

INDONESIA 2017 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. Domestic and international observers judged local elections during 2017 for regional executives to be free and fair.

Civilian authorities generally maintained control over security forces.

The most significant human rights issues included: claims of arbitrary or unlawful killings by government security forces; torture and other cruel, inhuman, or degrading treatment or punishment by police; harsh and life threatening conditions in prisons and detention centers; arbitrary detention by the government; detention of political prisoners; limits on the freedom of expression due to laws addressing treason, blasphemy, defamation, and decency; limits on freedom of association; official 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.

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

During the year human rights groups and media reported that military and police personnel used excessive force during arrests, investigations, crowd control situations, and other operations. In these cases 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, which experienced communal conflict as well as clashes involving police, the military, and community members. Overall, civil society observers reported fewer human rights abuses in Papua and West Papua during the year. Localized violence between supporters of rival candidates related to regional executive elections took place, with reports of deaths and injuries in several locations, notably the highland district of Puncak Jaya. A series of shootings occurred from September to December in the remote highland district of Mimika, located near the operations of the mining company Freeport McMoRan, Inc., resulting in the deaths of at least two police Mobile Brigade officers. Individuals associated with the Free Papua Movement, which has engaged in a low-level armed separatist insurgency for decades, claimed responsibility for the violence, prompting an increase in joint police and military patrols in the area and a temporary evacuation of civilians. On August 1, police Mobile Brigade officials attempted to disband a protest in Deiyai Regency. A violent skirmish between police and protesters ensued, resulting in the fatal shooting by police of Marius Pigai, as well as property damage and minor injuries to a number of police and protesters. Police disciplined two officers following an internal investigation.

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. Despite the government's formation of an integrated team in 2016 to resolve these cases, progress remained slow. Human rights groups alleged that senior members of the State Intelligence Agency were involved in the 2004 killing of human rights activist Munir Said Thalib. In February the Jakarta State Administrative Court annulled an October 2016 Public Information Commission ruling to disclose the investigative report into Munir's death. Human rights groups subsequently filed a report against the administrative court judges with the Judicial Commission, an external oversight body that monitors the judiciary.

International NGOs criticized President Jokowi, Police Chief Tito Karnavian, and National Narcotics Board (BNN) head Budi Waseso for statements indicating that police should kill drug dealers who resist arrest. Amnesty International reported police killed at least 60 suspected drug dealers between January and August, up from 18 reportedly killed in 2016. In December, BNN head Waseso told local

media that during the year BNN officers killed 79 suspected drug traffickers who were resisting arrest. Details of the deaths, as well as consolidated, official statistics from all law enforcement agencies involved in counternarcotics operations, were not available. Authorities claimed officers adhere to established protocols regarding proportional use of force and that police follow standard operating procedures in investigating fatalities that occur in the line of duty. These investigations, however, were generally not made public.

On May 24, three police officers were killed in East Jakarta by suicide bombers who were members of the ISIS-affiliated, terrorist organization Jemaah Anshourt Daulah.

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 states 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. These protections are not always enforced. Officials can be imprisoned for up to 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 (known as CID, or RESKRIM), which has the authority to conduct investigations and interrogations, used torture during detention and interrogations. A local NGO reported 65 allegations of torture by 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, namely from CID, blindfolded detainees; beat detainees with nightsticks, fists, and rifle butts; applied electric shock; burned suspects during interrogations, and forced confessions at gunpoint. The Indonesian National Police (POLRI) maintain procedures to address police misconduct, including allegations of torture. Internal affairs investigated police misconduct, and during the year disciplined 5,404 personnel for conduct violations.

All police recruits undergo training on proportionate use of force and human rights standards.

In one prominent case, NGOs and media reported that CID arrested and tortured Sutrisno, whom police suspected was involved in a local theft, in Central Sulawesi. Sutrisno died in police custody on February 26. Police internal affairs launched an investigation of the eight CID officers reportedly involved in the arrest, although no resolution was made public by the end of the year.

Two Jakarta International School (now Jakarta Intercultural School) teachers, Neil Bantleman and Ferdinant Tijong, and five of the school's custodial staff members remained in jail on child abuse charges. The five custodians reported that police officers tortured them during interrogations in 2015, which resulted in the death of a sixth custodial staff member. Subsequent incidents of torture have not been reported.

Under terms of the 2005 peace agreement that ended a separatist conflict in Aceh, the province has special authority to implement sharia law regulations. Authorities in Aceh carried out public canings for violations of sharia in cases of gambling, adultery, alcohol consumption, homosexual activities, and sexual relations outside of marriage. No official data was available regarding the prevalence of caning during the year.

Sharia law does not apply to non-Muslims, foreigners, or Muslim Indonesians not resident in Aceh. Non-Muslims in Aceh occasionally choose to be punished under sharia law because it is more expeditious and less expensive than civil procedures. On March 10 two Buddhists of Chinese descent in Aceh chose to be caned after spending a month in detention for cockfighting and gambling, which are illegal under both criminal and sharia law. This is the first case of Buddhists being punished under sharia law in Aceh.

On May 23, two gay men charged with violating an article of Aceh's sharia code banning homosexual acts were each publicly caned 85 times. Both men reportedly identify as Muslims. This was the first instance in which individuals have been charged and punished for homosexuality under Aceh's sharia law, although homosexuality is not illegal under national law (for additional information on sharia law in Aceh, see section 6).

On May 21, police raided a North Jakarta sauna and fitness center and took into custody 141 men who were accused of holding a "gay sex party" that reportedly

included drugs and prostitution. The men were transported to a police station and reportedly stripped naked for drug testing and police interrogation. Leaked naked photos and videos of the detained men spread quickly online. The majority of the men were released the following day. Police reportedly restricted outside access to the suspects, limiting their access to pro bono legal representation. A coalition of Lesbian, gay, bisexual, transgender, and intersex (LGBTI) and human rights activists signed a letter condemning police treatment of the men.

Prison and Detention Center Conditions

Conditions in the country's 497 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, in March there were 214,675 prisoners and detainees in the prisons and detention centers, which were designed to hold 122,607. Overcrowded prisons faced hygiene and ventilation problems in high-temperature regions such as North Sumatra, which adversely affected the living conditions of the 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 prisons; however, some convicted juvenile prisoners were held in the adult prison system. On June 9, the Ministry of Law and Human Rights inaugurated two special juvenile correction facilities in Jakarta.

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 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, 448 prisoners died in custody during the year. Causes of death included old age and natural causes (240), leptospirosis (30), and a prison riot (five).

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, phones, or narcotics. The use and production of illicit drugs in prisons was a serious problem, with some drug networks basing operations out of prisons.

On May 5, more than 400 inmates fled the Sialang Bungkok Prison in Pekanbaru following clashes with prison guards and attempts to start a fire. Prison guards reportedly demanded high payment for basic services and family visits, which reportedly spurred the riot.

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.

Family members reported prison officials sought bribes to allow prison visits, according to NGO reports.

Independent Monitoring: Some domestic NGOs received access to prisons, but they were required to obtain permission through bureaucratic mechanisms, including approval from police, attorney general, courts, the Ministry of Home Affairs, and other agencies. NGOs reported direct access to prisoners for interviews was rarely permitted.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but there are inadequate enforcement mechanisms. NGOs and media reported police abuse of suspects in detention was common.

Role of the Police and Security Apparatus

By law POLRI is responsible for internal security. The Indonesian National Armed Forces (TNI) is responsible for external defense, and its military territorial commands are individually charged with deterring and overcoming threats to national sovereignty and territorial integrity within their respective commands. 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 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 other than warfare, and police retain explicit operational control. Despite this regulatory framework, some observers expressed concern that the TNI used its role in domestic counterterrorism 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 House of Representatives (DPR). The police chief reports to the president but is not a full member of the cabinet. Police had approximately 430,000 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.

The Internal Affairs Division (PROPAM) of POLRI is responsible for investigating acts of misconduct committed by police personnel. PROPAM, having found an officer guilty of an act 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 the findings or acknowledged the existence of internal investigations to the public; however, police reported to media in July that PROPAM was conducting investigations on recruitment-related scandals and acts of alleged excessive use of force against civilians, namely in Papua. PROPAM and the National Police Commission investigated complaints from the public against individual police officers. Police officers cannot be rehired after they are terminated for misconduct, but police 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 law.

There was impunity and corruption within the police and military. For example, Hartomo (one name only) continued to serve as head of the Armed Forces Strategic Intelligence Agency, despite being convicted in 2003 for the 2001 murder of prominent Papuan civil society leader, Theys Eluay.

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 a 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 and specifies that security forces must produce warrants during an arrest. Exceptions are permitted 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 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 a death penalty or imprisonment of 15 years or more and to destitute defendants facing charges that carry a penalty of five years or more. Such resources were limited.

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

There were multiple media and NGO reports of police temporarily detaining large numbers of individuals for participation in peaceful demonstrations and other nonviolent activities advocating self-determination, notably in the province of Papua (see section 2.b.). Human rights and legal aid contacts alleged that Papuan detainees are subject 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, commit another crime, or 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 to impose an initial 20-day detention, which can be extended to 60 days by the prosecutors while

the investigation is conducted. 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.

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. Military and civilian courts rarely accepted appeals based on claims of improper arrest and 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.

On August 28, the corruption court convicted Constitutional Court Judge Patrialis Akbar on corruption charges and sentenced him to seven years in prison. On January 26, the KPK arrested Akbar for accepting bribes from a businessperson lobbying for a beneficial ruling in a pending judicial review of an animal husbandry law.

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 located in Surabaya, Makassar, Jakarta, and Medan are authorized to adjudicate cases of systematic gross human rights violations upon the recommendation of the National Commission of Human Rights (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. 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 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. In February 2016 authorities in Aceh issued a written public statement clarifying that sharia law 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; however, 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 guaranteed. 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 permitted in cases in which distance is excessive or the expense of transporting witnesses to the court is too expensive. 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.

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. Under the law indigent defendants may obtain private legal assistance, and NGO lawyer associations provide free legal representation to indigent defendants, but defendants may not always be able to avail of those benefits. Defendants have the right to free interpretation, which can be provided if requested through their defense plea. 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. Thirteen Moluccan political prisoners remained in prison, according to Human Rights Watch (HRW). Most were imprisoned under treason and conspiracy statutes for actions related to the display of banned separatist symbols.

A number of Papuans were temporarily detained during the year for peacefully expressing their political views, yet the vast majority were released within 24 hours. A small number were formally charged with violating treason or other criminal statutes. For example, four Papuan students reportedly remained in detention while awaiting prosecution on treason charges after being detained by Manado Police in December 2016. It was difficult, however, to verify the exact number awaiting court proceedings.

Local activists and family members generally were able to visit political prisoners, but authorities held some prisoners on islands far from their families, including all 13 prisoners from Maluku cited by HRW.

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, as well as 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 Legal Aid Foundation reported it received nearly 193 complaints related to land conflicts, noting that in many cases local security, police and the TNI evicted residents on behalf of corporations.

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, 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. In practice the hate speech law could inhibit an individual's freedom of speech and expression. In 2015 a circular letter on hate speech was released by then POLRI chief Badrodin Haiti. The 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, on September 6, the Indonesian Democratic Party of Struggle (PDI-P) reported journalist Dandhy Dwi Laksono for online defamation for a Facebook post in which he likened the PDI-P chairwoman and former president, Megawati Sukarnoputri, to First State Counselor of Myanmar Aung San Suu Kyi, claiming both individuals mishandled internal conflicts.

In December 2016 police arrested 11 people for statements allegedly provoking crowds gathered for a protest against Jakarta governor Basuki "Ahok" Tjahaja Purnama. Police charged eight suspects with planning to commit treason, two under the Information and Electronic Transaction (ITE) law and one for defamation. According to police, the suspects planned to incite crowds to march towards the House of Representatives and occupy the building to compel impeachment of President Jokowi. All suspects denied the charges, and they were subsequently granted a conditional release (see section 6 for more details on the December 2016 protest).

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

On March 7, the East Jakarta District Court convicted and sentenced to jail for blasphemy three senior leaders of the banned religious group, Gafatar. The court found that the leaders committed blasphemy because the group's blending of Christian, Jewish, and Islamic doctrine "contradicts and offends Islamic values held by most Indonesian citizens."

On May 9, a panel of judges for the North Jakarta District Court found Jakarta governor Ahok guilty of blasphemy against Islam and sentenced him to two years in jail, concluding a five-month trial. In September 2016 Governor Ahok said during a campaign speech that it was wrong to manipulate verses from the Quran for political gain, angering some conservative clerics and Muslim leaders who alleged the remarks were blasphemous (see section 3).

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 visas for foreign travel to Papua and West Papua Provinces, while others reported bureaucratic delays or denials, ostensibly for safety reasons. 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 (\$37,260).

Violence and Harassment: The Alliance of Independent Journalists reported 23 cases of violence directed at journalists and media offices between January and May.

In May a legal aid NGO reported that police intimidated local Papuan journalist Yance Wenda while in detention following the disbandment of a peaceful rally commemorating a key Papuan anniversary. Police allegedly forced Wenda to delete photos of the event from his device.

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

Human rights activists reported that news portal Suara Papua, which was blocked by authorities in November 2016 for unspecified "negative content," continues to be temporarily 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 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 repeatedly declared it does not accept the provincial flag and that raising 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. On May 29, Bambang Tri Mulyono, the author of a book titled *Jokowi Undercover* was sentenced to three years in prison for allegedly committing slander against President Jokowi in his book.

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 (FPI) leader Rizieq Shihab, who was arrested on pornography charges. For example, on May 28, FPI members were caught on video threatening and slapping a 15-year-old boy who had allegedly posted memes about Rizieq.

Internet Freedom

The government prosecuted individuals for free expression under the 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 IDR one billion (\$74,500), or both.

According to the Ministry of Communications and Information Technology, approximately one-half of all Indonesians had internet access in 2016.

The Ministry of Communications and Information Technology continued to request that internet service providers (ISPs) block access to pornographic websites and other content deemed offensive. The ministry did not have the technology or capacity to block the websites in question itself. Enforcement of these restrictions depended upon individual ISPs, and a failure to enforce these restrictions could result in the revocation of an ISP's license. The government also urged social media, search engines, and other websites and applications to block offensive and extremist content.

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.

Local police in South Sulawesi stopped more than 600 transgender and gender-neutral people from holding an annual sports and culture event. The Bugis ethnic group recognizes five distinct genders and has hosted the event for 23 years. Local government initially approved the event after instructing organizers to drop several activities Muslims considered offensive; however, local police later cancelled the event. According to the Makassar Legal Aid Foundation, police requested identities, cell phone numbers, and other personal details about all event participants. Organizers were unable to comply with this request because the event did not entail advance registration. Police told media they had no choice but to cancel the event due to complaints from the Soppeng branch of the Islamic Community Forum.

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 on the grounds that the demonstrations would likely involve calls for independence, an act that is prohibited under the same law. Papua provincial police issued a decree in July 2016 prohibiting rallies by seven organizations labeled as proindependence groups, including the National Committee of West Papua (KNPB), 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 2016.

On May 1, police dispersed a KNPB rally in Sentani, Papua, commemorating Papua Annexation Day, and reportedly detained 200 people, the majority of whom were released the following day. Local media reported the detention of 77 people in Merauke on May 31 after police disrupted a meeting of KNPB's Merauke branch.

The government and hardline groups often prevented civil society from holding events discussing the 1965-66 anticommunist purges due to the sensitivity of the issue. Police rejected some civil society requests to hold events on this topic, and shut down several such events during the year. Media and international NGOs reported that the district military command assisted police in some of the reported cases. Hardline groups also disrupted events on this topic during the year. For example, on September 18 protesters gathered outside the Jakarta Legal Aid Foundation's (LBH) office as the organization was hosting an event on the 1965-66 anticommunist purges. Law enforcement disbanded the event after protests turned violent and prevented LBH staff from departing the premises.

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

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 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, although a cumbersome bureaucracy within the Ministry of Law and Human Rights was also to blame.

On October 24, the DPR approved the regulation-in-lieu-of-law (perppu) signed by President Jokowi on July 10 that revises the 2013 Law on Mass Organizations and allows the state to disband mass organizations deemed intolerant or threatening to national unity. The regulation shifts the process for disbanding mass organizations directly to the Ministry of Home Affairs and the Ministry of Law and Human Rights instead of the judiciary. The regulation expands the definition of what

group activities may be considered in violation of the 1945 Constitution and national ideology of Pancasila and introduces new jail sentences for those who violate the 2013 law. Although the human rights community has long pressed the government to take action against intolerant groups, many activists opposed the regulation, arguing it infringes on rights of expression and assembly. On July 11, the government formally revoked the legal status of Hizbut Tahrir Indonesia, an organization advocating the establishment of an Islamic caliphate. During the year the Constitutional Court was considering seven petitions filed to challenge the perppu.

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 military forces 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 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 makes it difficult to estimate reliably the total number of IDPs.

The international NGO Internal Displacement Monitoring Center reported that between January 1 and June 30, 146,000 people were displaced by disaster and 60 by conflict. 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 the 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.

The law stipulates the government must 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

Refoulement: In December the Asia Pacific Refugee Rights Network, an international advocacy organization, requested authorities to delay the deportation of four Vietnamese migrants, whom the group claimed were asylum seekers. A spokesperson for the Ministry of Law and Human Rights told local media the four were considered irregular migrants who had violated immigration laws. Near year’s end a public determination on whether the migrants’ deportation constituted refoulement was yet to be made.

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.

In December 2016 President Jokowi signed a presidential decree on refugee management outlining the specific roles and responsibilities of government ministries and local authorities, including on search and rescue, shelter, security, and immigration. The decree also named the Coordinating Ministry of Political, Legal, and Security Affairs as the lead on refugee issues. As of August there were 7,248 asylum seekers and 6,590 refugees registered with UNHCR. Some were applicants and others were dependents. More than one-half of the refugees or asylum seekers were from Afghanistan, followed by 11 percent from Somalia, 6 percent each for Burma and Iraq, as well as smaller numbers from other countries of origin. Approximately 3,500 refugees and asylum seekers, including women and children, resided in immigration detention centers or temporary accommodations under the supervision of immigration authorities. Overcrowding was a perennial issue with immigration detention centers, and overall quality of accommodations varied widely depending on the center. An additional 30 percent lived in community boarding houses through the assistance of IOM. The remaining active persons of concern lived independently in UNHCR or donor-sponsored community homes administered by NGOs.

Employment: The government prohibited 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, though many barriers have 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 guarantees 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 (commonly 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 parties eventually won seats.

The country conducted its second simultaneous nationwide election for regional executives on February 15, with voting in 101 electoral districts. There were no reports of violence of consequence or reports of serious disruptions or administrative problems affecting polls in a systemic way. Voter turnout was high, with 80 percent of Jakarta's seven million voters having participated. A free, fair, and peaceful run-off election for the Jakarta governor was held on April 19, with a 77 percent voter turnout.

In June 2016 the DPR passed a law on local elections for governors, regents, and mayors that requires civil servants, members of the DPR, DPD, and the Regional People's Representative Council to resign after they become candidates for provincial, district, or city office.

Political Parties and Political Participation: Based on the revised election law signed by the president in August, the DPR increased the vote threshold for parties to qualify for a seat in the legislature to 4 percent. The top four vote getters in the 2014 elections were nationalist parties, followed by three Islamic-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 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 with 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.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. 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 regional elections held in seven provinces women accounted for 7.3 percent of the total number of candidates. 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.

As of November 2016 women held 8.7 percent of all mayor and regent positions. There were no female governors.

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 tried to comply with the law. Elements within the government, police, and 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, under the deputy attorney general for special crimes, have jurisdiction over investigating and prosecuting corruption cases. The KPK does not have the authority to investigate members of the military, nor does it have jurisdiction in cases where state losses are valued below IDR one billion (\$75,000).

KPK investigators were sometimes harassed, intimidated, or attacked due to their anticorruption work. In April unidentified assailants committed an acid attack against a senior KPK investigator, Novel Baswedan, resulting in a significant loss of vision; police have not identified who committed the attack, and the case remained under investigation. Baswedan had been investigating graft allegations associated with the electronic identity card scandal (E-KTP).

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 2016, the KPK carried out investigations and prosecutions, recovering approximately IDR 497.6 billion (\$37.3 million) in state assets. The KPK maintained a 100 percent conviction rate, supported by the prosecution of 3,640 graft cases from total of 3,669 cases from 2002 to 2016. According to its 2016 annual report, the KPK conducted 96 investigations; initiated 99 prosecutions; and completed 77 cases resulting in convictions.

On March 9, the KPK launched its prosecution of two former home affairs ministry officials for graft related to mark-ups in the Indonesian electronic identity card (E-KTP) procurement project, resulting in IDR 2.3 trillion (\$172 million) in state losses. On July 20, the corruption court sentenced the two former officials, Irman and Sugiharto, to seven and five years in prison, respectively. The E-KTP case, which is the largest corruption case ever investigated by the KPK, expanded to include the prosecution of former speaker of the House of Representatives, Golkar politician Setya Novanto, whose trial started on December 13. On December 21, the Jakarta Corruption Court sentenced businessman Andi Agustinus to eight years in prison for conspiring with Novanto and others to embezzle IDR 52.7 trillion (\$7.5 million). Former minister of home affairs Gamawan Fauzi and more than 37 DPR members were implicated in the KPK's indictment. The KPK also pursued criminal prosecution of former DPR lawmaker Miryam Haryani, who the court sentenced to eight years for perjury after she retracted her earlier testimony in the case following alleged intimidation from DPR members, as well as Markus Nari, a legislator from the Golkar Party, for perjury related to the case.

Corruption courts handed down convictions in many high-profile corruption cases during the year. Three former national lawmakers--Damayanti Wisnu Putranti, Budi Supriyanto, and Andi Taufan Tiro--were sentenced in late 2016 and early 2017 to between four and nine years in prison for allegedly accepting bribes from a construction vendor to secure the tender of a road construction project in Maluku Province. The Trans-Maluku road case was significant in implicating almost one-half of all legislators from the commission overseeing the project, as well as high-ranking officials from the Ministry of Housing and Public Works, and local government officials in Maluku Province. The project demonstrated the pervasive and systemic corruption spanning both the executive and legislative branches.

In October 2016 President Joko Widodo issued a presidential regulation creating a task force to eradicate illegal fines and petty graft. According to a report issued on August 2 by the Coordinating Ministry for Politics, Law, and Security Affairs, the taskforce confiscated IDR 17.6 billion (\$1.3 million) in illegal fees and conducted

more than 900 raids. Authorities named 1,834 individuals from the government, police, and the Attorney General's Office as suspects. Of the more than 31,000 complaints, 36 percent concerned the delivery of public services, 26 percent dealt with law enforcement, 18 percent focused on educational institutions, and 12 percent related to license and permit issuance.

According to NGOs and media reports, 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.

The KPK arrested several judicial authorities during the year, including a Constitutional Court judge, 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 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 payment to make a case disappear.

Between April 2016 and May 2017, the National Ombudsman Commission received 392 complaints related to litigation favors and maladministration in court decisions. In the same period, the Judicial Commission received 712 public complaints related to judicial authority misconduct and recommended 33 judges be subject to further investigations. As of July 27, the Commission recommended sanctions for three judges accused of manipulating trials.

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 to 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. On December 11, the KPK launched a new online system for submitting the mandatory wealth reports.

In July 2016 the newly appointed police chief, Tito Karnavian, mandated that all senior police officials disclose their financial statements. Following up on the police chief's instruction, Jakarta Metro police chief Moechgiyarto explained that police would only be obliged to submit the asset report to police internal affairs and not to the KPK, to avoid public misperceptions of the investigations.

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 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, particularly 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, 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.

In 2012 Komnas HAM released its findings regarding the anticommunist 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 Attorney General's Office and several government ministries proposed the formation of nonjudicial "reconciliation committees" to find noncriminal 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 Attorney General's Office was abusing a provision in the Human Rights Courts Law to avoid prosecuting the perpetrators of the 1965 communist purge and other cases.

Although the 2006 Law on the Government of Aceh mandates the establishment of a human rights court in Aceh, no such court had 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 had been 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 it is covered under "forced sexual intercourse" in national legislation on domestic violence, and it can be punished with criminal penalties. Reliable nationwide statistics on the incidence of rape continued to be unavailable, although in June 2016, the Ministry of Women's Empowerment announced the creation of a nationwide data center to monitor cases of sexual violence.

The government ran integrated service centers for women and children (P2TPA) in all 34 provinces and approximately 242 districts, which 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 the provincial-level task forces, the number of task forces at the local (district or city level) rose from 191 in 2015 to 196 of 497 districts/towns in 2016.

Female Genital Mutilation/Cutting (FGM/C): FGM/C reportedly occurred regularly, and no laws prohibit the practice. A February 6 UNICEF report, which reflected 2013 government data, estimated that 49 percent of girls age 11 and younger, or an estimated 60 million women and girls, have undergone some form of FGM/C, despite laws prohibiting medical professionals from administering it. The Ministry of Women’s Empowerment has been vocal about its opposition to FGM/C but has run up against conservative groups, including the Indonesian Ulema Council, who claimed a religious foundation for the practice. For more information, see data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/.

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. Civil society and NGOs reported sexual harassment was a problem countrywide, but government institutions actively worked to counter it.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides for the same legal status and rights for women as for men under family, labor, property, and nationality laws, but 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.

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, but as of August the ministry had not invoked this authority to overturn 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 the implementation was inconsistent. The Ministry of Education, representing public and private schools, and the Ministry of Religion for Islamic schools and madrasahs, introduced a new system giving students from low-income families a certain amount of money for their educational needs.

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

Child Abuse: There continued to be reports of child labor and sexual abuse. The law prohibits child abuse, but NGOs criticized the slow police response in responding to such allegations. The Child Protection Act 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. The marriage law sets the minimum marriageable age at 16 for women (19 for men), but the child protection law states that persons under age 18 are not adults. A girl who marries has adult legal status. Girls frequently married before reaching the age of 16, particularly in rural and impoverished areas. See also the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

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. On March 14, Jakarta police disrupted a major Facebook group used for sharing child pornography.

The Pornography Law prohibits child pornography and prescribes a maximum sentence of 12 years and fine of IDR six billion (\$447,000) for producing or trading in 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 all females in prostitution 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. For more

information, see the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.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 government, however, did not always enforce this provision. Persons with disabilities are legally classified into three categories: physically disabled, intellectually disabled, and physically and intellectually disabled. These categories are further divided for schooling.

In 2013 the General Elections Commission 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. Regional elections in 2015 and 2017 saw increased accessibility nationwide for voters with disabilities. Improvements were not uniform around the country, however.

Persons with disabilities also faced lingering social and cultural stigmas that depressed accurate counting of persons with disabilities, in turn resulting in resource underallocation. Due to social stigmas that view persons with disabilities as "spiritually deficient," persons with disabilities commonly failed to pursue the accommodations to which they are entitled.

The law provides children with disabilities the right to an education and rehabilitative treatment. According to NGO data, there were 1.4 million children with disabilities in the country, and fewer than 4 percent 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 were reported to be illiterate.

In 2016, the DPR passed a comprehensive disability rights law that requires improved access and accommodations for persons with disabilities, including provisions for reasonable accommodation at work, and establishing new employment quotas, concessions, and prohibitions. It also 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 practice in some areas, religious majorities took discriminatory action against religious minorities, and local authorities made no effective response.

On February 11, an estimated 200,000 people attended a “mass prayer” at Jakarta’s national mosque that was organized by members of the FPI and other groups that urged Muslims to vote for a Muslim candidate in the February 14 Jakarta gubernatorial election. The event implicitly opposed the leadership of Jakarta governor Ahok, an ethnic Chinese Christian, who was running for election after having risen administratively from vice governor to governor when the governor’s position became vacant. The FPI and other groups made Ahok’s ethnicity and religion an issue throughout the campaign season. The groups claimed that Governor Ahok committed blasphemy during a September 2016 speech in which he cited a verse of the Quran to defend pluralism, angering some conservative clerics and Muslim leaders who alleged the remarks were blasphemous. In November 2016 an estimated 60,000-100,000 persons participated in a Jakarta protest intended to prompt Ahok’s arrest for blasphemy. Another protest calling for Ahok’s arrest was held in December 2016, with an estimated 500,000 participants.

Indigenous People

The government views all citizens as “indigenous”; however, it 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 people 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 December 2016 President Jokowi announced the government granted 53,000 acres of forest concessions to nine local indigenous groups to support local community livelihoods. These "customary forest" or hutan adat land grants are a new land classification specifically designed for use by indigenous groups. Nevertheless, access to ancestral lands continued to be a major source of conflict 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 palm oil 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 (\$18,600 to \$522,000) 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 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 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 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.

Article 63 of Aceh's sharia criminal code bans homosexual activities and makes them punishable by up to 100 lashes, a fine of approximately IDR 551 million (\$41,000), or an eight-year prison term (100 months). According to Aceh's Sharia Agency chief, at least four witnesses must observe individuals engaging in homosexual activities for them to be charged. On May 10, two gay men in Aceh who reportedly identify as Muslims were charged with violating Article 63 of Aceh's criminal code after neighbors observed them for months, broke into their home, and then used mobile phones to film them. On May 23, the two men were each publicly caned 83 times before a crowd of onlookers. The men were not allowed to speak with lawyers after being detained by Sharia Police, according to human rights organizations. This was the first instance in which individuals have been charged and punished for homosexuality, which is not illegal under national law (see section 1.d. for more information on sharia law in Aceh).

Transgender individuals faced discrimination in employment and in obtaining public services and health care. NGOs documented instances of government officials not issuing identity cards to transgender individuals. The Civil Administration Law only allows transgender individuals officially to change their gender 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.

HIV and AIDS Social Stigma

Stigmatization 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'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. In previous years there were reports of persons being fired with impunity for being HIV positive and persons with HIV/AIDS reportedly continued to face employment discrimination.

Fourteen men in police custody were tested for HIV after they were arrested on April 30 in a police raid on a “gay party” at a Surabaya hotel. The men’s identities and HIV status were subsequently leaked to media.

Other Societal Violence or Discrimination

Minority religious groups were victims of societal discrimination that occasionally included violence. Affected groups were 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.

Tensions between ethnic Papuans and migrants from other parts of the country who have moved to Papua continued. The death of a migrant woman from Maluku in May near Papua’s provincial capital of Jayapura prompted retaliatory violence against Papuans by a group of migrants from Maluku. The group, which erroneously believed an ethnic Papuan was responsible for the woman’s death, killed a Papuan passerby. Human rights observers criticized the slow police response for sparking communal violence in the case.

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, however, 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 International Labor Organization (ILO) recommended lifting these restrictions. 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 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 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 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 are given 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 the 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. The same regulation also classifies 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 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 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. The ILO requested the government repeal or amend these provisions, which could be used as a pretext for arbitrary arrest of union members and leaders.

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 is 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. 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 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.

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 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 of 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 government continued its moratorium on sending domestic workers to certain countries where its citizens had been subjected to forced labor, revoked the licenses of labor brokers suspected of illegal practices that could facilitate trafficking, and launched investigations into cases of forced labor. For example, from January to December, IOM Indonesia rescued 43 Indonesian fishermen who were trafficked on foreign-flagged fishing vessels. The fishermen reported forced labor, excessive working hours, psychological and physical abuse, restrictions on the freedom of movement, the use of false documentation, and failure to pay salaries. In a separate case, on March 9, courts sentenced a director of an Indonesian fishing agency to three years in prison under the 2007 human trafficking law.

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law and regulations prohibit child labor, defined as all working children ages five to 12, regardless of the hours worked; working children ages 13 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, a fine of IDR 100 million to 400 million (\$7,450 to \$29,800), or both. Penalties were not always sufficient to deter violations.

The worst forms of child labor encompass any person under the age of 18 engaged in any of the following 13 kinds 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. 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 (\$14,900 to \$37,260). 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 expand access to social protection programs.

The most recent official data on child labor is a 2016 National Labor Survey; however, this data only provides information on children between the ages of 15 and 17 who are legally working and does not include child labor data for children under 15 years of age. The 2012 Understanding Children's Work project remains the most comprehensive baseline study of child labor in the country; the project is a cooperative effort between the ILO, UNICEF, the World Bank, and the government. The study estimated as many as 3.6 million children between the ages of 10 and 17 were working in 2012. The Ministry of Labor estimated 1.7 million children were working and approximately 400,000 of them were involved in the worst forms of child labor, including in commercial sexual exploitation (see section 6, Children) and hazardous industries, based on a 2009 survey. 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; 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 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." According to NGOs, these protections were not always guaranteed by employers or the government. No laws prohibit discrimination based on sexual orientation or gender identity, national origin or citizenship, age, language, HIV-positive status, or having other communicable diseases.

The Ministry of Labor, Women's Empowerment and Child Protection Agency, Ministry of Home Affairs, and 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.

Women, migrant workers, and persons with disabilities commonly faced discrimination in employment, including often only being offered 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. 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 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. In 2016 the government set a new formula in determining a 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 of 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 1.34 million (\$107) per month. The highest was in the national capital, Jakarta, at IDR 3.36 million (\$268) per month.

According to the Central Bureau of Statistics, the poverty line was IDR 12,935 (\$1.03) a 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 no more than 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.

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. 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 43 percent of workers in the formal sector. Labor regulations are not enforced in the informal sector, which accounts for 57 percent of the workforce. Workers in the informal sector, amounting to approximately 63 million workers as of February, were not afforded the same protections or benefits, as they have no legal work contract that can be supervised by labor inspectors.

Although law and ministerial regulations provide workers with a variety of benefits, aside from government officials, only an estimated 10 percent of workers of an estimated 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 were rarely provided for workers in the informal sector. A single state entity (BPJS Kesehatan) administers universal health coverage, and another body (BPJS Ketenagakerjaan) manages work accident insurance, life insurance, old-age benefits, and pensions.

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.