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Country Report on Human Rights Practices 2014 - Indonesia

EXECUTIVE SUMMARY

Indonesia is a multi-party democracy. In 2014 voters elected Joko Widodo (commonly known as Jokowi) as president. Domestic and international observers judged the 2014 legislative and presidential elections free and fair. Authorities generally maintained effective control over security forces.

The government failed to conduct transparent, public investigations into some allegations of unjustified killings, torture, and abuse by security forces. The government applied treason, blasphemy, defamation and decency laws to limit freedom of expression and assembly by peaceful independence advocates, religious and social minority groups, and others. Despite high profile arrests and convictions, widespread corruption in the government, judiciary, and security forces remained a problem.

Police inaction, lack of protections for religious and social minorities, abuse of prisoners and detainees, harsh prison conditions, trafficking in persons, child labor, and failure to enforce labor standards and worker rights continued as problems.

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 guerrillas in Papua killed members of the security forces and injured others in several attacks.

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

a. Arbitrary or Unlawful Deprivation of Life

During the year human rights groups and the media reported instances where both military and police personnel were suspected of committing unjustified killings. The National Human Rights Commission (Komnas HAM) investigated allegations the police, including the country's counterterror unit Detachment 88, used excessive force resulting in death during arrests and operations. In these cases and other cases of misconduct, the police and the military (TNI) often failed to disclose to the public the findings of internal investigations, or even whether any such investigations had taken place. It remained difficult to confirm the facts, especially when official statements contradicted witness accounts.

Violence continued to affect the provinces of Papua and West Papua during the year, and much of it linked to the Papuan separatist movement. For instance, on July 28, the Lanny Jaya faction of the West Papuan National Liberation Army (TPNPB) under the command of Enden Wanimbo attacked eight police officers traveling from Lanny Jaya to Maki village for a community security counseling program. Two officers, Second Brigadier Zulkifli and Second Brigadier Prayoga Ginuni, died at the scene from gunshot wounds, and the six other officers were injured. In response the army and police launched a joint sweep of the area, during which they reportedly burned down several buildings in Wamena. On August 1, the TNI announced it had killed five members of Wanimbo's group during a clash in Pirime District that also left one soldier wounded.

The lack of transparent investigations continued to hamper accountability in a number of past cases involving security forces, including the 2013 killings of two members of a proindependence group at a prayer service and flag raising ceremony in Sorong, the 2012 killings of Mako Tabuni and Tejoli Weya, and the 2011 killing of three individuals during the forced dissolution of the Third Papuan People's Congress.

September 7 marked the 10th anniversary of the murder of human rights activist Munir Said Thalib. On November 28, Pollycarpus Budihari Priyanto, having served two-thirds of his sentence for his role in the murder, was paroled. The parole was the latest in a series of convictions, acquittals, and changes in sentence length for Priyanto dating back to his initial conviction in 2004. Although

human rights groups continued to allege that members of the State Intelligence Agency were involved in Munir's murder, the investigation remained inactive.

There were reports of killings by agents of private companies, sometimes with the complicity of government forces. For example, on March 5, six TNI personnel abducted Titus Simanjuntak from his home in Jambi and took him to a security post at a PT Asiatic Persada facility. Nongovernmental organizations (NGOs) claimed Titus was abducted because of his involvement in a longstanding land conflict between a local indigenous group, Suku Anak Dalam, and the conglomerate PT Asiatic Persada. According to his lawyers, the TNI personnel beat and tortured Titus en route to and at the facility. That afternoon at least 20 fellow farmers went to the facility to demand Titus' release. The TNI personnel and private security agents allegedly beat six of the farmers, killing one, Puji, and injuring five, Khoris Kuris, Adi, Ismail, Yanto, and Dadang. In July the Palembang Military Court sentenced the six TNI personnel involved, Ahmad Sufi Supradi, Yoyon Setiono, Febri Arga, Uut Usio Budi Utomo, Marsudiyono, and Kaleb Dunan, to three months in prison for their role in the incident. The Jambi Regional Police arrested five private security officers from PT Asiatic Persada and charged them with violence resulting in death.

b. Disappearance

There were reports of abductions by security forces 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.

Dede Khairudin, a resident of Perlis Langkat, was reported missing after being picked up by military personnel from Liliwangsa District Military Command and the Pangkalan Brandan Marines Post. Eight men, two of them armed with rifles, entered Khairudin's home at 2 a.m. November 28, 2013, looking for Fendi Tato, a suspect in the stabbing of Zulkifli, a marine from the Pangkalan Brandan Marine Post. The eight men questioned Khairudin on the whereabouts of Fendi Tato and then forced him to lead them to Fendi's possible hideout. Khairudin had not been seen or heard from since his detention. In March his wife and other family members reported the abduction to the NGO Commission on the Disappeared and Victims of Violence (KontraS), which made an official report to the military provost. The provost arrested Mardiansyah and seven other military personnel, who testified they left Khairudin at a market after failing to find Fendi Tato. The military prosecutor charged the eight with involuntary deprivation of freedom.

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. Komnas HAM twice submitted reports and evidence for use in court proceedings, but in June the Attorney General's Office (AGO) returned the case to Komnas HAM for a second time, citing insufficient evidence.

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 allegations of torture and rarely were tried under this statute. More recently the government made some efforts to hold members of the security forces accused of acts of torture accountable, but these efforts did not constitute full accountability.

Local NGOs reported that torture continued to be commonplace in police detention facilities. There were reports police officers blindfolded detainees for long periods with duct tape and beat detainees with fists, sticks, cables, iron bars, and fire hoses. Some detainees reported that police personnel subjected them to electric shock, burned them, and placed spicy ointment on their genitals and other sensitive areas. KontraS reported that between July 2013 and July 2014, it received 108 reports of torture with a total of 283 victims, 20 of whom died from injuries sustained under torture. A disproportionate number of these incidents involved the investigative General Crimes (Reskrim) units, also known as Criminal Investigation units. Although General Crimes units make up only 10 percent of the police force, 95 percent of the approximately 1,500 annual complaints of police misconduct made to Komnas HAM involve General Crimes units.

On April 24, officers from the Teenager, Children, and Women Sub-Directorate (RENAKTA) of the Jakarta Police General Crimes Unit arrested five contract custodial staff from Jakarta International School, Syarial, Agun Iskandar, Virgiawan Amin, Zainal Abidin, and Azwar, in connection with allegations of abuse made by a student at the school. The student stated he was raped in a school bathroom in March, and police detained the suspects because logs showed they had been on bathroom cleaning duty during this time. RENAKTA officers processed the suspects at a medical facility and then allegedly tortured the suspects for hours to elicit confessions. Reports indicated police officers covered their eyes with duct tape, beat them with fists and metal chairs, whipped them with a fire hose, applied spicy ointment to their genitals, burned them with cigarettes, and shocked them with electricity. Suspect Azwar died during questioning. The officers alleged he committed suicide by drinking floor cleaner after he was put into a supply closet for holding. The four remaining suspects later retracted their confessions. An additional member of the custodial staff and two teachers from the school were later also arrested in connection with the case. The trials of the custodial suspects began in August.

Authorities in Aceh carried out public canings for violations of sharia (Islamic law) in cases of gambling and proximity to the opposite sex outside of marriage.

Prison and Detention Center Conditions

Conditions at the country's 428 prisons and detention centers were sometimes harsh and life threatening. Prison conditions came under increased scrutiny in 2013 due to the extrajudicial killings at Cebongan Prison and the Tanjung Gusta prison riots, caused by rampant overcrowding.

Physical Conditions: In August data from the Ministry of Law and Human Rights indicated there were 161,692 prisoners and detainees in the system, compared with the 109,231 the prison and detention centers were designed to hold. Prisons and detention centers in the Jakarta region were operating at 269 percent of capacity. For example, according to the government, the Cipanang Prison in Jakarta, designed for 880 prisoners, held 2,929.

Government data indicated approximately 5.1 percent of inmates were women and 3.2 percent were juveniles. According to the Directorate General for Corrections, in August there were 3,245 juvenile convicted prisoners and 1,909 juvenile pretrial detainees.

By law children convicted of serious crimes should serve their sentences in juvenile prisons. By law prisons held those convicted by courts, while detention centers held those awaiting trial, but officials at times held pretrial detainees 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 cellblocks from male prisoners. According to NGO observers, the conditions in female prisons tended to be significantly better than those in male prisons, with less violence and a more hygienic environment, but female cellblocks within prisons that held prisoners of both genders did not always have access to the same amenities, such as exercise and library facilities, as their male counterparts. Inadequate budgets hampered the ability to expand or improve prisons.

According to government figures, 259 prisoners died in custody between January 1 and June 30. Of those, 204 died as a result of medical conditions, five committed suicide, and 50 died from “other causes.”

NGOs noted authorities sometimes did not provide prisoners adequate medical care. Human rights activists observed that authorities did not deny medical care to prisoners based on their crimes, but rather due to a lack of available resources. International and local NGOs reported that in some cases prisoners did not have ready access to clean drinking water.

Guards regularly extorted money from inmates for basic amenities such as mattresses and allowed wealthy prisoners to pay for special privileges. The use and manufacture of illicit drugs in prisons was a serious problem. 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.

Administration: Recordkeeping was considered adequate. The criminal procedure code does not incorporate alternatives to imprisonment for nonviolent offenders. Authorities permitted prisoners and detainees religious observance and reasonable access to visitors, although this access reportedly was limited in some cases. 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 inhuman conditions.

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 verify that prisoners do not serve beyond the maximum sentence for the charged offense. In the past the ombudsman 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.

Independent Monitoring: In 2009 the government revoked access for the International Committee of the Red Cross (ICRC) to monitor prison conditions and treatment of prisoners nationwide, including the ability to meet and speak privately with prisoners. The government now allows ICRC some access to monitor conditions but still forbids confidential prisoner interviews. Some domestic NGOs have also been granted access, but they must request permission through a bureaucratic process requiring approval from the police, attorney general, courts, the Ministry of Home Affairs, and other agencies, and direct access to prisoners for interviews was rarely permitted.

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 police have approximately 420,000 personnel deployed in 31 regional commands in 34 provinces. The police maintain a centralized hierarchy; local police units formally report to the national headquarters. The military is responsible for external defense; however, territorial forces within the military are individually charged with deterring and overcoming domestic threats within their respective commands. These domestic functions may include supporting police in performing domestic security operations and resolving intermittent communal conflicts. A presidential instruction issued in January 2013 and a subsequent memorandum of understanding between the police and the TNI further elaborated on the military's role in resolving communal conflicts.

Teams of investigators appointed by the TNI are responsible for investigating crimes by military personnel. The Ethics Division of the Indonesian National Police (INP) is responsible for investigating crimes committed by police. The police and TNI rarely disclosed to the public the findings of internal investigations, or even whether any such investigations took place. The generally well-regarded National Human Rights Commission (Komnas HAM) also investigates cases of suspected abuse; however, security forces often did not fully cooperate with it.

In Aceh the Sharia Police, an independent provincial body, is responsible for enforcing sharia.

The Internal Affairs Division and the National Police Commission within the INP investigated complaints from the public against individual police officers. Additionally, Komnas HAM and NGOs conducted external investigations with the knowledge and cooperation of the police. During 2013, 4,135 officers received notices of disciplinary infractions.

There were reports of police inaction in the face of attacks by hardline groups against religious minorities. For instance, on June 1, a group from the Islamist Jihad Front attacked the Indonesian Pentecostal Church in Pangukan near Yogyakarta. Police received advanced warning of a possible attack and told the congregants to cut their service short and evacuate the church. When the mob arrived, however, police reportedly stood by as they entered the church, smashed the windows, and damaged the entrance. As of October police had charged one person in the attack.

Impunity and corruption remained problems.

Arrest Procedures and Treatment of Detainees

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, but 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. Suspects have the right to bail and to be notified of the charges against them. By law suspects or defendants have the right to legal counsel of their choice at every stage of an investigation. Court officials 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.

Arbitrary Arrest: There were reports of arbitrary arrest by police. On May 16, Tukimin (one name only), a resident of Solo, was taken into custody by Detachment 88 members for alleged involvement in terrorist activity. He alleged police put him into a car, blindfolded him, and interrogated him for four hours. He reported that officers beat him and pinched his inner thigh with a wrench. Officers reportedly forced him to confess involvement in the killing of a police officer in Poso and his connections to terrorist leaders Santoso and Teguh. After the interrogation police released Tukimin without charge.

There were multiple reports of police temporarily detaining individuals in Papua for participation in peaceful demonstrations or for distributing materials calling for an election boycott.

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. Authorities generally respected these limits. 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.

Amnesty: As in previous years, the government offered remissions ranging from a few days to six months as a reward for good behavior to most prisoners. In 2013 the government issued implementing regulations for a 2012 revision to the law that governs remissions. The new regulations place stricter conditions on the offer of remission to those convicted of crimes related to graft, terrorism, and illicit drugs after November 2012. On August 17, Pollycarpus Budihari Priyanto, jailed for his role in the murder of human rights activist Munir Said Thalib, received an eight-month sentence remission.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the judiciary remained susceptible to influence from outside parties, including business interests, politicians, and the security forces. In the past low salaries and poor oversight encouraged acceptance of bribes, and pressure from government authorities and other groups appeared to influence judges and the outcome of cases. A 2012 regulation, however, authorized a 300 percent increase in judges' salaries. The increases took effect in 2013.

At times local 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 April Bogor's new mayor, Bima Arya Sugiarto, promised to resolve the issue and stand up to religious hardliners, but as of year's end the congregation had not been allowed to resume construction.

During the year military courts tried a number of low-level and some mid-level soldiers for offenses that, among others, 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, military prosecutors are 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 upon the recommendation of 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 were procedurally ambiguous, leading to inconsistencies in its application. For example, defendants had a right to legal aid, but this right was inconsistently implemented.

In December 2013 Aceh's provincial parliament passed a sharia procedural law subjecting non-Muslims to sharia if they violate a sharia law together with a Muslim, and are also not subject to a nonsharia law. In October the Aceh parliament passed a revision to the criminal code that appears to apply sharia punishments in all cases where the offense is criminalized under sharia but not under national law, regardless of the religion of the perpetrator. Under the new criminal code, offenses including homosexuality, gambling, consumption of alcohol, and proximity to the opposite sex

outside of marriage would be punishable with caning, fines, and imprisonment. As of October the Aceh governor had not signed the new code into effect, and the Ministry of Home Affairs had 60 days to annul it if he did.

Trial Procedures

The constitution provides for the right to a fair trial, and the judiciary generally enforced this right. The law presumes defendants are innocent until proven guilty. Defendants are informed promptly and in detail of the charges and 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. 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 825 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 1,001 cases during 2013. 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. In addition there were reports that suspects in terrorism-related cases did not have access to attorneys of their choosing. With the notable exceptions of sharia court proceedings in Aceh and some military trials, trials are public.

Political Prisoners and Detainees

Despite the release of several high profile political prisoners during the year, international NGOs estimated at least 69 political prisoners remained incarcerated, most from the restive Papua and West Papua provinces. Most were prosecuted under treason and conspiracy statutes for actions related to the display of banned separatist symbols, and many were serving lengthy sentences.

A number of independence activists from the Papua and Maluku regions, including Johan Teterissa, were in detention or prison for peacefully expressing their political views. Unlike in previous years, there were no reports of arrests made specifically for raising banned separatist flags, but peaceful protests and calls for independence resulted in arrest and trial on treason charges.

On April 25, Ambon police arrested Simon Saiya, the head executive of the South Maluku Republic (RMS) separatist movement, along with several of his followers during a peaceful demonstration. Saiya had been a fugitive since a 2007 incident when banned flags were displayed during a National Family Day event in Ambon. On the day of his arrest, Saiya and his followers marched in an annual independence demonstration in Batu Gantung carrying RMS flags, UN flags, and an Israeli flag

while distributing leaflets announcing the return of RMS leader Alexander Manuputty, who fled to the United States in 2003 after he was sentenced to three years in prison for treason. Police arrested Saiya and eight of his followers – four of them minors – on charges of treason. The nine were to be tried in Ambon Court, but as of August no trial date was set.

In December 2013 the Sorong District Court in Papua sentenced Isak Klaibin, the leader of a proindependence group, to 3.5 years in prison for treason and possession of a weapon. The court also sentenced six other group members to terms of 1.5 years for treason. The seven were arrested after a May 2013 secessionist flag raising and prayer service in Sorong that led to a confrontation with police in which two were killed and three injured. Political prisoner Victor Yeimo was paroled on August 5 after serving a little more than a year in prison for organizing an unauthorized demonstration to call for an investigation into the incident.

On July 21, authorities released political prisoners Forkorus Yaboisembut, Edison Waromi, Domonikus Sorabut, August Kraar, and Selpius Bobii from prison for time served. The five were sentenced to three-year prison terms for treason related to statements they made at a Papuan People's Congress gathering in 2011. Police violently broke up the event, resulting in at least three deaths and 90 injuries.

Local human rights activists reported that local activists and family members generally were able to visit political prisoners, although authorities held some prisoners on 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 Corruption Eradication Commission (KPK). The 2012 Social Conflict Management law grants the police special powers to restrict civil liberties and allows military intervention in order to manage conflicts that might cause social unrest. At the end of 2013, a coalition of NGOs filed a judicial review against the law in the Constitutional Court.

Security officials occasionally broke into homes and offices. Authorities occasionally conducted warrantless surveillance on individuals and their residences and monitored telephone calls. Some international and domestic NGOs warned a 2011 law authorizing the State Intelligence Agency to conduct surveillance and intercept communications 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. An eminent domain

law allows the government to appropriate land for the public good against the owner's wishes provided that the government gives p compensation.

Land access and ownership remained major sources of conflict during the year. Numerous competing laws and regulations allowed for multiple parties with equally legitimate claims to the same piece of land. During the year security forces sometimes evicted those involved in land disputes without due process, often siding with business claimants over poorer residents. The Agrarian Reform Consortium (KPA) recorded 369 agrarian conflicts during 2013. According to KPA, in 2012 such 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. The government used laws against advocacy of separatism to restrict the ability of individuals to advocate peacefully for independence.

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 proseparatist. After the peaceful separatist organization National Committee for West Papua (KNPB) called for a boycott of the 2014 elections, NGOs reported as many as 36 persons were arrested in the period before the presidential election for distributing proboycott materials or otherwise advocating for a boycott. Most were later released without charge. In August, 11 KNPB members were arrested in Asmat for attempting to establish a branch office of their organization.

Press Freedoms: 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 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. Advocates for press freedom alleged that an interministerial group reviewed requests by foreign journalists and that the TNI and intelligence services prevented international journalists' visits to the region.

On August 6, police arrested foreign journalists Thomas Dandois and Valentine Bourrat on immigration violations as they left a meeting in Wamena, Papua, with Lanny Jaya Customary Council leader Areki Wanimbo. The journalists, who were traveling on tourist visas while making a television documentary about the secessionist movement in Papua, were arrested as they returned to their hotel. On October 24, the two journalists were found guilty of immigration violations and sentenced to two and one-half months in prison. They were released October 28 on the basis of the time served while in custody awaiting trial. Areki Wanimbo was arrested for illegally aiding the

journalists as well as for having ties to the TPNPB faction that killed two police officers in Lanny Jaya.

Violence and Harassment: The Alliance of Independent Journalists reported that there were 43 cases of violence directed at journalists and media offices between May 2013 and April 2014.

On May 29, eight armed men attacked Kompas TV journalist Michael Aryawan and took his camera when he attempted to film the aftermath of an apparently religiously motivated attack on a Catholic prayer group in Yogyakarta. Police charged one person, Abdul Kholiq, in connection with the attack. A trial was scheduled to begin on August 18 but was postponed when a key witness, the owner of the home where the prayer group met, did not appear.

Censorship or Content Restrictions: The AGO has 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. Protests by hardline groups or conservative clerical councils typically prompted local authorities to take action under the law. In 2013 two men in Sukabumi, West Java Province, were sentenced to three years in prison for blasphemy after hardline groups demanded punishment because the two had “insulted religion” by providing deviant Islamic teachings to young people and offering rewards for converting. Individuals were also prosecuted under the Information and Electronic Transaction Law (ITE Law) for publishing content that was deemed insulting to religion.

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 RMS flag in Maluku, and the Free Aceh Movement (GAM) Crescent Moon flag in Aceh. Unlike in previous years, there were no reported new arrests related solely to the display of the RMS flag or the Morning Star flag in Papua, although people were arrested for participating in demonstrations that included the display of the banned flags. The GAM flag remained a source of controversy since Aceh’s legislature passed a regulation making it the province’s official flag in 2013. The central government declared repeatedly that it does not accept the provincial flag and that raising the GAM flag is still prohibited.

Internet Freedom

The government restricted access to the internet and prosecuted individuals for free expression under the ITE 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, a fine of rupiah (IDR) one billion (\$87,500), or both. According to the Institute for Policy Research and Advocacy, between January and June, 19 individuals were arrested or indicted for violating provisions of the ITE Law. According to the Ministry of Communications and Information Technology, there were 82 million internet users, the eighth largest population of internet users in the world.

In September a law student was arrested for online defamation for posting comments online insulting the city of Yogyakarta. He was later released. NGOs also reported that during the year

individuals faced libel charges under the ITE law after posting allegations of official corruption online.

Early in October police arrested a man in Palu, Central Sulawesi Province, for an online posting about the Eid Al-Adha holiday, charging him with “defamation of religion” under the ITE Law.

In late October police arrested a street vendor in East Jakarta for posting photographs altered to include the faces of President Jokowi and political party leader Megawati Sukarnoputri on the internet. Police stated he would face charges of spreading pornographic materials and defamation and could face up to 12 years in prison. Police released the suspect on bail after Jokowi publicly forgave him, but as of November the charges were still pending.

On May 12, Abraham Sujoko was sentenced to two years in prison by a West Nusa Tenggara court for posting a video on YouTube that was deemed insulting to Islam. In the video, shot with his mobile phone, Sujoko called the Kaaba in Mecca a “stone idol.” Sujoko was arrested in December 2013 after his neighbors reported him to local police. He was convicted under an article of the ITE Law forbidding the knowing distribution of electronic material with insulting or defamatory content.

Alexander Aan was released on January 31 after serving a 30-month prison sentence for posting statements and material that a local council of Muslim clerics deemed atheistic and blasphemous. Aan was convicted in 2012 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) block access to pornographic websites and other content deemed offensive. The ministry did not have the technology or capacity to block the websites in question itself. 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 May 12, the government ordered ISPs to ban the video sharing site Vimeo for hosting content deemed pornographic. Access a website maintained by a lesbian, gay, bisexual, and transgender (LGBT) advocacy group in Jakarta, was blocked by some ISPs as requested by the Ministry of Information.

Academic Freedom and Cultural Events

The government continued to restrict select cultural events and bowed to pressure from hardline groups to prevent sensitive cultural events from happening. Generally the government did not restrict academic freedom.

Surabaya police refused to issue a permit for a February 7 talk by Dutch author Harry A. Poeze about his book on Tan Malaka, an Indonesian communist leader executed in 1949. The refusal came after the Islamic Defenders Front (FPI) demonstrated outside the venue and an FPI leader urged police to ban the event.

Critics feared the definition of pornography in the 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.

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. The law requires demonstrators to provide police with a written notification three days before any planned demonstration and for police to issue a receipt for the written notification. This receipt acts as a de facto license for the demonstration. Police in Papua routinely refused to issue receipts of notification to would-be demonstrators on the grounds the demonstrations would likely involve calls for independence, an act that is prohibited under the same law.

On March 28, a group of students from University of Cenderawasih, Jayapura, Papua, notified police that they planned to hold a protest on April 2 demanding the release of political prisoners and access for foreign journalists and monitors. Police told the students the receipt would be issued before the protest but never produced a receipt. The protest went ahead on the morning of April 2, leading to a confrontation in which police arrested protest leaders Alfaris Kapisa and Yali Wenda. Kapisa and Wenda claimed police beat them during their arrest and during transport to the police station. Police allowed a doctor to treat the two activists in detention but reportedly denied them access to legal representation during questioning. Police released Kapisa and Wenda without charge on April 3.

In previous years LGBT advocacy groups also reported that police refused to issue receipts when demonstrators notified them of a planned demonstration.

During the year police arrested participants in peaceful demonstrations that included the display of illegal separatist symbols.

Freedom of Association

The constitution and laws provide for freedom of association, which the government generally respected. In 2013 the DPR passed the Law on Societal Organizations, which replaced a 1985 law. The law provides a two-tiered registration requirement for all nonprofit organizations and requires that organizations uphold religious values and the national ideology of “Pancasila.” It also requires central and regional government permits for international/foreign organizations and prohibits them from disrupting the unity of the country. Critics of the law fear it could be used to harass or disband NGOs critical of the government or well-connected individuals or institutions. The critics noted the law imposes a variety of vague obligations and prohibitions on NGO activities and limitations on the creation of foreign-funded organizations. In October 2013 Muhammadiyah, the second largest

Islamic association, filed a judicial review with the Constitutional Court against 25 of the law's 90 articles. In December 2013 the NGO Coalition for Freedom of Association also registered a petition at the court challenging 11 of the law's articles. As of August the Constitutional Court had not ruled on these two challenges.

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 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* at www.state.gov/religiousfreedomreport/.

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, but the constitution allows the government to prevent persons from entering or leaving the country. The law 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: 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)

A lack of systematic monitoring of return and resettlement conditions as well as difficulties in defining who was still an IDP made it difficult to reliably estimate the number of IDPs. The international NGO Internal Displacement Monitoring Center in a 2012 report estimated there were at least 90,000 people "displaced by violence and conflict." Two hundred Shia residents from Madura remained housed on the outskirts of Surabaya after communal violence forced them from

their homes in 2012. Despite numerous reconciliation attempts and a high-profile visit by the minister of religious affairs in August, hardliners still refused to allow them to return to their homes.

The law stipulates 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 country is not party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, and it does not have a refugee or asylum status determination system. The UNHCR processes all claims for refugee status in the country. The government does not accept refugees for resettlement or facilitate local integration or naturalization. The government’s role was generally limited to providing departure clearance for resettlement or return. Authorities refer migrants seeking to return to their country of origin to the International Organization for Migration (IOM) for access to IOM’s Assisted Voluntary Return Program. Estimates of the number of refugees and asylum seekers in the country varied. As of September there were 5,450 asylum seekers and 4,131 refugees registered with the UNHCR. Some were applicants and others were dependents. Most refugees or asylum seekers were from Afghanistan, Somalia, Burma, and Iran. Approximately 2,360 of them 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 IOM.

Employment: The government prohibited refugees from working, although the government does not strictly enforce this prohibition.

Access to Basic Services: Conditions in the immigration detention centers were often overcrowded, and there were occasional incidents of violence. The government prohibited refugees from accessing public elementary education and public health services, but the government did not strictly enforce these prohibitions. Some detainees had access to government HIV programs, including voluntary counseling and testing. The law allows pregnant women, sick persons, and minors to be accommodated in community housing facilities. Some of these facilities provided basic humanitarian services, counseling, and nonformal education activities. Individuals who were the victims of crime had access to national justice mechanisms.

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

The law provides citizens the ability to change their government through free and fair elections, and citizens exercised this right through 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 560 DPR members and 132 members of the House of Regional Representatives (DPD).

Recent Elections: In July voters elected Joko Widodo (commonly known as Jokowi), the governor of Jakarta, as president, replacing two-term president Susilo Bambang Yudhoyono. Jokowi defeated retired general Prabowo Subianto in elections deemed free and fair by most observers. Both parties complained of irregularities, but credible problems were isolated and judged not to have affected the outcome. President Jokowi took office on October 20. In April voters also elected a new DPR in national legislative elections. Twelve national parties contested in the legislative elections, and 10 parties eventually won seats. Some irregularities occurred, requiring reruns at 590 polling stations (out of 478,883) in 23 provinces. There were no significant reports of violence surrounding either the legislative or presidential elections.

Political Parties and Political Participation: In 2012 the DPR increased the vote threshold for parties to qualify for a seat in the legislature to 3.5 percent. Ten parties met this threshold in the 2014 elections. The top four vote-getters were nationalist parties, followed by four Islamic-oriented parties. President Jokowi's Indonesian Democratic Party of Struggle won the most seats, followed by the Party of Functional Groups (Golkar), and Prabowo Subianto's Great Indonesia Movement (Gerindra) party.

All adult citizens, age 17 or older, are eligible to vote except police and active members of the military, 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 are allowed to vote.

On September 26, the DPR passed legislation abolishing direct elections for local officials. The legislation allows local elected assemblies to appoint local officials instead, a system that was used until 2005. Outgoing President Yudhoyono issued a presidential decree that temporarily blocked implementation of the new legislation, and the new legislature was to take up the issue again within three months. Polls showed direct elections had broad public support.

In Papua the separatist group KNPB called for a boycott of the 2014 elections, and some political prisoners chose not to cast their votes. According to observers the boycott was not effective and did not affect the election results. NGOs reported that as many as 36 persons were arrested for activities advocating for a boycott.

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 compose 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 requirement for parties to nominate women for at least 30 percent of the candidate slots on their party lists. In 2013 the General Elections Commission (KPU) enforced the rule, and all major parties abided by it. The number of women in parliament fell after the 2014 elections, however, from 18 to 17 percent of DPR seats and from 27 to 13 percent of DPD seats. In addition, the Law Governing the MPR, DPR, DPD and DPRD (MD3 Law), passed in July, stripped a provision from a previous law that gave special consideration to the representation of women in DPR leadership positions.

At the provincial level, the only female governor, Ratu Atut Chosiyah of Banten Province, was convicted of corruption in September. There were no female vice governors. As of March women held 7.6 percent of all mayor and regent positions.

Members of the FPI held frequent demonstrations in front of the Jakarta Governor's Office and the City Council to protest the ascension to the governorship of Basuki Tjahaja Purnama, an ethnic Chinese Christian, who replaced President-elect Jokowi. After demonstrations turned violent in October, police arrested FPI members, including two senior leaders accused of organizing the protests.

A requirement that all candidates must demonstrate their ability to read the Quran in Arabic effectively blocked non-Muslims from political office in some parts of the country.

There were no official statistics on the ethnic backgrounds of legislators in the DPR. President Jokowi's cabinet reflected the ethnic and religious diversity of the country and included more women than any previous cabinet (eight of 34 cabinet appointees).

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-ranking officials, there was a widespread domestic and international perception that corruption remained endemic. The KPK and the AGO under the deputy attorney general for special crimes have jurisdiction over the investigation and prosecution of corruption cases.

The KPK does not have the authority to investigate the military. Observers claimed the MD3 Law, passed in July, could shield DPR members from investigation requiring written consent from the body's Honorary Council (Mahkamah Kehormatan Dewan) in order for a DPR member to be summoned or investigated. Observers complained the law could be used to shield DPR members from corruption investigations.

Corruption: The government has established anticorruption courts in all 34 provinces. During 2013 the KPK conducted 76 inquiries, 102 investigations, and 66 prosecutions. As a result of investigations and prosecutions in 2013, it recovered approximately IDR 1.2 trillion (\$105 million) in state assets. In addition, according to the KPK's annual report, it prevented the loss of more than IDR 168 trillion (\$14.7 billion) in state assets.

The KPK continued to investigate and prosecute officials suspected of corruption at all levels of the government. Several high-profile corruption cases involved large-scale government procurement or construction programs and implicated ministers, governors, mayors, judges, the police, and civil servants. The KPK had a 100 percent conviction rate since its establishment in 2003.

On May 26, Minister of Religious Affairs Suryadharma Ali resigned from the cabinet after being charged by the KPK with mismanagement of the IDR one trillion (\$87.5 million) Hajj fund. The Hajj fund is a mixture of public money and private money deposits from citizens on the Hajj

waitlist. The KPK began investigations after a report highlighted IDR 230 billion (\$20.1 million) in suspicious transactions between 2004 and 2012. Ali was also accused of using scarce Hajj spots for himself, family, and associates, and for paying for personal Hajj trips with government money.

On June 30, former Constitutional Court chief justice Akil Mochtar was found guilty of election fraud, corruption, and money laundering and was sentenced to life in prison, the longest sentence ever handed down by the Anticorruption Court. The KPK charged Mochtar in 2013. Following his conviction the case broadened to include a number of politicians and business people suspected of bribing Mochtar, including Palembang mayor Romi Hertono and Banten governor Ratu Atut Chosiyah, who was sentenced to four years in prison in September.

The KPK arrested several judges throughout the year, and corruption watchdog groups said corruption remained rampant throughout the legal system. In 2012 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, and that in some cases prosecutors demanded payments from defendants in order to ensure a less zealous prosecution.

Between January and March, the National Ombudsman Commission received 2,071 general complaints against government officials. Citizens lodged the majority of their complaints against regional governments and police.

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 July 26, the KPK raided the terminal at Jakarta's Soekarno-Hatta International Airport that is responsible for facilitating the departures and arrivals of Indonesian international migrant workers, and detained 18 people, including police and military personnel, for extorting money from migrant workers and foreigners at the facility.

On June 24, a military police officer burned a parking attendant to death at the National Monument (Monas) after he refused to pay a bribe. Witnesses said Tengku Yusri got into an argument with TNI officer Pratu Heri Ardiansyah when Yusri failed to make an IDR 50,000 (\$4.40) payoff. Ardiansyah then sprayed Yusri with gasoline and lit him afire. Yusri suffered burns over 40 percent of his body and died from his injuries July 14. Authorities arrested Ardiansyah and intended that he be tried in military court, but observers claimed TNI members continued to extort money from street vendors and parking attendants at Monas.

Financial Disclosure: 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. Not all assets were verified due to human resource limitations within the KPK.

Public Access to Information: The Freedom of Information Act 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 investigations and other 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 a 2012 study by the Alliance of Independent Journalists, 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. Some government officials, however, particularly in Papua and West Papua, 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.

The United Nations or Other International Bodies: The government permitted visits by some UN officials in connection with monitoring the human rights situation but delayed the visits of others through bureaucratic maneuvering. The security forces and intelligence agencies tended to regard with suspicion foreign human rights organizations, particularly those operating in Papua and West Papua, and restricted their movement in these areas.

In 2009 the government cancelled the ICRC presence agreement and suspended ICRC prison visits. While ICRC is now allowed to visit prisons to monitor conditions and prisoner treatment, the government still prevents ICRC from conducting confidential meetings with prisoners. The government now allows 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 Office of 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 2012 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. 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; 10 later reappeared, accusing the military of kidnapping and torture. One body was found, and 13 activists remained missing. Despite this authorization, as of August the government had not established this tribunal, and the AGO returned the case to Komnas HAM for further investigation, citing insufficient evidence to bring charges.

Although the 2006 Law on the Government of Aceh mandates the establishment of a human rights court in Aceh, by year's end such a court had not been established, ostensibly due to complications stemming from other national-level legislation. In August the government cancelled a preliminary agreement to establish a Truth and Reconciliation commission for Aceh.

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. 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; nevertheless, domestic violence was a problem. Violence against women remained poorly documented and significantly underreported by the government. During 2013 the National Commission on Violence Against Women recorded 279,760 reports of violence against women. Domestic violence was the most common form of violence against women. Social pressure deterred many women from reporting domestic violence, and for that reason most NGOs working on women's issues believed the real figure was far higher than the available official statistics.

Two types of crisis centers were available for abused women: government-run centers in hospitals and NGO centers in the community. Nationwide police operated “special crisis rooms” or “women’s desks” where female officers received 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. In February the Ministry of Health revoked a 2010 decree establishing guidelines for the safe practice of FGM/C. The 2010 decree came after a 2009 ruling by the Indonesian Ulama Council that forbade institutions from banning FGM/C outright. The revocation calls for the regulation of FGM/C to be transferred to a health advisory body that includes religious leaders.

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 basic right of couples and individuals to decide the number, spacing, and timing of their children and the information and means to do so, and the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Nonetheless, according to a study published by an international NGO in 2012, 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 encouraged the use of family planning by subsidizing and providing access to contraception throughout the country, the cost of contraception and poor medical infrastructure often limited availability. An international NGO’s 2010 report indicated unmarried women in particular were not provided adequate access to contraceptives, and this continued to be a problem. According to a 2013 survey by the Ministry of Health, 59.3 percent of married women used modern contraceptives and 0.4 percent used traditional contraceptives. A 2010 study also found that 96 percent of women received medical prenatal care. According to the 2012 Demographic and Health Survey (DHS), the official maternal mortality ratio was 359 per 100,000 live births, up from 228 in the 2007 DHS. A National Population and Family Planning Board representative cited the government’s failure to reduce the fertility rate as the cause of the rise in maternal deaths.

The primary causes of maternal mortality were postpartum hemorrhage, pre-eclampsia, and sepsis. According to the Ministry of Health, as many as 69 percent of all births were delivered by midwives. The ministry noted the quality of midwives in the country was low because of poor training standards and insufficient monitoring of educational institutions, likely because oversight for midwifing programs was transferred from the Ministry of Health to the Ministry of Education and Culture. The uneven deployment of midwives at the community level and high use of traditional birth attendants were also contributing factors to maternal mortality. 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. A woman’s economic status, level of education, and age at first marriage also affected maternal mortality.

In July then president Yudhoyono signed an implementing regulation for a 2009 law allowing legal abortion in the event of rape or when the life of the mother is threatened. Under the regulation women must apply for an abortion within 40 days of their last menstruation, a timeframe many observers labelled as too short. Critics also condemned a stipulation requiring spousal approval for an abortion.

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 appeared to be less intrusive due to improved government oversight of the Sharia Police.

On May 1, a woman in Aceh Province was reportedly gang-raped by nine men who claimed they were enforcing sharia adultery laws. The perpetrators reportedly broke in on a woman and a married man together in her house, tied up and beat the man, gang-raped the woman, and then took both victims to a Sharia Police office. Most of the suspects were arrested, and officials stated they would be tried for rape in a criminal court. Sharia officials also claimed they would pursue a punishment of caning for the victims for violating sharia law forbidding adultery, although any case was postponed until after the criminal court case. Separately, police declared three women arrested for prostitution in Banda Aceh in August could also face a caning sentence.

Local governments and groups in areas outside Aceh also undertook campaigns to promote conformity by women with their interpretation 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. According to the National Commission on Violence against Women, there were 334 local laws that were unconstitutional and discriminatory towards women, many of which were related to modesty and compulsory veiling.

Women faced discrimination in the workplace, both in hiring and in gaining fair compensation; however, there continued to be progress in that area, especially in public sector jobs (see section 7.d.). According to the 2013 World Economic Forum Gender Gap Index, women made 30 percent less than men did for similar work, and approximately 56 percent less overall. Women made up nearly 40 percent of the labor force and 48 percent of professional and technical workers, yet were only 27 percent of legislators, senior officials, and managers. According to the government, women constituted 48 percent of all civil servants as of January 2013 and more than 28 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 temporary workers

instead of as full-time permanent employees, and companies were not required to provide benefits, such as maternity leave, to temporary workers. By law, if both members of a couple worked for a government agency, the husband received the couple's head-of-household allowance.

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 workday, 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. 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 2012 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 provides for the inclusion of DNA evidence in determining paternity and confers inheritance rights to the father's property for children born outside of registered marriages.

Education: Although the law provides for free education, 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, the government did not universally enforce these requirements. In 2013 enrollment in primary and secondary education was virtually the same for both girls and boys, but according to NGOs, boys continued to be more likely to finish school, particularly in rural areas.

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. Between January and April, the Indonesian Child Protection Commission received 622 reports of child abuse, 426 of which related to sexual abuse.

According to a 2012 report by the Ministry of Women's Empowerment, approximately 3.4 million children ages 10-17 were working because of poverty.

Early and Forced 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 that 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. A

2012 UN Population Fund report cited an overall decline in the rate of child marriage but noted that 22 percent of women were married before they were 18.

Female Genital Mutilation/Cutting (FGM/C): 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 prohibiting more drastic types of FGM but explicitly permitting doctors, midwives, and licensed nurses to conduct type IV FGM (a symbolic pricking or piercing of the clitoris or labia) was revoked in February, leaving future regulation of the practice in doubt.

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 it prohibits same-sex acts between adults and minors. The Pornography Law prohibits child pornography and establishes a maximum sentence of 12 years and fine of IDR six billion (\$525,000) for producing or trading in child pornography. Nationally the UN Children's Fund 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.

Displaced Children: According to government reports, during the year there were at least 6,631 street children in Jakarta and as many as 420,000 nationwide. 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 country-specific information see the Department of State's report at travel.state.gov/content/childabduction/english/country/indonesia.html.

Anti-Semitism

The Jewish population was extremely small. There were widespread protests during the Israel-Gaza conflict in July and August that occasionally featured anti-Semitic rhetoric. Most protests, however, were small, peaceful, and focused on raising money for humanitarian relief.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <http://www.state.gov/j/tip/rls/tiprpt/>.

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 always enforce this provision. 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 restricted the rights of persons

to vote or participate in civil affairs by not enforcing accessibility laws. In 2013 the KPU signed a memorandum of agreement with several NGOs to cooperate to increase the participation of persons with disabilities in the 2014 national elections. As a result, 3.6 million voters with disabilities were eligible to vote in the 2014 elections. Although no official data was available, according to NGOs participation by voters with disabilities increased.

The law provides children with disabilities with the right to an education and rehabilitative treatment. 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. Officials sent children with disabilities to separate schools, and mainstream education for them was extremely rare. The country's universities did not offer a degree in special education. Critics said the government should revise state university admission standards that excluded persons with disabilities from certain majors.

National/Racial/Ethnic Minorities

The government officially promotes racial and ethnic tolerance.

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. Indigenous persons, most notably in Papua, remained subject to 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. Melanesians in Papua cited endemic racism and discrimination as drivers of violence and economic inequality in the region.

In 2013 the Constitutional Court ruled in favor of an alliance of indigenous peoples that filed a suit challenging parts of a 1999 law on forestry. The ruling negated default state ownership of forests that fall within areas of custom-based or indigenous communities. Nevertheless, 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. In May land rights activist Eva Bande was sentenced to four years in prison for her role in violent protest by farmers at a palm oil plantation owned by PT KLS. NGOs claimed she had tried to calm the protesting farmers and was being held because of her advocacy work. Six TNI personnel were implicated in the March abduction and alleged torture of Titus Simanjuntak and the killing of a

farmer in an incident related to a longstanding land conflict between a local indigenous group and conglomerate PT Asiatic Persada.

The government program of transferring migrants from the crowded islands of Java and Madura diminished greatly in recent years. Communal conflicts often occurred along ethnic lines in areas with sizeable transmigrant populations.

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

The Pornography Law criminalizes the production of media depicting consensual same-sex sexual activity and classifies such activity as deviant; fines range from IDR 250 million to seven billion (\$21,800-\$612,500) and sentences from six months to 15 years with increased penalties of one-third for crimes involving minors. 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. 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, local authorities sometimes abused transgender individuals and forced them to pay bribes following detention by local authorities. In some cases the government failed to protect LGBT individuals from societal abuse. Police corruption, bias, and violence caused LGBT individuals to avoid interaction with police. Police generally did not investigate cases that involved police intervention during assaults by hardline groups against LGBT gatherings. Officials usually ignored formal complaints by victims and affected persons. In criminal cases with LGBT victims, police investigated the cases reasonably well, as long as the suspect was not affiliated with the police. When investigating allegations of abuse by police, however, investigators were unresponsive--even in the face of pressure from Komnas HAM.

Sharia Police in Aceh reportedly harassed transgender individuals. In September the Aceh parliament passed a bill imposing a penalty of 100 strokes of the cane for homosexual acts. As of October the governor of Aceh had not signed the law into effect, and some NGOs were urging the central government to reject the law. NGOs reported that religious groups, family members, and the public sometimes ostracized LGBT individuals. A 2013 NGO survey found that 89 percent of LGBT respondents from Jakarta, Yogyakarta, and Makassar reported experiencing some form of discrimination or violence. During 2013 the National Commission on Violence against Women recorded 49 cases of violence against lesbian, bisexual, and transgender individuals, involving 53 victims.

The antidiscrimination law does not apply to LGBT individuals, and the government took almost no action to prevent discrimination against LGBT persons.

LGBT organizations and NGOs operated openly and frequently held low-key events in public places, although often without proper licenses.

In cases of domestic violence affecting LGBT persons, especially young lesbians with disapproving parents, advocates reported that police usually sided with the parents in blaming the minor for deviant behavior or blaming her girlfriend for "corrupting" her. Families often put LGBT minors

into therapy, confined them to their homes, or pressured them to marry. Bullying of children perceived to be LGBT was common.

In August, DPD Member Fahira Idris publicly called for publishers to pull a sex-education comic book called *Why Puberty* because it allegedly contained pro-LGBT propaganda and was against the tenets of religion and the state ideology of Pancasila.

NGOs documented instances of government officials not issuing identity cards to transgender individuals. A 2013 revision to the Civil Administration Law allows transgender individuals officially to change their gender only after the completion of sexual reassignment surgery. Some observers say the process was cumbersome and degrading because it requires a court order declaring that the surgery is complete and was permitted only under certain undefined special circumstances. Transgender individuals faced discrimination in employment and in obtaining public services and health care.

HIV and AIDS Social Stigma

Stigma and discrimination against persons with HIV/AIDS were pervasive. The government, however, 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 diagnostic, medical, or other fees and expenses that put the cost beyond the reach of many. NGOs reported that some companies mandated HIV tests for prospective employees and that employers fired employees when they learned their HIV status. In one case a male-to-female transgender person from Cibubur, West Java, was fired shortly after her doctor informed her employer she was HIV positive.

Other Societal Violence or Discrimination

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

Ethnic and religious tensions sometimes contributed to localized violence. On August 4, Special Police units deployed to halt violence between the Muslim villages of Iha and Luhu in West Seram, Maluku Province, after clashes left nine persons dead, 42 injured, and several buildings burned. By the next day, the conflict had abated. The villages have been feuding for more than 30 years, and the latest incident was said to be triggered by the killing of an Iha man.

There were also occasions where tensions between local residents and migrant workers led to violence. On August 11, clashes broke out in Timika, Papua, between Dani tribal groups and migrants from Java and South Sulawesi. After Dani tribal leader Korea Waker was found decapitated, the tribal groups retaliated by killing six migrants and burning several homes. As of October police arrested and were holding two persons in connection with Waker's killing.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, with some restrictions, provides for the rights of workers to join independent unions, conduct legal strikes, and bargain collectively. The law prohibits antiunion discrimination.

Workers in the private sector have broad rights of association, but the law places restrictions on organizing among public sector workers. 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. 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 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. The International Labor Organization (ILO) noted its concern that the sanction of dissolving a union was disproportionate, and it called on the government to repeal the provisions of the law allowing for the sanction.

The law 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.

The right to strike is restricted under the law. By law 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, and reasons for the strike, and it must include signatures of the chairperson and secretary of the striking union. Most civil servants or workers in SOEs are prohibited from striking. 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. Regulations do 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 government did not always effectively enforce laws protecting freedom of association or prevent antiunion discrimination. Penalties for criminal violations were a prison sentence of at least one year and fines of 100 million to 500 million rupiah (\$8,315 to \$41,575), and were generally sufficient to deter violations. Local offices of the Manpower Ministry were responsible for enforcement. Enforcement of CLAs varied based on the capacity and interest of individual regional governments.

Antiunion discrimination cases moved excessively slowly through the court system. 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. Some provisions in criminal law have been used to prosecute trade unionists for striking, such as a crime of "unpleasant acts," which creates criminal liability for a broad range of conduct. The ILO requested that the government repeal or amend these provisions, which they noted could be used as a pretext for arbitrary arrest of union members and leaders. Labor courts at times 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.

Workers in the private sector formed and joined unions of their choice without previous authorization or excessive requirements. Nevertheless, freedom of association was undermined by several common practices. Employers commonly reassigned labor leaders to disrupt their union building activities. Antiunion intimidation most often took the form of termination, transfer, or unjustified criminal charges. Companies often sued union leaders for losses suffered in strikes. Labor activists continued to claim that companies orchestrated the formation of multiple unions, including "yellow" unions, to weaken legitimate unions.

Employer retribution against union organizers, including dismissals and violence, continued. Employers commonly used intimidation tactics against strikers, including administrative dismissal of employees. There were credible reports of police investigating or interrogating union organizers. Some employers threatened employees who made contact with union organizers. Management singled out strike leaders for layoffs when companies downsized. There were several reports that employers violated the terms of CLAs by laying off employees unilaterally.

Many 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. Employers also used the cumbersome process required for a legal strike to obstruct unions' moves to legally strike. Employers also 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 sentenced to serve prison time for destruction of property and interference with profits as a result of complaints brought by employers. Observers noted that the number of legal strikes increased during the year, however, continuing an upward trend, which they attributed to better union organization.

In some cases companies declared bankruptcy 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.

The increasing trend of using contract labor directly affected unions' right to organize and bargain collectively. Under the law, impermanent labor is to be used only for work that is "temporary in nature," while a business may "outsource" (hand over part of its work to another enterprise) only when such work is an auxiliary activity of the business. Government regulations limit employers' ability to outsource jobs to five categories of workers (cleaning services, security, transportation, catering, and work relating to support mining). Nevertheless, many employers violated these provisions, sometimes with the assistance of local offices of the Manpower Ministry.

Union activists continued to express concern that the legal restrictions on societal organizations potentially could be used to restrict freedom of association.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, prescribing penalties of three to 15 years of imprisonment and a fine of IDR 120 million to 600 million (\$10,500 to \$52,500). The government had difficulty effectively enforcing this prohibition. The government instituted a moratorium on sending domestic workers to certain countries where its citizens had been trafficked for forced labor in the past, increased restrictions on labor brokers suspected of trafficking people into forced labor or debt bondage situations, and launched investigations into cases of forced labor.

There were credible reports that forced labor occurred, including forced and compulsory labor by children (see section 7.c.). Forced labor occurred in domestic servitude, and in the mining, fishing, and agricultural sectors.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law and regulations prohibit child labor, defined as all working children ages five to 12, regardless of the hours worked; working children ages 13-14 who worked more than 15 hours per week; and working children ages 15-17 who worked more than 40 hours per week. Penalties for a violation of these provision range from one to four years of imprisonment and/or a fine of IDR 100 million to 400 million (\$8,750 to \$35,000). Child labor also encompasses any person under the age of 16 engaged in any of the following 13 kinds of hazardous 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. A violation of the prohibition against employing children in the worst forms of child labor is punishable by two to five years of imprisonment and a fine of IDR 200 million to 500 million (\$17,500 to \$43,750).

The government had difficulty effectively enforcing the law. The government continued to make efforts at the local level to adopt and implement new regulations and policies combatting child labor, as well as expand access to social protection programs.

During the year the Commission for the Protection of Children estimated there were as many as 6.5 million child workers, 2.1 million of whom worked in the worst forms of child labor, including in

commercial sexual exploitation (see section 6, children) and hazardous industries. Child labor commonly occurred in domestic service, rural agriculture, mining, light industry, manufacturing, and fishing. Forced child labor occurred in domestic service, rural agriculture, mining, and fishing.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination in employment based on gender, race, ethnicity, religion, and political orientation. The law states that persons are entitled to "employment befitting for human beings according to their disabilities, their education and their abilities." In most cases the government did not effectively enforce these protections. There are no laws prohibiting discrimination based on sexual orientation or gender identity, HIV-positive status, or other communicable diseases.

In August the Ministry of Manpower, the Women's Empowerment and Protection Agency, the Home Affairs Ministry, and the National Development Planning Board signed a memorandum of understanding to strengthen their partnership in reducing gender inequality, which included the establishment of Equal Employee Opportunity (EEO) Task Forces at the provincial, district, and municipal levels. The national EEO Task Force was reaffirmed in a 2013 Ministry of Manpower decree after being largely dormant since 2006.

Women and people with disabilities commonly faced discrimination in employment, including often only being offered lower-status jobs. NGOs and media reported during the year on the practice of "virginity testing" for female police force recruits, but it is unclear how widespread the practice is. Migrant workers were often subject to police extortion and societal discrimination. There were multiple reports of people being fired with impunity for being HIV positive (see section 6).

e. Acceptable Conditions of Work

Minimum wages vary throughout the country as provincial governors set a minimum wage floor and district heads have the authority to set a higher rate. Localities adjust the minimum wage annually based on the recommendation of a local wage council, which comprises representatives of the government, employers' associations, and labor unions. The predominant factor in setting the minimum wage was the government's estimate of a "decent living wage," which is determined by the cost of a basket of 60 items. During the year the lowest minimum wage was in the province of Central Java at IDR 910,000 (\$79.60) per month, and the highest was in Jakarta at IDR 2.4 million (\$210) per month. Government regulations allow employers in certain sectors, including small and medium enterprises and labor-intensive industries such as textiles, an exemption from minimum wage requirements.

The law establishes a 40-hour workweek, with one 30-minute rest period for every four hours of work. The law also requires at least one day of rest weekly. Companies often required a five-and-a-half or six-day workweek. The law prohibits excessive or compulsory overtime. 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.

The law requires employers to provide a safe and healthy workplace and to treat workers with dignity. The law provides workers can remove themselves from situations that endangered health or safety without jeopardy to their employment.

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. Penalties for violations of these laws include criminal sanctions, fines, and up to four years in prison (for violation of minimum wage laws) and were generally sufficient to deter violations. Government enforcement remained inadequate, particularly at smaller companies, and supervision of labor standards continued to be weak. Enforcement of health and safety standards in smaller companies and in the informal sector tended to be weak or nonexistent. There were approximately 2,400 inspectors. There was no enforcement of the minimum wage in the informal sector.

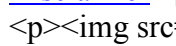
Labor regulations, including minimum wage regulations, only applied to the estimated 30 percent of workers in the formal sector. Workers in the informal sector were not afforded the same protections or benefits.

Although 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. During the year, however, the government began implementation of a 2011 law that reformed the social security system. The law created a single state entity (BPJS Kesehatan) to administer universal health coverage and another body (BPJS Ketenagakerjaan) to manage work accident insurance, life insurance, old-age benefits, and pensions. BPJS Kesehatan began to be introduced at the start of the year but faced numerous problems, including insufficient funding, low enrollments, and a shortage of health-care workers. BPJS Ketenagakerjaan was to be implemented in 2015. 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 country's worker safety record was poor. The Social Security Agency reported there were 8,900 workplace accidents between January and April, and the Ministry of Manpower reported that there were approximately nine workplace deaths per day. The construction sector was an estimated 4 percent of the overall economy but accounted for 40 percent of workplace accidents.

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