

# INDONESIA 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Indonesia is a multiparty democracy. On April 17, Joko Widodo (popularly known as Jokowi) won a second five-year term as president. Voters also elected new members of the House of Representatives (DPR), as well as members of the Regional Representative Council (DPD) and provisional legislatures. Domestic and international observers deemed the elections to be free and fair.

The Indonesian National Police (POLRI) is responsible for internal security and reports directly to the president. The Indonesian National Armed Forces (TNI), under the Ministry of Defense, are responsible for external defense and under certain conditions may provide operational support to police, for example, for counterterrorism operations, maintaining public order, and addressing communal conflicts. Civilian authorities maintained control over security forces.

In Papua Province the government increased security operations following December 2018 attacks by members of the separatist Free Papua Movement (OPM), which killed 19 civilians and one army soldier at a Trans Papua road project construction site in the remote highlands district of Nduga, Papua. Ongoing clashes between the OPM and security forces displaced thousands of civilians and created serious humanitarian concerns.

Significant human rights issues included: reports of arbitrary or unlawful killings by government security forces; reports of torture by police; arbitrary detention by the government; political prisoners; censorship, including laws addressing treason, blasphemy, defamation, decency, site blocking, and criminal libel; corruption; violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; criminalization of same-sex sexual activities at the local level; and forced or compulsory labor.

While the government took steps to investigate and prosecute some officials who committed human rights abuses, impunity for serious human rights abuses remained a concern. At times the courts meted out disparate and more severe punishment for civilians than for 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**

Allegations the government or its agents committed arbitrary or unlawful killings included reports by human rights groups and media that security personnel used excessive force that resulted in deaths during arrests, investigations, crowd control, and other operations. In these and other cases of alleged misconduct, police and the military frequently did not disclose the findings of internal investigations to the public or confirm whether such investigations occurred. Official statements related to these allegations sometimes contradicted civil society organization (CSO) accounts, and the inaccessibility of areas where violence took place made confirming the facts difficult. Nongovernmental organizations (NGOs) and media reported that police abused suspects during detention and interrogation.

August and September saw a significant spike in violence in Papua and West Papua Provinces. In August conservative Islamic groups clashed with Papuan students in Surabaya and Malang, triggering an outbreak of rioting and clashes with the TNI and police throughout Papua and West Papua. The NGO Human Rights Defenders claimed that at least six protesters were killed during clashes on August 28 in the town of Waghete, Deiyai Regency, Papua. The government maintained that security forces acted lawfully after protests turned violent when a group of approximately 1,000 persons armed with machetes and arrows attacked security forces, stole firearms and ammunition, and killed one soldier and two civilians.

On September 23, 33 individuals were killed in riots in Papua, after rioters set buildings and shops on fire. The riots were reportedly triggered by rumors on social media of a non-Papuan high school teacher racially taunting Papuan students in Wamena.

In December 2018 members of the OPM killed 19 civilians and one soldier at a road project construction site in the remote highlands district of Nduga, Papua. In response the government increased police and TNI operations in Papua to pursue the perpetrators of the attacks, resulting in a prolonged series of clashes and attacks involving both government forces and the OPM. There is limited information available on the number of civilians, security forces, and separatists killed and injured in these clashes and attacks. Officials estimated 53 deaths relating to the conflict, although CSOs estimated the figure was much higher. The Ministry of Social Affairs confirmed that 3,000 residents were displaced, although media reported figures as high as 20,000. Security forces restricted access to Nduga,

complicating efforts to verify civilian casualties and assess the needs of displaced residents.

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 alleged gross abuses of human rights, namely the 2001 Wasior, 2003 Wamena, and 2014 Paniai cases.

### **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. Human rights organizations expressed disappointment at the October appointment of Prabowo Subianto as minister of defense because of his reported involvement in the disappearance of student activists in 1998.

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

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

NGOs reported that police, specifically the Criminal Investigation Division (CID), which conducts investigations and interrogations, used torture during detention and interrogation. POLRI maintained procedures to address police misconduct, including allegations of torture. The office responsible for internal affairs investigated police misconduct and, for the year through August, disciplined 1,664 personnel for conduct violations. All police recruits undergo training on proportionate use of force and human rights standards.

NGOs reported that members of POLRI's Mobile Brigade (Brimob) used excessive force and committed other acts of violence against at least 12 persons arrested during the May 21-23 postelection protests, including against five individuals in Kampung Bali, Central Jakarta. At least one incident was captured on video and widely viewed on social media. Police authorities acknowledged

excessive use of force by some officers. The National Commission on Human Rights (Komnas HAM) conducted a separate inquiry into the incidents and, in its preliminary conclusion, determined that human rights violations occurred. In July, POLRI announced that 10 Brimob officials were detained for 21 days for their involvement in the incident. Police and Komnas HAM investigations of the incidents were ongoing at year's end.

Under terms of the 2005 peace agreement that ended a separatist conflict in Aceh, the province has special authority to implement sharia regulations. Authorities in Aceh carried out public canings for violations of sharia in cases of gambling, adultery, alcohol consumption, consensual same-sex activities, and sexual relations outside of marriage.

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

In August a Buddhist man and his Muslim girlfriend were caned after the Aceh sharia court found them guilty of engaging in premarital sex; both received 27 lashes. The man reportedly chose sharia punishment as an alternative to jail time or a fine, making him the eighth non-Muslim voluntarily punished under sharia law since it was introduced in 2014. Two unmarried couples were caned 100 times each in the Aceh city of Lhokseumawe after they were found guilty of having premarital sex, and another man received 160 lashes for having sex with a minor.

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

Conditions in the country's 522 prisons and detention centers were often harsh and sometimes life threatening, due especially to overcrowding.

Physical Conditions: Overcrowding was a serious problem, including at immigration detention centers. According to the Ministry of Law and Human Rights, as of January there were 265,231 prisoners and detainees in prisons and detention centers designed to hold a maximum of 127,290. Overcrowded prisons faced hygiene and ventilation problems, which worsened living conditions of convicts.

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

By law children convicted of serious crimes serve their sentences in juvenile prison, although some convicted juvenile prisoners remained in the adult prison system.

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

NGOs noted authorities sometimes did not provide prisoners adequate medical care. Human rights activists attributed this 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 often bribed or paid corrections officers for favors, food, telephones, or narcotics. The use and production of illicit drugs in prisons were serious problems, with some drug networks basing operations out of prisons.

Administration: The law allows prisoners and detainees to submit complaints to authorities without censorship and to request investigation of alleged deficiencies. Complaints are submitted to the Ministry of Law and Human Rights and are subject to independent judicial review. Following a May 2018 riot and prison break attempt at a special detention center for terrorist convicts, the minister of law and human rights established a special team to investigate prison conditions, including allegations that certain inmates were receiving special treatment in correction facilities.

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

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

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

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

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

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

Police on multiple occasions detained without charges activists and protesters. In August, for example, police in Surabaya, East Java, teargassed and detained 43 Papuan students in response to social media rumors that they had defiled the country's national flag. All the students were released the next day without charge. The attackers as well as police were alleged to have taunted the Papuans with ethnic slurs. The government ordered an investigation into these incidents and indicated that several security personnel were suspended from their positions, pending further formal investigation. The governor of East Java apologized on behalf of citizens of East Java for the incident and assured Papuan students who study in the province that they would be safe and protected.

On September 2, four Australian citizens were detained by police and deported by immigration authorities after claims that they were participating in a Papuan independence rally in the city of Sorong. Reports conflicted on whether they were participating in the rally or were just bystanders.

There were multiple media and NGO reports of police temporarily detaining persons for participating in peaceful demonstrations and other nonviolent activities

advocating self-determination, notably in the provinces of Papua and West Papua (see section 2.b.). According to media reports, authorities temporarily detained more than 300 individuals between January and September for participating in peaceful rallies. Human rights and legal aid contacts alleged that some Papuan detainees were subjected to rough treatment by police, with reports of minor injuries sustained during detention.

Pretrial Detention: The legal length of pretrial detention depends on factors such as whether the person is a flight risk or a danger, or is charged with certain crimes. Terror suspects are governed by a different set of rules for pretrial detention.

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

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary and the right to a fair public trial, but the judiciary remained susceptible to corruption and influence from outside parties, including business interests, politicians, and the security forces and officials of the executive.

At times decentralization created difficulties for the enforcement of court orders, and local officials ignored them.

During the year military courts tried a number of low-level and some midlevel soldiers for offenses that, among others, involved civilians or occurred when the soldiers were off duty. In such cases military police investigate and pass their findings to military prosecutors, who decide whether to prosecute. Military prosecutors are accountable to the Supreme Court, but they are also responsible to the TNI for applying the law. NGOs and other observers criticized the short length of prison sentences usually imposed by military courts in cases involving civilians or off-duty soldiers.

Four district courts are authorized to adjudicate cases of systemic gross human rights violations upon recommendation of Komnas HAM. None of these courts, however, has heard or ruled on such a case since 2005.

Under the sharia court system in Aceh, 19 district religious courts and one court of appeals hear cases. The courts usually heard only cases involving Muslims and used decrees formulated by the local government rather than the national penal code.

### **Trial Procedures**

The constitution provides for the right to a fair trial, but corruption and misconduct in the judiciary hindered the enforcement of this right. The law presumes defendants are innocent until proven guilty, although this was not always observed. Defendants are informed promptly and in detail of the charges at their first court appearance. Although suspects have the right to confront witnesses and call witnesses in their defense, judges may allow sworn affidavits in cases where distance is excessive or the cost of transporting witnesses to the court is too expensive. Some courts allowed forced confessions and limited the presentation of defense evidence. Defendants have the right to avoid self-incrimination. In all 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 may appeal a verdict.

The law gives defendants the right to an attorney from the time of arrest and at every stage of investigation and trial. By law indigent defendants may obtain private legal assistance; NGO lawyer associations provided free legal representation to many, but not all, indigent defendants. All defendants have the right to free linguistic interpretation. In some cases, procedural protections were inadequate to ensure a fair trial. With the notable exceptions of sharia court proceedings in Aceh and some military trials, trials are public.

### **Political Prisoners and Detainees**

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

Authorities temporarily detained hundreds of Papuans during the year for peacefully expressing their political views, although the vast majority were released within 24 hours. A small number were charged with treason or other criminal offenses. Seven National Committee for West Papua and United Liberation Movement for West Papua activists faced trial under treason articles and were also accused of inciting recent violent protests in Papua. In September police named human rights lawyer and activist Veronica Koman as a suspect in connection with Twitter posts relating to unrest in Papua, alleging she intentionally spread information that could lead to hatred based on ethnicity, religion, race, or groups. At year's end she resided in Australia and faced up to six years in prison if convicted.

Local activists and family members generally were able to visit political prisoners, but authorities held some prisoners on islands far from their families.

### **Civil Judicial Procedures and Remedies**

Victims of human rights abuses may 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 expropriate land for the public good against the owner's wishes, provided the government properly compensates owners. NGOs accused the government of abusing 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 and titles, traditional rights, and numerous competing laws and regulations on land ownership allow multiple parties to hold legitimate claims to the same piece of land. Security forces sometimes evicted those involved in land disputes without due process, often siding with business claimants over poorer residents. The National Ombudsman Commission reported it received 1,014 land- and property-related complaints between December 2018 and March 2019.

In February a resident of Sanggau Regency, West Kalimantan, alleged that state-owned enterprise PT Aneka Tambang unlawfully claimed approximately 12 acres

of his land. In May a Sanggau court ordered the government to return the land and pay compensation.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

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

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

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

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

Freedom of Expression: The law criminalizes content deemed insulting to a religion or advocating separatism. The law also criminalizes hate speech, defined as “purposeful or unlawful dissemination of information aimed to create hatred or animosity against an individual or a particular group based on their race, beliefs and ethnicity.”

By law “spreading religious hatred, heresy, and blasphemy” is punishable by a maximum of five years in prison. Protests by Islamic groups or conservative clerical councils often prompted local authorities to act under the law. According

to Amnesty International, in 2018 at least 30 individuals remained incarcerated for speech deemed blasphemous, immoral, or insulting.

In March the Supreme Court rejected the appeal and affirmed the sentence of a Buddhist woman of Chinese descent who in 2018 had been sentenced to 18 months in prison for blasphemy after she complained about the volume of loudspeakers at a mosque in Tanjung Balai, North Sumatra.

Although the law permits flying a flag symbolizing Papua's cultural identity generally, a government regulation specifically prohibits the display of the Morning Star flag in Papua, as well as the Republic of South Maluku flag in Molucca and the Free Aceh Movement Crescent Moon flag in Aceh. NGOs reported that on August 31, police arrested six activists, including five Papuan students in Jakarta and Surya Anta Ginting, for flying the Morning Star flag outside the state palace. On September 3, police arrested an activist, Sayang Mandabayan, at the Manokwari airport for traveling with 1,500 small Morning Star flags.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. The government, however, sometimes used regional and national regulations to restrict media. While some foreign journalists received permits for travel to Papua and West Papua Provinces, others reported bureaucratic delays or denials, ostensibly for safety reasons. Advocates for press freedom alleged that a governmental interagency group continued to review requests by foreign journalists to visit the region. The constitution protects journalists from 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 (\$35,700).

Violence and Harassment: The Alliance of Independent Journalists (AJI) reported 20 cases of violence directed at journalists and media offices between January and April. The AJI also reported that at least seven journalists were victims of violence during postelection riots in Jakarta. Police and protesters allegedly restrained journalists forcefully, confiscated their devices, and forced them to delete pictures and videos. Some journalists reported other instances of physical intimidation during the incidents.

Censorship or Content Restrictions: The Attorney General's Office has authority to monitor written material and request a court order to ban written material. During August and September, protests in Papua, Jakarta, and elsewhere,

authorities limited access to the internet or to particular social media sites, saying this was done to prevent the spread of disinformation.

Libel/Slander Laws: Defamation provisions of the law prohibit libel and slander, which are punishable with five-year prison terms.

Elements within the government and society selectively enforced criminal defamation law to intimidate individuals and restrict freedom of speech. In March police arrested Robertus Robet, a university lecturer and prodemocracy activist, for singing a song on February 28 that allegedly insulted the military. Robet was charged with insulting those in power or legal institutions and released after 14 hours. He faced a maximum penalty of 18 months' imprisonment; the case had not gone to trial as of October.

In late July, President Widodo granted amnesty to Baiq Nuril, a West Nusa Tenggara high school teacher convicted in November 2018 of defaming her principal when she recorded his lewd telephone calls, which were then circulated online. Baiq had been sentenced to six months in prison and fined IDR 500 million (\$35,700).

Nongovernmental Impact: Hardline Muslim groups sometimes intimidated perceived critics of Islam in order to limit their speech rights.

### **Internet Freedom**

The government prosecuted individuals for free expression under a law that bans online crime, pornography, gambling, blackmail, lies, threats, and racism and prohibits citizens from distributing in electronic format any information deemed defamatory. The law carries maximum penalties of six years in prison, a fine of IDR one billion (\$71,400), or both.

The Ministry of Communication and Information Technology limited internet access and access to some platforms such as WhatsApp during election-related violence in May. The ministry stated it did so to prevent the spread of disinformation and reduce the potential for further violence. In response to the August/September protests in Papua and West Papua and to prevent the "spread of hoaxes," the government directed internet service providers (ISPs) to slow internet connections throughout the two provinces and to halt internet service completely in certain parts of Papua. NGO sources reported that telephone service was also cut

off in the city of Wamena, Papua. Internet and telephone service was reportedly restored in most of the region the week of September 3.

The Ministry of Communication and Information Technology continued to request that ISPs block access to content containing “prohibited electronic information,” including pornography, radical religious content, extortion, threats, and hate speech. A failure to enforce these restrictions could result in the revocation of an ISP’s license. The government also intervened with social media, search engines, app stores, and other websites to remove offensive and extremist content and revoke licenses that did not promptly comply with government demands.

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

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

On February 11, the West Java Broadcasting Commission issued a circular ordering regional broadcasters to limit the broadcasting hours of 17 English-language songs deemed explicit and suggestive to between 10:00 p.m. and 3:00 a.m. This order was based on a regulation that obliges broadcasters to limit explicit content and respect the norms of decency embraced by different religions and ethnic groups.

In March the rector of North Sumatra University (USU), a public university, revoked the publishing permit of the campus’ student website, Suara USU, after it published what the rector called a homosexual love story. University authorities accused students of “promoting homosexuality” and violating “the vision and mission of the university.” Student journalists were given 48 hours to vacate the Suara USU office, and all 17 staff members were replaced. The student journalists filed a lawsuit against the rector, and hearings were underway as of October.

The government-supervised Film Censorship Institute continued to censor domestic and imported movies for content deemed religiously or otherwise offensive.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, but the government sometimes restricted these freedoms.

### **Freedom of Peaceful Assembly**

The law provides for freedom of assembly, and outside Papua the government generally respected this right. The law requires demonstrators to provide police with a written notification three days before any planned demonstration and requires 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 such receipts to would-be demonstrators out of concern the demonstrations would include calls for independence, an act prohibited by law. A 2016 Papua provincial police decree prohibits rallies by seven organizations labeled as proindependence groups, including the National Committee of West Papua, United Liberation Movement for West Papua, and Free Papua Movement.

NGOs claim that at least six protesters were killed during clashes on August 28 in the town of Waghete, Deiyai Regency, Papua; the government disputes those numbers and maintains security forces acted lawfully.

### **Freedom of Association**

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

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 them to block their registration status, although cumbersome bureaucracy within the Ministry of Law and Human Rights was also to blame.

Some LGBTI advocacy groups reported encountering difficulties when attempting to register their organizations.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement and generally allows for travel outside of the country, but the constitution allows the government to prevent persons from entering or leaving the country. The law gives the military broad powers in a declared state of emergency, including the power to limit land, air, and sea traffic. The government did not use these powers during the year.

In-country Movement: In August, Coordinating Minister for Political, Legal and Security Affairs Wiranto (one name only) announced that the government was restricting foreign nationals' access to the provinces of Papua and West Papua in light of protest violence.

#### **e. Internally Displaced Persons**

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

The law stipulates the government must provide for “the fulfillment of the rights of the people and displaced persons affected by disaster in a manner that is fair and in line with the minimum service standards.” IDPs were not abused or deprived of services or other rights and protections, but resource and access constraints delayed or hindered the provision of services to IDPs in some cases.

The National Disaster Management Authority reported that from January through May, 373 persons were killed in natural disasters and more than 1,239,000 were displaced.

The Ministry of Social Affairs reported that 3,000 Papuan residents have been displaced since the government increased security operations against OPM fighters following the OPM's December 2018 attack against Trans Papua road project workers. NGOs reported the number of displaced persons was significantly higher.

According to multiple media outlets, a security operation in late August in the Gome District of the highland regency of Puncak, Papua, resulted in the displacement of several hundred indigenous persons, mainly women and children. Security force raids in the villages of Tegelobak, Mitimaga, Kelanungin, Upaga, and Ninggabuma sought to arrest Goliat Tabuni and Anton Tabuni, two

commanders of the West Papua National Liberation Army who were active in that area.

A local parliament member, Yanes Murib, told Papuan media outlet Jubi that approximately 20 houses in Tegelobak were burned during the operation; houses in the village of Ninggabuma were also reportedly destroyed. While some villagers sought temporary shelter in the surrounding forests and neighboring districts, an estimated 800 internally displaced persons (IDPs) reportedly fled to the village of Yenggernok, where they were sheltered in tents in front of the Gome offices of the Papua Tabernacle Church.

#### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: There were increasing reports of mental health problems among refugees stranded in the country. In March, one asylum seeker from Afghanistan who had been living in a detention center for 19 years set himself on fire; in the same month, a second asylum seeker from Afghanistan who had spent four years in detention hanged himself.

In July approximately 200 refugees were relocated to a former military facility in West Jakarta. Rumors spread that those detained at this facility would receive additional assistance and priority treatment for possible resettlement, leading nearly 1,200 refugees to crowd into the facility. The facility lacked the sanitation and health-care facilities to accommodate the large number of refugees; the Office of the UN High Commissioner for Refugees (UNHCR) and private donors provided emergency food assistance. In August the local government declared the site would be closed. As of October approximately 300 refugees remained at the site, but the government had discontinued providing support.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Access to Asylum: Indonesia is not a signatory to the 1951 UN refugee convention and does not allow local integration or naturalization. The government allows refugees to settle temporarily while awaiting permanent resettlement. The law formally acknowledges the role of UNHCR for processing all refugee status determinations in the country. A 2016 regulation established a detailed refugee management process, outlining the specific responsibilities of national and

subnational agencies from refugee arrival to resettlement (or departure). UNHCR officials reported there were approximately 14,000 refugees in the country.

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

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

#### **g. Stateless Persons**

Not applicable.

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

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

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

Recent Elections: On April 17, Joko Widodo (popularly known as Jokowi) won a second five-year term as president. Voters also elected new members of the House of Representatives (DPR), as well as members of the Regional Representative Council (DPD) and provisional legislatures. Fifteen national political parties contested the legislative elections, and nine secured seats in the DPR by passing the 4 percent parliamentary threshold. Domestic and international observers deemed the elections to be free and fair.

In May, however, thousands of supporters of losing presidential candidate Prabowo Subianto protested Jokowi's victory. The demonstrations turned violent, resulting in more than 700 injuries and 10 deaths. Police denied its officers were involved in any of the deaths. A video uploaded by protesters that circulated

widely online showed a man being kicked and beaten by 10 Brimob (paramilitary police mobile brigade) personnel. Subsequently, these Brimob personnel received 21 days of detention for their involvement in the incident. POLRI began an investigation, but as of October had not released any results.

Political Parties and Political Participation: By law parties require 4 percent of the vote to qualify to win seats in the legislature. 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 individuals younger than age 17 are considered legal adults and eligible to vote.

The law stipulates that only persons with an electronic identification card (E-KTP) are permitted to be on the voter list. Despite a General Election Commission (KPU) regulation allowing citizens to use an official letter from the Civil Registration Office as a substitute for E-KTP, there were reports that some voters were not able to vote in the elections, including indigenous persons who did not have an E-KTP. There were also accusations that inaccuracies in the voter list disenfranchised some voters.

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

The law requires parties to nominate women for 30 percent of the candidate slots on their party lists. In the April 17 elections, 3,194 out of 7,968 (approximately 40 percent) of DPR candidates were women, competing for 575 seats. The KPU reported that 118 women (20.5 percent) were elected to the DPR, up from 97 (17.6 percent) in 2014.

In the DPD, to which each province elects four representatives, 42 of 136 members elected were women (30.9 percent). East Java governor Khofifah Indar Parawansa was the only female governor.

There were no official statistics on the ethnic backgrounds of legislators in the DPR. Five of the 34 members of President Jokowi's new cabinet were non-Muslim and five were women, a decrease from his previous cabinet which included nine women.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, but government efforts to enforce the law were insufficient. Elements within the government, police, and judiciary undermined efforts to prosecute corrupt officials. Despite the arrest and conviction of many high-profile and high-ranking officials, there was a widespread domestic and international perception that corruption remained endemic. The KPK, POLRI, the TNI Special Economics Crime Unit, and the Attorney General's Office have jurisdiction for investigating and prosecuting corruption cases. The KPK does not have authority to investigate members of the military, nor does it have jurisdiction in cases where state losses are valued at less than IDR one billion (\$71,400).

In September the DPR enacted amendments to the KPK law, which many NGOs and activists stated would weaken the ability of the agency to undertake anticorruption investigations. The law establishes a supervisory body whose responsibilities include approving KPK wiretaps and removes the KPK's independent status by making it part of the executive branch.

KPK investigators were sometimes harassed, intimidated, or attacked due to their anticorruption work. Police confirmed that small explosive devices were found outside the homes of KPK Chairman Agus Rahardjo and Deputy Chairman Laode Syarief on January 9.

Corruption: The KPK investigated and prosecuted 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. From the end of 2018 to mid-2019, the KPK carried out investigations and prosecutions and recovered state assets worth approximately IDR 753 billion (\$53.8 million). In 2018 the KPK conducted 164 investigations, initiated 199 prosecutions, and completed 113 cases resulting in convictions.

In one case, in March the KPK arrested Golkar Party DPR member Bowo Sidik Pangarso for allegedly accepting approximately \$570,000 in multiple currencies

from a private transportation company, reportedly for use in vote buying for the April 17 elections. In another case, in August the KPK arrested Ahmad Yani, a Muara Enim regent, for allegedly taking bribes relating to a public works project. On October 16, the KPK arrested Medan city mayor Dzulmi Eldin for allegedly receiving bribes totaling approximately IDR 328 million (\$23,400). Corruption courts handed down convictions in cases involving elected officials at the provincial, district, and mayoral levels.

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

Bribes and extortion influenced prosecution, conviction, and sentencing in civil and criminal cases. Anticorruption NGOs accused key individuals in the justice system of accepting bribes and condoning suspected corruption. Legal aid organizations reported cases often moved very slowly unless a bribe was paid and in some cases prosecutors demanded payments from defendants to ensure a less zealous prosecution or to make a case disappear. In May the KPK arrested a judge from the Balikpapan Court for accepting \$35,600 in exchange for a not-guilty verdict relating to forgery charges.

The National Ombudsman Commission received complaints related to litigation favors and maladministration in court decisions. In the first quarter of the year, the Judicial Commission received 740 public complaints of judicial misconduct. During the same period, the commission recommended sanctions against 58 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 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.

## **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 (except in Papua), investigating and publishing findings on human rights cases and advocating 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. In the aftermath of August/September unrest in Papua, Coordinating Minister for Political, Legal and Security Affairs Wiranto said that the government would "temporarily limit access to Papua," due to security concerns. Papuan NGOs and activists received threatening telephone messages and reported continuous harassment by local police.

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

Government Human Rights Bodies: Many independent agencies addressed human rights problems, including the Office of the National Ombudsman, the National Commission on Violence against Women (Komnas Perempuan), and Komnas HAM. The government is not required to adopt their recommendations and at times avoided doing so.

The Aceh Truth and Reconciliation Commission, established in 2016 to investigate human rights violations perpetrated by the government and the then active Free Aceh Movement during the armed conflict between 1976 and 2005, has taken 3,040 statements from victims, former separatists, and witnesses. The commission has conducted two sets of public hearings (2018 and 2019) in which victims of human rights abuses gave public testimony. Commission officials indicated that budget constraints posed severe challenges to the commission's work.

## **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. All forms of violence against women were 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 a witness or other corroboration. 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 law but is covered under “forced sexual intercourse” in national legislation on domestic violence and may be punished with criminal penalties.

Civil society organizations operated integrated service centers for women and children in all 34 provinces and approximately 436 districts and provided counseling and support services of varying quality to victims of violence. Larger provincial service centers provided more comprehensive psychosocial services. Women living in rural areas or districts with no such center had difficulty receiving support services, and some centers were only open for six hours a day and not the required 24 hours. Nationwide, police operated “special crisis rooms” or “women’s desks” where female officers received reports from female and child victims of sexual assault and trafficking and where victims found temporary shelter.

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

Female Genital Mutilation/Cutting (FGM/C): FGM/C reportedly occurred regularly. A 2017 UNICEF report, which reflected 2013 government data, estimated that 49 percent of girls age 11 and younger have undergone some form of FGM/C, despite law prohibiting medical professionals from administering it. The Ministry of Women’s Empowerment and Child Protection vocally opposed FGM/C and continued an awareness campaign on the dangers of FGM/C. In 2018 religious representatives from 34 provinces signed a religious opinion advising the national board of the Indonesia Ulema Council to issue a fatwa downgrading FGM/C from “recommended” to “not required or recommended.”

Sexual Harassment: The law prohibits indecent public acts and serves as the basis for criminal complaints stemming from sexual harassment. Violations 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.

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

Discrimination: The law provides the same legal status and rights for women and men in family, labor, property, and nationality law, but does not grant widows equal inheritance rights. The law states that women's work outside of their home must not conflict with their role in improving family welfare and educating the younger generation. The law designates the man as the head of the household.

Divorce is available to both men and women. Many divorced women 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 viewed many local laws and policies as discriminatory. These included "morality laws" and antiprostitution regulations, such as those in Bantul and Tangerang, that have been used to detain women walking alone at night. More than 70 local regulations require women to dress conservatively or wear a headscarf. The Ministry of Home Affairs is responsible for "harmonizing" local regulations that are not in line with national legislation and can recommend to the Constitutional Court that local regulations be overturned. To date the ministry has not invoked this authority.

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

## **Children**

Birth Registration: Citizenship is derived through one's parents or through birth in national territory. Birth registration may be denied if the citizenship of the parents cannot be established. 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 specifies free education, most schools were not free, and poverty put education out of reach for many children. The Ministry of Education and Culture, representing public and private schools, and the Ministry of Religious Affairs for Islamic schools and madrassahs, operated a system giving students from low-income families a financial grant for their educational needs.

According to the National Statistics Agency, in 2017 approximately two million children ages seven to 15 did not attend primary or secondary school, and the enrollment rate in some districts was as low as 33 percent.

Child Abuse: The law prohibits child abuse, but NGOs criticized the slow police response to such allegations. The law addresses economic and sexual exploitation of children as well as adoption, guardianship, and other issues. Some provincial governments did not enforce these provisions. On July 18, a court in Mojokerto, East Java, sentenced a man to chemical castration for raping nine children, the first such sentence in the country.

Early and Forced Marriage: The legal distinction between a woman and a girl remains unclear. In September the national legislature raised the minimum marriage age for women from 16 to 19; it was already 19 for men. Exceptions to the minimum age requirements are allowed with court approval. NGOs reported that 14 percent of girls in the country marry younger than age 18. Provinces with the highest rates of early marriage include Central Kalimantan, West Java, South Kalimantan, Bangka Belitung, and Central Sulawesi. The main drivers of early marriage are poverty, cultural tradition, religious norms, and lack of sexual reproductive health education.

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

The law prohibits the commercial sexual exploitation of children and the use of children in illicit activities. It also prohibits child pornography and prescribes a maximum sentence of 12 years and fine of IDR six billion (\$429,000) for producing or trading in child pornography. In June a man in West Java was convicted of possession of child pornography involving 10 girls younger than age 15 and was sentenced to 15 years in prison.

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

Displaced Children: The Ministry of Social Affairs in 2017 reported there were approximately four million neglected children nationwide, including an estimated 16,000 street children. The government continued to fund shelters administered by local NGOs and paid for the education of some street children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The country's Jewish population was extremely small, estimated at approximately 200. In March, Deutsche Welle reported that several Jewish graves in a public cemetery in Jakarta were desecrated.

Jewish leaders reported that it is common for the public to equate all Jews with Israel. In September the interim report by the UN special rapporteur on freedom of religion found that "over 57 percent of teachers and lecturers and 53.74 percent of students in Indonesia agreed with a survey statement claiming that 'Jews are the enemies of Islam.'"

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities and mandates accessibility to public facilities for persons with disabilities. The law applies to education, employment, health services, and other state services but was seldom enforced. Comprehensive disability rights law

provisions impose criminal sanctions for violators of the rights of persons with disabilities.

According to the KPU, there were more than 1,247,000 voters with disabilities registered to vote in 2018. The law provides persons with disabilities the rights to vote and run for office.

According to government data, approximately 30 percent of the 1.6 million children with disabilities had access to education. More than 90 percent of blind children reportedly were illiterate.

Despite a government ban, families, traditional healers, and staff in institutions continued to shackle individuals with psychosocial disabilities, in some cases for years. Due to prevalent stigma and inadequate support services, including mental health care, more than 57,000 persons with psychosocial disabilities have been chained or locked in a confined space at least once in their lives. According to the Directorate of Mental Health, approximately 12,800 people with mental health conditions were shackled as of July 2018.

During the year the government took steps to uphold the rights of persons with psychosocial disabilities. Several agencies, including Komnas HAM, the National Commission for Violence Against Women, National Commission for Child Protection, the National Ombudsman Commission, and the Witness and Victims Protection Agency, signed an agreement to monitor places where individuals with psychosocial disabilities were shackled or detained.

### **National/Racial/Ethnic Minorities**

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

### **Indigenous People**

The government views all citizens as “indigenous” but recognizes the existence of several “isolated communities” and their right to participate fully in political and social life. The Indigenous Peoples’ Alliance of the Archipelago estimated there are between 50 and 70 million indigenous persons in the country. These communities include the myriad Dayak tribes of Kalimantan, families living as sea nomads, and the 312 officially recognized indigenous groups in Papua. Indigenous

persons, most notably in Papua and West Papua, were subjected to discrimination, and there was little improvement in respect for their traditional land rights. The government failed to prevent companies, often in collusion with the local military and police, from encroaching on indigenous persons' land. Central and local government officials were also alleged to have extracted kickbacks from mining and plantation companies in exchange for land access at the expense of the local populace.

Mining and logging activities, many of them illegal, posed significant social, economic, and legal problems to indigenous communities. Melanesians in Papua cited racism and discrimination as drivers of violence and economic inequality in the region.

In February the Ministry of Home Affairs started issuing E-KTPs with an added religious option, labeled *aliran kepercayaan* (belief in God), following a 2017 Constitutional Court ruling that stated citizens should be able to select indigenous faiths as an option on their identification cards.

Since 2016 the government granted more than 50,000 acres of forest concessions to nine local indigenous groups. These *hutan adat* (customary forest) land grants were a new land classification specifically designated for indigenous groups. Nevertheless, access to ancestral lands continued to be a major source of tension throughout the country, and large corporations and the government continued to displace individuals from ancestral lands.

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 sizable internal migrant populations (see section 6, Other Societal Violence and Discrimination).

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

Although no national law criminalizes same-sex sexual activity, producing media depicting consensual same-sex sexual activity is a crime and classified as deviant. Penalties include fines of IDR 250 million to seven billion (\$17,900 to \$500,000) and imprisonment from six months to 15 years, with penalties able to be increased by one-third for crimes involving minors. In February the Ministry of Communication and Information Technology ordered Instagram to shut down an account that published comic strips depicting the struggles of gay Muslims in the

country, calling it pornographic and claiming it violated information and electronic transactions law.

Aceh's sharia law makes consensual same-sex sexual activities illegal and punishable by a maximum of 100 lashes, a fine of approximately IDR 551 million (\$39,400), or a 100-month prison term. According to Aceh's sharia agency chief, at least four witnesses must observe individuals engaging in consensual same-sex sexual activities for them to be charged.

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.

In the run-up to the April elections, NGOs reported an increase in discriminatory bylaws targeting LGBTI individuals, which they believed were issued to appeal to conservative Islamic voters. For example, in November 2018 lawmakers in the West Sumatra city of Pariaman approved new articles in the city bylaws on public order criminalizing "immoral acts" by LGBTI individuals.

According to media and NGO reports, local authorities harassed transgender persons, including by forcing them to conform to the cultural behavior associated with their biological sex, and forced them to pay bribes following detention. In some cases the government failed to protect LGBTI persons from societal abuse. Police corruption, bias, and violence caused LGBTI persons to avoid interaction with police. Officials often ignored formal complaints by victims and affected persons. In criminal cases with LGBTI victims, police investigated the cases reasonably well, as long as the suspect was not affiliated with police.

Religious authorities publicly caned a gay couple outside a mosque in Banda Aceh in July 2018 for engaging in same-sex sexual activities (see section 1.c. for more information on sharia in Aceh).

On August 31, Padang residents raided the home of an LGBTI couple. One of the individuals, a guest lecturer at West Sumatra Muhammadiyah University, was fired from his job on September 3 and asked to return to Jakarta. As of October the case was under police investigation.

Transgender persons faced discrimination in employment, obtaining public services, and health care. NGOs documented instances of government officials not issuing identity cards to transgender persons. The law only allows transgender

individuals officially to change their gender after the completion of sex reassignment surgery. Some observers claimed the process was cumbersome and degrading because it requires a court order declaring that the surgery is complete and is permissible only under certain undefined special circumstances.

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

### **HIV and AIDS Social Stigma**

Stigmatization and discrimination against persons with HIV/AIDS were pervasive, despite government efforts to encourage tolerance. The government's position of tolerance was adhered to inconsistently at all levels of society. For example, fear of religious conservatives often resulted in muted prevention efforts. Diagnostic, medical, or other fees and expenses that put the cost of antiretroviral drugs beyond the reach of many persons compounded societal barriers to accessing these drugs. Persons with HIV/AIDS reportedly continued to face employment discrimination. Closer collaboration between the Ministry of Health and civil society organizations increased the reach of the awareness campaign.

According to a June 2018 Human Rights Watch report, highly publicized police raids targeting gay men and anti-LGBTI rhetoric by officials and other influential figures since 2016 have caused significant disruption to HIV awareness and testing programs.

In January the Islamic Defenders Front, allegedly joined by soldiers and residents, raided the offices of an HIV prevention organization on suspicion that the group had been conducting "LGBT activities" in Pekanbaru, capital of Riau.

Reports continued about discrimination against children with HIV. In February authorities transferred 14 HIV-positive students in a Surakarta public elementary school to special schools after protests from parents of other students.

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

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

Ethnic and religious tensions sometimes contributed to localized violence, and tensions between local residents and migrant workers occasionally led to violence, including in Papua and West Papua.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, with 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, in law, broad rights of association and formed and joined unions of their choice without previous authorization or excessive requirements. The law places restrictions on organizing among public-sector workers. Civil servants may only form employee associations with limitations on certain rights, such as the right to strike. Employees of state-owned enterprises (SOEs) may form unions, but because the government treats most SOEs as essential national interest sites, their right to strike is limited.

The law stipulates that 10 or more workers have the right to form a union, with membership open to all workers, regardless of political affiliation, religion, ethnicity, or gender. The Ministry of Manpower records, rather than approves, the formation of a union, federation, or confederation and provides it with a registration number.

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

The law allows workers' organizations that register with the government to conclude legally binding collective labor agreements (CLAs) with employers and to exercise other trade union functions. The law includes some restrictions on

collective bargaining, including a requirement that a union or unions represent more than 50 percent of the company workforce to negotiate a CLA. Workers and employers have 30 days to conclude a CLA before negotiations move to binding arbitration. CLAs have a two-year lifespan that the parties may extend for one year. Unions noted that the law allows employers to delay the negotiation of CLAs with few legal repercussions.

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

All strikes at “enterprises that cater to the interests of the general public or at enterprises whose activities would endanger the safety of human life if discontinued” are deemed illegal. Regulations do not specify the types of enterprises affected, leaving this determination to the government’s discretion. Presidential and ministerial decrees enable companies or industrial areas to request assistance from police and the military in the event of disruption of or threat to “national vital objects” in their jurisdiction. The ILO has observed that the definition of “national vital objects” was expanding and consequently imposing overly broad restrictions on legitimate trade union activity, including in export processing zones. Regulations also classify strikes as illegal if they are “not as a result of failed negotiations.” Unions alleged that the government’s recent increase of the number of “national vital objects” was done to justify the use of security forces to restrict strike activity.

The government did not always effectively enforce provisions of the law 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 Manpower recommended in favor of the workers. While dismissed workers sometimes received severance pay or other compensation, they were rarely reinstated. Authorities used some legal provisions to prosecute trade

unionists for striking, such as the crime of “instigating a punishable act” or committing “unpleasant acts,” which criminalized a broad range of conduct.

Penalties for criminal violations of the law protecting freedom of association and the right to enter into collective labor agreements include a prison sentence and fines, and they were generally sufficient to deter violations. Local Ministry of Manpower offices were responsible for enforcement, which was particularly difficult in export-promotion zones. Enforcement of CLAs varied based on the capacity and interest of individual regional governments.

Several common practices undermined freedom of association. Antiunion intimidation most often took the form of termination, transfer, or unjustified criminal charges. Companies often sued union leaders for losses suffered in strikes. Unions also alleged that employers commonly reassigned labor leaders deemed to be problematic. Labor activists claimed that companies orchestrated the formation of multiple unions, including “yellow” (employer-controlled) unions, to weaken legitimate unions. Some employers threatened employees who contacted union organizers.

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

The increasing use of contract labor directly affected unions’ right to organize and bargain collectively. Under the law, contract labor is to be used only for work that is “temporary in nature;” a business may outsource work only when such work is an auxiliary activity of the business. Government regulations limit employers’ ability to outsource jobs to five categories of workers (cleaning services, security, transportation, catering, and work related to the mining industry). Nevertheless, many employers violated these provisions, sometimes with the assistance of local offices of the Ministry of Manpower. 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 those 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 did not effectively enforce the law.

By law the National Social Security Administration enrolls migrant workers and their families in the national social security program, enables authorities to prosecute suspects involved in illegal recruitment and placement of workers, and limits the role of private recruitment and placement agencies by revoking their authority to obtain travel documents for migrant workers. Government agencies may suspend the licenses of recruitment agencies for coercive or deceptive recruitment practices and contract signings, sending migrant workers to an unauthorized destination country, document forgery, underage recruitment, illegal fees (such as requesting several months of workers' salaries), and other violations.

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

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

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

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law and regulations prohibit child labor and cover all children between the ages of five and 12, regardless of the hours worked; working children ages 13 to 14 who worked more than 15 hours per week; and working children ages 15 to 17

who worked more than 40 hours per week. The law prohibits the worst forms of child labor, as defined by the ILO. The ILO reported that the “Reducing Child Labor as part of Aspiring Family” program removed 105,956 children from child labor from 2008 to 2018. The law does not extend to the informal economy where most child labor takes place, however. Companies which legally employ children for the purpose of artistic performances and similar activities are required to keep records of their employment. Companies which legally employ children for other purposes are not required to keep such records.

Penalties for violating minimum age provisions were not sufficient to deter violations.

The government did not effectively enforce the law prohibiting the worst forms of child labor. The government did not enforce all laws prohibiting the worst forms of child labor, since it did not effectively investigate, prosecute, or sanction persons who involve children in the production, sale, or trafficking of illicit drugs.

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

According to a 2018 National Statistics Agency report, approximately 7 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 <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor’s *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

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

The law prohibits discrimination in employment and occupation, but there are no laws prohibiting discrimination based on sexual orientation or gender identity, national origin or citizenship, age, language, HIV-positive status, or having other communicable diseases. A Central Java police officer was fired in December 2018 because of his sexual orientation. His challenge of the firing before the province’s Administrative Court of Semarang was rejected.

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

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

Some activists said that in manufacturing, employers relegated women to lower-paying, lower-level jobs. Jobs traditionally associated with women continued to be significantly undervalued and unregulated. The law does not provide domestic workers with a minimum wage, health insurance, freedom of association, an eight-hour workday, a weekly day of rest, vacation time, or safe work conditions. NGOs reported abusive treatment and discriminatory behavior continued to be rampant.

Some female police and military recruits were subjected to invasive virginity testing as a condition of employment, including the use of digital pelvic probes that many activists claimed were painful, degrading, discriminatory, and not medically accurate.

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

Minimum wages varied throughout the country, since provincial governors had authority to set a minimum wage floor and district heads had authority to set a higher rate. Minimum wages were above the official poverty line.

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 overtime rate for work in excess of a 40-hour workweek was 1.5 times the normal hourly rate for the first hour and twice the hourly rate for additional

overtime, with a maximum of three hours of overtime per day and a maximum of 14 hours per week.

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

Local officials from the Ministry of Manpower are responsible for enforcing regulations on minimum wage and hours of work as well as health and safety standards. Penalties for violations include criminal sanctions, fines, and imprisonment (for violation of minimum wage law), which were generally sufficient to deter violations. Government enforcement remained inadequate, particularly at smaller companies, and supervision of labor standards continued to be weak. Provincial and local-level officials often did not have the technical expertise needed to enforce labor law effectively. The number of inspectors was inadequate to enforce compliance in a country of 250 million inhabitants, although the government substantially increased its labor inspectorate funding to IDR 143 billion (\$10.2 million) with specific funds for enforcing child labor regulations. The ILO noted that low compensation for inspectors was a barrier to the creation of a professional inspectorate.

Authorities enforced labor regulations, including minimum wage regulations, only for the estimated 42 percent of workers in the formal sector. Workers in the informal sector, estimated to number approximately 74 million as of February 2018, did not receive the same protections or benefits as workers in the formal sector, in part because they had no legal work contract that labor inspectors could examine.

Plantation agriculture workers often worked long hours without government-mandated health insurance benefits. They lacked proper safety gear and training in pesticide safety. Most plantation operators paid workers by the volume of crop harvested, which resulted in some workers receiving less than minimum wage and working extended hours to meet volume targets.

Unions continued to urge the government, especially the Ministry of Manpower, 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. There were, however, no reliable national estimates for workplace deaths or injuries. On June 21, approximately 25 female workers (and five of their children) died in a fire at a lighter factory in Binjai District, Langkat Regency, in North Sumatra. The victims

were trapped in the locked factory. The owner and the factory manager faced prison sentences of up to five years for failing to meet workplace safety requirements.