2010, took place in Jakarta. Festival organizers informed police of their plans to hold the festival, but police declined to provide protection. Police officials stated that the organizers would have to obtain a letter of support from the local Islamic Clerics Council (MUI) if they wanted police support. Organizers chose not to engage with the MUI. As a result of the police decision, three of eight venues originally scheduled to take part in the festival backed out.

Police generally did not investigate cases that involved police intervention during assaults by hard-line groups against LGBT gatherings. Formal complaints by victims and affected persons were usually ignored.

In criminal cases with LGBT victims, police investigated the cases reasonably well, as long as the suspect was not affiliated with the police. However, when investigating allegations of abuse by police, investigators were unresponsive – even in the face of pressure from Komnas HAM.

NGOs documented instances of government officials not issuing identity cards to LGBT individuals. Transgender individuals faced discrimination in obtaining services, including health and other public services.

Other Societal Violence or Discrimination

Stigma and discrimination against persons with HIV/AIDS were pervasive. However, government policy encouraged tolerance, took steps to prevent new infections, and provided free antiretroviral drugs, although with numerous administrative barriers. The government position of tolerance was adhered to unevenly at all levels of society; for example, prevention efforts often were not aggressive for fear of antagonizing religious conservatives, and in addition to barriers to access to free antiretroviral drugs, potential recipients had to pay medical fees that put the cost beyond the reach of many.

Minority religious groups were occasionally victims of societal discrimination sometimes including violence. This included Ahmadis, Shiites, other non-Sunni Muslims, Sunni Muslims, and Christians in areas where these groups constituted a minority.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, in general protects the rights of workers to join independent unions, conduct legal strikes, and bargain collectively. Workers in the private sector have broad rights of association, but the law places restrictions on organizing among public-sector workers. Workers in the private sector formed and joined unions of their choice without previous authorization or excessive requirements. The law stipulates that 10 or more workers have the right to form a union, with membership open to all workers, regardless of political affiliation, religion, ethnicity, or gender. The Ministry of Manpower and Transmigration records, rather than approves, the formation of a union, federation, or confederation and provides it with a registration number.

To remain registered, unions must keep the government informed about changes in their governing bodies. The law allows the government to petition the courts to dissolve a union if it conflicts with the state ideology (Pancasila) or the constitution. A union also may be dissolved if its leaders or members, in the name of the union, commit crimes against the security of the state and are sentenced to at least five years in prison. Once a union is dissolved, its leaders and members may not form another union for at least three years. There were no reports that the government dissolved any unions during the year.

Although the law recognizes civil servants' freedom of association and right to organize, employees may only form employee associations with more limited rights. Employees of state-owned enterprises (SOEs) are permitted to form unions. There were no cases during the year of employees of SOEs attempting to form a new union.

The right to strike is recognized but substantially restricted under the law. Under the Manpower Development and Protection Act (the Manpower Act), workers must give written notification to the authorities and to the employer seven days in advance for a strike to be legal. The notification must specify the starting and ending time of the strike, venue for the action, reasons for the strike, and include signatures of the chairperson and secretary of the striking union. The law does not extend the right to strike to most civil servants or to workers in SOEs.

All strikes at "enterprises that cater to the interests of the general public or at enterprises whose activities would endanger the safety of human life if discontinued" are deemed illegal. Although this wording recalls the definition of an "essential industry," the regulation does not specify the types of enterprises affected, leaving this determination to the government's discretion. The same regulation also classifies strikes as illegal if they are "not as a result of failed negotiations."

Before striking, workers must engage in lengthy mediation with the employer and then proceed to a government mediator or risk having the strike declared illegal. In the case of an illegal strike, an employer may make two written requests within a period of seven days for workers to return. Workers who do not return to work after these requests are considered to have resigned.

The law provides for collective bargaining and allows workers' organizations that register with the government to conclude legally binding collective labor agreements (CLAs) with employers and to exercise other trade union functions. The law includes some restrictions on collective bargaining, including a requirement that a union or unions represent more than 50 percent of the company workforce to negotiate a CLA.

Although most CLAs provide workers with more rights than the legal minimum provisions set by the government, more than a third of employers reportedly violated the terms of the CLA with relative impunity. Enforcement of CLAs varied based on the capacity and interest of individual regional governments.

In practice the government did not effectively enforce laws protecting freedom of association and did not effectively prevent antiunion discrimination. Freedom of association, despite being guaranteed under the law, is undermined by several common practices including the use of contract workers and regular workers on short-term contracts to avoid labor regulations. Employers commonly reassigned labor leaders to disrupt their union building activities. Antiunion intimidation most often takes the form of termination, transfer, or trumped-up criminal charges. Companies increasingly sued union leaders for losses suffered in strikes.

Antiunion discrimination cases moved excessively slowly through the court system, sometimes taking up to six years. Bribery and judicial corruption in workers' disputes continued, and courts rarely decided cases in the workers' favor. While dismissed workers sometimes received severance pay or other compensation, they were rarely reinstated. During the year 250 workers at PT Surya Gemilang Perkasa in Kabupaten Bogor, West Java Province, and 700 workers at PT Amerta Indah Otsuka in Sukabumi, West Java Province, agreed to a package with severance pay and wages due rather than reinstatement because after extended disputes with the company they needed the money.

Labor activists continued to claim that companies orchestrate the formation of multiple unions, including "yellow" unions, to weaken legitimate unions.

As of October, the appeal of a lower court ruling to reinstate 30 unionists fired from the Surabaya Zoo in 2010 remained pending, and the union activists had not been reemployed.

In practice the cumbersome process required for a legal strike, as well as the government regulations included in the Manpower Act, provided employers a clear means to obstruct a union's move to legally strike. Therefore, strikes tended to be unsanctioned or "wildcat" strikes that broke out after a failure to settle long-term grievances or when an employer refused to recognize a union. The primary reasons for strikes during the year were demands for an increase in the minimum wage and the use of contract workers.

Employer retribution against union organizers, including dismissals and violence, continued. Employers commonly used intimidation tactics against strikers, including administrative dismissal of employees through use of the appeals process described above. Some employers threatened employees who made contact with union organizers. Management singled out strike leaders for layoffs when companies downsized.

Following violent clashes between police and strikers in 2011, the union leaders and the management of Freeport Indonesia agreed to a CLA proposal to end the strike at the end of 2011.

The agreement stipulated that both sides would work together to achieve a 37 percent wage increase over two years. From October 2011 to September 2012, salaries increased by 24 percent, followed by a 13 percent increase in the year beginning October 2012.

In recent years employers have repeatedly filed criminal complaints against union officers following failed collective bargaining negotiations or lawful strikes. In a number of cases, union officers were prosecuted and even served prison time for destruction of property and interference with profits as a result of complaints brought by employers. Some provisions in criminal law have aided these tactics, such as a crime of "unpleasant acts," which creates criminal liability for a broad range of conduct. There were credible reports of the police investigating or interrogating union organizers.

The increasing trend of using contract labor directly affected unions' right to organize and bargain collectively. Under the Manpower Act, contract labor is to be used only for work that is "temporary in nature." However, many employers violated these provisions, sometimes with the assistance of local offices of the Manpower Ministry. In some cases, companies declared bankruptcy in order to avoid severance payments required by law, closed the factory for several days, and then rehired workers as contract labor at a lower cost. Union leaders and activists usually were not rehired. Labor courts have ruled in favor of workers who filed either for compensation or to be rehired. In most cases, however, the company appealed to the Supreme Court where the labor court's decisions were overturned.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were credible reports that such practices occurred, including forced and compulsory labor by children (see section 7.c.). Forms of forced labor included domestic servitude, commercial sexual exploitation, and forced labor in the mining, fishing, and agricultural sectors.

On April 12, parliament ratified the Migrant Workers Convention.

Also see the Department of State's [Trafficking in Persons Report](#).

c. Prohibition of Child Labor and Minimum Age for Employment

The law and regulations explicitly prohibit forced labor by children. The Manpower Act establishes that child labor includes (1) all working children age 5-12, regardless of the hours worked, (2) working children age 13-14 who worked more than 15 hours per week, and (3) working children age 15-17 who worked more than 40 hours per week. Additionally, child labor also encompasses any person under the age of 16 who is engaged in any of the following 13 kinds of labor: prostitution or other commercial sexual exploitation, mining, pearl diving, construction, offshore fishing, scavenging, production of explosives, working on the street, domestic service, cottage industry, plantations, forestry, and industries that use hazardous chemicals. Child labor was most prevalent in the agricultural, service, sales, and manufacturing sectors.

Also see the Department of Labor's [Findings on the Worst Forms of Child Labor](#).

d. Acceptable Conditions of Work

Labor regulations, including minimum wage regulations, only applied to the estimated 30 percent of workers in the "formal sector." Workers in the "informal sector" were not afforded the same protections or benefits. Moreover, government regulations allow employers in certain sectors, including small and medium enterprises and labor-intensive industries like textiles, an exemption from minimum wage requirements.

Minimum wages vary throughout the country as provincial governors set an annual minimum wage floor and district heads have the authority to set a higher rate. During the year the lowest minimum wage was in the province of Central Java at rupiah 686,925 (\$71) per month and the highest was in Jakarta at rupiah 1,557,675 (\$161) per month. The governor of Jakarta has agreed to a 2013 minimum wage of rupiah 2,244,600 (\$232), a 44 percent increase over 2012 and an increase of 97 percent since 2010. The government calculates annually the minimum subsistence requirement by province. In 2013 it will be rupiah 2,012,400 (\$208) per month in Jakarta.

The law establishes a 40-hour workweek, with one 30-minute rest period for every four hours of work. Companies often required a five-and-a-half- or six-day workweek. The law also requires at least one day of rest weekly. The daily overtime rate was 1.5 times the normal hourly rate for the first hour and twice the hourly rate for additional overtime, with a maximum of three hours of overtime per day and no more than 14 hours per week. The law also requires employers to register workers with and pay contributions to the state-owned insurance agency.

Local officials from the Manpower Ministry are responsible for enforcing regulations on minimum wage and hours of work, as well as health and safety standards. The Manpower Ministry continued to urge employers to comply with the law; however, government enforcement remained inadequate, particularly at smaller companies, and supervision of labor standards continued to be weak. There are approximately 2,400 inspectors. There is no enforcement of the minimum wage in the informal sector.

Although labor law and ministerial regulations provide workers with a variety of benefits, aside from government officials, only an estimated 10 percent of workers received social security benefits. Persons who worked at formal sector companies often received health benefits, meal privileges, and transportation, which were rarely provided for workers in the informal sector. The Manpower Act also requires employers to provide a safe and healthy workplace and to treat workers with dignity. Enforcement of health and safety standards in smaller companies and in the informal sector tended to be weak or nonexistent.

The country's worker safety record was poor. The state-owned insurance agency reported approximately 77,000 workplace accidents during the year and a total of 1,749 workplace deaths from January-September 2012.