

# INDONESIA 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Indonesia is a multiparty 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. Civilian authorities generally maintained effective control over security forces.

Despite high-profile arrests and convictions, widespread corruption remained a problem, and some elements within the government, judiciary, and security forces obstructed corruption investigations and persecuted their accusers. The government failed to conduct transparent, public investigations into some allegations of unjustified killings, torture, and abuse by security forces. Elements within the government applied treason, blasphemy, defamation, and decency laws to limit freedom of expression and assembly.

Police inaction, abuse of prisoners and detainees, harsh prison conditions, insufficient protections for religious and social minorities, 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 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 that both military (TNI) and police personnel committed unjustified killings. Multiple reports from nongovernmental organizations (NGOs) and the media accused police and military personnel of using excessive force resulting in death during arrests, investigations, crowd control situations, and other operations. In these cases and other cases of alleged misconduct, the police and the military frequently did not disclose the findings of internal investigations to the public, or even confirm whether such

investigations had taken place. Official statements related to these allegations sometimes contradicted witness accounts, making confirmation of the facts difficult. NGOs and the media reported that police tortured suspects during detention and interrogation, including torture that resulted in death (see section 1.c.).

Occasional violence continued to affect the provinces of Papua and West Papua.

On August 28, a confrontation between local residents and TNI soldiers from Battalion 754, Cendrawasih District Command XVII in Timika, Papua Province, resulted in the shooting deaths of two Papuan youths by soldiers. The TNI subsequently detained the soldiers, and the National Human Rights Commission (Komnas HAM) announced that it would investigate the incident. On November 10, a Mimika Regency Military District tribunal found both soldiers guilty of torture and murder and sentenced the senior officer to 11 years in prison and the junior officer to five years in prison. Both were also formally discharged from the military.

On December 8, 2014, a crowd of local residents marched on the Police Station and Military Command Center in Paniai Regency, Papua Province, after a confrontation the night before in which off-duty military personnel allegedly assaulted several teenagers, and locals burned a vehicle in retaliation. Unknown parties fired on the protesting crowd, killing four or more civilians and injuring 22 others. Conflicting accounts suggested that either the police or the military or both were responsible for the shooting. The Jokowi administration promised to conduct a thorough investigation into the incident, but as of November no credible public investigation had taken place.

The lack of transparent investigations continued to hamper accountability in a number of past cases involving security forces. These included the 2013 killings of two members of a pro-independence 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. Human rights groups continued to allege that senior members of the State Intelligence Agency were involved in the 2004 murder of human rights activist Munir Said Thalib, but the investigation into these allegations remained inactive.

Papuan militants, allegedly affiliated with the separatist Free Papua Movement (OPM), carried out several deadly attacks on security forces.

In December 2014 unknown attackers shot and killed two Police Mobile Brigade officers in Ilaga, Puncak Regency, Papua, as they set up chairs in preparation for a Paniai GKI (Protestant) church Christmas event. The attackers killed the two officers, stole their AK-47s, and fled into the forest (see section 1.c.).

There were reports of killings by agents of private companies, sometimes with the complicity of government forces. For instance, NGOs and the media reported that on February 27, a security guard “Rapid Reaction Unit” (URC) working for Asia Pulp and Paper (APP) abducted and killed Indra Pelani, a local farmer and land rights activist in Jambi Province. After a confrontation with security guards at a company-run checkpoint, Pelani was found beaten to death, with his hands tied, mouth gagged, large bruises on his body, and a puncture wound on his neck. NGOs claimed that the URC killed Pelani because of his work investigating the intimidation of local farmers involved in a land dispute with APP contractors. As of August the Jambi police had arrested seven members of the URC, and police internal affairs was investigating a former police officer involved in the case.

### **b. Disappearance**

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

In 2009 the House of Representatives (DPR) approved the formation of an ad hoc court to pursue investigations of the 1998 abductions of prodemocracy activists for possible prosecutions. Komnas HAM repeatedly submitted reports and evidence for use in court proceedings, but the Attorney General’s Office (AGO) returned the case to Komnas HAM citing a provision in the law allowing the AGO to return “incomplete cases.” A coalition of NGOs filed for a judicial review of the law, alleging that the AGO is abusing this provision to avoid prosecuting this and other cases. The Constitutional Court heard the case on August 25 and again on September 8, but it had not ruled as of November (see section 5).

### **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.

NGOs reported that torture continued to be commonplace in police detention facilities. Police reportedly tortured suspects during detention and interrogation, including torture that resulted in death. NGOs, victims, and media organizations reported that police officers blindfolded detainees, beat detainees with nightsticks, fists, and rifle butts, applied electric shock, burned suspects during interrogations, and forced confessions at gunpoint.

Between June 2014 and May 2015, the NGO Commission on the Disappeared and Victims of Violence recorded 84 reports of torture by police, affecting 274 victims, including 16 cases of torture resulting in death. A disproportionate number of these incidents involved the investigative General Crimes (Reskrim) units, also known as Criminal Investigation Division (CID) units. Although CID units make up only 10 percent of the police force, 95 percent of the complaints of police misconduct made to Komnas HAM in 2014 involved CID units.

On June 15, officers from the Widang Sector Police CID in Widang, East Java, arrested 13-year-old Vicky Arfindo on suspicion of stealing his neighbor's motorcycle. The victim reported that officers from the CID unit abused him during his interrogation and stuck a gun in his mouth demanding that he confess. Police later released Arfindo without charge. The Tuban police chief fired one officer involved.

In April 2014 officers from the Teenager, Children, and Women Sub-Directorate of the Jakarta Police General Crimes CID Unit arrested five contract custodial staff from Jakarta International School in connection with allegations of abuse made by a student at the school. The victims reported that during their interrogations, 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. One suspect died during questioning. The officers alleged he committed suicide by drinking floor cleaner while in detention in a supply closet. The four remaining suspects later retracted their confessions, but judges nevertheless allowed their confessions as evidence during their trial. Judges found all four, along with another female suspect, guilty and sentenced them to 10 years in prison. Investigations by NGOs and media, as well as expert testimony presented at trial, found no evidence that child abuse had taken place, and the Supreme Court overturned the conviction of two teachers at

the school, citing a lack of evidence that abuse had occurred. The Supreme Court rejected the cleaners' appeal in August (see section 1.e.).

Under the terms of a 2005 peace agreement that ended a separatist conflict, Aceh Province has unique special authority to implement sharia (Islamic law) regulations. Authorities in Aceh carried out public canings for violations of sharia in cases of gambling, adultery, and alcohol consumption. Local NGOs reported that authorities caned 25 individuals between January and May. A new criminal code that took effect during the year also calls for caning of those convicted of homosexuality, adultery, and other offenses (see section 6).

### **Prison and Detention Center Conditions**

Conditions at the country's 477 prisons and detention centers were sometimes harsh and life threatening.

Physical Conditions: Overcrowding was a serious problem, including at immigration detention centers. According to March data from the Ministry of Law and Human Rights, there were 168,894 prisoners and detainees in the system, compared with the 117,121 that the existing prison and detention centers were designed to hold.

By law prisons held those convicted by courts, while detention centers held those awaiting trial. At times, however, officials held pretrial detainees together with convicted prisoners.

By law children convicted of serious crimes serve their sentences in juvenile prisons. As of August there were 3,814 juvenile convicted prisoners, 700 of whom were held in the adult prison system.

Authorities generally held female prisoners at separate facilities. In prisons that housed both male and female prisoners, female prisoners were held in separate cellblocks. According to NGO observers, the conditions in prisons for females tended to be significantly better than those in prisons for men. Women's cellblocks within prisons that held prisoners of both genders, however, did not always grant female prisoners access to the same amenities, such as exercise facilities, as their male counterparts.

According to government figures, 452 prisoners died in custody between January 1 and August 30. Of these, 344 died of old age and natural causes, 45 died of

tuberculosis, 10 died from complications of HIV/AIDs, five committed suicide, and 48 died of other causes.

On June 8, Tangerang Sector Police (West Java) arrested 19 individuals allegedly involved in an auto theft syndicate that had conducted a deadly robbery on February 1. Police detained and interrogated the suspects for four days at a police detention center, and several of the suspects alleged they were tortured. On June 12, two of the suspects were found dead, one from a gunshot wound and another from a broken neck. Police claimed the detainees tried to escape and were killed during an exchange of gunfire, but NGOs noted that there were no signs of an escape attempt.

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.

Prison guards regularly extorted money from inmates, and prisoners reported that guards physically abused them. The use and manufacture of illicit drugs in prisons was a serious problem. There were widespread reports that 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 sought bribes to allow prison visits.

Administration: The criminal procedure code does not incorporate alternatives to imprisonment for nonviolent offenders, including the large percentage of prisoners serving time for drug possession.

In the past the Ombudsman's Office investigated prison issues and communicated its findings to the minister of law and human rights and the Supreme Court.

Independent Monitoring: In 2014 the government allowed the International Committee of the Red Cross (ICRC) to resume monitoring prison conditions after five years without access, but still forbade confidential prisoner interviews. Some domestic NGOs also received access to prisons, but they were required to obtain permission through a bureaucratic process requiring approval from the police, attorney general, courts, the Ministry of Home Affairs, and other agencies, and NGOs reported that direct access to prisoners for interviews rarely was permitted.

Improvements: On April 16, the minister of law and human rights announced that, in an effort to improve overcrowding, the government established 13 new detention centers and 49 new prisons. The minister also announced that the government had established 62 new rehabilitation centers that would rehabilitate 100,000 convicts convicted for drug abuse. The National Narcotics Agency led this effort.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention but lacks adequate enforcement mechanisms. NGOs and the media reported that police abuse of suspects in detention was common.

#### **Role of the Police and Security Apparatus**

By law the National Police (POLRI) are responsible for internal security. The TNI is responsible for external defense, but territorial commands within the military are individually charged with deterring and overcoming threats to national sovereignty and territorial integrity within their respective commands. On request and subject to authorization by the president, the military may provide operational support to the police in counterterrorism operations and in resolving communal conflicts. A presidential instruction issued in 2013 and a subsequent memorandum of understanding between the police and the TNI further elaborated on the military's role in resolving communal conflicts. Such operations are subject to laws and regulations governing law enforcement activity rather than warfare, and police retain explicit operational control. Despite this regulatory framework, some observers expressed concern that the TNI used its role in counter domestic terrorism operations as a means to re-establish a stronger unilateral role in domestic security and intelligence operations.

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. Police have approximately 430,000 personnel deployed in 31 regional commands in 34 provinces. They maintain a centralized hierarchy; local police units formally report to the national headquarters.

The Ethics Division of POLRI is responsible for investigating crimes committed by police. Teams of investigators appointed by the TNI are responsible for investigating crimes by military personnel. The police and TNI rarely disclosed to the public the findings of internal investigations, or even whether any

investigations took place. The Internal Affairs Division and the National Police Commission within the POLRI investigated complaints from the public against individual police officers. Between January and June, 3,659 officers received notices of disciplinary infractions.

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

Impunity and corruption within both the police and military remained problems (see sections 1.a. and 4). For example, in July, Hartomo (one name only) was promoted to major general and installed as head of the TNI Military Academy in Semarang. In 2003 Hartomo was convicted by a military tribunal for the 2001 murder of prominent Papuan civil society leader Theys Eluay, and sentenced to 3.5 years in prison and a discharge from the military. He appealed his conviction to a military tribunal in Jakarta later in 2003. The outcome of that tribunal was never made public, but he resurfaced on active duty in 2005.

### **Arrest Procedures and Treatment of Detainees**

The law provides detainees the right to notify their families promptly and specifies that security forces must produce warrants 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.

In January a few days after the Corruption Eradication Commission (KPK) named Budi Gunawan, the nominee for national police chief, a corruption suspect, police personnel under police general Budi Waseso arrested KPK Deputy Chairman

Bambang Widjojanto on previously dismissed 2010 allegations that he coerced a witness to provide false testimony in a graft case. On February 20, police arrested and interrogated KPK Chairman Abraham Samad on allegations that he forged documents to obtain an identity card for an associate. In May police arrested a KPK investigator, Novel Baswedan, and for 24 hours the police CID ignored calls from the president for his release.

On July 12, police CID arrested and interrogated Judicial Commission Chairman Suparman Marzuki and Commissioner Taufiqurrahman Sauri, based on defamation charges filed by South Jakarta District Court Judge Sarpin Rizaldi. Sarpin claimed that members of the government-appointed Judicial Commission had defamed him when they recommended he be sanctioned for his February decision invalidating Budi Gunawan's suspect status. Despite calls from the administration and NGOs for their release, the police and Sarpin refused to drop the charges (see section 2.b.).

There were multiple reports of police temporarily detaining individuals in Papua for participation in peaceful demonstrations and other non-violent activities advocating independence.

On April 14, Papua Regional Police arrested five activists from the Federal Republic State of West Papua, a separatist movement, at the Jayapura airport as they returned from a meeting in Jakarta with Defense Minister Ryamizard Ryacudu. The five activists were released on May 5, according to NGOs, on the condition they check in with police once a week (see section 2.b.).

Pretrial Detention: The law permits pretrial detention only if there is a danger the suspect will flee, destroy or remove evidence, or commit another crime; if the suspect is held for an offense that carries a penalty of five or more years' imprisonment; or for other specific charges such as fraud and embezzlement. In instances when pretrial detention is allowable, 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 for 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 as a reward for good behavior to most prisoners ranging from a few days to six months. The government placed stricter conditions on the offer of remission to those convicted of crimes related to graft, terrorism, and illicit drugs after November 2012. By tradition the government gives remissions to inmates on Indonesian Independence Day, August 17. This year more than 118,000 inmates received remissions, including more than 2,000 convicted on charges of graft.

#### **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.

At times local authorities did not respect court orders, and decentralization created additional difficulties for the enforcement of these orders.

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 is suspected of committing a crime, military police investigate and then pass their findings to military prosecutors, who decide 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 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 have heard or ruled on any cases since 2005.

Under the sharia court system in Aceh, 19 district religious courts and one court of appeals, heard cases. In the past the courts heard only cases involving Muslims and used decrees formulated by the local government rather than the penal code. A new sharia criminal code (Qanun) that passed in 2014 took effect in October and appears to extend sharia law to non-Muslims in certain cases. Under the new criminal code, offenses including homosexuality, gambling, consumption of alcohol, and proximity to the opposite sex outside of marriage are punishable with caning, fines, and imprisonment (see section 6). Local authorities maintained that the new code does not apply to non-Muslims but have not yet clarified this in writing.

### **Trial Procedures**

The constitution provides for the right to a fair trial, but corruption and misconduct in the judiciary impeded enforcement of this right for many individuals. 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.

On February 16, South Jakarta District Court Judge Sarpin Rizaldi granted a pretrial motion filed by National Police Chief nominee Budi Gunawan that invalidated his suspect status in a graft case filed by the KPK. Many NGOs and legal watchdogs, including Indonesia Corruption Watch, noted that the decision was not in line with precedent and did not have a basis in the law or criminal code, and warned that the ruling would set a precedent allowing other high-profile corruption suspects to avoid prosecution. Five such suspects subsequently filed similar pretrial motions, three of which were granted. The Judicial Commission,

an independent government judicial watchdog body, recommended Judge Sarpin be reprimanded for the ruling. However, the Supreme Court later ruled that a criminal suspect could challenge his status through such a pretrial motion (see section 2.a.).

The law gives defendants the right to an attorney from the time of arrest and at every stage of examination and requires that counsel represent defendants in cases involving capital punishment or a prison sentence of 15 years or more. 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 2,472 cases during 2014. 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. With the notable exceptions of sharia court proceedings in Aceh and some military trials, trials are public.

In April, despite expert medical evidence presented at trial stating that no abuse occurred, two teachers from the Jakarta International School were convicted of sexually abusing three boys at the school and sentenced to 10 years in prison. Six contract janitors were also convicted for abusing a boy at the school in December 2014, after retracting confessions they allegedly made under torture (see section 1.c.). On August 14, the Supreme Court reversed the convictions of the two teachers, saying there was no evidence of physical or sexual abuse. The cleaners' appeal was rejected on August 20, and they remained in jail. On September 15, prosecutors appealed the teachers' acquittal to the Supreme Court, but the court had not ruled as of November.

### **Political Prisoners and Detainees**

NGOs estimated there were as many as 51 political prisoners from the provinces of Papua and West Papua, and at least an additional nine political prisoners from Maluku. Most were imprisoned 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 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 May 9, during an official visit to Papua, President Jokowi announced plans to release 90 prisoners from Papua and Maluku, including many political prisoners. He also pardoned five prisoners jailed for involvement in a deadly 2003 raid on a TNI armory in Wamena. Many of the political prisoners rejected the government's offer of pardon because under the law a pardon must be requested by the prisoner and implies an admission of guilt. Filep Karma, the de facto spokesperson for the Papuan political prisoners, who was serving a 15-year sentence for raising the banned Morning Star flag, rejected the government's offer of a standard sentence remission for good behavior on August 17. On November 19, authorities released Karma anyway upon completion of his reduced sentence. As of November the remaining prisoners were still in jail.

On January 27, an Ambon court convicted Simon Saiya, the head executive of the South Maluku Republic (RMS) separatist movement, on charges of treason and sentenced him to five years in prison. The court also gave three-year sentences to seven of his followers arrested with Saiya for a peaceful 2014 demonstration that included display of the banned RMS flag.

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**

Victims of human rights violations can seek damages in the civil court system; however, widespread corruption and political influence limited victims' access to this remedy.

### **Property Restitution**

An eminent domain law allows the government to appropriate land for the public good against the owner's wishes provided the government gives proper compensation. NGOs accused the government of using 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.

Activists accused the Jakarta provincial government of evicting people living in a flood zone in Kampung Pulo, South Jakarta, without proper cause or restitution. According to regulations, the government may evict residents without title provided they relocate or compensate the residents; NGOs claimed the government failed to meet this standard when it forcibly evicted residents on August 20; the government disputed this.

Land access and ownership remained major sources of conflict during the year. Numerous competing laws and regulations allow for multiple parties with 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. In September, Komnas HAM reported that it had recorded nearly 9,000 land conflicts in Indonesia, noting that in many cases police and TNI evicted residents on behalf of corporations.

#### **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 KPK. The 2012 Social Conflict Management law grants the police special powers to restrict civil liberties and allows military intervention to manage conflicts that might cause social unrest.

NGOs claimed security officials broke into their homes and offices and claimed that authorities occasionally conducted warrantless surveillance on individuals and their residences and monitored telephone calls.

### **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. Some elements within the government, judiciary, and police, however, used laws against defamation and blasphemy to restrict speech and press freedoms. The government used laws against advocacy of separatism to restrict the ability of individuals to advocate peacefully for independence.

Freedom of Speech and Expression: The law criminalizes content that is deemed insulting to religion or that advocates separatism.

Elements within the government, judiciary, and police selectively applied the criminal defamation law in ways that restricted freedom of speech. For example, after the Judicial Commission, a government judicial watchdog agency, criticized South Jakarta District Court judge Sarpin Rizaldi's controversial ruling on a pretrial motion filed by police general Budi Gunawan against the KPK and recommended he be suspended, Judge Sarpin filed a criminal defamation complaint with police against two of the commissioners, Suparman Marzuki and Taufiqurrohman Syahuri. Despite widespread calls to drop the case, Police CID pushed ahead with the charges, officially naming the two commissioners as suspects, and the case was still active as of November (see section 1.e.).

Press and Media Freedoms: The independent media was active and expressed a wide variety of views; however, regional- and national-level regulations were at times used to restrict the media. In May, President Jokowi lifted longstanding restrictions on foreign journalists traveling to Papua and West Papua. The implementation of this change was uneven with some foreign journalists reportedly receiving visas with few problems, while others reported bureaucratic delays or denials, ostensibly for safety reasons. Advocates for press freedom alleged that an interministerial group including the TNI and intelligence services still reviewed requests by foreign journalists to visit the region.

Violence and Harassment: The Alliance of Independent Journalists reported 29 cases of violence directed at journalists and media offices between January and August.

On January 20, Mathur Husairi, an anticorruption activist, was shot and injured in front of his house in Bangkalan, Madura, East Java. His attacker was never apprehended, but NGOs noted Husairi's criticism of former Bangkalan vice-regent and regional assembly speaker Fuad Amin Imron, who was arrested by the KPK on corruption charges in December 2014.

Elements within the government and police also used defamation and blasphemy laws to harass journalists and the media. In January police reopened a blasphemy case against the English-language *Jakarta Post* for publishing an anti-Da'esh cartoon in the summer of 2014. NGOs noted that the blasphemy charges were filed only days after the newspaper endorsed Jokowi in the then-ongoing presidential race.

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. On July 15, four members of Gafatar (Gerakan Fajar Nusantara), a small religious movement, were convicted of blasphemy in Aceh Province and sentenced to four years in prison.

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. 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. On July 29, police and military personnel removed GAM flags on public display in Pasie Raya, Aceh.

Libel/Slander Laws: In March police opened an investigation of *Tempo Magazine* for defamation over a story published in January on police chief nominee Budi Gunawan’s suspicious bank accounts. In July politician Maruli Hendra Utama filed defamation charges against *Tempo* for an article about the criminalization of KPK commissioners by police.

## **Internet Freedom**

The government prosecuted individuals for free expression under the Information and Electronic Transaction Law (ITE Law). The law, which outlaws online crime, pornography, gambling, blackmail, lies, threats, and racism, prohibits citizens from distributing in electronic format any information that is defamatory and carries penalties of 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 September 21 individuals were arrested or indicted for violating provisions of the ITE Law.

According to the Ministry of Communications and Information Technology, approximately 29 percent of the population had internet access, meaning there

were about 80 million internet users, the eighth largest population of internet users in the world.

On March 31, courts in Bandung and Yogyakarta found the defendants guilty in two online defamation cases. The Yogyakarta State Court found a graduate student guilty of defamation under the ITE law and sentenced her to two months in prison and a fine for posting a message on social media stating, “Yogya is poor, idiotic, uncivilized. Friends from Jakarta and Bandung, don’t stay in Yogya. Yogya residents are all bastards.” On the same day, a Bandung court sentenced a woman to five months in prison for disseminating salacious material online after her husband turned over to police her private online messages to another man, which he obtained after breaking into her social media account.

On September 28, police in Ternate, North Maluku, arrested a Ternate Khairun University student for posting online a video he had filmed of police accepting a bribe during a traffic stop, claiming he had defamed the police department. After a popular campaign to free the student spread online, the police chief ordered his release on October 3.

The Ministry of Communications and Information Technology continued to request internet service providers (ISPs) to 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 March 31, the Ministry of Communication and Information instructed ISPs to block access to 19 Islamic websites for content deemed “radical,” including support of terrorism and terrorist groups like Da’esh, calling the president an “infidel,” and advocating the overthrow of the government. An interagency process led by the National Counterterrorism Agency established the list of websites to be blocked. The government quickly lifted the order after widespread objections including from Islamic leaders and politicians.

### **Academic Freedom and Cultural Events**

The government generally did not place restrictions on cultural events or academic freedom. The government, however, sometimes failed to prevent hardline groups from disrupting sensitive cultural events and activities, and actively shut down some events related to the 50th anniversary of the 1965-66 anti-communist purge

that led to the deaths of hundreds of thousands of individuals. Universities and other academic institutions also sometimes succumbed to pressure from hardliners seeking to restrict sensitive events and activities.

On October 23, organizers of the Ubud Writer's Festival in Bali agreed to demands from local officials and cancelled several planned events on the 1965-66 massacres, including screenings of Joshua Oppenheimer's documentary films on the subject, as well as an event critical of a controversial development project to build artificial islands in Bali's Benoa Bay. Local authorities reportedly threatened to cancel the entire festival if these events were not withdrawn. The Benoa Bay discussion took place at a separate venue on October 31. On March 11, members of the Islamic People's Forum and the Indonesian Anti-Communist Forum protested a screening of Oppenheimer's documentary film "The Look of Silence" at Sunan Kalijaga State Islamic University in Yogyakarta. The rector tried unsuccessfully to persuade student organizers to cancel the screening of the film. Students effectively prevented the protesters from breaking up the event.

In January a lecturer at the State Islamic University in Aceh went into hiding due to threats from intolerant groups and the public after pictures appeared online of a class trip to a church she had arranged for students. The rector placed her on administrative leave, claiming she had failed to get permission for the trip.

On November 11, the rector of Brawijaya University in Malang, East Java, bowed to pressure from outside parties and cancelled a planned seminar on "minority rights in a globalized world" that featured a speaker on lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues. On November 12, the Student Press Institute at University of Diponegoro in Semarang, Central Java, cancelled a planned LGBTI-themed discussion after the institute received threats and the rector of the university refused to grant a permit to organizers.

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.

## **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 that the demonstrations would likely involve calls for independence, an act that is prohibited under the same law.

On April 30, police arrested 12 students distributing invitations to a peaceful demonstration in Manokwari, West Papua. The students were members of the West Papua National Committee (KNPB), a civil society organization that advocates for independence. The following day police arrested hundreds of demonstrators who were commemorating the annexation of Papua and supporting the United Liberation Movement for West Papua bid for membership in the Melanesian Spearhead Group. This included about 200 protesters on their way to a demonstration near the Papuan Customary Council (Dewan Adat Papua) in Manokwari and 30 KNPB activists approaching a local parliament office in Jayapura. Police cited a lack of permits to hold demonstrations (see section 1.d.). Most of the protesters were quickly released, but four protest organizers in Manokwari were convicted of incitement on November 23 and sentenced to jail terms of one and a half years.

### **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. In December 2014 the Constitutional Court sided with an NGO coalition in striking down many articles in the law that some observers feared could be misused to limit freedom of association.

To receive official registration status, the law requires foreign NGOs to have a memorandum of understanding (MOU) with a government ministry. Some organizations reported difficulties obtaining these MOUs and claimed the government was withholding MOUs to block their registration status.

Some LGBTI 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/](http://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), the International Organization for Migration (IOM), 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: On May 9, President Jokowi announced he was lifting restrictions on foreign journalists travelling to Papua and West Papua provinces (see section 2.a.), but as of September implementation of this new policy remained uneven.

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**

A lack of systematic monitoring of return and resettlement conditions as well as difficulties in defining who was still an internally displaced person (IDP) made it difficult reliably to estimate the number of IDPs. The international NGO Internal Displacement Monitoring Center reported that as of July there were an estimated 31,400 people “displaced by violence or conflict,” nearly all of whom have been displaced for more than 15 years. More than 300 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 by central government officials and NGOs, provincial government officials have

made no constructive efforts to deal with the hardliners who refuse to allow the displaced Shia to return to their homes. In Lombok 118 members of the Ahmadiyya religious group remained in provincial government housing after mobs violently chased them from their homes in 2006.

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. UNHCR processes all claims for refugee status in the country. The government does not accept refugees for resettlement or facilitate local integration or naturalization. Authorities refer migrants seeking to return to their country of origin to IOM for access to IOM’s Assisted Voluntary Return Program. As of July there were 7,730 asylum seekers and 5,440 refugees registered with UNHCR. Some were applicants and others were dependents. Most refugees or asylum seekers were from Afghanistan, Burma, Somalia, and Iran. Approximately 4,620 persons (35 percent of active persons of concern) resided in 13 immigration detention centers throughout the country, while the majority of the remainder lived in boarding houses through the assistance of the IOM.

In May the government permitted approximately 1,800 migrants who were stranded at sea to disembark. Of these, UNHCR registered almost 1,000 Rohingya asylum-seekers from Burma. Local governments, in conjunction with UNHCR, IOM, and other national and international NGOs, provided food, water, shelter, healthcare, and psychosocial support to the migrants.

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

Access to Basic Services: The government generally prohibited refugees from accessing public elementary education and public health services, but did not strictly enforce these prohibitions.

Temporary Protection: Responding to the arrival of migrant boats from Burma and Bangladesh, on May 29, the government offered to provide temporary protection to 3,500 individuals regardless of refugee status. The government ended up

providing temporary protection to approximately 1,800 persons, including some Burmese Rohingya who eventually filed for asylum and approximately 700 Bangladeshi migrants who participated in IOM's Voluntary Assisted Return program.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and the law provide citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised this right.

#### **Elections and Political Participation**

The constitution provides for national elections every five years. The General Elections Commission (KPU) is responsible for conducting elections. DPR members are automatically members of the People's Consultative Assembly (MPR), a fully elected body consisting of the 560 DPR members and 132 members of the House of Regional Representatives (DPD).

Recent Elections: In 2014 voters elected Joko Widodo (commonly known as Jokowi) as president, replacing two-term president Susilo Bambang Yudhoyono. Jokowi defeated retired general Prabowo Subianto in elections deemed free and fair by observers. In 2014 voters also elected a new DPR in national legislative elections. Twelve national parties contested in the legislative elections, and 10 parties eventually won seats. Over 70 percent of eligible voters participated in what is the world's largest centralized democratic election process.

Nationwide regional elections for mayors, regents, governors, and deputies took place in December and were deemed to be free and fair by most observers. In the period preceding the elections, some NGOs accused local officials of abusing a law that prevents unopposed candidacies in local elections and allows elections to be delayed and the governor to install a temporary "caretaker" official if there is no viable opposition candidate in a local race. Observers accused officials and political parties in Surabaya, East Java, and in Mataram, West Nusa Tenggara, of refusing to field a candidate to run against popular incumbent mayors so that opposition-affiliated governors could appoint their preferred replacement.

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. In the

2014 elections, 10 parties met this threshold. The top four vote-getters were nationalist parties, followed by three Islamic-oriented parties.

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 disabilities, and persons deprived of voting rights by an irrevocable court verdict. Married juveniles (i.e., those under age 17) are legally adults and eligible to vote.

In September 2014 the outgoing DPR passed legislation introduced by the outgoing Yudhoyono administration abolishing direct elections for local officials. Following widespread public outcry, outgoing president Yudhoyono issued a presidential decree that temporarily blocked implementation of the legislation, and on January 20, the new DPR voted to restore direct elections.

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

The general election law passed prior to the 2009 national elections includes a requirement for parties to nominate women for at least 30 percent of the candidate slots on their party lists. During the 2014 election cycle, the 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.

The 2014 Law Governing the MPR, DPR, DPD, and the Regional People's Representative Council (DPRD) (MD3 Law) stripped a provision from a previous law that gave special consideration to the representation of women in DPR leadership positions. In September 2014 the Constitutional Court ruled in favor of an NGO-filed motion that restored the provision.

As of August women held 7.6 percent of all mayor and regent positions. There were no female governors. As of August less than 7 percent of registered candidates for the December regional elections were women.

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).

Members of the Islamic Defenders' Front (FPI) and other groups held demonstrations in front of the Jakarta Governor's Office and the City Council to protest the governorship of Bajuki Tjahaja Purnama, an ethnic Chinese Christian, who became governor after then-governor Jokowi was elected president.

#### **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. Elements within the government, police, and judiciary tried to undermine efforts to prosecute corruption. 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, the National Police's Special Economics Crime Unit, 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.

In January the KPK named National Police Chief nominee Budi Gunawan a corruption suspect for crimes committed during his tenure as the head of the Police Career Planning Bureau. Gunawan filed a pretrial motion challenging his suspect status, and in a controversial ruling, a South Jakarta court found that the KPK could not investigate Gunawan for corruption (see section 1.e.). Elements within the police pursued corruption cases against KPK commissioners Abraham Samad and Bambang Widjojanto, ultimately leading to their suspension, as well as a defamation case against two Judicial Commission commissioners (see section 2.a.). Jokowi rejected a DPR plan to amend the KPK law, named temporary commissioners to fill Samad and Widjojanto's positions, and appointed a selection committee to nominate candidates to fill the five-member commission when the current term expired in December.

Corruption: The government has established anticorruption courts in all 34 provinces.

The KPK continued to investigate and prosecute officials suspected of corruption at all levels of government. Several high-profile corruption cases involved large-scale government procurement or construction programs and implicated ministers, governors, regents, judges, police, and civil servants. Through May the KPK carried out 58 investigations and 45 prosecutions, and recovered approximately

IDR 115 billion (\$8 million) in state assets. According to its annual report, as of May the KPK had an 80 percent conviction rate during the year.

The KPK arrested several judges during the year, and corruption watchdog groups said corruption remained rampant throughout the legal system. 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 to ensure a less zealous prosecution.

On July 9, the KPK arrested the chief justice of the Medan State Administrative Court, Tripeni Irianto Putra, and two other judges, Amir Fauzi and Dermawan Ginting. The three allegedly accepted bribes from prominent lawyer Gerry Baskara from OC Kaligis Associates in a corruption case involving North Sumatra Provincial Administration Finance Bureau head Ahmad Fuad Lubis. On July 28, the KPK named North Sumatra Governor Gatot Pujo Nugroho and his second wife, Evi Susanti, as suspects for their role in facilitating the bribery scheme. The KPK also alleged that attorneys from OC Kaligis bribed the North Sumatra Prosecutor's Office to drop an investigation of the governor over the misuse of state social aid funds. On October 23, former National Democratic Party Secretary General Rio Capella was arrested for receiving bribes to facilitate the scheme.

Under a directive from President Jokowi, on June 18, the Jakarta Police established a special task force to investigate allegations of corruption related to ship dwelling times at the Tanjung Priok Port in North Jakarta. On July 28, the task force arrested two Ministry of Trade officials, International Trade Director Partogi Pangaribuan and Head of the Sub-Directorate of Capital Goods Imam Aryanta, and two brokers, Mingken and Lusua, as suspects in a bribery scheme involving the pre-customs clearance process. The task force allegedly found \$42,000 in cash during a search of the suspect's offices. On August 28, Police CID conducted another search at the port, this time at the offices of state-owned port operation company Pelabuhan Indonesia II. CID said the search resulted in a potential graft case related to the procurement of 10 mobile cranes worth an estimated IDR 54 billion (\$3.8 million).

In 2014 the National Ombudsman Commission received 6,180 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.

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.

On June 29, the then Head of Police CID, Budi Waseso, refused to disclose his financial statements to the KPK. Waseso claimed he was not required to disclose such information.

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. Many government entities, however, remained unwilling or unprepared to implement the law. According to a 2014 study by the Alliance of Independent Journalists, authorities only responded to 34 percent of requests for information. According to the study, 34 percent of requests were denied, and the rest either were ignored or only disclosed incomplete or irrelevant information.

## **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.

Papuan NGOs reported continuous harassment by local police and receiving threatening phone messages.

The United Nations or Other International Bodies: The government permitted UN officials to visit to monitor the human rights situation. 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.

The government permitted the ICRC to visit prisons to monitor conditions and prisoner treatment but prevented it from conducting confidential meetings with prisoners. The government allowed the ICRC to visit 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 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. The government has not followed up on these serious violations, and the Attorney General's Office has still not filed any charges in cases related to those events.

The AGO and several government ministries proposed the formation of non-judicial "reconciliation committees" to find non-criminal solutions for past abuses, including restitution and official apologies. NGOs criticized these proposals as an attempt to protect high-placed human rights violators from prosecution. A coalition of NGOs filed for a judicial review, alleging that the AGO is abusing a

provision in the Human Rights Courts Law to avoid prosecuting this and other cases (see section 1.b.).

Although the 2006 Law on the Government of Aceh mandates the establishment of a human rights court in Aceh, no such court has been established, ostensibly due to complications stemming from other national-level legislation.

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

The constitution does not explicitly prohibit discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, language, or HIV positive status or other communicable diseases. It provides for equal rights for all citizens, both native and naturalized. The government at times failed to defend these rights for some minority communities adequately.

### **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. Marital rape is not a specific criminal offence under the penal code, but is covered under “forcing sexual intercourse” in legislation on domestic violence and can be punished with criminal penalties. Reliable nationwide statistics on the incidence of rape continued to be unavailable. In its 2014 annual report, the National Commission on Violence Against Women reported 3,307 cases of sexual violence. Rape is punishable by four to 14 years in prison. While the government imprisoned perpetrators for rape and attempted rape, 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 2014 the National Commission on Violence Against Women recorded 293,220 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 most NGOs working on women’s issues believed the real figure was higher than the available official statistics.

The government ran integrated service centers for women and children (P2TPA) in all 34 provinces and approximately 110 districts. These centers provided counseling and support services to women and children who were victims of violence. The larger provincial service centers provided more comprehensive psychosocial services, while the quality of support at the district-level centers varied. Women living in rural areas or districts where no such center was established had difficulty receiving support services. 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): FGM/C was a problem, and there are no laws prohibiting the practice. The first nationally representative household survey, the Basic Health Research Survey, found that more than half of girls under the age of 11 had experienced some form of FGM/C, and 79 percent of these underwent the procedure before they were six months old. There was no official data about what types of FGM/C were used, but according to the National Commission on Violence Against Women and other NGOs, the vast majority of FGM/C was Type IV. In urban areas, midwives performed the majority of FGM/C, while in rural areas, traditional birth attendants were the most common practitioners of FGM/C. The National Commission on Violence Against Women reported that midwives and traditional birth attendants often included female circumcision as part of a birth service “package” and advocated for the procedure to their clients. In 2014 the Ministry of Health revoked a 2010 decree establishing guidelines for the safe practice of FGM/C. The 2010 decree overturned the ministry’s outright ban on FGM/C, which the Indonesian Ulama Council (MUI) and other religious groups protested. The revocation transfers authority to regulate FGM/C to a health advisory body that includes religious leaders.

Sexual Harassment: Article 281 of the criminal code, which prohibits indecent public acts, serves as the basis for criminal complaints stemming from 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 manage their 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 was still prohibitive for a large portion of the population and poor medical infrastructure often limited availability. According to a 2013 survey by the Ministry of Health, 59.3 percent of married women used modern contraceptives. Estimates for contraceptive prevalence among all women ranged from 62 percent to 70 percent, although local NGOs reported that unmarried women found it significantly more difficult than married women to access contraceptives.

According to a 2013 report from the World Health Organization, the maternal mortality ratio was 190 per 100,000 live births, down from 250 in the 2005. 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. Oversight for midwifing programs was transferred from the Ministry of Health to the Ministry of Education and Culture. The Ministry of Health and international NGOs identified several factors contributing to the maternal mortality rate, including lack of training for midwives and traditional birth attendants, continued lack of access to basic and comprehensive emergency obstetric care, and limited availability of essential maternal and neonatal medications. Hospitals and health centers did not always manage complications effectively, and financial barriers and the limited availability of qualified health personnel caused problems for referrals for complications. A woman's economic status, level of education, and age at first marriage also affected maternal mortality. In 2014 an NGO coalition filed a judicial challenge to the Marriage Law, identifying the 16-year-old minimum marriage age as a significant contributing factor to the rate of maternal mortality. In June the Constitutional Court rejected this challenge.

Abortions are legal 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 and, if married, have spousal agreement to undergo the procedure.

**Discrimination:** The law provides for the same legal status and rights for women as for men under family, labor, property, and nationality laws. The law does not grant widows equal inheritance rights. The law 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 1974 Marriage Law establishes the legal age of marriage as 16 for women and 19 for men. The same law also

designates the man as the head of the household. As such, married women who work outside the home are taxed at a higher rate than working husbands, who receive preferential tax treatment as the head of household.

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 may remarry immediately.

Under its special authority to implement sharia regulations, in June Banda Aceh City established a local regulation that forbids cafes and restaurants from serving unaccompanied women or using female employees after 10 p.m. According to Banda Aceh authorities, the regulation was based on an unreleased Aceh Governor's decree that set the cutoff time at 9 p.m.

Although they have no authority to implement laws based on sharia or religious considerations, local governments outside Aceh also enforced regulations mandating female modesty and Islamic dress for Muslim women. For instance, a 2009 local regulation in Tasikmalaya, West Java, mandates all Muslim women who have reached puberty to dress "according to the teachings of Islam."

Local governments outside Aceh also enforced local regulations in ways that discriminated against women. For instance, NGOs noted that local anti-prostitution regulations in Bantul and Tangerang were often used to detain women walking alone at night. According to the National Commission on Violence against Women, there were 365 local laws that were unconstitutional and discriminatory towards women. The Ministry of Home Affairs is responsible for "harmonizing" local regulations that are not in line with national legislation, and a 2014 law reinforces this authority, but to date the ministry has never invoked this authority to overturn discriminatory local regulations.

Women faced discrimination in the workplace, both in hiring and in gaining fair compensation (see section 7.d.).

## **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.

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.

The law prohibits fees for legal identity documents issued by the civil registry. Nevertheless, NGOs reported that in some districts locals did not provide free birth certificates.

In January the president signed the Medium Term Development Plan, which names legal identity as a critical basic service to support the poorest and most vulnerable members of society.

Education: Although the law provides for free education, most schools were not free, and poverty put education out of the reach of many children. In June the government introduced a new nationwide compulsory 12-year school program, but implementation was uneven. According to a 2014 UNICEF report, more than six million children between the ages of 7 and 18 did not attend school. 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.

Child Abuse: Child labor and sexual abuse were serious problems. The law prohibits child abuse, but government efforts to combat it were 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 June, the National Commission on Child Protection received 816 reports of child abuse, 441 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 to 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 2014 UNICEF report found that approximately 25 percent of women married before they reached age 18.

Female Genital Mutilation/Cutting (FGM/C): See information for girls under 18 in women's section above.

Sexual Exploitation of Children: 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. UNICEF estimated that nationwide 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, there were at least 8,000 street children in Jakarta and as many as 230,000 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 information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/english/country/indonesia.html](http://travel.state.gov/content/childabduction/english/country/indonesia.html).

## **Anti-Semitism**

The Jewish population was extremely small. Some fringe media outlets published anti-Semitic conspiracy theories.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](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. In 2013 the KPU signed a memorandum of agreement with several NGOs to increase the participation of persons with disabilities in the national elections. As a result 3.6 million voters with disabilities were eligible to vote in the 2014 elections. According to the NGO Agenda's (The General Election Network for Disability Access) Monitoring Report of the 2014 Presidential Elections, however, only 74 out of 470 polling stations (16 percent) across Aceh, Central Java, Jakarta, South Kalimantan and South Sulawesi provinces were fully accessible to persons with disabilities.

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. According to a 2015 report by the magazine *Inside Indonesia*, children with disabilities were seven times less likely to attend school than their non-disabled counterparts.

### **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. Central and local government officials reportedly extracted kickbacks from mining and palm oil companies in exchange for land access at the expense of the local populace. Land rights advocates reported receiving threats from government and private parties after publicizing these issues.

The government program of transferring migrants from the crowded islands of Java and Madura diminished greatly in recent years. Communal conflicts often occurred along ethnic lines in areas with sizeable transmigrant populations (see Other Societal Violence and Discrimination below).

### **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 to \$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. In some cases the government failed to protect LGBTI individuals from societal abuse. Police corruption, bias, and violence caused LGBTI individuals to avoid

interaction with police. Officials usually ignored formal complaints by victims and affected persons. In criminal cases with LGBTI victims, police investigated the cases reasonably well, as long as the suspect was not affiliated with the police.

The MUI, the country's top Muslim clerical body, issued a fatwa on "Lesbians, Gays, Sodomy, and Molestation" in December 2014. The fatwa noted that the death penalty is permissible for sodomy and child molestation under Islamic law, and recommended that the government immediately pass legislation "preventing the legalization of the existence of the homosexual community." MUI fatwas have no legal authority in Indonesia and are often ignored, but have in some cases spurred government legislation or crackdowns.

In September a member of the DPR criticized CONQ, an LGBTI NGO, and requested that the Ministry of Communications and Information Technology block a YouTube video collection showing LGBTI life in Indonesia, curated by the group. Although the government took no steps to block the website, CONQ made the video collection private as a precaution to protect the filmmakers.

On October 1, Bali police named an Indonesian Four Seasons hotel employee as a blasphemy suspect for selling a vacation package to a gay couple who held a "marriage blessing" ceremony at the hotel. Police also opened an investigation into the expatriate general manager of the hotel. Local police in Boyolali, Central Java, said they were stepping up security to prevent violence after a local man and transgender women held a marriage ceremony on October 10. On October 16, the Islamic Organization Forum protested in front of the DPRD, and the couple relocated a food stall they owned, fearing it would be attacked.

Sharia Police in Aceh reportedly harassed transgender individuals. In Aceh the local government implemented a new sharia criminal code that imposes a penalty of 100 strokes of the cane for homosexual acts (see section 1.c.). On September 28, two young women were arrested for allegedly being lesbians. As the new criminal code had yet to take effect, they were released into a rehabilitation shelter. NGOs expressed concern, however, that sharia police in Aceh have increased surveillance of the local LGBTI community in anticipation of further arrests under the new criminal code.

NGOs reported that religious groups, family members, and the public sometimes ostracized LGBTI individuals. A 2013 NGO survey found that 89 percent of LGBTI respondents from Jakarta, Yogyakarta, and Makassar reported experiencing some form of discrimination or violence. During 2014 the National

Commission on Violence against Women recorded 37 cases of violence against LGBTI individuals.

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

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

Families often put LGBTI minors into therapy, confined them to their homes, or pressured them to marry. Bullying of children perceived to be LGBTI was common.

In November 2014, unknown assailants attacked participants in a march commemorating International Transgender Day of Remembrance in Yogyakarta. According to the organizers of the march, a broadcast message went out on BlackBerry Messenger before the event encouraging the public to protest any actions commemorating “Transgender Day.” At the close of the march, three men attacked six participants, punching and kicking them and beating them with bamboo. The victims suffered bruising on their faces and heads, and one suffered a broken finger.

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 claimed the process was cumbersome and degrading because it requires a court order declaring that the surgery is complete and is permitted only under certain undefined special circumstances. On May 13, the Kebumen District Court in Central Java approved a request for an official gender change after the claimant provided evidence in court proving she had gone through several surgeries to transition from male to female. The court also granted a name change and gender change in the civil registry.

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. Persons with HIV/AIDS reportedly continued to face employment discrimination (see section 7.d.).

On July 5, a Semarang woman reported being denied access to medical care by a local district clinic and ER unit in Salatiga, Central Java, after one of the administration nurses discovered that she was HIV positive.

On September 1, the FPI broke up an HIV/AIDS awareness event in Sukabumi, West Java, that included a transgender volleyball tournament.

On September 8, Purwakarta Regency, West Java, passed a local regulation that prohibits individuals with HIV/AIDS from getting married. The regulation requires every person wishing to marry to submit to a medical check and gives the government rights to annul or deny a marriage if either the groom or the bride is found to have HIV/AIDS. The regulation took effect on October 1.

### **Other Societal Violence or Discrimination**

Minority religious groups were occasionally victims of societal discrimination that occasionally included violence. Affected groups were 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, and tensions between local residents and migrant workers occasionally led to violence. Several NGOs noted that both ethnic tensions between migrants and locals and religious tensions were factors in these incidents.

On July 17, a crowd of indigenous Papuans affiliated with the GIDI evangelical church confronted non-indigenous migrant Muslims celebrating the Eid al-Fitr holiday in Tolikara, Papua. Days earlier, local officials had put out a letter on behalf of the GIDI church forbidding Muslims from celebrating in public or

wearing the hijab during a GIDI conference. Witnesses reported that the crowd threw stones and yelled at the Muslim congregants, and police fired warning shots into the air. Accounts varied as to what happened next, but demonstrators burned a Muslim prayer building and several shops owned by migrants, and security forces shot and killed two indigenous Papuans.

On September 26, a mob abducted and beat to death Salim “Kancil,” an environmental activist who was preparing to protest an illegal sand mining concession run by PT Indo Multi Mineral Sejahtera near Lumajang, East Java. The mob also attacked Kancil’s fellow activist Tosan (no last name), who required hospitalization after severe beatings. Police quickly arrested 22 persons in connection with the killing, all of whom faced judicial proceedings, and eventually implicated a local village head with ties to the illegal mining operation as the leader. The village head admitted he had bribed three local police officers to guard the mining operation--and, NGOs contend, to look the other way during the killing. The three officers were found guilty in an internal ethics tribunal and sentenced to an official reprimand, demotions, and 21 days in detention.

On October 13, an intolerant group called Concerned Islamic Youth burned a church in Singkil, Aceh. The church was one of several serving migrant Christian Batak workers from neighboring North Sumatra that had long been under protest by local Islamic groups. In the wake of the burning, thousands of local residents fled to North Sumatra. While the local government worked to ensure the safe return of the residents, on October 19, the local Aceh government began demolition of an additional 10 churches for permitting violations, part of a previous agreement with local religious groups and officials.

## **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, they may only form employee associations with limitations on certain rights, such as the right to strike. Employees of state-owned enterprises (SOEs) are permitted to form

unions, but their right to strike is limited in practice by the fact that most SOEs are treated as essential national interest sites (see below). 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 Labor records, rather than approves, the formation of a union, federation, or confederation and provides it with a registration number. To remain registered, unions must keep the government informed about changes in their governing bodies.

The law allows the government to petition the courts to dissolve a union if it conflicts with the national ideology of 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) has noted its concern that the sanction of dissolving a union was disproportionate.

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. 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. Unions note that the law allows employers to delay the negotiation of CLAs with few legal repercussions. 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.

Most civil servants and workers in SOEs are prohibited from striking. The ILO has recommended that this restriction be lifted. 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." Unions allege that, in recent years, the government has expanded the number of sites deemed to be of national interest, and used this designation to justify the use of security forces to impose restrictions on strike activity.

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 Labor 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 unions claimed that courts rarely decided cases in the workers' favor even in cases in which the Ministry of Labor recommends in favor of the workers. While dismissed workers sometimes received severance pay or other compensation, they were rarely reinstated. Some provisions in penal code have been used to prosecute trade unionists for striking, such as the crime of "instigating a punishable act" or committing "unpleasant acts" which potentially criminalizes a broad range of conduct. The ILO has 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.

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. Unions alleged that employers commonly reassigned labor leaders deemed to be problematic. 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, transfers, 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 or transfers.

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 union moves to legally strike. Unions noted that employers’ delay in negotiating CLAs contributed to strike activity or legal measures being taken against union members in the event of a failed CLA negotiation. The ILO has cited the lack of a strong collective bargaining culture as a contributing factor to many labor disputes.

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 Labor Ministry. For example, unions reported that hotel owners often attempted to make use of the cleaning services exemption to justify terminating unionized hotel staff employed in housekeeping and outsourcing of housekeeping services.

## **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 continued its moratorium on sending domestic workers to certain countries where its citizens had been trafficked for forced labor in the past, revoked the licenses of labor brokers suspected of trafficking persons into forced labor or debt bondage situations, and launched investigations into cases of forced labor. For example, police investigated several cases of forced labor in the fishing industry, including one high-profile investigation into a Thai-

Indonesian joint venture that reportedly trafficked hundreds of Burmese, Cambodian, Lao and Thai fishermen on vessels in Indonesian waters. Five Thai captains and two Indonesian company officials were charged with human trafficking. The trial was ongoing as of November.

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/](http://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 to 14 who worked more than 15 hours per week; and working children ages 15 to 17 who worked more than 40 hours per week.

Penalties for a violation of these provisions range from one to four years of imprisonment and/or a fine of IDR 100 million to 400 million (\$8,750 to \$35,000). The worst forms of child labor encompasses any person under the age of 18 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 National Commission for the Protection of Children estimated there were as many as 3.6 million children between the ages of 10 and 17 who were working. An unknown but significant number of these 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, light industry, manufacturing, and fishing. The worst forms of child labor occurred in the rural agriculture sector, domestic labor, and in specific areas of the fishing, manufacturing, and mining sectors.

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

#### **d. Discrimination with Respect to Employment or Occupation**

The law prohibits discrimination in employment based on sex, race, ethnicity, social origin, disability, religion, and political opinion. 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, national origin or citizenship, age, language, HIV-positive status, or having other communicable diseases.

No information was available on government enforcement efforts during the year. The Ministry of Labor, the Women's Empowerment and Protection Agency, the Home Affairs Ministry, and the National Development Planning Board did, however, work in partnership to reduce gender inequality, including supporting Equal Employee Opportunity (EEO) Task Forces at the provincial, district, and municipal levels. The national EEO Task Force continued to operate during the year.

Women, migrant workers, and persons with disabilities commonly faced discrimination in employment, including often only being offered lower-status jobs. Transgender individuals faced discrimination in employment, as did persons with HIV/AIDS.

According to the 2014 World Economic Forum Gender Gap Index, women made 31 percent less than men did for similar work, and approximately 57 percent less overall. Some activists said that in manufacturing, employers relegated women to lower-paying, lower-level jobs. Jobs traditionally associated with women continued to be significantly undervalued and unregulated. 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. NGOs reported that abusive treatment and discriminatory behavior continued to be rampant.

Female police and military recruits were subject to invasive virginity testing as a condition of employment, including digital pelvic probes that many activists claimed were painful, degrading, and discriminatory (and also not medically accurate). Despite widespread public outcry, police and military officials defended the practice.

Migrant workers were often subject to police extortion and societal discrimination. In previous years there were reports of people being fired with impunity for being HIV positive.

#### **e. Acceptable Conditions of Work**

Minimum wages varied throughout the country as provincial governors set a minimum wage floor and district heads had 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 Yogyakarta at IDR 1.2 million (\$83) per month, and the highest was in Bekasi at IDR 3.3 million (\$238) 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 health 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 endanger health or safety without jeopardy to their employment.

Local officials from the Labor 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, were generally only enforced for 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. The government continued the process of implementing a 2011 law reforming 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. On September 1, unions protested government efforts to restrict pension amounts and eligibility requirements, and were successful in securing government commitment to revisit these proposals in consultation with unions. 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.

Unions continued to urge the government to do more to address the country's poor worker safety record and lax enforcement of health and safety regulations, particularly in the construction sector.