

INDONESIA 2016 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Indonesia is a multiparty democracy. In 2014 voters elected Joko Widodo (commonly known as Jokowi) as president. Domestic and international observers judged the 2014 legislative and presidential elections free and fair.

Civilian authorities generally maintained control over security forces.

Despite high-profile arrests and convictions, widespread corruption remained a problem, and some elements within the government, judiciary, and security forces obstructed corruption investigations and harassed their accusers. Impunity for serious human rights violations remained a concern. The government failed to conduct transparent, public investigations into some allegations of unjustified killings, torture, and abuse by security forces. Elements within the government applied treason, blasphemy, defamation, and decency laws to limit freedom of expression and assembly. There was a notable increase in rhetoric against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons during the year.

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

On some occasions the government punished officials who committed abuses, but sentencing often was not commensurate with the severity of offenses, as was true in other types of crimes.

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 the 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, the 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 the media reported that police tortured suspects during detention and interrogation, including torture that resulted in death (see section 1.c.).

Komnas HAM and the Presidential Advisory Board (Wantimpres) hosted a two-day symposium on the 1965-66 anti-Communist purges on April 18 and 19 in Jakarta, marking the first government-sponsored event on disappearances and killings that affected hundreds of thousands of persons by common estimates. The event featured speakers from the government, including then coordinating minister for politics, legal, and security affairs Luhut Pandjaitan, former military officers from the period, victims, victims' families, and advocates. Government officials made clear at the outset that reconciliation would not include judicial remedies, official apologies, or reparations, a move criticized by NGOs as inadequate. During the symposium victims of the tragedy were for the first time given a stage--on national television--to tell their stories and ask for an end to stigma, without fear of censorship or reprisal. Many hardline groups made clear their opposition to any event on the purges, and there were small protests at the symposium. The symposium concluded that the government should create a full historical accounting of the 1965-66 events, facilitate rehabilitation for victims, end the social stigma, and undertake a national reconciliation process that would include similar events across the country. President Jokowi said he would consider the recommendations.

Occasional violence continued to affect the provinces of Papua and West Papua. In December 2015 a shootout between 25 personnel of Yapen Police District and 20 alleged members of the Free Papua Movement (OPM) took place in Wanapompi Bawah village, Serui, Yapen Islands, during a patrol to disperse a Papua Independence Day commemoration. This resulted in the death of two OPM members, Erik Manitori and Yulianus Robaha, and injuries to 10 other members. Later that month an unknown armed group attacked the Sinak subdistrict police office and killed three officers, while another two were injured but managed to escape. The attackers also stole seven firearms and a box of ammunition.

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

of the State Intelligence Agency were involved in the 2004 killing of human rights activist Munir Said Thalib. In September, President Jokowi pledged to settle the unresolved case. On October 10, the Public Information Commission ruled that the investigation findings conducted during the presidency of Susilo Bambang Yudhoyono were public information that must be released. President Yudhoyono sent copies of the findings to the State Secretariat Ministry on October 26. The findings remained under examination at the Attorney General's Office.

On January 14, four civilians were killed in a terrorist attack involving bombs and shooting in Central Jakarta. Four attackers also were killed.

b. Disappearance

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

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

The constitution states that every person shall have the right to be free from torture and other cruel, inhuman, and degrading treatment. The law criminalizes the use of violence or force by officials to elicit a confession. 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 torture continued to be commonplace in police detention facilities. Police reportedly tortured suspects during detention and interrogation, including torture that resulted in death. NGOs, victims, and media organizations reported that police officers blindfolded detainees; beat detainees with nightsticks, fists, and rifle butts; applied electric shock; burned suspects during interrogations; and forced confessions at gunpoint.

Between July 2015 and July 2016, the Commission on the Disappeared and Victims of Violence (KontraS) recorded 224 reports of police violence, including 91 cases of torture. A disproportionate number of these incidents involved the Investigative General Crimes (Reskrim) units, also known as the Criminal Investigation Division (CID) units. Komnas HAM reported 188 cases of police misconduct involving CID units from January to April.

On February 25, the Supreme Court overturned the acquittal of Neil Bantleman and Ferdinand Tjong, two teachers at the Jakarta International School (now Jakarta Intercultural School), on charges they sexually abused three students. The Supreme Court ruling reinstated the trial court convictions, returned the teachers to jail, and increased their sentences from 10 to 11 years. In a related case, five custodial staff members at the school were also convicted of sexual abuse and were serving sentences of 10 years after the Jakarta High Court rejected their appeal in August 2015. The five reported that police officers tortured them during interrogations. A sixth custodial staff member died while being questioned by police. Expert medical evidence presented at the trial, along with inquiries by NGOs and the media, concluded that no child abuse had taken place.

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, and sexual relations outside of marriage.

According to media reports, authorities caned 108 individuals in 2015. On April 12, a 60-year-old Christian woman was caned for selling alcohol. Her caning was the first instance of a non-Muslim being punished under sharia law in Aceh. Aceh provincial officials in charge of sharia law enforcement stated that the woman chose to receive punishment under sharia law rather than the criminal statutes, which may carry fines and imprisonment. Other officials stated that the caning was an “error” that was not in accordance with Aceh’s sharia code and reiterated that provincial sharia does not apply to non-Muslims. A new criminal code that took effect in Aceh during the year also calls for caning of those convicted of homosexuality, adultery, and other offenses (see section 6). Authorities in Aceh issued a public statement clarifying that sharia law does not apply to non-Muslims, foreigners, or Muslim Indonesians not resident in Aceh.

Prison and Detention Center Conditions

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

Physical Conditions: Overcrowding was a serious problem, including at immigration detention centers. According to the Ministry of Law and Human Rights, in July there were 198,199 prisoners and detainees in the prisons and detention centers, which were designed to hold 118,969. 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. As of August there were 3,115 juvenile convicted prisoners, some of whom were held in the adult prison system. On August 5, Minister of Law and Human Rights Yasonna Laoly announced plans to build special juvenile correction facilities in 34 provinces, but as of November no juveniles had been relocated to the 19 facilities completed since President Joko Widodo took office.

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

According to government figures, 548 prisoners died in custody between January 1 and June 30. Of these, 240 died of old age and natural causes, 30 died from leptospirosis, five died during a prison riot, and 50 of other causes.

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

Guards in detention facilities and prisons regularly extorted money from inmates, and prisoners reported that 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.

Administration: 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 reporting.

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

Improvements: On August 5, the Ministry of Law and Human Rights formed a special team to investigate allegations of extortion and bribery in all correctional facilities.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

By law the Indonesian National Police (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 the police in counterterrorism operations and in resolving communal conflicts. A presidential instruction issued in 2013, and a subsequent memorandum of understanding between the police and the TNI, further elaborated 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 counterdomestic terrorism operations as a means to re-establish a stronger unilateral role in domestic security and intelligence operations.

The president appoints the national police chief, subject to confirmation by the 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 Ethics Division of POLRI is responsible for investigating crimes committed by police. The TNI appoints teams of investigators who are responsible for investigating crimes by military personnel. The police and TNI rarely disclosed the findings or acknowledged the existence of internal investigations to the public. The Internal Affairs Division and the National Police Commission within the POLRI investigated complaints from the public against individual police officers. As of August, 349 police officers had been discharged because of infractions. There is no system in place, however, to ensure that abusive officers cannot be rehired elsewhere as police officers.

On March 11, terrorist suspect Siyono (one name only) died while in police custody near Klaten, Central Java, drawing widespread criticism from civil society groups, politicians, and the public. On April 19, the Police Internal Affairs Division ethics tribunal found that two Detachment 88 officers had violated standard operating procedures by failing to handcuff Siyono while transporting him and failing to have enough individuals guarding him. The tribunal demoted the officers and transferred them to other detachments for at least four years, a decision the officers appealed. Human rights groups criticized the accountability as inadequate and continued to push for criminal charges against the officers. The police stated that no criminal charges would be filed because there was no evidence that the officers intentionally killed Siyono.

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 (see sections 1.a. and 4). For example, in September, Hartomo (one name only) was appointed to head the Armed Forces Strategic Intelligence Agency (BAIS). In 2003 a military tribunal convicted Hartomo for the 2001 murder of prominent Papuan civil society leader, Theys Eluay. He was sentenced to three and one-half years in prison and discharged from the military. Later in 2003 he appealed his conviction to a military tribunal in Jakarta. The outcome of that tribunal was never made public, but Hartomo resurfaced on active duty in 2005. Several former members of the Special Forces' Rose Team, who were convicted in 1999 of kidnapping youth and prodemocracy activists from 1996 to 1998, reemerged on active duty in the

military, counterterrorism agency, intelligence agency, and Ministry of Defense. On September 1, the military promoted four of these former members.

On July 27, President Jokowi appointed Wiranto (one name only), the former TNI commander in chief, as the coordinating minister for political, legal, and security affairs. In 2003 the UN-established Special Panel for Serious Crimes (SPSC) in East Timor indicted Wiranto for crimes against humanity based on his command responsibility for Indonesia-directed militias that committed atrocities in East Timor in 1999. In September the government appointed General Yayat Sudrajat secretary of the Coordinating Ministry for Political, Legal, and Security Affairs. The SPSC for East Timor also indicted him for crimes against humanity in 2003.

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 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, or 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.

There were multiple reports of police temporarily detaining individuals in Papua for participation in peaceful demonstrations and other nonviolent activities advocating independence (see section 2.b.).

Pretrial Detention: The law permits pretrial detention only if there is a danger the suspect will flee, destroy or remove evidence, 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 influence from outside parties, including business interests, politicians, and the security forces.

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

During the year military courts tried a number of low-level and some mid-level soldiers for offenses that, among others, involved civilians or occurred when the soldiers were 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.

A three-person panel of military judges hears military trials. The High Military Court, Primary Military Court, and Supreme Court hear appeals. Civil society organizations and other observers criticized the short length of prison sentences imposed by military courts.

Four district courts located in Surabaya, Makassar, Jakarta, and Medan are authorized to adjudicate cases of systematic gross human rights violations upon the recommendation of Komnas HAM. The law provides for each court to have five

members, including three noncareer human rights judges appointed to five-year terms. Verdicts can be appealed to the standing appellate court and the Supreme Court. The law provides for internationally recognized definitions of genocide, crimes against humanity, and command responsibility. 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. A new sharia criminal code (Qanun) that took effect in October 2014 appears to extend sharia law to non-Muslims in certain cases (see section 6). Under the new sharia criminal code, offenses including homosexuality, gambling, consumption of alcohol, and proximity to the opposite sex outside of marriage are punishable with caning, fines, and imprisonment. In February 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 for many individuals. The law presumes defendants are innocent until proven guilty. Defendants are informed promptly and in detail of the charges and have the right to confront witnesses and call witnesses in their defense. An exception is 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. Defendants may access the prosecution's evidence through application to the hearing panel's presiding judge.

Convicts have one year to request a pardon, provided they have completed two-thirds of their sentence. Suud Rusli, who was convicted of murder in 2013, did not request a pardon within one year of his sentencing. He requested a judicial review from the Constitutional Court on the pardon law, arguing that it was unjust that he could request a pardon only once and within a one-year timeframe. The

Constitutional Court granted Suud a partial pardon request, but on June 21, it rejected the petition to extend the one-year limit for seeking pardons.

The law gives defendants the right to an attorney from the time of arrest and at every stage of examination and requires that counsel represent defendants in cases involving capital punishment or a prison sentence of 15 years or more. In cases involving potential sentences of five years or more, the law requires an attorney be appointed if the defendant is indigent and requests counsel. In theory indigent defendants may obtain private legal assistance, and NGO lawyer associations provide free legal representation to indigent defendants. For example, Jakarta Legal Aid handled 1,322 cases during 2015. 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 there were as many as 51 political prisoners from the provinces of Papua and West Papua and at least an additional nine from Maluku. Most were imprisoned under treason and conspiracy statutes for actions related to the display of banned separatist symbols, and many were serving lengthy sentences.

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

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

Civil Judicial Procedures and Remedies

Victims of human rights violations can seek damages in the civil court system, 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.

On February 15, Jakarta Governor Basuki "Ahok" Tjahaja Purnama closed the red-light district in Kalijodo. Activists accused the Jakarta Provincial government of unlawfully evicting the residents. Ahok provided compensation in the form of low-cost apartments and funding for former Kalijodo residents to operate small and medium-sized enterprises in their new locations.

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 for multiple parties with 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 that it received nearly 1,322 complaints related to land conflicts, noting that in many cases police and the TNI evicted residents on behalf of corporations.

On August 18, the residents of Sari Rejo subdistrict in North Sumatra were involved in a physical confrontation with Air Force personnel guarding disputed land. At least 10 civilians were injured in the clash.

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 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.

NGOs claimed security officials broke into their homes and offices, occasionally conducting warrantless surveillance on individuals and their residences and monitoring telephone calls.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech and Expression: The Hate Speech Law criminalizes content that is deemed insulting to a religion or that advocates separatism. In practice the hate speech law could inhibit individual's freedom of speech and expression.

Elements within the government, judiciary, and police selectively applied the Criminal Defamation Law in ways that restricted freedom of speech. For example, in October 2015 a circular letter on hate speech was released by then TNI chief Badrodin Haiti. The circular defines hate speech as insult, libel, defamation, unpleasant acts, provocation, incitement, and dissemination of false news through the media, internet, or person-to-person.

On May 10, two members of the Indigenous Peoples Alliance of the Archipelago (Aliansi Masyarakat Adat Nusantara), Adlun Fikri and Yunus Al Fajri, were arrested by North Maluku local police after being accused of spreading communism through social media. Previously the two were reported for uploading photographs of themselves on Instagram wearing red jerseys with hammers and sickles. They were released on May 13 with the help of the Legal Aid Foundation.

On July 28, human rights activist Haris Azhar released via social media testimony from convicted drug trafficker Freddy Budiman approximately 24 hours before Budiman was executed by firing squad at Nusakambangan penitentiary. In the testimony, which Haris collected in interviews over the course of two years, Budiman implicated many security officials in complicity in drug trafficking operations, although the names had not been released as of November. Security agencies, including the police and TNI, initially filed defamation charges against Haris after he released the information, but significant public outcry led to the "postponement" of charges while authorities investigated Budiman's allegations.

Press and Media Freedoms: The independent media was active and expressed a wide variety of views. Regional and national regulations, however, were sometimes used to restrict the media. In May 2015 President Jokowi lifted long-standing restrictions on foreign journalists traveling to Papua and West Papua provinces. This change was not evenly applied; some foreign journalists reportedly received visas, while others reported bureaucratic delays or denials, ostensibly for safety reasons. Advocates for press freedom alleged that an interministerial group, including the TNI and intelligence services, continued to review requests by foreign journalists to visit the region. The constitution protects journalists from such violations, 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 (AJI) reported 12 cases of violence directed at journalists and media offices between January and August.

In April members of the Bandung police force intimidated a photojournalist who was covering unrest in Banceuy Prison and asked him to delete photographs he had taken of the unrest.

On August 15, two journalists in Sari Rejo subdistrict in North Sumatra were injured during a land dispute between residents and the Indonesian Air Force. Soldiers beat them with logs, sticks, spears, and a long barrel and confiscated their cell phones, wallets, and a handy-cam. AJI Medan demanded that the Air Force Military Police investigate the case and prosecute the perpetrators. The case was pending investigation as of November.

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 (KPI) has the authority to act as a regulator in public, private, and community institutions broadcasting. In February the KPI issued a circular letter that prohibits broadcasters from showing programs with male characters acting in a feminine style. Human rights activists considered this to be discriminatory by limiting the scope of expression of gender identity in broadcasting.

In February LINE, a messaging application, withdrew its LGBTI emoticons on its messaging service following protest by internet users. The Ministry of Information and Technology agreed with the protesters that social media is obliged to follow

the rules, norms, and culture of the country and that the LGBTI emoticons should be removed.

The ministry also banned in February the microblogging website and social network Tumblr due to the presence of some content considered to be pornographic. The move sparked widespread criticism, and the site was unblocked a few days later.

Under the Blasphemy Law, “spreading religious hatred, heresy, and blasphemy” is punishable by up to five years in prison. Protests by hardline groups or conservative clerical councils often prompted local authorities to take action under the law. On May 26, police arrested three leaders of a banned religious sect, Gafatar, for blasphemy in Jakarta. Authorities argued that the movement’s teachings combine Islam, Christianity, and Judaism in a way that is “incompatible with religious teachings.” The case continued as of November. In March the Ministry of Religious Affairs, Ministry of Home Affairs, and the Attorney General’s Office released a joint decree banning Gafatar and all associated groups.

In October 2015 Bali police named a Four Seasons hotel employee as a blasphemy suspect for selling a vacation package to a gay couple who held a “marriage blessing” ceremony at the hotel. Police also opened an investigation into the expatriate general manager of the hotel. The employee went on trial for blasphemy and received a six-month probation starting December 2015 with no criminal record or prison time.

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 that it does not accept the provincial flag and that raising the GAM flag is prohibited.

Libel/Slander Laws: In September 2015 police in Ternate, North Maluku, arrested a Ternate Khairun University student for posting online a video he had filmed of police accepting a bribe during a traffic stop, claiming he had defamed the police department. After a popular campaign to free the student spread online, the police chief ordered his release in October 2015.

Nongovernmental Impact: On June 2, members of the Islamic Defenders Front (FPI), a notorious gang-like organization, humiliated and intimidated journalist Febriana Firdaus while she was covering an anticommunist symposium held in Jakarta.

Internet Freedom

The government prosecuted individuals for free expression under the Information and Electronic Transaction Law (ITE Law). The law, which outlaws online crime, pornography, gambling, blackmail, lies, threats, and racism, prohibits citizens from distributing in electronic format any information that is defamatory and carries penalties of a maximum of six years in prison, a fine of IDR one billion (\$74,500), or both. According to the Institute for Policy Research and Advocacy, between January and September 2015, 21 individuals were arrested or indicted for violating provisions of the ITE Law.

According to the Ministry of Communications and Information Technology, approximately 29 percent of the population had internet access in 2015, signifying an estimated 80 million internet users.

In May 2015, Rudy Lombok, a local tour guide in Lombok, West Nusa Tenggara, was arrested, and later released, for criticizing on Facebook a tourism promotional video released by the Regional Tourism Promotion Agency.

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.

Academic Freedom and Cultural Events

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

In February 21, local police in Tasikmalaya, West Java, banned a seminar held by the Respect and Dialogue Community discussing multiculturalism and unity, claiming the participants were mostly from the minority Ahmadi and Shia sects.

On World Press Freedom Day (May 3), security forces forcibly dispersed a crowd gathered to watch the film *Pulau Buru Tanah Air Beta* at a screening coordinated by the secretariat of the AJI office in Yogyakarta. The film, considered controversial by many, tells the story of a former political prisoner of the 1965 communist purge who returned to Buru Island in Maluku, which was used as an internal exile location for persons allegedly involved in the 1965 attempted coup.

On May 18, the FPI halted a discussion entitled “Understanding Art through the Thought of Karl Marx,” which was organized by the Student Press Agency at the Daunjati Institute of Art and Culture in Bandung, accusing the event organizers of promoting communism and ideas that contradict the national ideology of Pancasila.

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

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

On April 13, police dispersed Committee of West Papua (KNPB) rallies in support of the United Liberation Movement of West Papua’s (ULMWP) bid for full-membership in the Melanesian Spearhead Group (MSG), and reportedly arrested

44 activists on April 12 and 13. Police arrested 2,689 KNPB members on May 1-2 before and during demonstrations to commemorate Papua Annexation Day and support ULMWP. Police released all those arrested on the same day or the day after. On May 31, police in Papua arrested hundreds of protesters planning demonstrations across the region. Between June 10-15, police arrested at least 1,235 Papuans before and during a rally to reject the integrated human rights team established by former coordinating minister Luhut Pandjaitan. On July 15, police arrested hundreds of Papuans during a rally to support ULMWP's MSG membership. On that day in Yogyakarta residents protested outside a dormitory for Papuan students in order to prevent them from demonstrating. Police arrested six activists and the dormitory was closed. On August 15, police arrested, but quickly released, six Papuans who rallied to reject the 1962 New York Agreement, which transferred administration of the western half of New Guinea from the Netherlands to Indonesia.

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.

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, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement and generally allows for travel outside of the country, but the constitution allows the government to prevent

persons from entering or leaving the country. The law gives military forces broad powers in a declared state of emergency, including the power to limit land, air, and sea traffic. 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: In May 2015 President Jokowi announced he was lifting restrictions on foreign journalists travelling to Papua and West Papua provinces (see section 2.a.), but as of November, implementation of the new policy remained uneven.

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

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

The international NGO Internal Displacement Monitoring Center reported that as of July 2015, there were an estimated 31,400 persons “displaced by violence or conflict,” nearly all of whom had been displaced for more than 15 years. More than 300 Shia residents from Madura remained housed on the outskirts of Surabaya after communal violence forced them from their homes in 2012. Despite numerous reconciliation attempts by central government officials and NGOs, provincial government officials made no constructive efforts to deal with the hardliners who refused to allow the displaced Shia to return to their homes. In Lombok, 118 Ahmadi Muslims remained in provincial government housing after mobs violently chased them from their homes in 2006.

The law stipulates that the government ensure “the fulfillment of the rights of the people and displaced persons affected by disaster in a manner that is fair and in line with the minimum service standards.”

Protection of Refugees

Access to Asylum: Indonesia 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. As of August there were 7,248 asylum seekers and 6,590 refugees registered with UNHCR. Some were applicants and others were dependents. Most refugees or asylum seekers were from Afghanistan, Burma, Somalia, and Iraq. Approximately 4,215 persons (30 percent of active persons of concern) resided in 13 immigration detention centers throughout the country, while an additional 34 percent lived in temporary accommodations under the supervision of immigration authorities. The majority of the remaining population lived in community boarding houses through the assistance of the IOM.

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

Access to Basic Services: The government generally prohibited refugees from accessing public elementary education and public health services, although the enforcement of these prohibitions varied widely across the archipelago.

Temporary Protection: There were no instances of refoulement in 2015. In June the government provided temporary protection to approximately 45 migrants from Sri Lanka who were allowed to disembark in Aceh Province after their boat became unseaworthy.

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 by secret ballot based on universal and equal suffrage, and citizens exercised this right.

Elections and Political Participation

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

Recent Elections: In 2014 voters elected Joko Widodo (commonly known as Jokowi) as president, replacing two-term president Susilo Bambang Yudhoyono. Jokowi defeated 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. Twelve national parties contested in the legislative elections, and 10 parties eventually won seats.

The country held its first simultaneous nation-wide election for regional executives, including mayors, regents, governors, and deputies in December 2015, with voting taking place in approximately half of the nation's electoral districts. The elections were deemed to be free and fair by most observers.

On June 2, 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 (DPRD) to resign after they become candidates for provincial, district, or city office.

Political Parties and Political Participation: In 2012 the DPR increased the vote threshold for parties to qualify for a seat in the legislature to 3.5 percent. In the 2014 elections, 10 parties met this threshold. The top four vote-getters were nationalist parties, followed by three Islamic-oriented parties.

All adult citizens, age 17 or older, are eligible to vote except police and active members of the military, convicts serving a sentence of five years or more, persons 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: There are no restrictions on the role of women in politics. A law on political parties mandates that women make up at least 30 percent of the founding membership of a new political party.

The general election law passed prior to the 2009 national elections includes a requirement for parties to nominate women for at least 30 percent of the candidate slots on their party lists. During the 2014 election cycle, the KPU enforced the rule, and all major parties abided by it. The number of women in parliament fell after the 2014 elections, however, from 18 to 17 percent of DPR seats and from 27 to 13 percent of DPD seats.

As of August 2015 women held 7.6 percent of all mayor and regent positions. There were no female governors. Less than 7 percent of registered candidates for the 2015 December regional elections were women.

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

Members of the FPI and other groups held demonstrations in front of the Jakarta Governor's Office and the City Council to protest the governorship of Basuki Tjahaja Purnama (known as "Ahok"), an ethnic Chinese Christian, who became governor after then governor Jokowi was elected president. The FPI and other intolerant groups also sought to make Ahok's ethnicity and religion an issue in the elections for Jakarta governor, scheduled for February 2017. On September 27, Governor Ahok told a crowd of voters 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. On November 4, an estimated 60,000-100,000 persons participated in a Jakarta protest intended to convince President Jokowi and the police to arrest Ahok for blasphemy.

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, 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.

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 2015, the KPK carried out investigations and prosecutions, recovering approximately IDR 259 billion (\$19.3 million) in state assets. According to its annual report, as of June the KPK had a 100 percent conviction rate, supported by the prosecution of 3,650 graft cases from a total of 3,669 cases this year.

On January 15, the KPK arrested DPR member Damayanti Wisnu Putranti for allegedly accepting bribes from a construction vendor to secure the tender of a road construction project in Maluku province. On March 15, the KPK named DPR member Budi Supriyanto a suspect in the same case. On April 27, the KPK named DPR member Andi Taufan Tiro a new suspect in the case. As of August there was no court ruling against these lawmakers.

The KPK arrested several judicial authorities during the year, and corruption watchdog groups said corruption remained rampant throughout the legal system. Bribes and extortion influenced prosecution, conviction, and sentencing in civil and criminal cases. Key individuals in the justice system were accused of accepting bribes and condoning suspected corruption. Legal aid organizations reported that cases often moved very slowly unless a bribe was paid, and that in some cases prosecutors demanded payments from defendants to ensure a less zealous prosecution.

On February 15, the KPK arrested the head of Supreme Court subdivision for civil lawsuits, appeals and judicial reviews, Andri Trisianto Sutrisna. Andri allegedly received bribes from representatives of private companies to delay the issuance of Supreme Court decisions on several civil court cases. On May 20, the KPK arrested Jakarta state court judicial clerk Edy Nasution for his role in facilitating the bribery scheme for civil case appeals in the Supreme Court. The KPK also arrested three North Jakarta court clerks who allegedly received bribes to influence the outcome of a child molestation case and a civil lawsuit decision in the State Administrative Court (PTUN). In July the KPK began an investigation of Supreme Court Secretary General Nurhadi, who was allegedly involved in many Supreme Court bribery cases, which led to his resignation. On October 24, the KPK arrested former health minister Siti Fadilah Supari for involvement in bribery schemes associated with ministry spending during her tenure as minister from 2004 to 2009.

On June 16, President Jokowi named Tito Karnavian national police chief in order to “reform the quality of law enforcement, especially on drug trafficking, corruption, and terrorism.” Karnavian previously served as the head of the National Counterterrorism Agency (BNPT) and head of the counterterrorism force Detachment 88.

Between December 2015 and April 2016, the National Ombudsman Commission received 116 complaints related to litigations favors. The commission reported that case brokers received approximately IDR 100 million (\$7,450) to influence the court administration in order to influence the outcome of to direct civil lawsuits. In the same period, the Office of the National Ombudsman and the Judicial Commission recommended sanctions for eight district judges accused of manipulating the outcome of 36 trials.

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.

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 July 13, 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 the police would only be obliged to submit the asset report to police internal affairs and not to the KPK, in order to avoid public misperceptions of the investigations.

Public Access to Information: The Freedom of Information Act grants citizens access to governmental information and provides mechanisms through which citizens can obtain such information. The law allows for a protected class of “secret” information, including information on state defense and security, law enforcement investigations and other legislative activities, public officials, and

business interests of state-owned enterprises. Many government entities, however, remained unwilling or unprepared to implement the law. According to a 2015 Central Information Commission report, authorities responded to 49 percent of information requests. Authorities provided either partial disclosures or irrelevant information in response to the rest of the requests.

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

A number of 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 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: A number of independent government-affiliated bodies addressed human rights problems, including the Office of the National Ombudsman, National Commission on Violence against Women (Komnas Perempuan), and National Commission of Human Rights (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

government held a preliminary symposium to address these accusations, but the Attorney General's Office did not file any charges in cases related to the purges.

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 (see sections 1.a. for more information on the 1965-66 communist purges).

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.

In June 2015 a coalition of NGOs along with family members of the victims of the 1998 abductions of prodemocracy activists, filed a judicial review to the Constitutional Court to challenge the Human Rights Court Law No. 26/2000. The plaintiffs challenged the law because they feel it does not provide clear legal parameters for solving past human rights violations, including the 1998 incident. The Constitutional Court held its first hearing in August 2015 and the second session in September of that year. On August 23, 2016, the Constitutional Court ruled out the judicial review, claiming that the appellant had no relevant legal standing.

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. Violence against women remained poorly documented and significantly underreported by the government, with domestic violence the most common form of violence against women. In its 2015 annual report, the National Commission on Violence Against Women reported more than 320,000 cases of violence against women. Approximately 11,000 cases were categorized as domestic violence. Of these cases, 1,657 were designated as incidents of sexual violence. Social pressure likely deterred many women from reporting domestic violence, and most NGOs working on women's issues believed the real figure was higher than the available official statistics.

The legal definition of rape covers only forced penetration of sexual organs, and filing a case requires corroboration and a witness. Marital rape is not a specific criminal 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 the Ministry of Women’s Empowerment announced the creation of a nationwide data center to monitor cases of sexual violence. The ministry was working with the National Statistics Bureau to draft a census to be used as the basis for the center’s launch in 2016. 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.

The government ran integrated service centers for women and children (P2TPA) in all 34 provinces and approximately 242 districts. These centers provided counseling and support services to women and children who were victims of violence. The larger provincial service centers provided more comprehensive psychosocial services, while the quality of support at the district-level centers varied. Women living in rural areas or districts where no such center was established had difficulty receiving support services. Nationwide, police operated “special crisis rooms” or “women’s desks” where female officers received reports from female and child victims of sexual assault and trafficking and where victims found temporary shelter.

In addition to the provincial-level task forces, which are present in 31 of 34 provinces, the number of task forces at the local (district or city level) rose from 166 in 2014 to 191 of 497 districts/towns in 2015. Task forces at the district/city level are usually chaired by the local P2TP2A or the local Office of Social Affairs (Dinas Sosial). Antitrafficking task forces often helped to provide hospitals with Integrated Service Centers (PPT) for violence and trafficking victims. PPTs were available at 123 hospitals throughout the country.

Female Genital Mutilation/Cutting (FGM/C): FGM/C occurred regularly, and there are no laws prohibiting the practice. In 2013, the first nationally representative household survey, the Basic Health Research Survey, found that more than half of girls under the age of 11 experienced some form of FGM/C, and 79 percent of these underwent the procedure before they were six months old. There was no official data about what types of FGM/C were practiced, but according to the National Commission on Violence Against Women and other

NGOs, the vast majority of FGM/C was Type IV. In urban areas midwives performed the majority of FGM/C, while in rural areas traditional birth attendants were the most common practitioners of FGM/C. The National Commission on Violence Against Women reported that midwives and traditional birth attendants often included female circumcision as part of a birth service “package” and advocated for the procedure to their clients. In 2014 the Ministry of Health revoked a 2010 decree establishing guidelines for the safe practice of FGM/C. The 2010 decree overturned the ministry’s outright ban on FGM/C, which the Indonesian Ulama Council (MUI) and other religious groups protested. The revocation transfers authority to regulate FGM/C to a health advisory body that includes religious leaders. Although there is no mention of FGM/C in the Quran, according to a 2016 Islamic Relief field study, many local religious leaders recommended the practice. On September 22, Minister for Women’s Empowerment and Child Protection Yembise announced a new campaign to end FGM/C focused on engaging religious leaders and civil society.

Sexual Harassment: Article 281 of the criminal code, which prohibits indecent public acts, serves as the basis for criminal complaints stemming from sexual harassment. Violations of this article are punishable by imprisonment of up to two years and eight months and a small fine.

Reproductive Rights: The government recognizes the basic right of couples and individuals to decide the number, spacing, and timing of their children. It also recognizes their basic right to manage their reproductive health, free from discrimination, coercion, and violence. According to a 2013 survey by the Ministry of Health, 59.3 percent of married women used modern contraceptives. Estimates for contraceptive prevalence among all women ranged from 62 percent to 70 percent, although local NGOs reported that unmarried women found it significantly more difficult than married women to access contraceptives.

According to a 2015 report from the World Health Organization, UN Population Fund, UNICEF, and the World Bank, the maternal mortality ratio was 126 per 100,000 live births, down from 165 in 2015. The primary causes of maternal mortality were postpartum hemorrhage, pre-eclampsia, and sepsis. According to the Ministry of Health, as many as 69 percent of all births were delivered by midwives. Oversight for midwifing programs was transferred from the Ministry of Health to the Ministry of Education and Culture. The Ministry of Health and international NGOs identified several factors contributing to the maternal mortality rate, including lack of training for midwives and traditional birth attendants, continued lack of access to basic and comprehensive emergency obstetric care, and

limited availability of essential maternal and neonatal medications. Hospitals and health centers did not always properly manage complicated procedures, and financial barriers and the limited availability of qualified health personnel caused problems for referrals for complications. A woman's economic status, level of education, and age at first marriage also affected maternal mortality. In 2014 an NGO coalition filed a judicial challenge to the Marriage Law, identifying the 16-year-old minimum marriage age as a significant contributing factor to the rate of maternal mortality. In June the Constitutional Court rejected this challenge.

Discrimination: The law provides for the same legal status and rights for women as for men under family, labor, property, and nationality laws. The law does not grant widows equal inheritance rights. The law states that women's participation in the development process must not conflict with their role in improving family welfare and educating the younger generation. The 1974 Marriage Law establishes the legal age of marriage as 16 for women and 19 for men. The same law also designates the man as the head of the household. As such, married women who work outside the home are taxed at a higher rate than working husbands, who receive preferential tax treatment as the head of household.

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

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 anti-prostitution regulations such as those in Bantul and Tangerang that were used to detain women walking alone at night. There are more than 70 local regulations that 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 November the ministry had not invoked this authority to overturn any gender discriminatory local regulations.

Under Aceh's special authority to implement sharia regulations, the city of Banda Aceh established a local regulation in June 2015 that forbids cafes and restaurants from serving unaccompanied women or using female employees after 11 p.m. Female Muslim residents of Aceh province are prohibited from wearing tight pants

and must wear headscarves. One district in Aceh prohibits women from sitting astride when riding as a motorcycle passenger.

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.

A 2012 ruling by the Constitutional Court overturned a 1974 law that stipulated children born outside of registered marriages shared civil ties only with their mother. The ruling provides for the inclusion of DNA evidence in determining paternity and confers inheritance rights to the father's property for children born outside of registered marriages.

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

On February 29, the home minister released a ministerial decree to accelerate the provision of birth certificates by simplifying the process to obtain identity cards and birth certificates. In the past citizens were required to provide a letter from their districts chiefs when applying for birth certificates and identity cards at civil registration offices.

Education: Although the constitution guarantees free education, most schools were not free, and poverty puts education out of reach for many children. In June 2015 the government introduced a nationwide compulsory 12-year school program, but the implementation was uneven. The Ministry of Education, representing public and private schools, and the Ministry of Religion for Islamic schools and madrasahs, introduced a new system in which students from low-income families use a government-provided "Smart Card" to go to specific banks twice a year to withdraw a certain amount to support their educational needs. The amount is different for elementary, junior high, and senior high school students.

According to a 2014 UNICEF report, more than six million children between the ages of 7 and 18 did not attend school. Enrollment in primary and secondary education was virtually the same for both girls and boys, but according to NGOs, boys continued to be more likely to finish school, particularly in rural areas.

Child Abuse: Child labor and sexual abuse continue to be serious problems in Indonesia. The law prohibits child abuse, but government efforts to combat it were slow and ineffective. The Child Protection Act addresses economic and sexual exploitation of children, as well as adoption, guardianship, and other issues. Some provincial governments did not enforce these provisions. In 2014 the National Commission on Child Protection (KPAI) found that 52 percent of the 4,638 cases reported to them were cases of child sexual abuse. In 2015, 58 percent of the 6,726 child abuse cases reported were of a sexual nature.

Between January and April, the KPAI received 339 reports of child abuse, 48 percent related to sexual abuse.

In April the KPAI launched a Pendawa Care application for online consultation on child protection and a 24-hour call center for processing complaints of violence.

Similarly, in July the Ministry of Education launched a hotline for students to report abuse occurring in schools.

On May 25, in response to widespread public outcry over the rape and killing of a 14-year-old girl in Bengkulu, the president signed PERPU (Government Regulation in Lieu of Law) No 1/2016 revising the Child Protection Law No 23/2002. The regulation increases punishment for child sex offenders, including the death penalty or life imprisonment depending on the severity of the case. The regulation also allows for chemical castration of offenders, the announcement of their identity to the public, and the installation of electronic detection devices to monitor their whereabouts. On October 12, the national legislature passed legislation allowing for PERPU to become law.

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

Early and Forced Marriage: The legal distinction between a woman and a girl was not clear. The 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. Based on a 2015 report released by National Statistics Agency (BPS) and UNICEF, approximately 23 percent of women were married before they were 18. The percentage was significantly higher in rural areas (27 percent) than in cities (17 percent). See also the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

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

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

The Pornography Law prohibits child pornography and dictates a maximum sentence of 12 years and fine of IDR six billion (\$447,000) for producing or trading in child pornography. On August 30, the National Police's Cyber Crime Sub-Directorate uncovered an online male child prostitution ring and raided a hotel in Bogor, West Java. During the raid police rescued seven victims, including six underage males and one 18-year-old, and arrested three suspects. One of the suspects used his Facebook account to run the child prostitution business. Police subsequently discovered the postings of 99 underage victims on the Facebook page. According to the police investigation team, the suspect's syndicate recruited at least 148 victims, both underage and adult males.

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 government reports, there were at least 8,000 street children in Jakarta and as many as 230,000 nationwide. The government continued to fund shelters administered by local NGOs and paid for the education of some street children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For 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 Jewish population in Indonesia 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 in employment, education, access to health care, the judicial system, or provision of other state services. The law does not contain specific requirements regarding access to air travel and other transportation, but it mandates accessibility to public facilities for persons with disabilities. 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 KPU signed a memorandum of agreement with several NGOs to increase the participation of persons with disabilities in the national elections. As a result 3.6 million voters with disabilities were eligible to vote in the 2014 elections. The General Election Network for Disability Access (Agenda) found that only 16 percent of polling stations in Aceh, Central Java, Jakarta, South Kalimantan, and South Sulawesi provinces were fully accessible to persons with disabilities.

Regional elections in 2015 saw increased accessibility for voters with disabilities across the country. Improvements were not uniform around the country, however. Voting stations in urban areas with wealthier tax bases were generally better equipped and had better-trained staff than those in rural areas.

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. According to government statistics from 2008 and 2009, there were 1,686 schools dedicated to educating children with disabilities, 1,274 of them private. 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.

Early in the year, 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.

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. 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, and logistical problems to indigenous communities. The government failed to prevent companies, often in collusion with the local military and police, from encroaching on indigenous peoples’ land. In Papua and West Papua, tensions continued between indigenous Papuans and migrants from other provinces, who were usually Muslim. Melanesians in Papua, who were mostly Christians, cited endemic racism and discrimination as drivers of violence and economic inequality in the region.

In 2013 the Constitutional Court ruled in favor of an alliance of indigenous peoples that filed a suit challenging parts of a 1999 Law on Forestry. The ruling negated default state ownership of forests that fall within areas of custom-based or indigenous communities. Nevertheless, access to ancestral lands continued to be a

major source of conflict throughout the country. Large corporations and government regulations displaced 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. Land rights advocates reported receiving threats from government and private parties after publicizing these issues.

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 the government took almost no action to prevent discrimination against LGBTI persons. LGBTI organizations and NGOs were able to hold low-key events in public places, although often without proper licenses. Families often put LGBTI minors into therapy, confined them to their homes, or pressured them to marry. Children perceived to be LGBTI are frequently bullied.

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 together with prostitution. Under a local ordinance in Jakarta, security officers consider any transgender person found 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 the police.

The country experienced a notable increase in anti-LGBTI rhetoric during the year, including from senior government officials. In January, after learning of the presence of a support group for LGBTI students on a University of Indonesia campus, the minister for technology, research, and higher education called for a restriction to prohibit LGBTI persons from participating in activities at universities, claiming they threaten “Indonesian morals and norms.”

In February Minister of Defense Minister Ryamizard Ryacudu described LGBTI persons as part of a dangerous “proxy war” threatening the country’s sovereignty, while some members of the national legislature and civil society groups called for the government to adopt new regulations or laws against the LGBTI movement.

The increase in anti-LGBTI public statements reportedly catalyzed the forced closure on February 24 of Al Fatah Pesantren Waria, an Islamic boarding school for transgender students in Yogyakarta. Front Jihad Islam and local authorities initiated the closure, arguing that the school lacked licenses and disturbed local residents.

On March 7, the sharia legislative body in Aceh issued a recommendation that salon and barbershop owners not employ LGBTI individuals, especially not transvestites. NGOs expressed concern that Sharia police in Aceh increased surveillance of the local LGBTI community in anticipation of further arrests under the new criminal code.

In May the Constitutional Court began judicial review of a petition submitted by activist group, the Family Love Alliance, seeking to outlaw sex outside of marriage, including homosexual activity. Hearings continued at year’s end.

On August 11, the president’s spokesperson stated that all citizens have individual rights, including the right to protection from violence, regardless of sexual orientation. In a public interview in October, President Jokowi stated that “police must act” against any groups that seek to inflict violence on LGBTI individuals and that “there should be no discrimination against anyone.”

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. A 2013 revision to

the Civil Administration Law allows transgender individuals officially to change their gender only after the completion of sexual reassignment surgery. Some observers claimed the process was cumbersome and degrading because it requires a court order declaring that the surgery is complete and is permitted only under certain undefined special circumstances. On June 3, however, the court in Bantul Regency, Yogyakarta, granted a 75-year-old lawyer a gender change. Based on medical examination and humanity, the court decided she should be granted the right to become a man, the third time the court granted the gender change in Bantul.

Candidates who were selected as new KPI (Indonesian Broadcasting Commission) commissioners were vetted on their views of LGBTI issues. According to sources, the selected candidates all oppose broadcasting with LGBTI content.

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 unevenly at all levels of society. For example, prevention efforts were often muted for fear of antagonizing religious conservatives. Diagnostic, medical, or other fees and expenses that put the cost of free antiretroviral drugs beyond the reach of many compounded barriers to accessing these drugs. Persons with HIV/AIDS reportedly continued to face employment discrimination.

On February 5, Mayor of Bogor, Bima Arya, passed a local regulation stipulating that individuals getting married must take an HIV/AIDS test. The regulation requires every person wishing to marry to receive a confidential medical check that is provided for free.

On July 25, the FPI broke up an HIV/AIDS awareness event in Pekanbaru, Riau, that included providing information related to HIV/AIDS, followed by blood tests.

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. Several NGOs noted that both ethnic tensions between migrants and locals and religious tensions were factors in these incidents.

On March 7, a large number of protesters rallied in front of the Santa Clara Church construction site in Bekasi, West Java, claiming that the church's permit was invalid. Authorities dispatched approximately 1,750 officers from the Bekasi Resort Police to guard the site. Police initially secured the location, but when the bulk of the protesters moved on to the Bekasi mayor's office, a residual detachment of approximately 150 officers was unable to prevent protesters from damaging the site and spray-painting on the front of the construction gate that the "church is sealed in the name of public concern."

On July 31, a mob burned 10 Buddhist temples and a social foundation office in Tanjung Balai, North Sumatra, after a woman of Chinese ethnicity complained about the speaker volume of a local mosque and the story spread on social media. Authorities strongly denounced the incident and took immediate steps to stabilize the situation. North Sumatra police arrested nine suspects in the incident and charged one person for inciting violence using social media under the hate speech law.

In September 2015 a mob abducted and beat to death Salim "Kancil," an environmental activist who was preparing to protest an illegal sand mining concession run by PT Indo Multi Mineral Sejahtera near Lumajang, East Java. The mob also attacked Kancil's fellow activist Tosan (no last name), who required hospitalization after severe beatings. Police arrested 22 persons in connection with the killing, all of whom faced judicial proceedings, and eventually implicated a local village head with ties to the illegal mining operation as the leader. The village head admitted he had bribed three local police officers to guard the mining operation, and, NGOs contended, to look the other way during the killing. The three officers were found guilty in an internal ethics tribunal and sentenced to an official reprimand, demotions, and 21 days in detention. On June 23, the Surabaya District Court sentenced the village head and his coconspirator to 20 years in prison.

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, but the law places restrictions on organizing among public sector workers. Although the law recognizes civil servants' freedom of association and right to organize, they may only form employee associations with limitations on certain rights, such as the right to strike. Employees of state-owned enterprises (SOEs) are permitted to form unions, but their right to strike is limited in practice by the fact that most SOEs are treated as essential national interest sites (see below). The law stipulates that 10 or more workers have the right to form a union, with membership open to all workers, regardless of political affiliation, religion, ethnicity, or gender. The Ministry of Labor records, rather than approves, the formation of a union, federation, or confederation and provides it with a registration number. To remain registered, unions must keep the government informed about changes in their governing bodies.

The law allows the government to petition the courts to dissolve a union if it conflicts with the 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 International Labor Organization (ILO) noted its concern that the sanction of dissolving a union was disproportionate.

The law allows workers' organizations that register with the government to conclude legally binding collective labor agreements (CLAs) with employers and to exercise other trade union functions. The law includes some restrictions on collective bargaining, including a requirement that a union or unions represent more than 50 percent of the company workforce to negotiate a CLA. Workers and employers 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 lengthy mediation with the employer and then proceed to a government mediator or risk having the strike declared illegal. In the case of an illegal strike, an employer may make two written requests within a period of seven days for workers to return. Workers who do not return to work after these requests are considered to have resigned.

Most civil servants and workers in SOEs are prohibited from striking. The ILO recommended that this restriction be lifted. All strikes at “enterprises that cater to the interests of the general public or at enterprises whose activities would endanger the safety of human life if discontinued” are deemed illegal. Regulations do not specify the types of enterprises affected, leaving this determination to the government’s discretion. The same regulation also classifies strikes as illegal if they are “not as a result of failed negotiations.” Unions 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.

Penalties for criminal violations of the law are a prison sentence of at least one year and fines of IDR 100 million to 500 million (\$7,450 to \$37,260), and they were generally sufficient to deter violations. Local offices of the Labor Ministry 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.

The government did not always effectively enforce laws protecting freedom of association or prevent 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 that the government repeal or amend these provisions, which they noted could be used as a pretext for arbitrary arrest of union members and leaders.

Workers in the private sector formed and joined unions of their choice without previous authorization or excessive requirements. 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 continued to claim 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 cumbersome process required for a legal strike to obstruct union’s 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 three to 15 years of imprisonment and a fine of IDR 120 million to 600 million (\$8,940 to \$44,700). The government had difficulty effectively enforcing this prohibition. The government continued its moratorium on sending domestic workers to certain countries where its citizens had been 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 in 2015 police investigated several cases of forced labor in the fishing industry, including one high-profile investigation into a Thai-Indonesian joint venture that reportedly trafficked hundreds of Burmese, Cambodian, Lao, and Thai fishermen on vessels in Indonesian waters. Five Thai captains and three Indonesian company officials were charged with human trafficking and sentenced to three years in jail.

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. Individuals were also trafficked for commercial sex.

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 and/or a fine of IDR 100 million to 400 million (\$7,450 to \$29,800). 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: prostitution or other commercial sexual exploitation, mining, pearl diving, construction, offshore fishing, scavenging, production of explosives, working on the street, domestic service, cottage industry, plantations, forestry, and industries that use hazardous chemicals. A violation of the prohibition against employing children in the worst forms of child labor is punishable by two to five years of imprisonment and a fine of IDR 200 million to 500 million (\$14,900 to \$37,260).

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

The National Commission for the Protection of Children estimated there were as many as 3.6 million children between the ages of 10 and 17 who were working in 2015. An unknown but significant number of these worked in the worst forms of child labor, including in commercial sexual exploitation (see section 6, children) and hazardous industries. Child labor commonly occurred in domestic service, rural agriculture, light industry, manufacturing, and fishing. The worst forms of child labor occurred in the rural agriculture sector, domestic labor, and in specific areas of the fishing, manufacturing, and mining sectors.

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

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." Violations of the law carry a maximum penalty of four years in prison, which was not always a sufficient deterrent. In most cases the government did not effectively enforce these protections. There are no laws prohibiting discrimination based on sexual orientation or gender identity, national origin or citizenship, age, language, HIV-positive status, or having other communicable diseases.

No information was available to demonstrate government enforcement efforts during the year. The Ministry of Labor, Women's Empowerment and Protection Agency, Ministry of Home Affairs, and National Development Planning Board,

however, worked in partnership to reduce gender inequality, including supporting Equal Employee Opportunity Task Forces at the provincial, district, and municipal levels. The national task force continued to operate during the year.

Women, migrant workers, and persons with disabilities commonly faced discrimination in employment, including often only being offered lower-status jobs. Migrant workers were often subject to police extortion and societal discrimination. Transgender individuals faced discrimination in employment, as did persons with HIV/AIDS. In previous years there were reports of persons being fired with impunity for being HIV positive.

According to the 2014 World Economic Forum Gender Gap Index, women made 31 percent less than men did for similar work, and approximately 57 percent less overall. Some activists said that in manufacturing, employers relegated women to lower-paying, lower-level jobs. Jobs traditionally associated with women continued to be significantly undervalued and unregulated. Under the labor law, domestic workers are not provided with a minimum wage, health insurance, freedom of association, an eight-hour workday, a weekly day of rest, vacation time, or safe work conditions. NGOs reported that abusive treatment and discriminatory behavior continued to be rampant.

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

e. Acceptable Conditions of Work

Minimum wages varied throughout the country as provincial governors had authority to set a minimum wage floor and district heads had authority to set a higher rate. The government set a new formula in determining a wage floor based on the inflation rate and the country's economic growth. The newly established Government Regulation No.78 Year 2015 on Wages introduced a new formula for provinces to calculate their minimum wage each year, beginning in 2016. The formula is calculated in each major city and province. The introduction of the formula was part of a government economic stimulus package that aims to increase investment and hiring by providing additional certainty to the annual calculation of minimum wage.

Localities can adjust the minimum wage annually based on the recommendation of a local wage council, which comprises representatives of the government, employers' associations, and labor unions. The predominant factor in setting 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 basket of decent living items will be evaluated every five years instead of yearly, as was previously practiced. There were a number of protests against the new formula, with most of them conducted peacefully. During the year the lowest minimum wage was in the regency of Gunungkidul, Yogyakarta Province, at IDR 1.2 million (\$89) per month. The highest was in the West Java city of Bekasi at IDR 3.3 million (\$246) per month. Government regulations allow employers in certain sectors, including small and medium enterprises and labor-intensive industries such as textiles, an exemption from minimum wage requirements.

The law establishes a 40-hour workweek, with one 30-minute rest period for every four hours of work. The law also requires at least one day of rest weekly. Companies often required a five-and-one-half or six-day workweek. The law prohibits excessive or compulsory overtime. The daily overtime rate was 1.5 times the normal hourly rate for the first hour and twice the hourly rate for additional overtime, with a maximum of three hours of overtime per day and no more than 14 hours per week. The law also requires employers to register workers and pay contributions to the state-owned health insurance agency.

The law requires employers to provide a safe and healthy workplace and to treat workers with dignity. 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 up to four years in prison (for violation of minimum wage laws) and were generally sufficient to deter violations. Government enforcement remained inadequate, particularly at smaller companies, and supervision of labor standards continued to be weak. Enforcement of health and safety standards in smaller companies and in the informal sector tended to be weak or nonexistent. There were approximately 1,920 inspectors, which was inadequate to enforce compliance in a country of 250 million inhabitants. There was no enforcement of the minimum wage in the informal sector.

Labor regulations, including minimum wage regulations, were generally enforced only for the estimated 30 percent of workers in the formal sector. Workers in the informal sector, amounting to approximately 70.3 million workers as of February 2016, were not afforded the same protections or benefits, as they have no legal work contract that can be supervised by labor inspectors. According to a credible source, the poverty line was IDR 16,775 (\$1.25) a day.

Although law and ministerial regulations provide workers with a variety of benefits, aside from government officials, only an estimated 10 percent of workers received social security benefits. The government continued the process of implementing a 2011 law reforming the social security system. The law created a single state entity (BPJS Kesehatan) to administer universal health coverage and another body (BPJS Ketenagakerjaan) to manage work accident insurance, life insurance, old-age benefits, and pensions. On September 1, unions protested government efforts to restrict pension amounts and eligibility requirements and were successful in securing government commitment to revisit these proposals in consultation with unions. The new presidential decree on BPJS Ketenagakerjaan, which came in response to these protests, allows employees to cash in their pension funds when they resign or lose their jobs, instead of waiting until their mandatory retirement age of 56, as was required by the old regulation. Persons who worked at formal sector companies often received health benefits, meal privileges, and transportation, which were rarely provided for workers in the informal sector.

Unions continued to urge the government, 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. There were no major industrial accidents during the year.