

INDONESIA 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Indonesia is a multiparty democracy. In 2014 voters elected Joko Widodo as president. Domestic and international observers judged the 2014 legislative and presidential elections free and fair. Domestic and international observers judged local elections in June for regional executives to be free and fair.

Civilian authorities generally maintained control over security forces.

Human rights issues included reports of arbitrary or unlawful killings by government security forces; torture by police; arbitrary detention by the government; harsh and life-threatening conditions in prisons and detention centers; political prisoners; censorship, including laws addressing treason, blasphemy, defamation, and decency, site blocking, and criminal libel; corruption and attempts by government elements to undermine efforts to prosecute corrupt officials; criminalization of same-sex sexual activities at the local level and violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and forced or compulsory labor.

While the government took steps to investigate and prosecute some officials who committed human rights abuses, impunity for serious human rights violations remained a concern. In certain cases, the courts meted out disparate and more severe punishment against civilians than government officials found guilty of the same crimes.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were allegations the government or its agents committed arbitrary or unlawful killings. These included reports by human rights groups and media that military and police personnel used excessive force that resulted in deaths during arrests, investigations, crowd control, and other operations. In these and other cases of alleged misconduct, police and the military frequently did not disclose the findings of internal investigations to the public or confirm whether such investigations occurred. Official statements related to these allegations sometimes contradicted witness accounts, making confirmation of the facts difficult.

Nongovernmental organizations (NGOs) and media reported that police abused suspects during detention and interrogation.

Occasional violence continued to affect the provinces of Papua and West Papua, with clashes involving police, the military, and community members. In June localized violence related to regional executive elections took place, with reports of material damage and personal injuries in several remote highland districts. For example, on election day an armed group fired shots at a boat transporting Puncak district's Torere subdistrict head Obadiah Froaro, nine police officers, and ballot boxes in Puncak district, killing Froaro and two police officers.

Several shooting incidents took place in the remote highland district of Mimika, near the operations of the mining company Freeport McMoRan, Inc. On April 4, a shootout between joint police-military security forces and members of the Free Papua Movement (OPM), which has engaged in a low-level armed separatist insurgency for decades, took place in Tembagapura, Mimika, killing one member of the separatist group and injuring two others. The incident occurred during a "sweeping operation" by security forces following an April 1 attack on military personnel that resulted in one death. Ongoing violence by armed criminal groups in remote highland areas prompted an increase in joint police-military patrols in these areas, at times resulting in the death of security forces and OPM fighters.

The lack of transparent investigations continued to hamper accountability in a number of past cases involving security forces. Papuan human rights activists continued to advocate for the resolution of three high-profile cases involving gross violations of human rights: the 2001 Wasior case, the 2003 Wamena case, and the 2014 Paniai case.

International NGOs criticized excessive use of force in counternarcotics operations and sweeps by police to eradicate street crime in advance of the Indonesia-hosted Asian Games. Neither details of the deaths nor consolidated, official statistics from law enforcement agencies involved in the operations were available. Amnesty International reported 77 killings by police between January and August 16, including 31 killings in the host cities of Jakarta and Palembang. This surge followed the announcement of *Cipta Kondisi*, an operation in which senior police officials promised "firm actions" including a shoot-on-sight policy for anyone who resisted arrest. Authorities claimed officers adhered to established protocols regarding proportional use of force and that police followed standard operating procedures in investigating fatalities that occurred in the line of duty. Findings of these investigations, however, were generally not made public.

On May 8, five police officers were killed in a hostile takeover carried out by inmates of a special detention center for terrorism located in Police Mobile Brigade (Brimob) headquarters in Depok, West Java. Subsequently on May 9, two women affiliated with Jemaah Anshorut Daulah, an ISIS-affiliated terrorist organization, killed one Brimob member in a foiled attack attempt towards the same venue.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities. 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.

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

The constitution prohibits such practices. The law criminalizes the use of violence or force by officials to elicit a confession; however, these protections were not always enforced. Officials face imprisonment for a maximum of four years if they use violence or force, but the criminal code does not specifically criminalize torture.

NGOs reported that police, specifically the Criminal Investigation Division (CID), which has authority to conduct investigations and interrogations, used torture during detention and interrogations. A local NGO reported 50 allegations of torture by the CID in the first half of the year. Details on the allegations were unavailable, but in previous years NGOs, victims, and media organizations reported that police officers, specifically from CID units, blindfolded detainees; beat detainees with nightsticks, fists, and rifle butts; applied electric shocks; burned suspects during interrogations, and forced confessions at gunpoint. The Indonesian National Police (POLRI) maintained procedures to address police misconduct, including allegations of torture. Internal affairs investigated police misconduct and as of August had disciplined 5,067 personnel for conduct violations. All police recruits undergo training on proportionate use of force and human rights standards.

In one prominent death case in East Lampung Province, NGOs and media reported the CID allegedly mishandled the July 10 arrest of Zainudin (one name only) for suspected drug trafficking. Police reported he died in custody one day after the

arrest. NGOs representing Zainudin's family filed complaints against the officers involved, but the case remained unresolved.

Under terms of the 2005 peace agreement that ended a separatist conflict in Aceh, the province has special authority to implement sharia regulations. Authorities in Aceh carried out public canings for violations of sharia in cases of gambling, adultery, alcohol consumption, consensual same-sex activities, and sexual relations outside of marriage. No official data was available regarding the prevalence of caning during the year, but Amnesty International reported that 47 people received this punishment between January and April 20.

Sharia does not apply to non-Muslims, foreigners, or Muslim Indonesians not resident in Aceh. Non-Muslims in Aceh occasionally chose to be punished under sharia because it was more expeditious and less expensive than civil procedures.

On July 13, two gay men charged with violating Aceh's sharia code banning consensual same-sex acts received 87 lashes in public. Both men reportedly identified as Muslims. This was the third instance in which persons were charged and punished for consensual same-sex conduct under Aceh's sharia law, although consensual same-sex activity is not illegal under national law (for additional information on sharia in Aceh, see section 6).

Prison and Detention Center Conditions

Conditions in the country's 520 prisons and detention centers were often harsh and sometimes life threatening, due especially to overcrowding.

Physical Conditions: Overcrowding was a serious problem, including at immigration detention centers. According to the Ministry of Law and Human Rights, as of January there were 249,052 prisoners and detainees in prisons and detention centers designed to hold a maximum of 124,177. Overcrowded prisons faced hygiene and ventilation problems in hot regions such as North Sumatra, which adversely affected the living conditions of convicts.

By law prisons are supposed to hold those convicted by courts, while detention centers hold 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 prison, although some convicted juvenile prisoners remained 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 women tended to be significantly better than in those 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.

NGOs noted authorities sometimes did not provide prisoners adequate medical care. Human rights activists observed authorities did not deny medical care to prisoners based on their crimes, but rather due to a lack of resources. International and local NGOs reported that in some cases prisoners did not have ready access to clean drinking water. There were widespread reports the government did not supply sufficient food to prisoners, and family members often brought food to supplement their relatives' diets.

Guards in detention facilities and prisons regularly extorted money from inmates, and prisoners reported guards physically abused them. Inmates within the correctional institutions often bribed or paid corrections officers for favors, food, telephones, or narcotics. The use and production of illicit drugs in prisons were a serious problem, with some drug networks basing operations out of prisons.

Administration: In 2016 the Ombudsman's Office launched a self-initiated investigation of prison conditions and reported its findings to the minister of law and human rights. It was not clear whether any changes resulted from this report.

On May 8, a riot and prison break attempt at the Brimob special detention center for terrorism resulted in the deaths of five police officers. Inmates claimed they began rioting because of the harsh treatment their family members received when visiting the facility. Inmates claimed prison officials strip searched inmates' spouses and prevented inmates from receiving food prepared by family members.

Independent Monitoring: Some domestic NGOs received access to prisons, but were required to obtain permission through bureaucratic mechanisms, including approval from police, attorneys general, courts, the Ministry of Home Affairs, and

other agencies. NGOs reported that authorities rarely permitted direct access to prisoners for interviews.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but there were such arrests and detentions.

Role of the Police and Security Apparatus

By law POLRI is responsible for internal security. The Indonesian National Armed Forces (TNI) are responsible for external defense. On request and with authorization from the president, the military may provide operational support to police in counterterrorism operations and in resolving communal conflicts. A presidential instruction issued in 2013 and a subsequent memorandum of understanding (MOU) between police and the TNI further elaborated the military's role in resolving communal conflicts. Such operations are subject to laws and regulations that govern law enforcement activities, and police retain explicit operational control. In May lawmakers approved long-awaited amendments to the country's counterterrorism laws, effectively criminalizing terrorist travel and material support while also expanding police authority and opening the possibility for greater involvement of the military in domestic counterterrorism operations.

The president appoints the national police chief, subject to confirmation by the House of Representatives (DPR). The police chief reports to the president but is not a full member of the cabinet. Police had approximately 443,000 personnel deployed in 31 regional commands in 34 provinces. They maintain a centralized hierarchy with local police units formally reporting to national headquarters, but in fact, local units exercise considerable autonomy.

POLRI's Internal Affairs Division (PROPAM) is responsible for investigating acts of misconduct committed by police personnel. PROPAM having found an officer guilty of misconduct may hold a hearing to impose discipline. The TNI appoints teams of investigators who are responsible for investigating crimes by military personnel. Police and the TNI rarely disclosed to the public the findings or acknowledged the existence of internal investigations. The National Information Commission, however, released to an NGO that requested the documentation a copy of the completed police internal affairs investigation report into excessive use of force by police in August 2017 in Deiyai, Papua. PROPAM and the National Police Commission investigated complaints from the public against individual

police officers. Police officers cannot regain their jobs once terminated for misconduct, but officers who are arrested and receive a sentence shorter than three years are allowed to return to their jobs.

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

Civilian authorities maintained effective control over the military, and the government generally has effective mechanisms to investigate and punish abuse. Nonetheless, examples of impunity and corruption within the police force and military persisted.

Wiranto (one name only), the former TNI commander in chief, continued to serve as the coordinating minister for political, legal, and security affairs despite a 2003 indictment by the UN-established Special Panel for Serious Crimes for crimes against humanity related to his command responsibility for Indonesia-directed militias that committed atrocities in East Timor in 1999.

Arrest Procedures and Treatment of Detainees

The law provides detainees the right to notify their families promptly after their arrest, and specifies that security forces must produce warrants during an arrest. Exceptions apply 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, especially the CID, made arrests without warrants. By law suspects or defendants have the right to legal counsel of their choice at every stage of an investigation. Court officials are supposed to provide free legal counsel to persons charged with offenses that carry the death penalty or imprisonment for 15 years or more and to destitute defendants facing charges that carry a penalty of imprisonment for five years or more. Such legal resources were limited.

Arbitrary Arrest: There were reports of arbitrary arrest by police, primarily by the CID.

There were multiple media and NGO reports of police temporarily detaining persons for participating in peaceful demonstrations and other nonviolent activities advocating self-determination, notably in the provinces of Papua and West Papua (see section 2.b.). According to media reports, authorities temporarily detained more than 300 individuals between January and September for participating in peaceful rallies. Human rights and legal aid contacts alleged that some Papuan

detainees were subjected to rough treatment by police, with reports of minor injuries sustained during detention.

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 offense 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 may impose an initial 20-day detention, which prosecutors can extend by 60 days while conducting the investigation. 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 for a maximum of 90 days during trial or appeal, while the Supreme Court may detain a defendant for 110 days while considering an appeal. In addition, the court may extend detention periods for a maximum of 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 new antiterrorism law allows investigators to detain for a maximum of 180 days 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. At their discretion, prosecutors and state court judges can nonetheless extend this detention period to a maximum 120 additional days.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: A defendant may challenge the legality of his or her arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained. Defendants, however, rarely won pretrial hearings and almost never received compensation after being released without charge. In December 2017 the South Jakarta pretrial court granted the appeal of Herianto (one name only) and Aris Winata Saputra who challenged their arrest after police detained them in a motorcycle theft case in April 2017. Both men sought compensation for wrongful detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the judiciary remained susceptible to corruption and influence from outside parties, including business interests, politicians, and the security forces. The Corruption Eradication Commission (KPK) has investigated corruption allegations involving justices in the Supreme Court, the State Administrative Court, and the Constitutional Court.

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 off 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 prosecute. Under the law, military prosecutors are accountable to the Supreme Court, but military prosecutors are responsible to the TNI for applying the laws. Civil society organizations and other observers criticized the short length of prison sentences imposed by military courts.

Four district courts are authorized to adjudicate systemic gross human rights violations upon recommendation of the National Commission of Human Rights (Komnas HAM). None of these courts have heard or ruled on such a case since 2005.

Under the sharia court system in Aceh, 19 district religious courts and one court of appeals hear cases. In the past the courts heard only cases involving Muslims and used decrees formulated by the local government rather than the penal code. Sharia does not apply to non-Muslims, foreigners, or Muslim Indonesians not resident in Aceh.

Trial Procedures

The constitution provides for the right to a fair trial, but corruption and misconduct in the judiciary hindered the enforcement of this right. The law presumes defendants are innocent until proven guilty, although this was not always observed. Defendants are informed promptly and in detail of the charges and have the right to confront witnesses and call witnesses in their defense, although an exception is permitted in cases where distance is excessive or the cost of transporting witnesses to the court is too expensive; in such cases sworn affidavits may be introduced. Some 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 a verdict.

The law gives defendants the right to an attorney from the time of arrest and at every stage of examination. Under the law, indigent defendants may obtain private

legal assistance, and NGO lawyer associations provided free legal representation to indigent defendants, although defendants may not always be able to avail themselves of those benefits. Defendants have the right to free interpretation. 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.

Political Prisoners and Detainees

NGOs estimated that fewer than six political prisoners from the provinces of Papua and West Papua remained incarcerated under treason and conspiracy statutes for actions related to the display of banned separatist symbols. Eight Moluccan political prisoners remained in prison, according to Human Rights Watch.

Authorities temporarily detained a number of Papuans during the year for peacefully expressing their political views; the vast majority were released within 24 hours. A small number were formally charged with violating treason or other criminal statutes. For example, on March 12, a district court in Papua Province convicted Papuan activist Yanto Awerkion and sentenced him to 10 months in prison for involvement in organizing an event by the National Committee for West Papua to collect Papuan signatures calling for a referendum on Papuan independence.

Local activists and family members generally were able to visit political prisoners, but 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, but widespread corruption and political influence limit victims' access to justice.

Property Restitution

An eminent domain law allows the government to appropriate land for the public good against the owner's wishes, provided the government properly compensates owners. 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' livelihoods depended.

Land access and ownership were major sources of conflict. Lack of credible maps, traditional rights, and numerous competing laws and regulations on land ownership allow multiple parties to hold legitimate claims to the same piece of land. Security forces sometimes evicted those involved in land disputes without due process, often siding with business claimants over poorer residents. The National Ombudsman reported it received 1,890 land and property related complaints between January and June.

In March in the Banggai regency of Central Sulawesi, police forcefully evicted approximately 1,411 residents of Tanjung Luwuk village from their homes. The impetus was a civil case regarding land tenure between two parties unrelated to the land claims of the villagers. Komnas HAM accused the local government of misusing its authority, among other legal and administrative violations.

f. Arbitrary or Unlawful 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 law grants police special powers to restrict civil liberties and allows military intervention to manage conflicts that might cause social unrest. Police and civilians throughout the country occasionally took actions without proper authority or violated individuals’ privacy, including in Aceh.

NGOs claimed security officials occasionally conducted warrantless surveillance on individuals and their residences and monitored telephone calls.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution broadly provides for freedom of expression while including some limitations. Some elements within the government, the judiciary, and police used laws against defamation and blasphemy to detain, prosecute, and convict individuals and to restrict freedom of expression, including for the press. The government used laws against advocacy of separatism to restrict the ability of individuals to advocate peacefully for independence.

Freedom of Expression: The hate speech law criminalizes content deemed insulting to a religion or that advocates separatism and could inhibit an individual's freedom of speech and expression. A 2015 police circular defines hate speech as insult, libel, defamation, unpleasant acts, provocation, incitement, and dissemination of false news through media, internet, or person-to-person.

Elements within the government and society selectively cited criminal defamation laws in ways that intimidated people and restricted freedom of speech. For example, in North Sumatra the hardline Islam Defenders Front (FPI) reported a 21-year-old Christian student for a Facebook post that likened the Prophet Muhammad to a pig, resulting in the Medan district court sentencing the student to four years in prison for committing hate speech.

Under the law, "spreading religious hatred, heresy, and blasphemy" is punishable by a maximum of five years in prison. Protests by Islamic groups or conservative clerical councils often prompted local authorities to take action under the law.

On August 21, a Buddhist woman of Chinese descent was sentenced to 18 months in prison for complaining about the volume of loudspeakers at a mosque in Tanjung Balai, North Sumatra. Vice President Kalla and leading Muslim organizations subsequently spoke out against the verdict, and the Ministry of Religious Affairs issued a circular with guidelines on how and when the Islamic call to prayer should be broadcast by mosques.

Press and Media Freedom: The independent media was active and expressed a wide variety of views. The government, however, sometimes used regional and national regulations to restrict media. Some foreign journalists reportedly received permits for travel to Papua and West Papua provinces, while others reported bureaucratic delays or denials, ostensibly for safety reasons. In February authorities expelled an Australian journalist from Papua Province's Asmat district after the journalist uploaded a critical social media post of a photo of instant noodles and sweet biscuits reportedly supplied by the government in response to a child malnutrition crisis. Advocates for press freedom alleged that a governmental interagency group, including the TNI and intelligence services, continued to review requests by foreign journalists to visit the region. The constitution protects journalists from such interference, and the law requires that anyone who deliberately prevents journalists from doing their job shall face a maximum prison sentence of two years or a fine of Indonesian rupiah (IDR) 500 million (\$34,300).

Violence and Harassment: The Alliance of Independent Journalists reported 34 cases of violence directed at journalists and media offices between January and April.

In May a video circulated online of two police officers in Papua's Nabire district physically assaulting Papuan journalist Abraham Amoye You and civil servant Mando Mote during a political debate in advance of the June 27 regional executive elections.

Censorship or Content Restrictions: The Attorney General's Office has authority to monitor written material and request a court order to ban written material. The Indonesian Broadcasting Commission has authority to act as a regulator in public, private, and community institutions' broadcasts.

Human rights activists reported that news portal *Suara Papua*, which authorities blocked in 2016 for unspecified "negative content," continued to be temporarily and intermittently blocked without advance notification.

Although the Papua Special Autonomy Law permits flying a flag symbolizing Papua's cultural identity, a government regulation prohibits the display of the Morning Star flag in Papua, the Republic of South Maluku flag in Molucca, and the Free Aceh Movement (GAM) Crescent Moon flag in Aceh. The central government repeatedly declared it does not accept the provincial flag and that the raising of the GAM flag is prohibited.

Libel/Slander Laws: Defamation provisions of the criminal code prohibit libel and slander, which are punishable with five-year prison terms. Journalist Muhammad Yusuf died of an apparent heart attack in June after spending five weeks in detention on defamation charges related to a series of articles he had written on local land issues involving a major palm oil company.

Nongovernmental Impact: Hardline Muslim groups sometimes intimidated perceived critics of Islam in order to limit their speech rights. The Southeast Asia Freedom of Expression Network reported dozens of cases of harassment of victims who allegedly insulted Islam Defenders Front leader Rizieq Shihab, whom authorities arrested on pornography charges.

Internet Freedom

The government prosecuted individuals for free expression under a law that bans online crime, pornography, gambling, blackmail, lies, threats, and racism and prohibits citizens from distributing in electronic format any information deemed defamatory. The law carries maximum penalties of six years in prison, a fine of IDR one billion (\$68,600), or both.

According to the country's internet service providers (ISP) association, there are approximately 143 million internet users in the country, a 6 percent increase from 2017.

The Ministry of Communications and Information Technology continued to request that ISPs block access to pornographic websites and other content deemed offensive. A failure to enforce these restrictions could result in the revocation of an ISP's license. The government also intervened with social media, search engines, app stores, and other websites to remove offensive and extremist content and revoke licenses that did not promptly comply with government demands.

Academic Freedom and Cultural Events

The government generally did not place restrictions on cultural events or academic freedom, but it occasionally disrupted sensitive cultural events or activities or failed to prevent hardline groups from doing so. Universities and other academic institutions also sometimes succumbed to pressure from hardliners seeking to restrict sensitive events and activities.

In early July government security personnel in Malang (East Java) and Surabaya disbanded a Papuan Students Alliance (AMP)-organized film screening and a peaceful discussion organized by the AMP to commemorate a sensitive human rights anniversary, respectively.

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. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful 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 because the demonstrations would likely include calls for independence, an act that is prohibited under the same law. Papua provincial police issued a decree in 2016 prohibiting rallies by seven organizations labeled as proindependence groups, including the National Committee of West Papua, the United Liberation Movement for West Papua, and the Free Papua Movement. There were fewer large-scale Papua-related demonstrations during the year than in previous years.

On April 5, police from Papua's provincial capital Jayapura raided a University of Cenderawasih dormitory that police alleged was a venue for a separatist declaration, rounding up at least 44 students for their involvement in the event. Police later released all of them except for three who they held on unrelated charges.

Freedom of Association

The constitution and laws provide for freedom of association, which the government generally respected.

By law to receive official registration status, foreign NGOs must have an MOU with a government ministry. Some organizations reported difficulties obtaining these MOUs and claimed the government was withholding them to block their registration status, although cumbersome bureaucracy within the Ministry of Law and Human Rights was also to blame.

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/.

d. Freedom of Movement

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 the military broad powers in a declared state of emergency, including the power to limit land, air, and sea traffic. The government did not use these powers during the year.

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: Restrictions on foreign journalists travelling to Papua and West Papua Provinces remained (see section 2.a.).

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

Internally Displaced Persons (IDPs)

The government collects data on displacement caused by natural hazards and conflict through the National Disaster Management Authority, although the lack of systematic monitoring of return and resettlement conditions made it difficult to estimate reliably the total number of IDPs.

The law stipulates the government must provide for “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.”

The National Disaster Management Authority reported that from January through October, 3,548 persons died or were missing and more than 3,057,787 were displaced by natural disasters.

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 the central government, officials have not effectively resolved issues with hardliners who refused to allow the displaced Shia to return to their homes. Approximately 200 Ahmadi Muslims remained internally

displaced in apartments in Mataram, the capital of West Nusa Tenggara, after a mob expelled them from their Lombok village in 2006.

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 the IOM for access to its Assisted Voluntary Return Program.

A government regulation on refugee management outlines the specific roles and responsibilities of government ministries and local authorities, including on search and rescue, shelter, security, and immigration; the Coordinating Ministry of Political, Legal, and Security Affairs has the lead on refugee issues. In April provincial authorities in Aceh granted access to UNHCR to conduct refugee status determinations for two groups of Rohingya migrants whom authorities rescued off the coast of Aceh. Local authorities provided them shelter and essential supplies, as well as health and psychosocial services, in line with the government's refugee management decree. Donations from the local community and assistance from the IOM supplemented provincial and local support.

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

Access to Basic Services: The government does not generally prohibit refugees from accessing public elementary education, although many barriers prevented enrollment of more than a small number of refugee children, including a lack of access for refugee children to government-issued student identification numbers. A small number of refugees enrolled in language and other classes in private, refugee-run schools or in NGO-sponsored programs. Refugees have access to basic public health services through local health clinics, which the government subsidizes. Treatment for more serious conditions or hospitalization, however, is not covered under this 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 held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2014 voters elected Joko Widodo (popularly known as Jokowi) as president, replacing two-term president Susilo Bambang Yudhoyono. Jokowi defeated Prabowo Subianto, a retired general, in elections deemed free and fair by observers. In 2014 voters also elected a new DPR in national legislative elections. In the legislative elections, 12 national parties contested and 10 won seats.

The country conducted its third simultaneous nationwide election for regional executives on June 27, with voting in 171 electoral districts. There were no reports of major violence or serious disruptions or administrative problems affecting polls in a systemic way. In Papua Province, there were isolated incidents of violence in advance of the elections, which resulted in delayed polling in two districts. On June 12 in the South Sumatra district of Empat Lawang, a man died from a gunshot wound and three others were severely injured after a clash between supporters of the two competing regional candidates. Voter turnout was high at 73 percent of registered voters in regions voting.

Political Parties and Political Participation: Under the election law, parties require 4 percent of the vote to qualify to receive seats in the legislature. The top four vote getters in the 2014 elections were nationalist parties, followed by three Islam-oriented parties. The law also stipulates that to nominate a presidential candidate, a party or coalition of parties must have received 25 percent of the national vote or won 20 percent of the seats in the legislature in the previous national election.

All adult citizens who are 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 with mental disabilities, and persons deprived of voting rights by an irrevocable court verdict. Married juveniles under the age of 17 are considered legal adults and eligible to vote.

Participation of Women and Minorities: No law limits participation of women and members of minorities in the political process, and they did participate. A law on political parties mandates that women comprise a minimum of 30 percent of the founding membership of a new political party.

Election law includes a requirement for parties to nominate women for a minimum of 30 percent of the candidate slots on their party lists. In the June 27 regional executive election, male candidates continued to outnumber female candidates. Despite the low overall number of female candidates for district heads, mayors, and governors, the percentages grew slightly from just more than 7 percent in 2017 to 9.6 percent during the year. According to the International Foundation for Electoral Systems, female politicians cited financing as a key obstacle to mounting successful campaigns.

The number of women in parliament decreased after the 2014 elections, however, from 18 to 17 percent of DPR seats and from 27 to 13 percent of Regional Representative Council seats. As of August women held 8 percent of all mayor and district head positions. Recently elected East Java governor Khofifah Indar Parawansa was the only female governor in the country at year's end.

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 (nine of 34 cabinet appointees).

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government generally enforced the law. Elements within the government, police, and the judiciary, however, tried to undermine efforts to prosecute corrupt officials. 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, POLRI, the TNI Special Economics Crime Unit, and the Attorney General's Office have jurisdiction over investigating and prosecuting corruption cases. The KPK does not have authority to investigate members of the military, nor does it have jurisdiction in cases where state losses are valued at less than IDR one billion (\$68,600).

KPK investigators were sometimes harassed, intimidated, or attacked due to their anticorruption work. In 2017 assailants used acid to attack a senior KPK investigator, Novel Baswedan, who had been investigating graft allegations associated with the E-KTP electronic identity card scandal. Police have not identified the perpetrators of the attack.

Corruption: 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 legislators, governors, regents, judges, police, and civil servants. Through the end of 2017, the KPK carried out investigations and prosecutions, recovering approximately IDR 1.9 trillion (\$130,000,000) in state assets. The KPK maintained a 100 percent conviction rate and prosecuted 3,640 graft cases from a total of 3,669 it investigated from 2002 to 2016. According to its 2017 annual report, during that year the KPK conducted 161 investigations, initiated 50 prosecutions, and completed 95 cases resulting in convictions.

In December 2017 the KPK resumed its prosecution of national legislators implicated in graft related to mark-ups in the country's E-KTP procurement project, resulting in IDR 2.3 trillion (\$158,000,000) in state losses. The E-KTP case, the largest corruption case ever investigated by the KPK, resulted in the first corruption conviction of a speaker of the DPR. On April 24, the corruption court convicted former speaker and Golkar Party chairman Setya Novanto and sentenced him to 15 years in prison for graft related to the E-KTP procurement. The court ordered Novanto to pay restitution to the state budget for losses incurred due to his embezzlement, and he was stripped of his political rights for five years from the date of his release from prison. The corruption court also convicted two businesspersons implicated in the E-KTP procurement. The KPK successfully prosecuted individuals who the antigraft agency alleged perjured themselves during the investigation of the E-KTP graft scheme, with former lawmaker Miryam Haryani sentenced to five years in prison in late 2017, Novanto's lawyer, Fredrich Yunadi, sentenced to three years in prison on June 28, and Novanto's physician, Dr. Bimanesh Sutarjo, sentenced to three years in prison on July 23 for falsifying medical information to help Novanto avoid arrest.

The KPK actively investigated alleged graft by elected officials and candidates seeking election, including politicians registered for the June regional executive election. As of mid-August the KPK announced it had arrested 15 district heads, including 14 incumbent district heads seeking re-election. For example, in January the KPK arrested Rudi Erawan, the regent of East Halmahera, North Maluku, for accepting bribes related to a local infrastructure project. In February the KPK arrested Marianus Sae, a district head and East Nusa Tenggara gubernatorial candidate, for accepting \$300,000 in bribes for an infrastructure project, as well as Southeast Sulawesi gubernatorial candidate Asrun (one name only) and his son, the mayor of provincial capital Kendari, on graft charges. Corruption courts handed

down convictions in corruption cases involving elected officials at the provincial, district, and mayoral levels.

According to NGOs and media reports, police commonly demanded bribes ranging from minor payoffs in traffic cases to large bribes in criminal investigations. Corrupt officials sometimes subjected migrants returning from abroad, primarily women, to arbitrary strip searches, theft, and extortion.

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 condoning suspected 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 or to make a case disappear.

As of April the National Ombudsman Commission had received 263 complaints related to litigation favors and maladministration in court decisions. In the first quarter of the year, the Judicial Commission received 124 public complaints related to judicial authority misconduct and recommended 51 judges be subject to further investigation. In the same period, the commission recommended sanctions against 19 judges accused of manipulating trials.

On July 21, President Jokowi signed a presidential regulation outlining the administration's updated national anticorruption strategy. The decree mandates the formation of a national team to implement the government's anticorruption activities. The regulation further stipulates that anticorruption efforts should be aligned with KPK's priorities and efforts and focus on state finances, governance and licensing, and law enforcement.

Financial Disclosure: The law requires senior government officials as well as other officials working in certain agencies 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 law requires reports be filed when the official takes 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.

In March President Jokowi issued a presidential regulation requiring business entities in the country to reveal their beneficial owners to the government. The regulation aims to help identify conflicts of interest between government officials and businesses. On August 7, the State Employment Agency issued a circular mandating investigations of government employees suspected of corruption.

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

Many domestic and international human rights organizations generally operated without government restriction throughout the country, enabling them to investigate and publish their findings on human rights cases as well as to advocate 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, particularly those based in Papua and West Papua provinces, subjected NGOs to monitoring, harassment, interference, threats, and intimidation.

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

The United Nations or Other International Bodies: The government permitted UN officials to monitor the human rights situation in the country. Security forces and intelligence agencies, however, tended to regard foreign human rights observers with suspicion, especially those operating in Papua and West Papua, where their operations were particularly restricted.

Government Human Rights Bodies: Many 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 government is not required to adopt their recommendations and often avoided doing so.

The Aceh Truth and Reconciliation Commission, established in 2016 to investigate human rights violations perpetrated by the government and the now-defunct Free Aceh Movement during the armed conflict between 1976 and 2005, indicated it was still struggling to advance its programs due to budget constraints and lack of support from the current provincial administration.

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

Women

Rape and Domestic Violence: The law prohibits rape, domestic abuse, and other forms of violence against women. A 2016 government survey found that one-third of women between the ages of 15 and 64 had experienced violence. Violence against women previously was poorly documented and significantly underreported by the government. Domestic violence was the most common form of violence against women.

The legal definition of rape covers only forced penetration of sexual organs, and filing a case requires corroboration and a witness. Rape is punishable by four to 14 years in prison. While the government imprisoned perpetrators of rape and attempted rape, sentences were often light, and many convicted rapists received the minimum sentence. Marital rape is not a specific criminal offense under the penal code, but is covered under “forced sexual intercourse” in national legislation on domestic violence and can be punished with criminal penalties. Reliable nationwide statistics on the incidence of rape continued to be unavailable, although in 2016 the Ministry of Women’s Empowerment announced the creation of a nationwide data center to monitor cases of sexual violence. In July KOMNAS Perempuan signed an agreement with Telkomstra, a telecommunications company, to develop a cloud-based contact center dedicated to providing technological improvements to KOMNAS Perempuan’s telephone hotline system.

The government ran integrated service centers for women and children (P2TPA) in all 34 provinces and approximately 242 districts that provided counseling and support services to 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, and some centers were only open for six hours a day and not the required 24 hours. 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.

In addition to 32 provincial-level task forces, the government has 191 task forces at the local (district or city) level, which were usually chaired by the local P2TPA or the local social affairs office.

Female Genital Mutilation/Cutting (FGM/C): FGM/C reportedly occurred regularly, and no laws prohibit the practice. A February 2017 UNICEF report, which reflected 2013 government data, estimated that 49 percent of girls age 11 and younger have undergone some form of FGM/C, despite laws prohibiting medical professionals from administering it. The Ministry of Women's Empowerment and Child Protection has been vocal in opposing FGM/C and has launched an awareness campaign on the dangers of FGM/C. In 2017 the ministry released a guidebook for religious leaders on the prevention of FGM/C. In May during a conference hosted by the ministry, religious representatives from 34 provinces signed a religious opinion advising the national board of the Indonesia Ulema Council to issue a fatwa downgrading FGM/C from "recommended" to "not required or recommended."

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 a maximum imprisonment of two years and eight months and a small fine. Civil society and NGOs reported sexual harassment was a problem countrywide.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women as for men under family, labor, property, and nationality laws, but it 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 law establishes the legal age of marriage as 16 for women and 19 for men, and designates the man as the head of the household. As such, the government taxes married women who work outside the home at a higher rate than working husbands.

Divorce is available to both men and women. Many divorcees received no alimony, since there was no system to enforce such payments. The law requires a divorced woman to wait 40 days before remarrying; a man may remarry immediately.

The National Commission on Violence against Women reported 421 policies that discriminate against women were issued by provincial, district and municipal administrations between 2009 and 2014. These include “morality laws” and antiprostitution regulations, such as those in Bantul and Tangerang, that have been used to detain women walking alone at night. More than 70 local regulations require women to dress conservatively or wear a headscarf. The Ministry of Home Affairs is responsible for “harmonizing” local regulations that are not in line with national legislation and can recommend to the Constitutional Court that the local regulations be overturned. As of August the ministry had not invoked this authority to recommend the overturning of any gender discriminatory local regulations.

Women faced discrimination in the workplace, both in hiring and in gaining fair compensation.

Children

Birth Registration: Citizenship is primarily acquired through one’s parents or through birth in national territory. Without birth registration, families may face difficulties in accessing government-sponsored insurance benefits and enrolling children in schools.

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

Education: Although the constitution guarantees free education, most schools were not free, and poverty puts education out of reach for many children. In 2015 the government introduced a nationwide compulsory 12-year school program, but implementation was inconsistent. The Ministry of Education, representing public and private schools, and the Ministry of Religion for Islamic schools and madrassahs, introduced a new system giving students from low-income families a financial grant for their educational needs.

According to the National Statistics Agency, in 2016 approximately one million children ages seven to 15 years did not attend primary or secondary school. An estimated 3.6 million children ages 16 to 18 did not attend school.

Child Abuse: There continued to be reports of child labor and sexual abuse. In February East Java police arrested a junior high school teacher in Jombang (East

Java) who allegedly committed sexual abuse against 26 students. The teacher was convicted and received a sentence of 15 years' imprisonment. The law prohibits child abuse, but NGOs criticized the slow police response in responding to such allegations. The law addresses economic and sexual exploitation of children, as well as adoption, guardianship, and other issues. Some provincial governments did not enforce these provisions.

Early and Forced Marriage: The legal distinction between a woman and a girl was not clear. Marriage law sets the minimum age for marriage at 16 for women (19 for men), but child protection law states that persons younger than 18 are not adults; however, a girl once married has adult legal status. Girls frequently married before they reached age 16, particularly in rural and impoverished areas.

Sexual Exploitation of Children: The penal code forbids consensual sex outside of marriage with girls younger than 15. The law does not address heterosexual acts between women and boys, but it prohibits same-sex acts between adults and minors.

The law prohibits child pornography and prescribes a maximum sentence of 12 years and fine of IDR six billion (\$412,000) for producing or trading in child pornography. In March 2017 Jakarta police disrupted a major Facebook group used for sharing child pornography.

According to 2016 data from the Ministry of Social Affairs, there were 56,000 underage sex workers in the country; UNICEF estimated that nationwide 40,000 to 70,000 children were victims of sexual exploitation and that 30 percent of female prostitutes were children.

Displaced Children: According to a Ministry of Social Affairs' March 2017 report, there were approximately four million neglected children nationwide, including an estimated 16,000 street children. 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. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

The country's 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/.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities and mandates accessibility to public facilities for persons with disabilities. The law applies to education, employment, health services, and other state services. The government, however, did not always enforce this provision.

In 2013 the General Elections Commission signed a MOU with several NGOs to increase participation by persons with disabilities in national elections. As a result, 3.6 million voters with disabilities were eligible to vote in the 2014 elections. Regional elections in 2015 and 2017 saw increased accessibility nationwide for voters with disabilities, although improvements were not uniform around the country.

According to NGO data, fewer than 4 percent of children with disabilities had access to education. Children with disabilities were reportedly seven times less likely to attend school than other school-age children. More than 90 percent of blind children reportedly were illiterate.

A comprehensive disability rights law imposes criminal sanctions for violators of the rights of persons with disabilities.

National/Racial/Ethnic Minorities

The government officially promotes racial and ethnic tolerance, but in some areas, religious majorities took discriminatory action against religious minorities, and local authorities made no effective response.

Indigenous People

The government views all citizens as “indigenous” but recognizes the existence of several “isolated communities” and their right to participate fully in political and social life. The Indigenous Peoples’ Alliance of the Archipelago estimated there are between 50 and 70 million indigenous persons in the country. 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 and West Papua, were subject to discrimination, and there was little improvement in respecting their traditional land rights. Mining and logging activities, many of them illegal, posed significant social, economic, logistical, and legal 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. Melanesians in Papua, who were mostly Christians, cited endemic racism and discrimination as drivers of violence and economic inequality in the region.

In 2016 President Jokowi announced a government grant of 32,000 acres of forest concessions to nine local indigenous groups to support local community livelihoods; an additional 20,000 acres were granted in 2017. These “customary forest” or *hutan adat* land grants were a new land classification specifically designated for indigenous groups. Nevertheless, access to ancestral lands continued to be a major source of tension throughout the country, and large corporations and government regulations continued to displace persons from their ancestral lands. Central and local government officials reportedly extracted kickbacks from mining and plantation companies in exchange for land access at the expense of the local populace.

The government program of transferring migrants from overcrowded islands, such as 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 antidiscrimination law does not apply to LGBTI individuals, and discrimination against LGBTI persons continued. Families often put LGBTI minors into therapy, confined them to their homes, or pressured them to marry.

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 (\$17,100 to \$480,000) and imprisonment 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 and prostitution. Under a local ordinance in Jakarta, security officers consider any transgender person in the streets at night to be a sex worker.

According to media and NGO reports, local authorities sometimes abused transgender persons and forced them to pay bribes following detention. In some cases the government failed to protect LGBTI persons from societal abuse. Police corruption, bias, and violence caused LGBTI persons to avoid interaction with police. Officials often 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 police.

Aceh's sharia criminal code bans consensual same-sex activities and makes them punishable by a maximum 100 lashes, a fine of approximately IDR 551 million (\$37,800), or a 100-month prison term. According to Aceh's sharia agency chief, at least four witnesses must observe individuals engaging in consensual same-sex activities for them to be charged. On January 28, police raided several beauty salons in Aceh and detained as many as a dozen transgender employees over claims they teased a group of boys. Police accused the employees of violating the province's religious law, then forced some of them to cut their long hair and wear "male" clothing and speak in "masculine" voices while in custody for several days. Police maintained they acted to protect the transgender persons from threats from certain "Muslim hardliners."

In May 2017 two gay men in Aceh who reportedly identify as Muslims were convicted of violating Aceh's criminal code. The two men were each publicly caned with 83 lashes. The men were not allowed to speak with lawyers after they were detained by sharia police, according to human rights organizations. This was the first instance in which individuals were charged and punished for consensual same-sex activity, which is not illegal under national law (see section 1.d. for more information on sharia in Aceh).

Transgender persons faced discrimination in employment and in obtaining public services and health care. NGOs documented instances of government officials not

issuing identity cards to transgender persons. The law only allows transgender individuals officially to change their gender after the completion of sex 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.

LGBTI NGOs operated openly but frequently held low-key public events because the licenses or permits required for holding registered events were difficult to obtain.

HIV and AIDS Social Stigma

Stigmatization and discrimination against persons with HIV/AIDS were pervasive. The government encouraged tolerance, took steps to prevent new infections, and provided free antiretroviral drugs, although with numerous administrative barriers. The government's position of tolerance was adhered to inconsistently at all levels of society. For example, prevention efforts were often muted for fear of antagonizing religious conservatives. Diagnostic, medical, or other fees and expenses that put the cost of free antiretroviral drugs beyond the reach of many compounded barriers to accessing these drugs. Persons with HIV/AIDS reportedly continued to face employment discrimination.

According to a Human Rights Watch report released in June, highly publicized police raids targeting gay men and anti-LGBTI rhetoric by officials and other influential figures since early 2016 have caused significant disruption to HIV awareness and testing programs.

Other Societal Violence or Discrimination

Minority religious groups were victims of societal discrimination that occasionally included violence. Affected groups included Ahmadis, Shias, and other non-Sunni Muslims. In areas where they constituted a minority, Sunni Muslims and Christians were also 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, including in Papua and West Papua.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, with a number of 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, and formed and joined unions of their choice without previous authorization or excessive requirements. The law places restrictions on organizing among public-sector workers. Civil servants 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 by the fact that most SOEs are treated as essential national interest sites.

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.

The law allows the government to petition the courts to dissolve a union if it conflicts with the constitution or the national ideology of *Pancasila*, which encompasses the principles of belief in one God, justice, unity, democracy, and social justice. 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 a minimum of five years in prison. Once a union is dissolved, its leaders and members may not form another union for at least three years. The International Labor Organization (ILO) noted its concern that the sanction of dissolving a union was disproportionate.

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. Workers and employers have 30 days to conclude a CLA before negotiations move to binding arbitration. CLAs have a two-year lifespan that can be extended by one year before lapsing. Unions noted that the law allows employers to delay the negotiation of CLAs with few legal repercussions.

The right to strike is restricted under the law. By law workers must give written notification to authorities and to the employer seven days in advance for a strike to be legal. The notification must specify the start and end 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 mediation with the employer and then proceed to a government mediator or risk having the strike declared illegal. In the case of an illegal strike, an employer may make two written requests within a period of seven days for workers to return. Workers who do not return to work after these requests are considered to have resigned.

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. Presidential and ministerial decrees enable companies or industrial areas to request assistance from the police and the military in the event of disruption and threat to national vital objects in their jurisdiction. The ILO has observed that the definition of “national vital objects” was expanding and consequently imposing overly broad restrictions on legitimate trade union activity, including in the export processing zones. Regulations also classify strikes as illegal if they are “not as a result of failed negotiations.” Unions alleged that in recent years, the government 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 preventing antiunion discrimination. 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 recommended in favor of the workers. While dismissed workers sometimes received severance pay or other compensation, they were rarely reinstated. Some provisions in penal code were 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.

Penalties for criminal violations of the law include a prison sentence and fines, and they were generally sufficient to deter violations. Local Ministry of Labor offices were responsible for enforcement, which was particularly difficult in export-

promotion zones. Enforcement of CLAs varied based on the capacity and interest of individual regional governments.

Unions in various sectors were able to associate with one of the three major labor confederations--KSPSI (Confederation of All Indonesian Trade Unions), KSPI (Confederation of Indonesian Trade Unions), and KSBSI (Confederation of Indonesia Prosperity Trade Unions). Nevertheless, several common practices undermined freedom of association. 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 claimed that companies orchestrated the formation of multiple unions, including “yellow” (employer-controlled) unions, to weaken legitimate unions.

Employer retribution against union organizers, including dismissals, transfers, and violence, occurred. Employers commonly used intimidation tactics against strikers, including administrative dismissal of employees. Some employers threatened employees who made contact with union organizers. Management singled out strike leaders for layoffs or transfers. For example, the International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco, and Allied Workers Associations’ (IUF) alleged local subsidiaries of an international beverage distribution and bottling company engaged in efforts to undermine workers’ freedom of association and collective bargaining, including by selectively targeting union officers for discipline and dismissal.

Many strikes were unsanctioned or “wildcat” strikes that broke out after a failure to settle long-term grievances or when an employer refused to recognize a union. Unions reported that employers also used the bureaucratic process required for a legal strike to obstruct unions’ right to legally strike. Unions noted that employers’ delay in negotiating CLAs contributed to strike activity or legal measures taken against union members in the event of a failed CLA negotiation. The ILO cited the lack of a strong collective bargaining culture as a contributing factor to many labor disputes.

The increasing use of 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 related to the mining industry). Nevertheless, many employers violated these provisions, sometimes with the assistance of local offices of the Ministry of Labor. 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 housekeeping services.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, prescribing penalties of imprisonment and a fine, which were not sufficient to deter violations. The government had difficulty effectively enforcing the law.

The law mandates the National Social Security Administration (BPJS) to enroll migrant workers and their families in the national social security program, enables authorities to prosecute suspects involved in illegal recruitment and placement of workers, and limits the role of private recruitment and placement agencies by revoking their authority to obtain travel documents for migrant workers.

The government continued its moratorium on sending domestic workers to certain countries where its citizens had been subjected to forced labor. Some observers noted this moratorium resulted in an increasing number of workers seeking the services of illegal brokers and placement agencies to facilitate their travel, increasing their vulnerability to human trafficking.

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, manufacturing, fishing, fish processing, construction, and agricultural sectors, including on palm oil plantations.

Migrant workers often accumulated significant debt from both local and overseas labor recruitment outfits, making them vulnerable to debt bondage. Some companies used debt bondage, withholding of documents, and threats of violence to keep migrants in forced labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law and regulations prohibit child labor, defined as all working children between the ages of five and 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. The law prohibits the worst forms of child labor, defined as any person younger than age 18 engaged in any of 13 categories of hazardous labor, including prostitution or other commercial sexual exploitation, mining, construction, offshore fishing, scavenging, working on the street, domestic service, cottage industry, plantations, forestry, and industries that use hazardous chemicals.

Penalties for a violation of minimum age provisions range from one to four years imprisonment, a fine of IDR 100 million to 400 million (\$6,860 to \$27,400), or both. A violation of the prohibition against employing children in the worst forms of child labor is punishable by two to five years' imprisonment and a fine of IDR 200 million to 500 million (\$13,700 to \$34,300). Penalties were not always sufficient to deter violations.

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

Child labor commonly occurred in domestic service, rural agriculture, light industry, manufacturing, and fishing. The worst forms of child labor occurred in commercial sexual exploitation, including the production of child pornography (also see section 6, Children); illicit activities, including forced begging and the production, sale, and trafficking of drugs; and in fishing and domestic work.

According to a 2015 National Statistics Agency report, approximately 6 percent of children ages 10 to 17 were working because of poverty.

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

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation, but 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. The law states that persons are entitled to "employment

befitting for human beings according to their disabilities, their education, and their abilities.”

According to NGOs, antidiscrimination protections were not always observed by employers or the government. The Ministry of Labor, the Women’s Empowerment and Child Protection Agency, the Ministry of Home Affairs, and the National Development Planning Board worked in partnership to reduce gender inequality, including supporting equal employee opportunity task forces at the provincial, district, and municipal levels. The penalties prescribed under the law did not have a strong deterrent effect. Penalties range from written warnings to revocation of commercial and business licenses.

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

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. The labor law does not provide domestic workers 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 abusive treatment and discriminatory behavior continued to be rampant.

Some female police and military recruits were subject to invasive virginity testing as a condition of employment, including use of 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.

e. Acceptable Conditions of Work

Minimum wages varied throughout the country, as provincial governors had authority to set a minimum wage floor and district heads had authority to set a higher rate. The government continued to use a formula set in 2016 to determine the rate of growth for the wage floor, based on the inflation rate and the country’s economic growth.

The predominant factor in setting locality minimum wages was the government's estimate of a "decent living wage," which is determined by the cost of a basket of 60 items. The local wage council, composed of representatives from the government, employers' associations, and labor unions, evaluates the basket items every five years. During the year the lowest minimum wage was in the regency of Gunungkidul, Yogyakarta Province, at IDR 1.45 million (\$99) per month. The highest was in the national capital, Jakarta, at IDR 3.94 million (\$270) per month. According to the Central Bureau of Statistics, the poverty line was IDR 13,333 (\$.91) per day.

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 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 a maximum of 14 hours per week.

The law requires employers to provide a safe and healthy workplace and to treat workers with dignity. Workers can remove themselves from situations that endanger health or safety without jeopardy to their employment. In April the Ministry of Labor released Ministerial Regulation No 05/2018 on occupational safety and health, which included new guidelines regarding chemical safety, hygiene, and sanitation requirements, as well as indoor air quality for a safe and healthy workplace.

Presidential Regulation 20/2018 on foreign workers, which entered into force on June 29, simplified the approval process for hiring foreign workers by consolidating the process of obtaining work and residency permits into one application and requiring that companies facilitate Indonesian language training for foreign workers. Labor unions criticized the revised regulation, raising concerns it will accelerate the influx of foreign, unskilled workers.

Local officials from the Ministry of Labor 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 imprisonment (for violation of minimum wage laws), which were generally sufficient to deter violations. Government enforcement remained inadequate, particularly at smaller companies, and supervision of labor standards continued to be weak. Provincial and local-level officials often did not have the technical expertise needed to enforce labor laws effectively. Enforcement of health and

safety standards in smaller companies and in the informal sector tended to be weak or nonexistent. The number of inspectors was inadequate to enforce compliance in a country of 250 million inhabitants.

Labor regulations, including minimum wage regulations, were generally enforced only for the estimated 42 percent of workers in the formal sector. Labor regulations are not enforced in the informal sector. Workers in the informal sector, estimated to number approximately 74 million as of February, did not receive the same protections or benefits, as they have no legal work contract that could be supervised by labor inspectors.

Although the law and ministerial regulations provide workers with a variety of benefits, aside from government officials, only an estimated 10 percent of the approximately 52 million workers in the formal sector reportedly received social security benefits. Persons who worked at formal-sector companies often received health benefits, meal privileges, and transportation, which workers in the informal sector rarely received. A single state entity (BPJS Kesehatan) administered universal health coverage, and another body (BPJS Ketenagakerjaan) managed work accident insurance, life insurance, old-age benefits, and pensions.

Palm oil workers often worked long hours without government-mandated health insurance benefits. They lacked proper safety gear and training in pesticide safety --problems that were common across plantation industries in the country. On plantations most workers were paid by the volume harvested, which resulted in some workers receiving less than minimum wage and extending their working hours to meet volume targets. According to labor unions, most companies failed to register their employees in the national social security system.

Unions continued to urge the government, especially the Ministry of Labor, 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. In February an accident at a construction site for a commuter rail line in Central Jakarta occurred when a heavy crane toppled, killing four workers and injuring at least one other. An official from Ministry of Public Works and Housing acknowledged the fault lay in minimal attention to safety procedures during construction activities.